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OCT 22 2002

DED # 0102054001

October 22, 2002

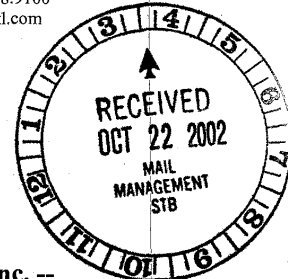
**SURFACE
TRANSPORTATION BOARD**

Edward J. Fishman
202.778.9456
Fax: 202.778.9100
efishman@kl.com

VIA HAND DELIVERY

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

206474



**Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. --
Abandonment Exemption -- In Erie County, New York**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption** of R.J. Corman Railroad Company/Allentown Lines, Inc. dated October 22, 2002.

A check in the amount of \$2,700, representing the appropriate filing fee for this transaction, is attached. The original copy of the Environmental/Historic Report accompanying the Notice has been provided directly to the Board's Section of Environmental Analysis. That version of the Report includes color photographs of structures on the subject rail line that are 50 years old or older.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,


Edward J. Fishman

Enclosures

cc: Victoria Rutson, SEA

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Office of Proceedings

OCT 22 2002

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Public Record

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OCT 22 2002

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-550 (SUB-NO. 2X)

R.J. CORMAN RAILROAD COMPANY/ALLENTOWN LINES, INC.
-- ABANDONMENT EXEMPTION --
IN ERIE COUNTY, NEW YORK



VERIFIED NOTICE OF EXEMPTION

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TRANSPORTATION BOARD

Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue - 2nd Floor
Washington, DC 20036
(202) 778-9000

**ATTORNEYS FOR R.J. CORMAN
RAILROAD COMPANY/ALLENTOWN
LINES, INC.**

Dated: October 22, 2002

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Office of Proceedings
OCT 22 2002
Part of
Public Record

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-550 (SUB-NO. 2X)

R.J. CORMAN RAILROAD COMPANY/ALLENTOWN LINES, INC.
-- ABANDONMENT EXEMPTION --
IN ERIE COUNTY, NEW YORK

VERIFIED NOTICE OF EXEMPTION

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�") hereby files this Verified Notice of Exemption pursuant to 49 C.F.R. § 1152.50 to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50, and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Line"). The total distance of the Subject Line is approximately 5.20 route miles, all within Erie County, New York. A map showing the Subject Line is attached hereto as Exhibit A. In accordance with 49 C.F.R. § 1152.50(d)(2), RJC� submits the following information:

Identification of Applicant: 49 C.F.R. § 1152.22(a)(1)-(2)

RJC� was formed in 1996 to acquire from the Consolidated Rail Corporation ("Conrail") and operate approximately 6.73 miles of rail line in the vicinity of Allentown, Pennsylvania. See R.J. Corman Railroad Company/Allentown Lines, Inc. -- Acquisition and Operation Exemption -- Lines of Consolidated Rail Corporation, Finance Docket No. 32987 (STB served July 18, 1996). In 1996, RJC� acquired the Subject Line from Conrail pursuant to

an Offer of Financial Assistance ("OFA"). See Consolidated Rail Corporation – Abandonment Exemption – In Erie County, NY, AB-167 (Sub-No. 1164X) (STB served Sept. 30, 1996).¹

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. § 1152.50(b), RJCN seeks to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50, and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60. The total distance of the Subject Line is approximately 5.20 route miles, all within Erie County, New York.

Although RJCN acquired the Subject Line for the purpose of continued freight rail operations, no such operations have occurred on the Subject Line since RJCN's acquisition. The previous owner of the Subject Line, Conrail, used the Subject Line to provide freight rail service to and from a stone quarry owned by Buffalo Crushed Stone, Inc. ("BCS") that is located adjacent to the northeast end of the Walden Running Track. BCS is no longer interested in receiving rail service from the Walden Running Track and does not oppose this abandonment.

RJCN and BCS have entered into an agreement whereby RJCN has conveyed to BCS the real estate underlying the portion of the Walden Running Track that runs through and terminates within BCS property beginning at the center line of Harris Hill Road (approximately milepost 414.83) and continuing northeasterly to the division line between the Town of Lancaster on the south and the Town of Clarence on the north (approximately milepost 413.9). RJCN has reserved from the sale of that property to BCS a freight railroad easement in order to fulfill its

¹ As explained further below, RJCN's OFA filing for the Subject Line did not reference the portion of the Walden Running Track between milepost 413.9 and 414.0 because that portion was the subject of a previous Conrail abandonment proceeding.

common carrier obligations on the portion of the railroad corridor sold to BCS.² Upon consummation of the proposed abandonment and release of any applicable preferential rights under Section 18 of the New York Transportation Law, RJC's freight railroad easement on that portion of the Subject Line will terminate.

A portion of the Subject Line that runs through BCS property was the subject of a previous abandonment proceeding initiated by Conrail. In 1984, Conrail obtained Interstate Commerce Commission ("ICC") authority to abandon the portion of the Walden Running Track (also known as the Oakfield Secondary Track) between milepost 413.9 and milepost 414.0. A copy of the ICC certificate authorizing the abandonment of that portion of the Walden Running Track is attached hereto as Exhibit B. RJC obtained that portion of the Walden Running Track in its 1996 acquisition from Conrail.³

RJC has included the portion of the Walden Running Track between milepost 413.9 and milepost 414.0 within the scope of its proposed abandonment because it is unclear whether Conrail ever notified the ICC (as required by ordering paragraph (2) of the June 8, 1984 ICC certificate attached hereto as Exhibit B) that it had consummated the abandonment. RJC believes that Conrail through its actions subsequent to receiving ICC abandonment authority effectively consummated the abandonment of that portion of the Walden Running Track, regardless of whether notice of such consummation was provided to the ICC.⁴ RJC has

² RJC has also retained ownership of the rails, ties and other improvements on the Subject Line. Pursuant to the reserved freight railroad easement, BCS is prohibited from impairing RJC's ability to satisfy its obligations as a common carrier.

³ Although RJC's OFA request referred to the northeastern endpoint of the Walden Running Track that would be acquired as approximately milepost 414.0, the actual northeastern endpoint of the railroad line acquired by RJC from Conrail in 1996 is at approximately milepost 413.9.

⁴ Among other things, Conrail obtained a release of New York State's preferential rights with respect to that portion of the Walden Running Track and did not include that portion within the scope of its 1996 abandonment filing that preceded RJC's OFA acquisition.

included that portion of the Walden Running Track within the scope of this abandonment proceeding out of an abundance of caution.

Map: 49 C.F.R. § 1152.22(a)(4)

A map showing the location of the Subject Line and its relation to other rail lines, highways, water routes and population centers in the area is attached hereto as Exhibit A.

Applicant's Representative: 49 C.F.R. § 1152.22(a)(7)

Any questions concerning this application should be sent to RJC�'s representative at the following address:

Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

Zip Codes of the Subject Line: 49 C.F.R. § 1152.22(a)(8)

The Subject Line traverses United States Postal Service ZIP codes 14086, 14031, 14225, 14227 and 14206.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

RJC� certifies that no rail traffic of any kind has moved over the Subject Line for the past five (5) years. In addition, no formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Subject Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of such complainant during the last two (2) years. See Certification of Brad Brown, attached hereto as Exhibit C.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

RJCN intends to consummate abandonment of the Subject Line soon after this Notice of Exemption becomes effective.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

RJCN believes that portions of the right-of-way of the Subject Line may be compatible with alternative public use under 49 U.S.C. § 10905. However, RJCN does not believe that it would be appropriate to impose a public use condition on the portion of the Subject Line between approximately milepost 414.83 and approximately milepost 413.9 that runs through and terminates within the BCS quarry. As noted above, RJCN has already sold the land underlying that portion of the Subject Line to BCS and has retained a freight railroad easement on that portion that will terminate upon consummation of the proposed abandonment. The Board has declined to impose public use conditions under similar circumstances. See, e.g., Union Pacific Railroad Company – Abandonment and Discontinuance Exemption – In Cook County, IL, AB-33 (Sub-No. 167X)(STB served Aug. 23, 2002). In addition to the limited nature of the retained rights that RJCN could convey under 49 U.S.C. § 10905, there are public safety issues that would be raised by public use of the portion of the Subject Line that is located within an active stone quarry.

Notice Requirements: 49 C.F.R. §§ 1152.50(d)(2), 1105.11, 1105.12

A certificate that the agencies designated in 49 C.F.R. § 1152.50(d)(1) have been served with written prefiling notice of this abandonment is attached hereto as Exhibit D. A certificate that the Environmental/Historic Report accompanying this Notice as Exhibit E has been served on the agencies designated in 49 C.F.R. § 1105.7 (b) is attached as Appendix N to that Report. A certification in accordance with 49 C.F.R. § 1105.12 that Applicant has published notice of the

proposed abandonment in a newspaper of general circulation in each county through which the Subject Line passes is attached hereto as Exhibit F.

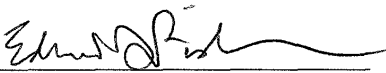
Labor Protection: 49 C.F.R. § 1152.50(d)(2)

The appropriate level of labor protection for the abandonment transactions proposed herein is that set forth in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Preservation Data:

An Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. § 1105 is attached hereto as Exhibit E. That report concludes that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

Respectfully submitted,

By: 
Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

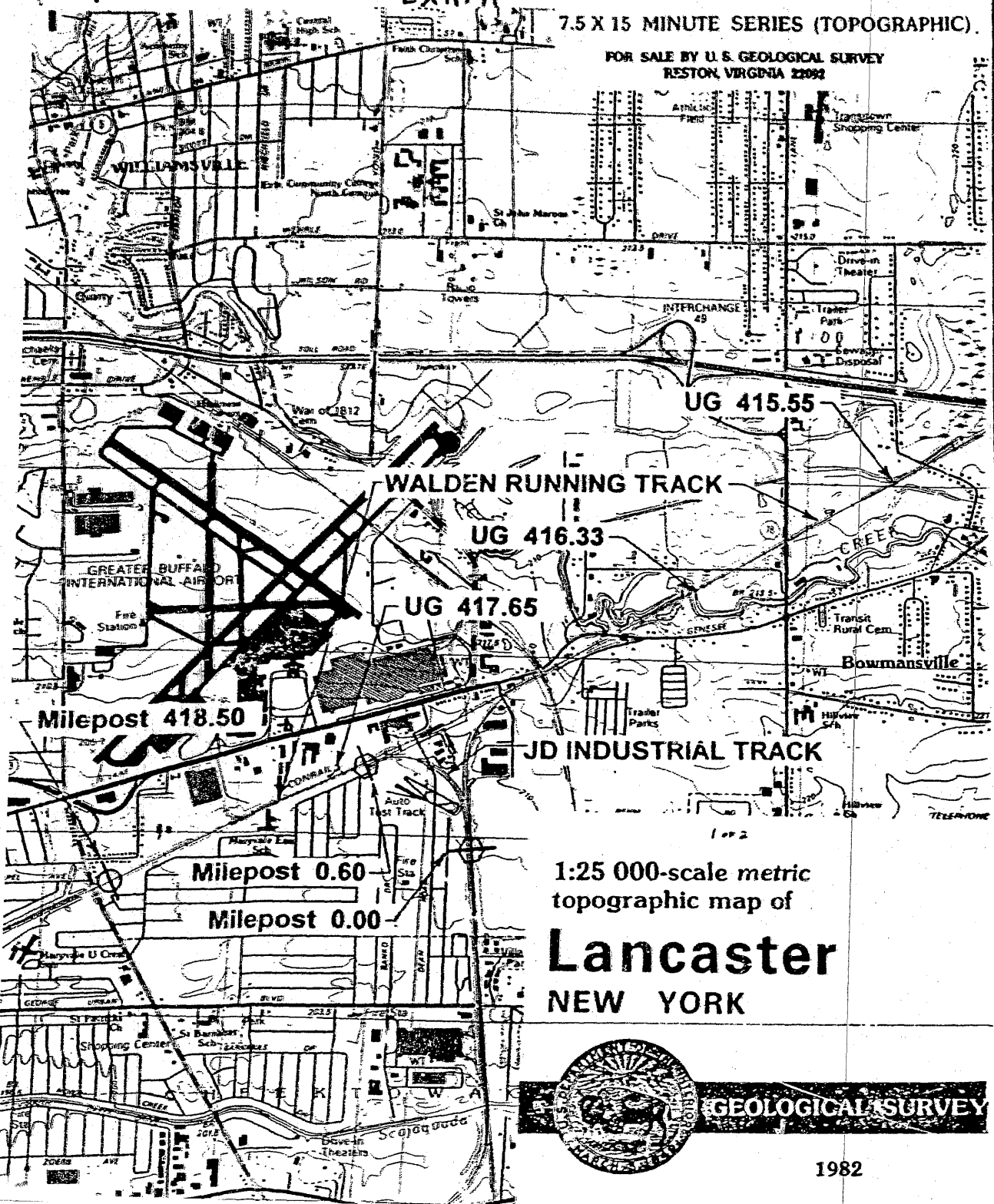
**ATTORNEYS FOR
R.J. CORMAN RAILROAD COMPANY/
ALLENTOWN LINES, INC.**

Dated: October 22, 2002

EXH. A

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

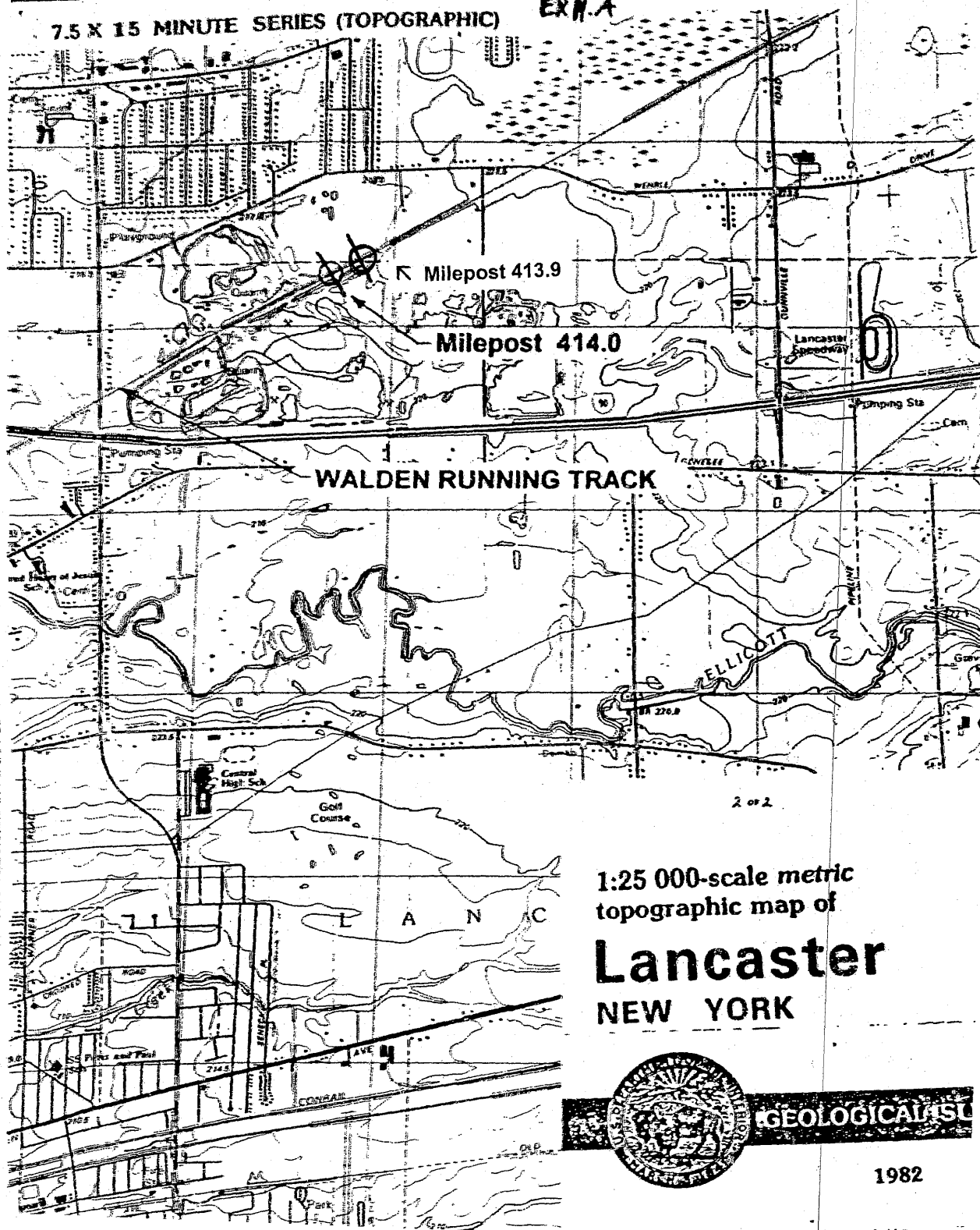


GEOLOGICAL SURVEY

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXH. A



1:25 000-scale metric
topographic map of
Lancaster
NEW YORK



GEOLOGICAL SURVEY

1982

RB

INTERSTATE COMMERCE COMMISSION

SERVICE DATE

JUN 14 1984

CERTIFICATE AND DECISION

Pocket No. AB-167 (Sub-No. 549N)

CONRAIL ABANDONMENT IN GENESEE AND ERIE COUNTIES, NY

Decided: June 8, 1984

On March 7, 1984, Consolidated Rail Corporation (Conrail) filed an application pursuant to section 308 of the Regional Rail Reorganization Act of 1973^{1/} to abandon a total of 22.1 miles of rail line of the Oakfield Secondary Track from the west side of Pearl Street in Oakfield (approximately milepost 391.9) to a point 580 feet west of the Clarence-Lancaster town line in Lancaster (approximately milepost 414.0) in Genesee and Erie Counties, NY.

Under section 308(c) the Commission must grant any application for abandonment filed by Conrail within 90 days after the date such application is filed unless an offer of financial assistance is made pursuant to section 308(d) during that 90-day period.

The time for the filing of offers of financial assistance has expired without a bona fide offer. In the absence of such an offer, an appropriate certificate and decision should be entered.

It is certified: Conrail is authorized to abandon the line described above.

It is ordered:

(1) This certificate and decision is effective upon service.

(2) If the authority granted by this certificate and decision is exercised, Conrail shall advise this Commission in writing, immediately after abandonment of the line of railroad, of the date on which the abandonment actually took place.

By the Commission, the Review Board, Members Parker, Joyce and Dowell.

James H. Bayne
Secretary

(SEAL)

^{1/} This section was added by the Northeast Rail Service Act of 1981. Pub. L. 97-35.

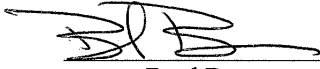
EXHIBIT C

CERTIFICATION

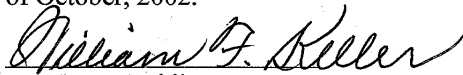
State of Kentucky)
) SS:
County of Jessamine)

Brad Brown, being duly sworn, deposes and says that he is the Contracts/Property Manager of R.J. Corman Railroad Company/Allentown Lines, Inc., and that to the best of his knowledge, information and belief:

No rail traffic of any kind has moved over (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50, and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Line") in Erie County, New York for the past five (5) years, and no formal complaint filed by a user of rail service on the Subject Line (or a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court or has been decided in favor of such complainant during the last two years.


Brad Brown

SUBSCRIBED AND SWORN to
before me this 4th day
of October, 2002.


Notary Public

My Commission expires:

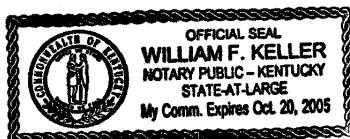


EXHIBIT D

CERTIFICATE OF NOTIFICATION

I hereby certify that on October 11, 2002, a written notice containing the information specified in 49 C.F.R. § 1152.50(d)(1) was served by first class mail, postage prepaid, upon the following agencies as designated in that section:

New York State Department of Public Service
Office of Electricity and Environment
Attn: Paul Powers, Director
3 Empire State Plaza
Albany, NY 12223-1350

Military Traffic Management Command
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals Boulevard, Suite 130
Newport News, VA 23606-2574

Mr. Thomas Ross, Division Chief
National Recreation and Conservation
Assistance Division
National Park Service
800 North Capitol Street, N.E., Room 490
Washington, DC 20002

Mr. Jack Ward Thomas
Chief of the Forest Service
Department of Agriculture
Auditors Building, Fourth Floor N.W.
201 14th Street, S.W.
Washington, DC 20250



Edward J. Fishman

Dated: October 22, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-550 (SUB-NO. 2X)

R.J. CORMAN RAILROAD COMPANY/ALLENTOWN LINES, INC.
-- ABANDONMENT EXEMPTION --
IN ERIE COUNTY, NEW YORK

ENVIRONMENTAL/HISTORIC REPORT

Edward J. Fishman
Tracie D. Spear
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue – 2nd Floor
Washington, DC 20036
(202) 778-9000

**ATTORNEYS FOR R.J. CORMAN
RAILROAD COMPANY/ALLENTOWN
LINES, INC.**

Dated: September 25, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-550 (SUB-NO. 2X)

R.J. CORMAN RAILROAD COMPANY/ALLENTOWN LINES, INC.
-- ABANDONMENT EXEMPTION --
IN ERIE COUNTY, NEW YORK

ENVIRONMENTAL/HISTORIC REPORT

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�" or "Applicant") submits this Environmental/Historic Report (the "Report") in accordance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. It is the conclusion of the Report that the proposed abandonment, if implemented, will not significantly affect the quality of the human environment, the conservation of energy resources, or historically significant or archaeological sites. Supporting correspondence and certifications are attached.

Environmental Report - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. RJC� expects shortly to file a notice of exemption under 49 U.S.C. §1152.50 from prior Board approval for the abandonment of (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50; and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Line").¹ The total distance of the Subject Line is approximately 5.20 route miles, all within Erie County, New York.

¹ As will be explained further in RJC�'s forthcoming notice of exemption, it appears that the former owner of the Subject Line, the Consolidated Rail Corporation ("Conrail"), abandoned the portion of the Subject Line between approximately milepost 413.9 and approximately milepost 414.0 prior to RJC�'s acquisition.

Since no freight rail service of any kind has been provided on the Subject Line for more than five (5) years, there will be no changes in rail operations or maintenance practices as a result of the proposed abandonment. Upon abandonment, rail and other track material will be salvaged. No alternatives to the proposed abandonment have been considered. The only reasonable alternative is retention of the Subject Line in its current, unused state, which would have no environmental impact.

A map showing the location of the Subject Line is attached as Appendix A.

2. Transportation System. Applicant does not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed abandonment. The proposed abandonment will not cause any diversion of passengers or freight to other transportation systems or modes because no freight rail service has been provided on the Subject Line for more than five (5) years.

3. Land Use.

(i) Applicant does not foresee any inconsistencies with regional and/or local land use plans, and has contacted and requested comments from the Erie County Executive and the Erie County Department of Environment and Planning, both responsible for land use development/planning functions in Erie County. See correspondence attached hereto as Appendices B and C. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

(ii) Applicant does not foresee that abandonment of the Subject Line will have any adverse impact on prime agricultural land or farmland resources. The New York Natural Resource Conservation Service (formerly The U.S. Soil Conservation Service) has been advised of the proposed abandonment. See correspondence attached hereto as Appendix D. To date, no

response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

(iii) The proposed abandonment would not be undertaken within a designated coastal area. The New York Division of Coastal Resources has been advised of the proposed abandonment. By letter dated September 18, 2002, the Division of Coastal Resources concluded that the proposed abandonment is not likely to affect land and water areas and natural resources within a designated coastal zone. See correspondence attached hereto as Appendices E and E-1.

(iv) Applicant believes that portions of the Subject Line may be suitable for alternative public use under 49 U.S.C. § 10905. The Erie County Executive and the Erie County Department of Environment and Planning, both responsible for county planning and development issues, have been advised of the proposed abandonment. See correspondence attached hereto as Appendices B and C. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No freight rail service of any kind has been provided on the Subject Line for more than five (5) years. Applicant foresees little possibility that new on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this proposed abandonment. No recyclable commodities have moved over the Subject Line for the last five (5) years, and Applicant foresees little possibility that any recyclable commodity traffic would develop in the future.

(iii) The proposed abandonment will not result in an increase or decrease in overall energy efficiency. No freight rail service of any kind has been provided on the Subject Line for the last five (5) years.

(iv) Not applicable. The abandonment of the Subject Line will not cause the diversion of more than 1,000 rail carloads per year or an average of fifty (50) rail carloads per mile per year to motor carriers. No freight rail service of any kind has been provided on the Subject Line for the last five (5) years.

5. Air.

(i) Not applicable. The proposed abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight (8) trains per day on any segment of rail line affected by the proposal, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or fifty (50) vehicles per day on any affected road segment.

(ii) Not applicable. The proposed abandonment of the Subject Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7 (e) (5) (ii) (A), (B) or (C).

(iii) Not applicable. No ozone depleting materials have been transported over the Subject Line for the last five (5) years, and no such shipments will be diverted as a result of the proposed abandonment.

The proposed abandonment will not significantly impact air quality standards, increase ozone precursor emissions or require a general conformity analysis. Applicant has contacted and requested comments from the New York Department of Environmental Conservation and the U.S. Environmental Protection Agency. See correspondence attached

hereto as Appendices F and G. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

6. Noise . Not applicable. None of the thresholds identified in 49 C.F.R. § 1105.7(e) (5) (i) will be exceeded as a result of the proposed abandonment.

7. Safety.

(i) No freight rail service has been provided on the Subject Line for the past five (5) years, and thus the proposed action will have no adverse effect upon public health or safety. During any salvage operations on the Subject Line, precautions will be taken to maintain public safety.

(ii) Not applicable. No hazardous materials are expected to be transported as a result of the proposed abandonment.

(iii) Applicant is not aware of any hazardous waste sites or sites where there have been hazardous material spills on the right-of-way of the Subject Line. The U.S. Environmental Protection Agency and the New York Department of Environmental Conservation have been contacted about this proposed abandonment. See correspondence attached hereto as Appendices F and G. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

8. Biological Resources.

(i) Applicant does not believe that any critical habitat or other fish or wildlife resources will be destroyed, altered or affected as a result of the proposed abandonment, particularly since the bridge on the Subject Line will be left in place and salvage operations will be handled within the right-of-way using existing access routes. The United States Fish and Wildlife Service has been advised of the proposed abandonment. See correspondence attached

hereto as Appendix H. In its response dated September 4, 2002, the United States Fish and Wildlife Service determined that: 1) no Federally listed or proposed endangered or threatened species were known to exist in the respective project impact areas; and 2) no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). As a result, the U.S. Fish and Wildlife Service concluded that no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required. See correspondence attached hereto as Appendix H-1.

(ii) Applicant is not aware of any wildlife sanctuaries or refuges, or national or state parks or forests, located on the Subject Line. Accordingly, none will be adversely affected. Applicant has contacted and requested comments from the New York Department of Environmental Conservation and the National Park Service. See correspondence attached hereto as Appendices G and I. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

9. Water. Any water quality effects from the proposed abandonment should be minimal. No bridges over water will be removed as part of the proposed abandonment. Therefore, Applicant believes that the proposed abandonment will not have a significant effect on water quality and is not aware of any inconsistencies with applicable Federal, State and local water quality standards. Comments have been requested from the New York Department of Environmental Conservation and the United States Environmental Protection Agency. See correspondence attached hereto as Appendices F and G. To date, no response has been forthcoming. Upon receipt of a response, Applicant will forward the response to the Board.

RJCN is unaware of any designated wetlands or 100-year flood plains that would be impacted by the proposed action. RJCN also does not anticipate the need to request permits under Sections 402 and 404 of the Clean Water Act. RJCN has contacted and requested comments from the New York Department of Environmental Conservation and the U.S. Army Corps of Engineers. See correspondence attached hereto as Appendices G and J. To date, no response has been forthcoming. Upon receipt of a response, Applicant will forward the response to the Board.

10. Proposed Mitigation. RJCN does not anticipate any adverse environmental impacts from the proposed abandonment and therefore no mitigation measures are contemplated.

* * * * *

In addition to the agencies referenced above, Applicant has requested comments from the National Oceanic and Atmospheric Administration – National Geodetic Survey. See correspondence attached hereto as Appendix K. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

Historic Report - 49 C.F.R. § 1105.8(d)

1. Map. A map of the Subject Line is attached hereto as Appendix A.
2. Description of Line. The Subject Line proposed for abandonment is located in Erie County, New York. It consists of the following: (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50; and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "The Subject Lines"). The total distance of the Subject Line is approximately 5.20 route miles all within Erie County. The right-of-way of the Walden Running Track is generally 100 feet wide. The width of the right-of-way of the JD Industrial Track is not known. The topography of

the surrounding area is flat as shown on the topographic map attached hereto as Appendix A.

The Subject Line is located in a rural/industrial/residential area.

3. Photographs. Attached as Appendix L are photostatic copies of photographs of one undergrade bridge located on the Subject Line. The bridge does not appear to have significant structural or historical qualities. The original photographs have been submitted to the New York State Office of Parks, Recreation and Historic Preservation. Color copies of the photographs have been provided to the Board's Section of Environmental Analysis.

4. Information on Structures. To the best of Applicant's knowledge, the construction date of the bridge on the Subject Line is as follows:

<u>Bridge No.</u>	<u>Construction Type</u>	<u>Construction Date</u>
UG 416.33	Through Girder/Open Deck	1906

Applicant knows of no major alterations to this structure.

5. History of Operations. RJC� acquired the Subject Line from Conrail in 1996. RJC� acquired the Subject Line pursuant to an Offer of Financial Assistance. See Consolidated Rail Corporation – Abandonment Exemption – In Erie County, NY, AB-167 (Sub-No. 1164X) (STB served Sept. 30, 1996). Although RJC� acquired the Subject Line for the purpose of continued freight rail operations, no such operations have occurred on the Subject Line since RJC�'s acquisition.

6. Engineering Documents. RJC� has checked its business records and determined that it does not possess any engineering drawings that might be useful in documenting a structure that is found to be historic.

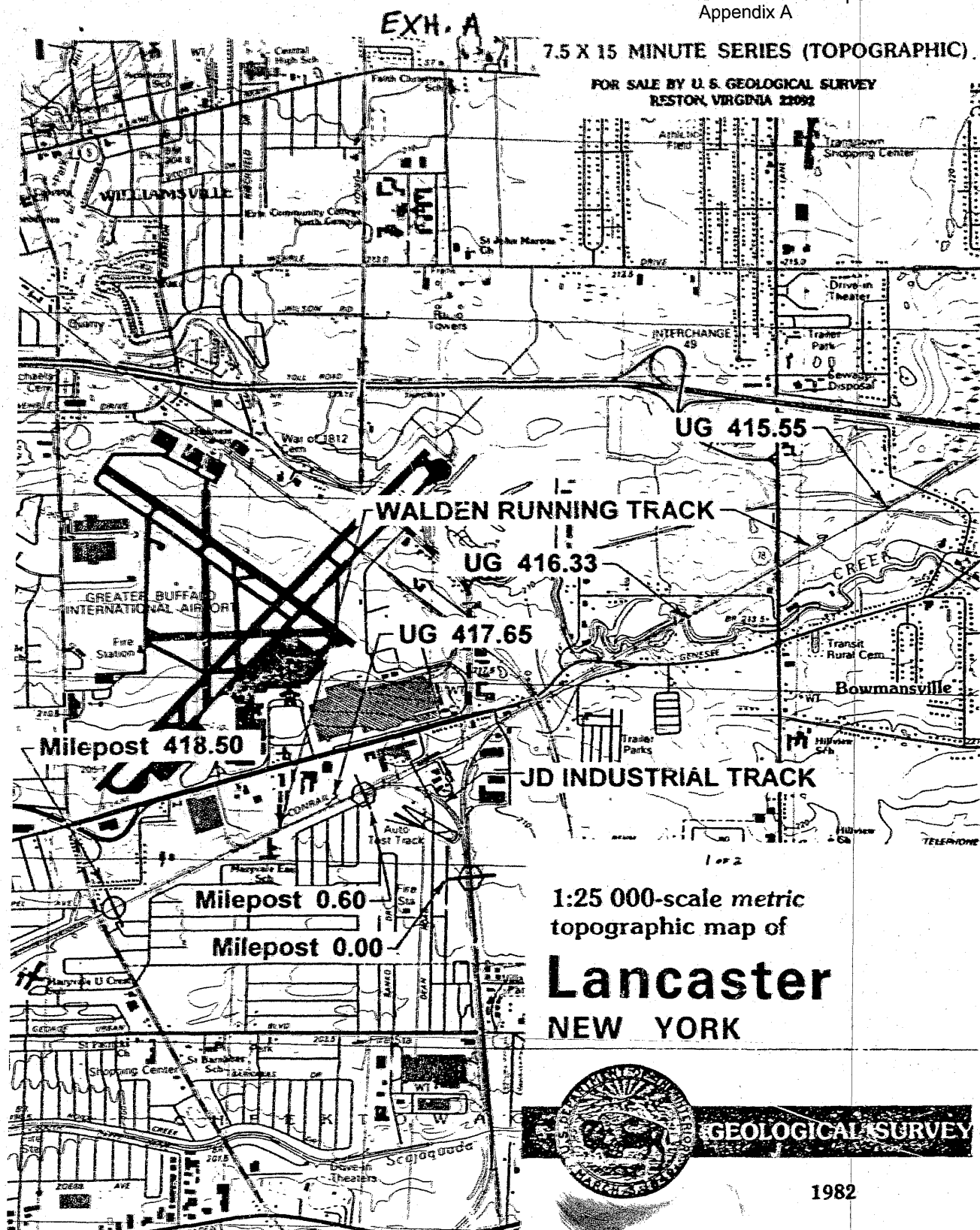
7. Historic Criteria. Based on information within its possession, RJC� does not believe that the bridge on the Subject Line is of unique character or historical significance or meets the

criteria for listing in the National Register of Historic Places (36 C.F.R. § 60.04). RJC� also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the proposed abandonment. RJC� has contacted and requested comments regarding this abandonment from the New York State Office of Parks, Recreation and Historic Preservation in its capacity as SHPO. In its response dated September 5, 2002, the New York State Office of Parks, Recreation and Historic Preservation concluded that the proposed abandonment will have no effect upon the cultural resources in or eligible for inclusion in the National Registers of Historic Places. See correspondence attached hereto as Appendices M and M-1.

8. Ground Disturbance. Based on readily available information in its possession, RJC� is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

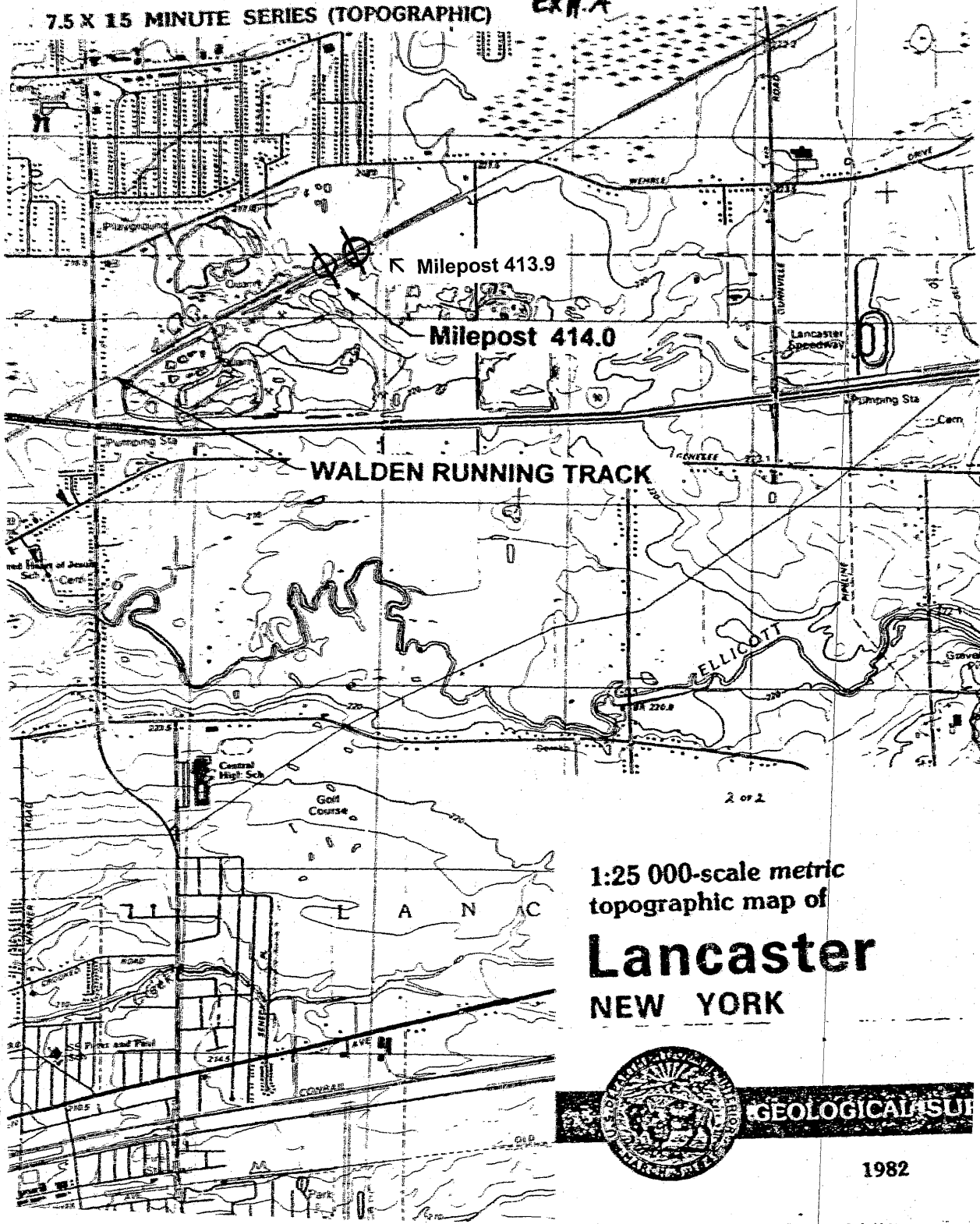
Certifications - 49 C.F.R. § 1105.7(c)

A certification in accordance with 49 C.F.R. § 1105.7(b) that the foregoing Report has been served on each of the agencies designated therein and that Applicant has consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix N.



7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXN.A



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL SURVEY

1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix B

Mr. Joel Giambra
County Executive
Rath Building
95 Franklin Street, Room 1600
Buffalo, NY 14202

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. -Abandonment Exemption-
In Erie County, New York

To Whom It May Concern:

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�") expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50;¹⁰ and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Lines"). The total distance of the Subject Lines is approximately 5.20 miles, all within Erie County, New York. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Lines is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

¹⁰ It appears that a small portion of the Walden Running Track between approximately milepost 413.9 and approximately milepost 414.0 may already have been abandoned by its previous owner, the Consolidated Rail Corporation.

Kirkpatrick & Lockhart LLP

Mr. Joel Gambria
County Executive
August 12, 2002
Page 2

9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,

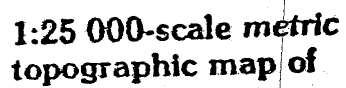


Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

1982

EX-A



Lancaster
NEW YORK



1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix C

Mr. Laurence K. Rubin
Commissioner
Erie County Environment and Planning
Rath Building
95 Franklin Street
Room 1053
Buffalo, NY 14202

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. -Abandonment Exemption-
In Erie County, New York

To Whom It May Concern:

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6. Designated wetlands and 100-year flood plains;

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Kirkpatrick & Lockhart LLP

Mr. Laurence K. Rubin
Commissioner
Erie County Environment and Planning
August 12, 2002
Page 2

7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



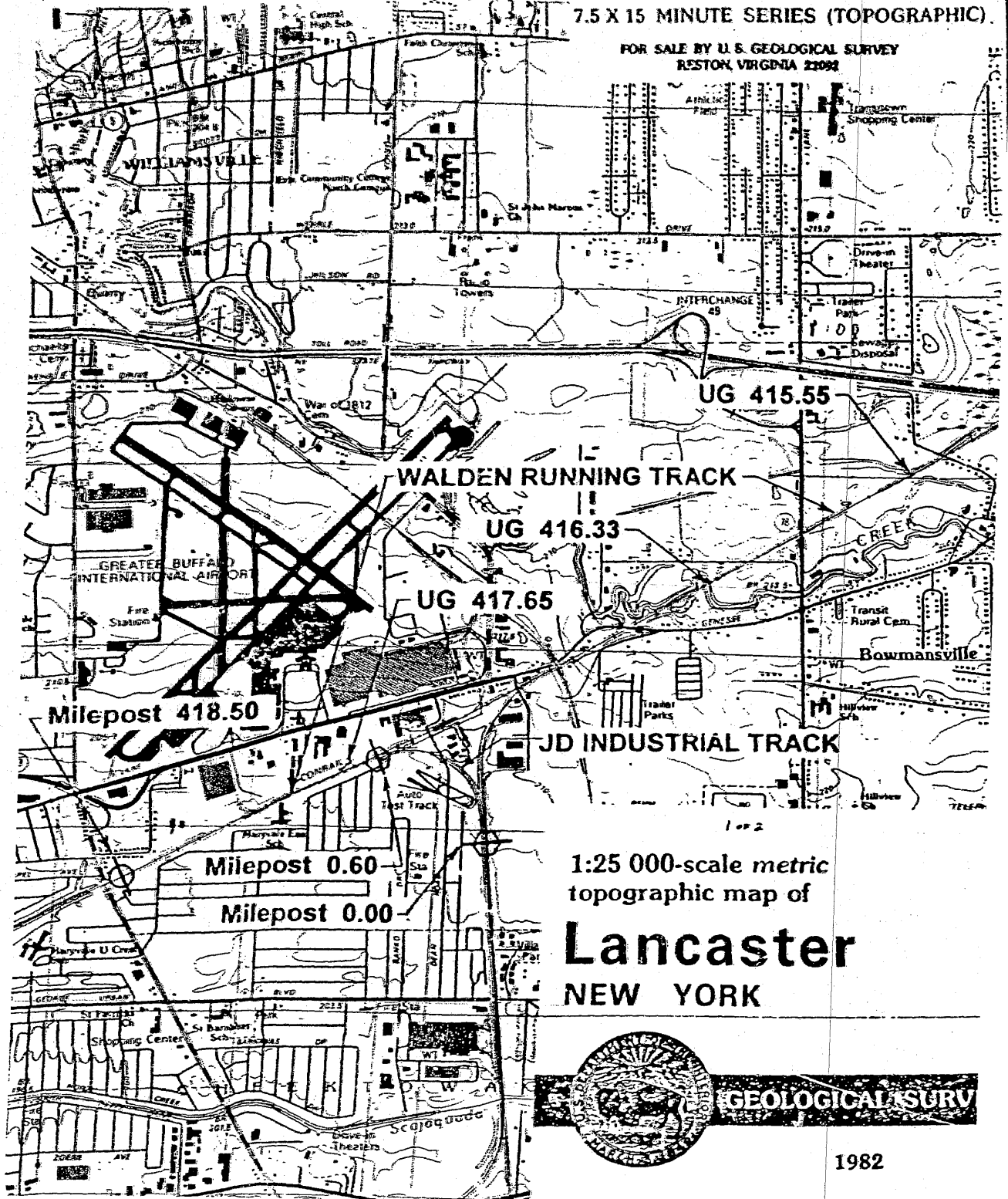
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

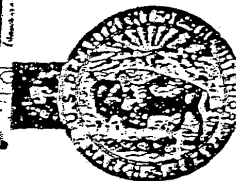
7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

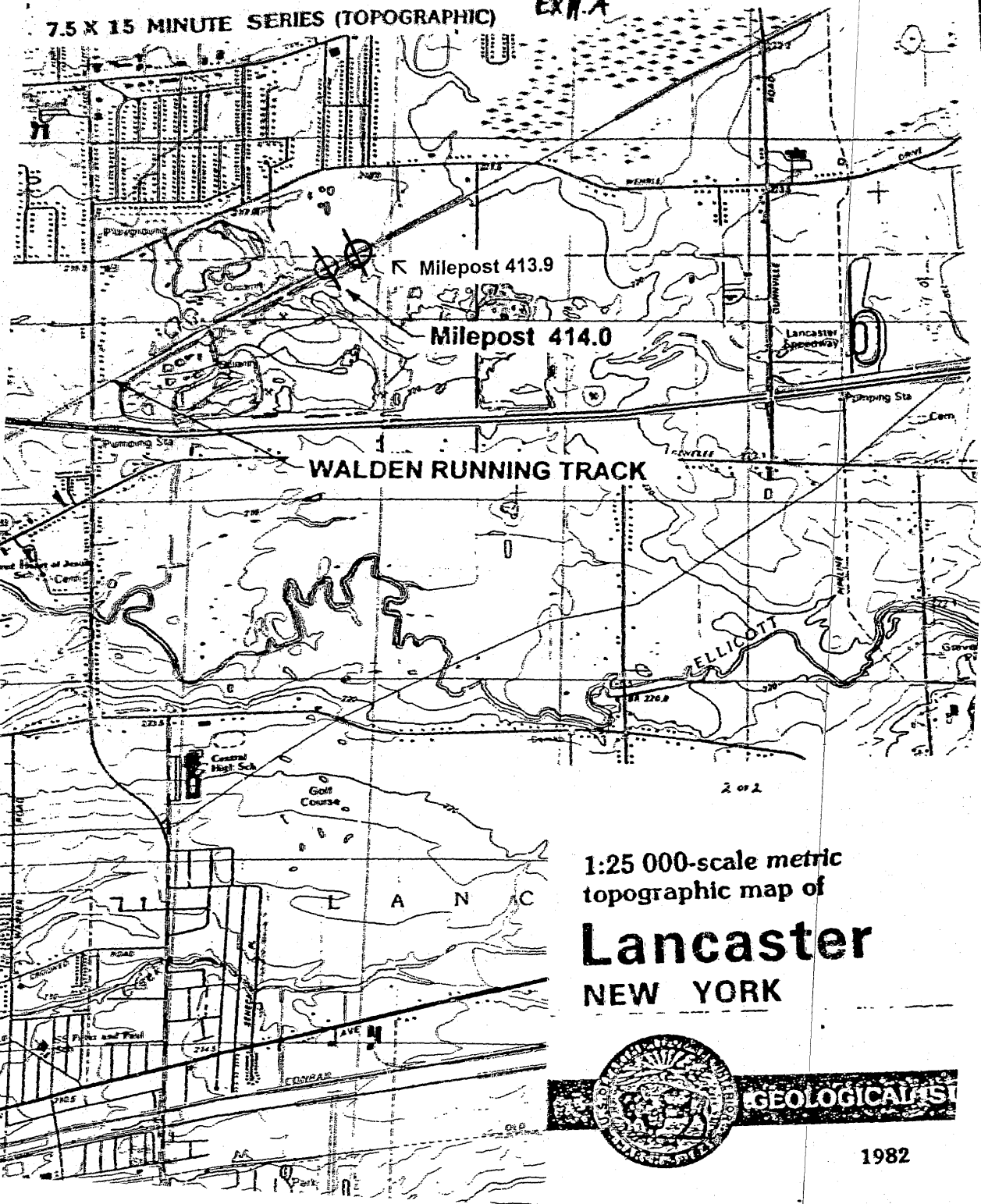


GEOLOGICAL SURV

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXN-A



Milepost 413.9

Milepost 414.0

WALDEN RUNNING TRACK

2 of 2

1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL SURVEY

1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix D

Mr. Joseph Del Vecchio
State Conservationist
New York Natural Resource Conservation Service
USDA Conservation Service
441 Salina Street, 5th Floor
Syracuse, NY 13202

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. --Abandonment Exemption--
In Erie County, New York

To Whom It May Concern:

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In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

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2. Regional or local transportation systems and patterns, including alternative transportation modes;
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4. Air emissions and noise levels;
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6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

⁸ It appears that a small portion of the Walden Running Track between approximately milepost 413.9 and approximately milepost 414.0 may already have been abandoned by its previous owner, the Consolidated Rail Corporation.

Kirkpatrick & Lockhart LLP

Mr. Joseph Del Vecchio
State Conservationist
New York Natural Resource Conservation Service
August 12, 2002
Page 2

8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



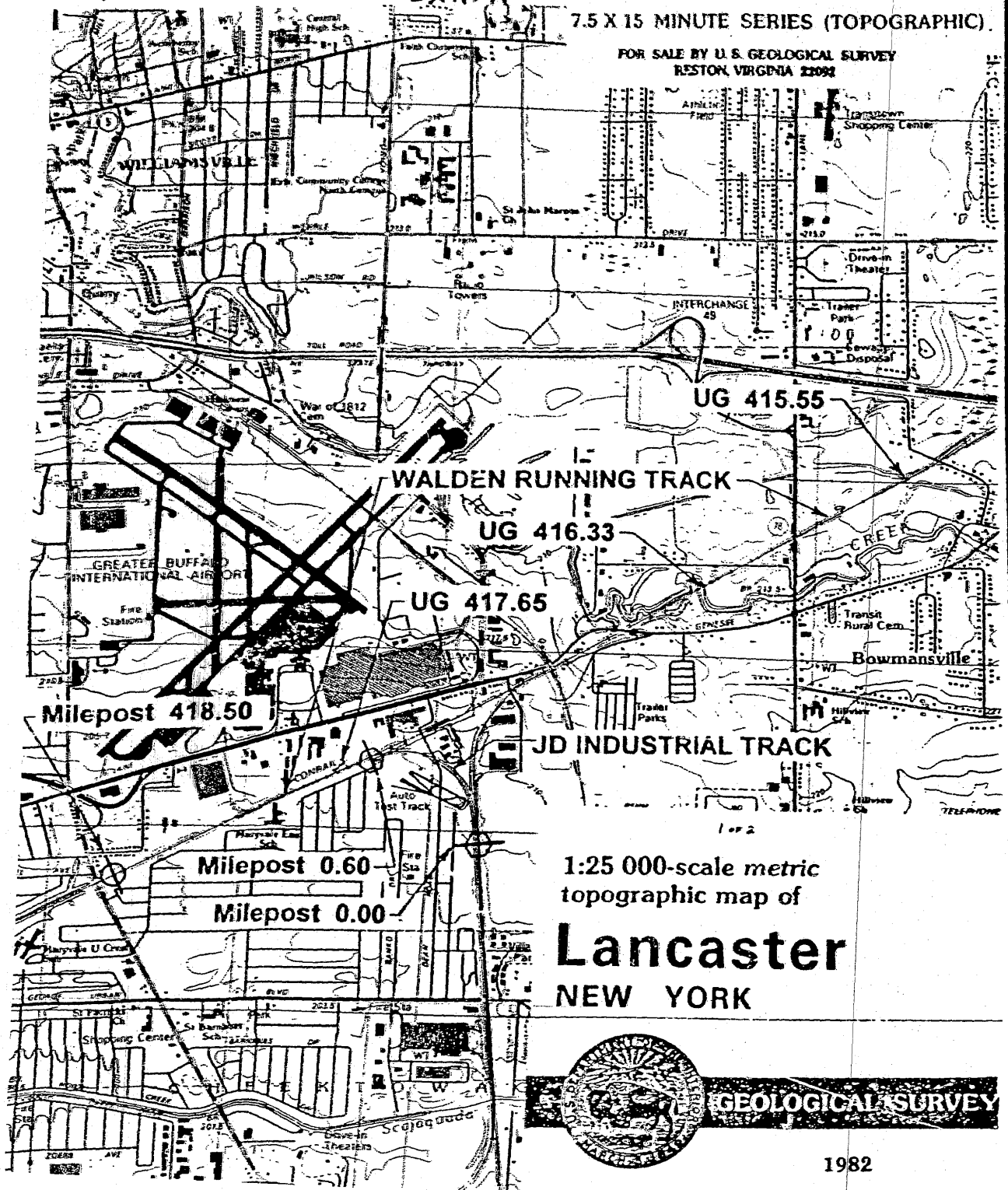
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

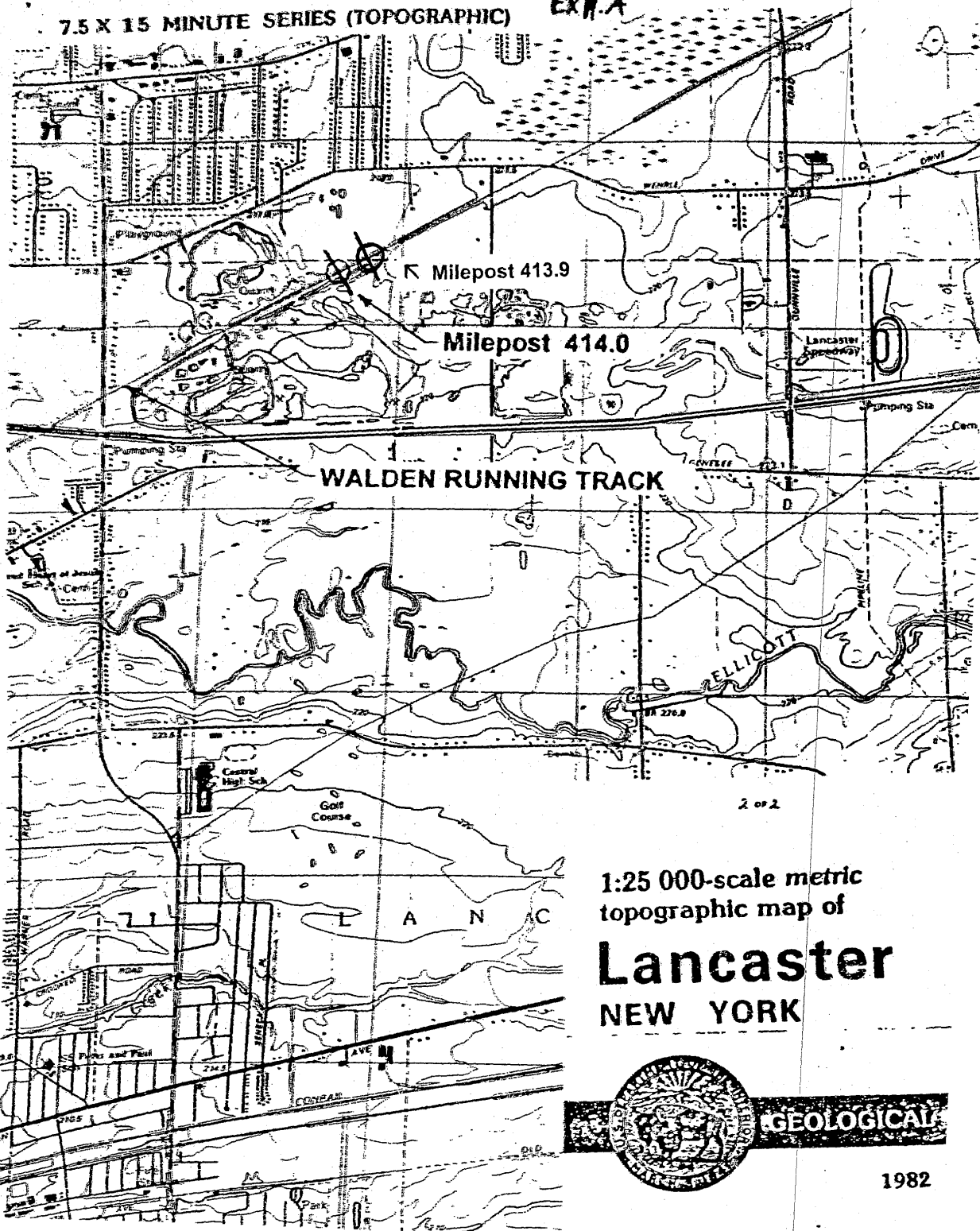
7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXH. A



WALDEN RUNNING TRACK

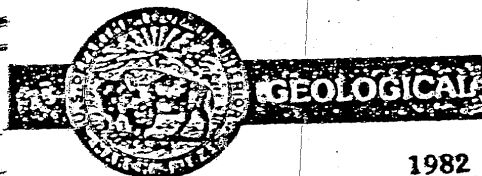
Milepost 413.9

Milepost 414.0

2 of 2

1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix E

Mr. Steve Resler
Supervisor of Consistency Review and Analysis
New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

To Whom It May Concern:

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Kirkpatrick & Lockhart LLP

Mr. Steve Resler
Supervisor of Consistency Review and Analysis
New York Department of State
Division of Coastal Resources
August 12, 2002
Page 2

8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

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Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

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Very truly yours,



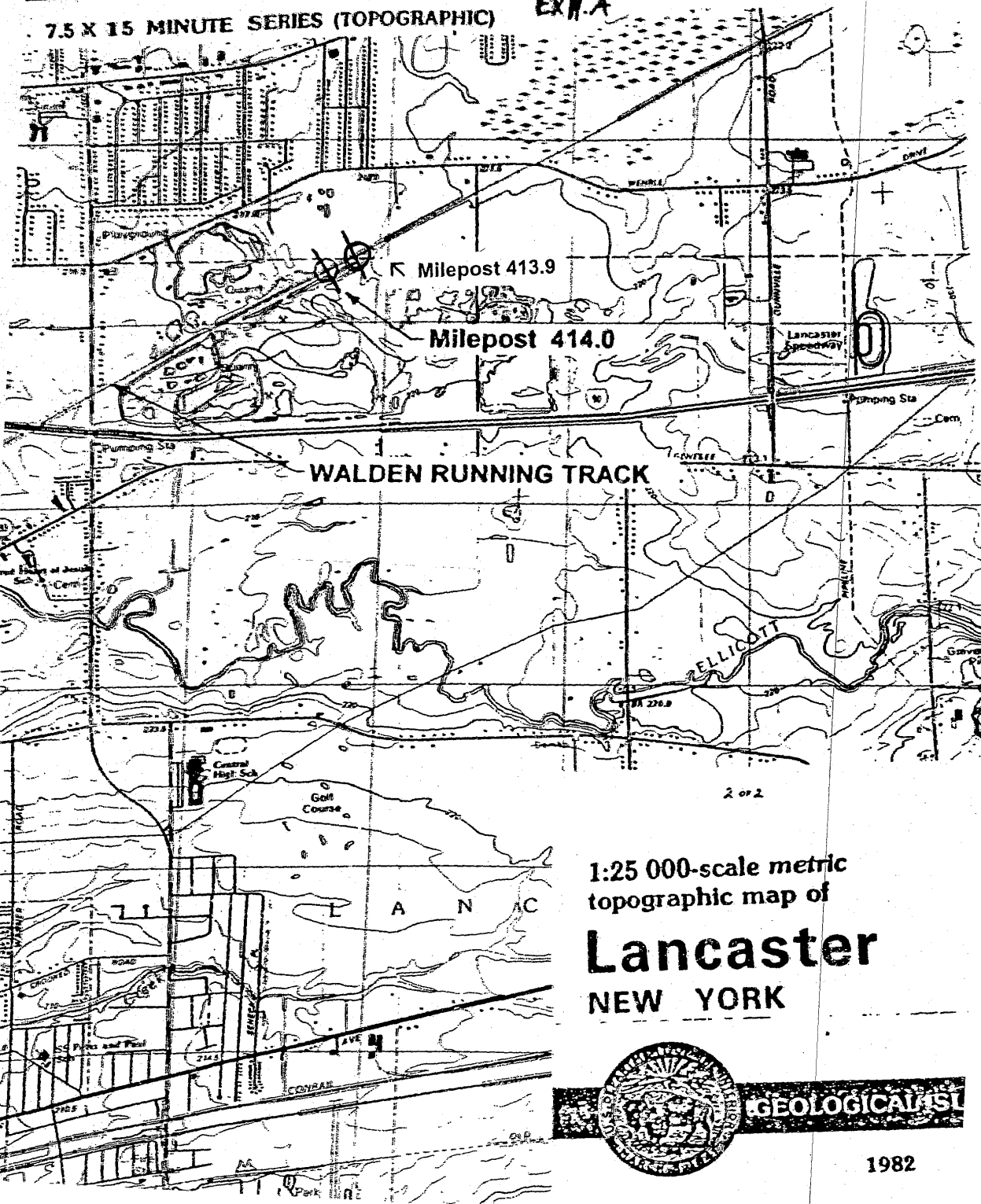
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EX 11-A



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL SURVEY

1982



Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix E-1

STATE OF NEW YORK
DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231-0001

GEORGE E. PATAKI
GOVERNOR

September 18, 2002

RANDY A. DANIELS
SECRETARY OF STATE

Mr. Edward J. Fishman
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221

Re: Docket No. AB-550 (Sub-No.2X)
U.S. Army Corps of Engineers/Buffalo District Permit
Application - R. J. Corman Railroad Company/Allentown
Lines, Inc

Dear Mr. Fishman:

The Department of State has reviewed the information received on August 16, 2002 describing the above-referenced proposal.

The information provided indicates the proposal would not be undertaken in the State's designated coastal area and is not likely to affect land and water uses and natural resources within the State's coastal area. Therefore, it is not necessary for the Department of State to review this proposal pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Management Program.

If you have any questions or need any additional information regarding this matter, please contact Gary Haight at (518) 486-3047.

Sincerely,

Steven C. Resler
Supervisor of Consistency Review and Analysis
New York Coastal Management Program

cc: Surface Transportation Board

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix F

Ms. Abby Snyder
Regional Attorney
New York Department of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

To Whom It May Concern:

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Kirkpatrick & Lockhart LLP

Ms. Abby Snyder
Regional Attorney
New York Department of Environmental Conservation
August 12, 2002
Page 2

9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

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Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

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Very truly yours,

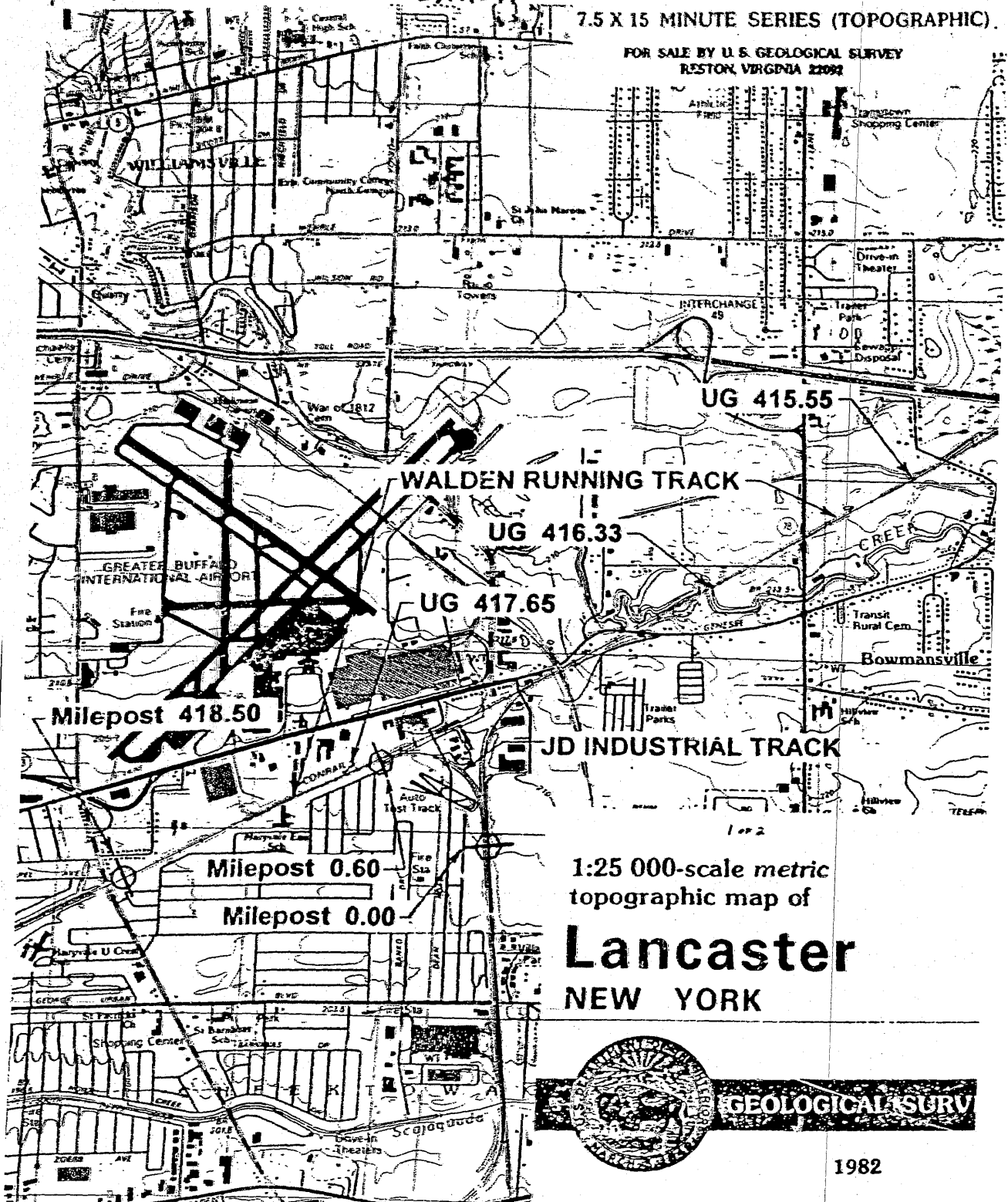

Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

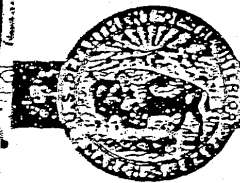
7.5 X 15 MINUTE SERIES (TOPOGRAPHIC).

FOR SALE BY U. S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

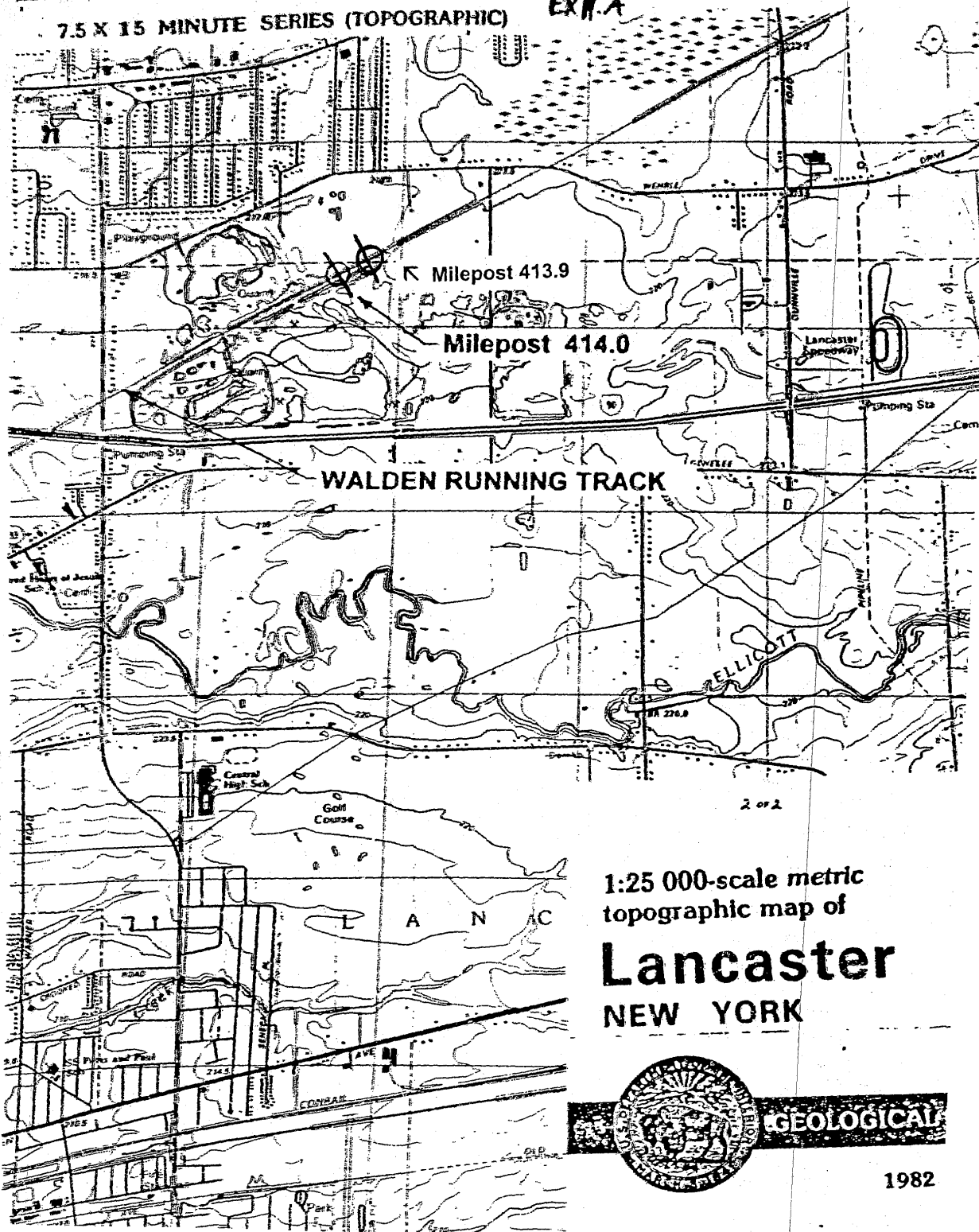


GEOLOGICAL SURV

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXN.A



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix G

Regional Administrator
U.S. Environmental Protection Agency
Region 2
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

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Kirkpatrick & Lockhart LLP

Regional Administrator
U.S. Environmental Protection Agency
Region 2
August 12, 2002
Page 2

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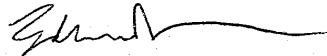
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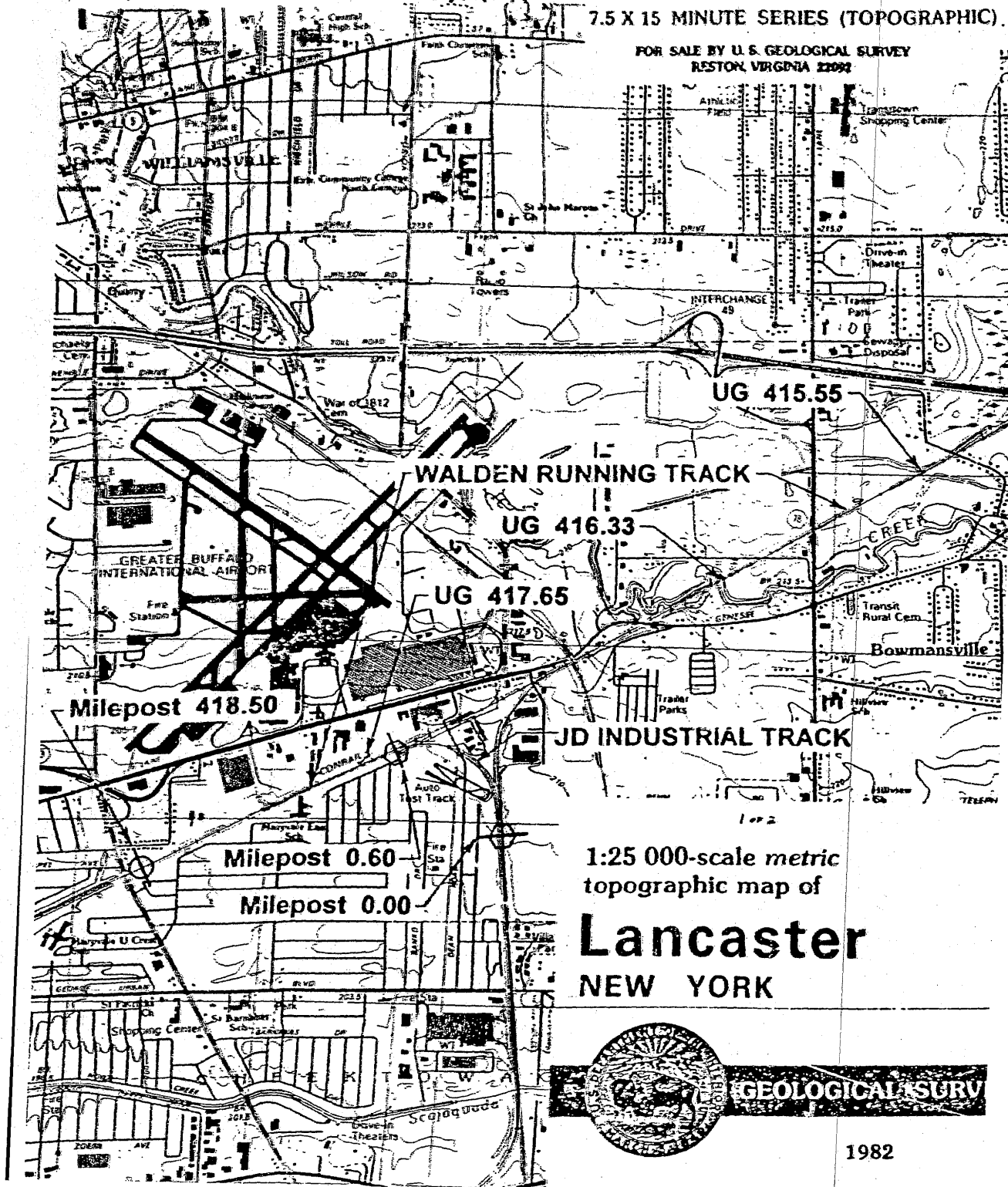
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

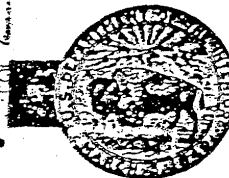
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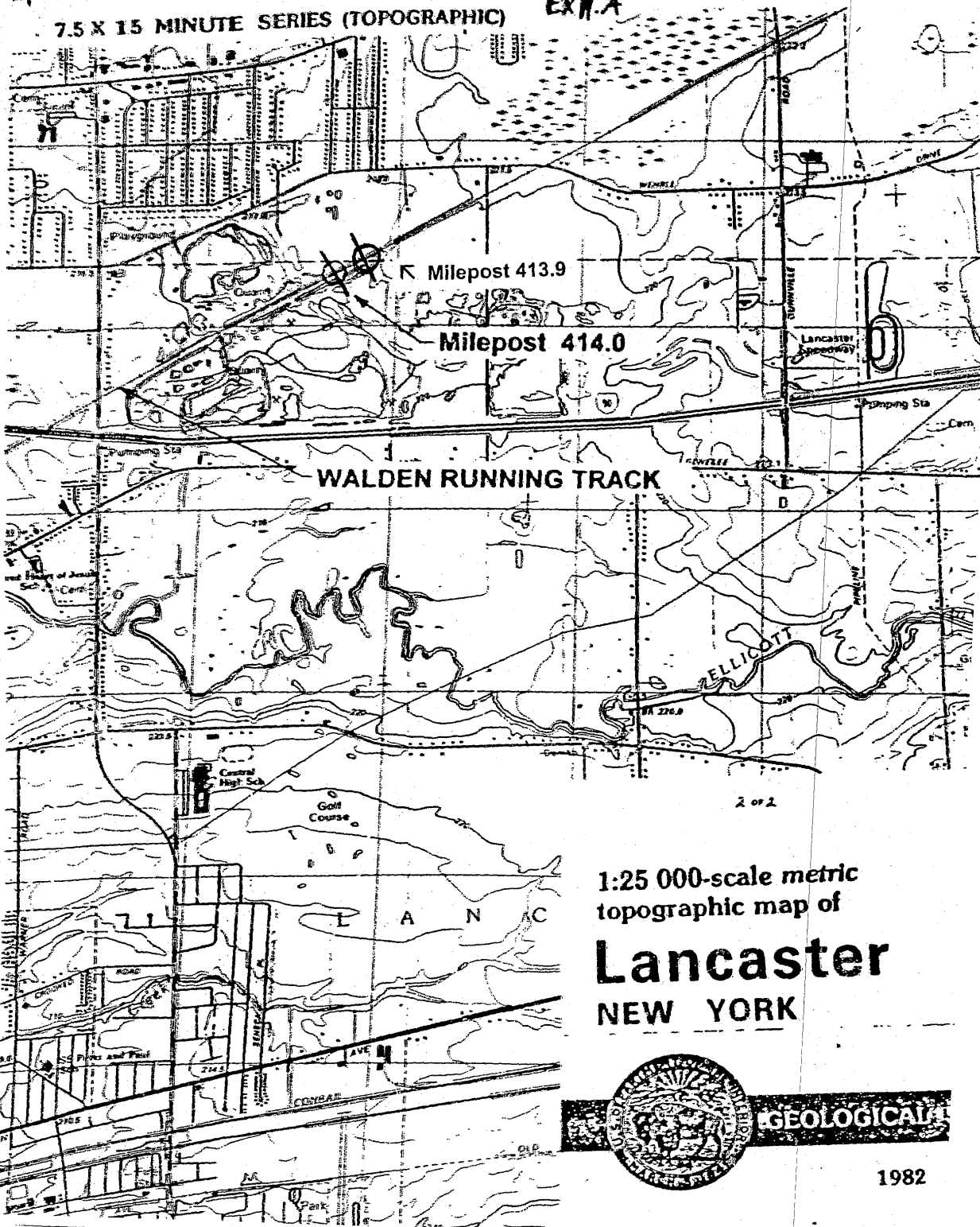


GEOLOGICAL SURV

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EX N-A



Milepost 413.9

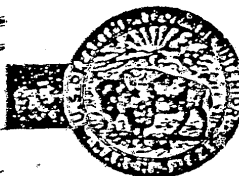
Milepost 414.0

WALDEN RUNNING TRACK

2 of 2

1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL

1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix H

U.S. Fish and Wildlife Service
Region 5
Ecological Services
300 West Gate Center
Hadley, MA 01035-9589

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

To Whom It May Concern:

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�") expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50;² and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Lines"). The total distance of the Subject Lines is approximately 5.20 miles, all within Erie County, New York. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Lines is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;

² It appears that a small portion of the Walden Running Track between approximately milepost 413.9 and approximately milepost 414.0 may already have been abandoned by its previous owner, the Consolidated Rail Corporation.

Kirkpatrick & Lockhart LLP

U.S. Fish and Wildlife Service
Region 5
Ecological Services
August 12, 2002
Page 2

9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



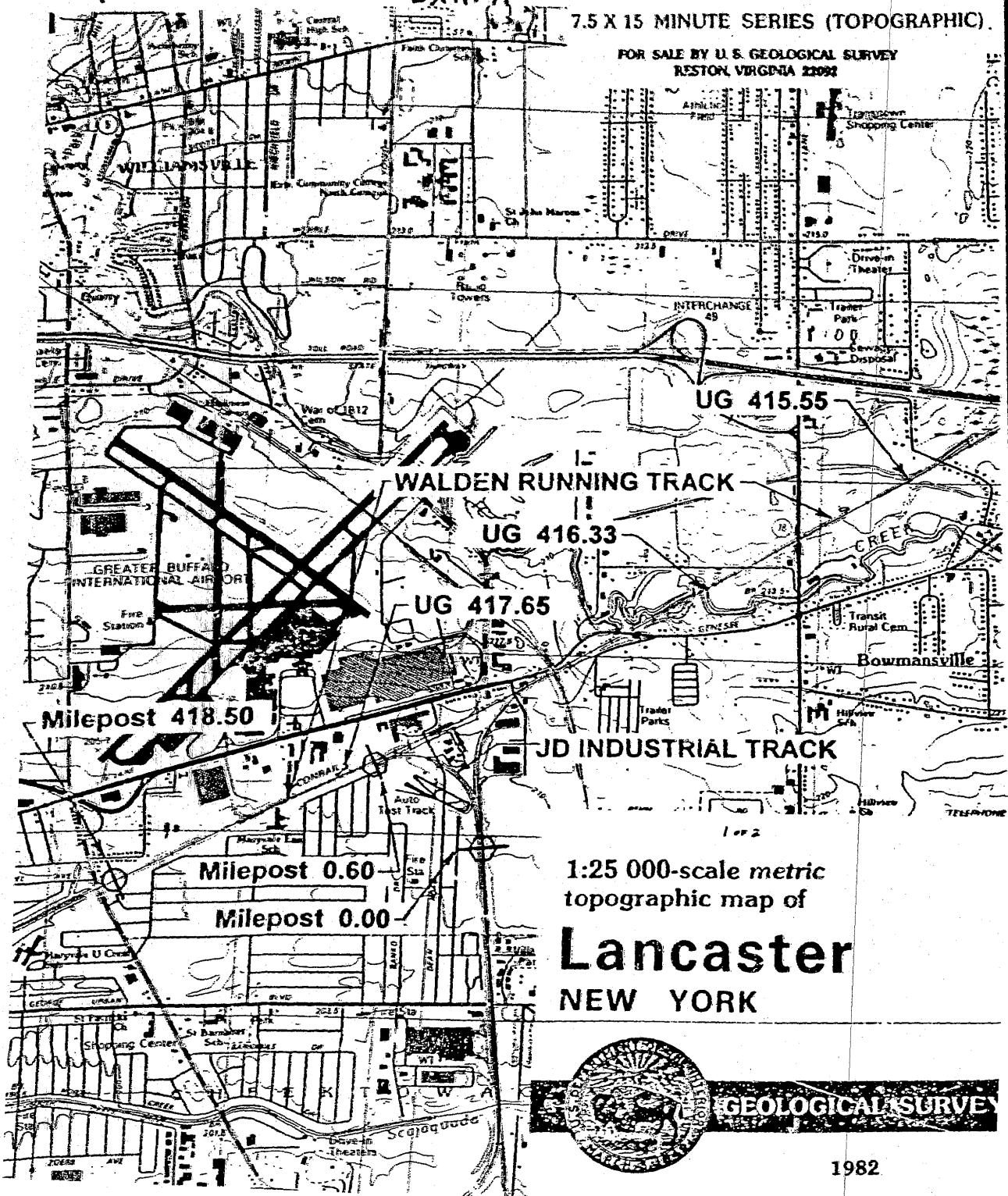
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC).

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

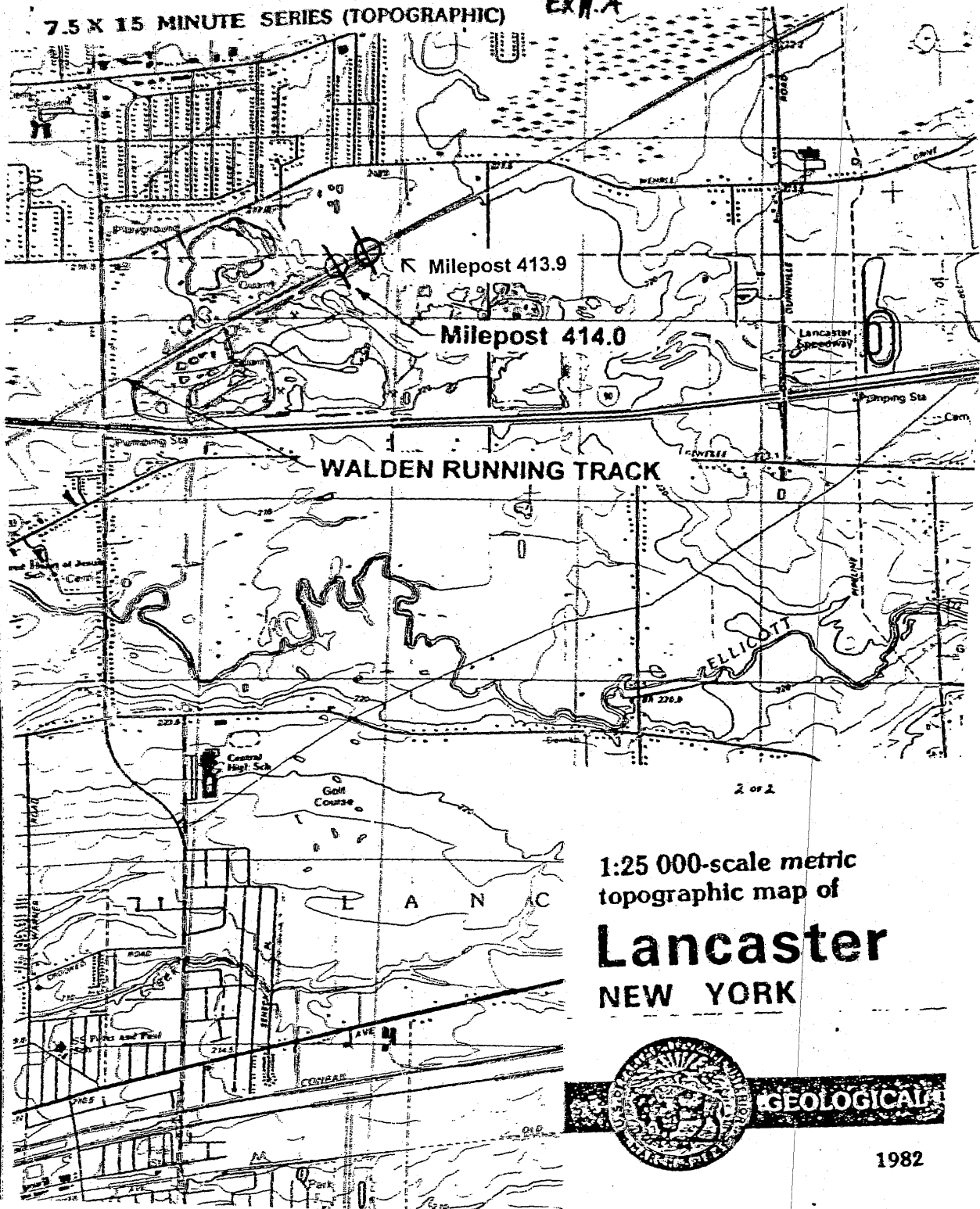


GEOLOGICAL SURVEY

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EX N.A.



WALDEN RUNNING TRACK

Milepost 413.9

Milepost 414.0

2 of 2

1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL

1982



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3817 LUKER ROAD
CORTLAND, NY 13045

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix H-1

September 4, 2002

Mr. Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.
Kirkpatrick & Lockhart LLP
1800 Massachusetts Avenue NW, Suite 200
Washington, D.C. 20036-1221

Dear Mr. Fishman:

This responds to your letter of August 12, 2002, requesting information on the presence of endangered or threatened species in the vicinity of the proposed abandonment of the Walden Running Track approximately milepost 413.90 to 418.50 and the JD Industrial Track approximately milepost 0.00 to 0.60 in the Town of Clarence, Erie County, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the respective project impact areas. In addition, no habitat in the respective project impact areas is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the U.S. Fish and Wildlife Service (Service). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. A compilation of Federally listed and proposed endangered and threatened species in New York is enclosed for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s) as shown on the enclosed map, and:

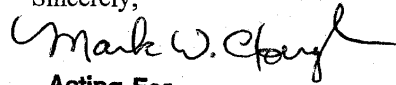
New York State Department of Environmental Conservation
— New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

We are not aware of any Federally designated wildlife preserves in the vicinity of the project. Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the respective project areas. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

If you require additional information please contact Michael Stoll at (607) 753-9334.

Sincerely,



Acting For
David A. Stilwell
Field Supervisor

Enclosures

cc: NYSDEC, Allegany, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, Buffalo, NY

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES
IN NEW YORK**

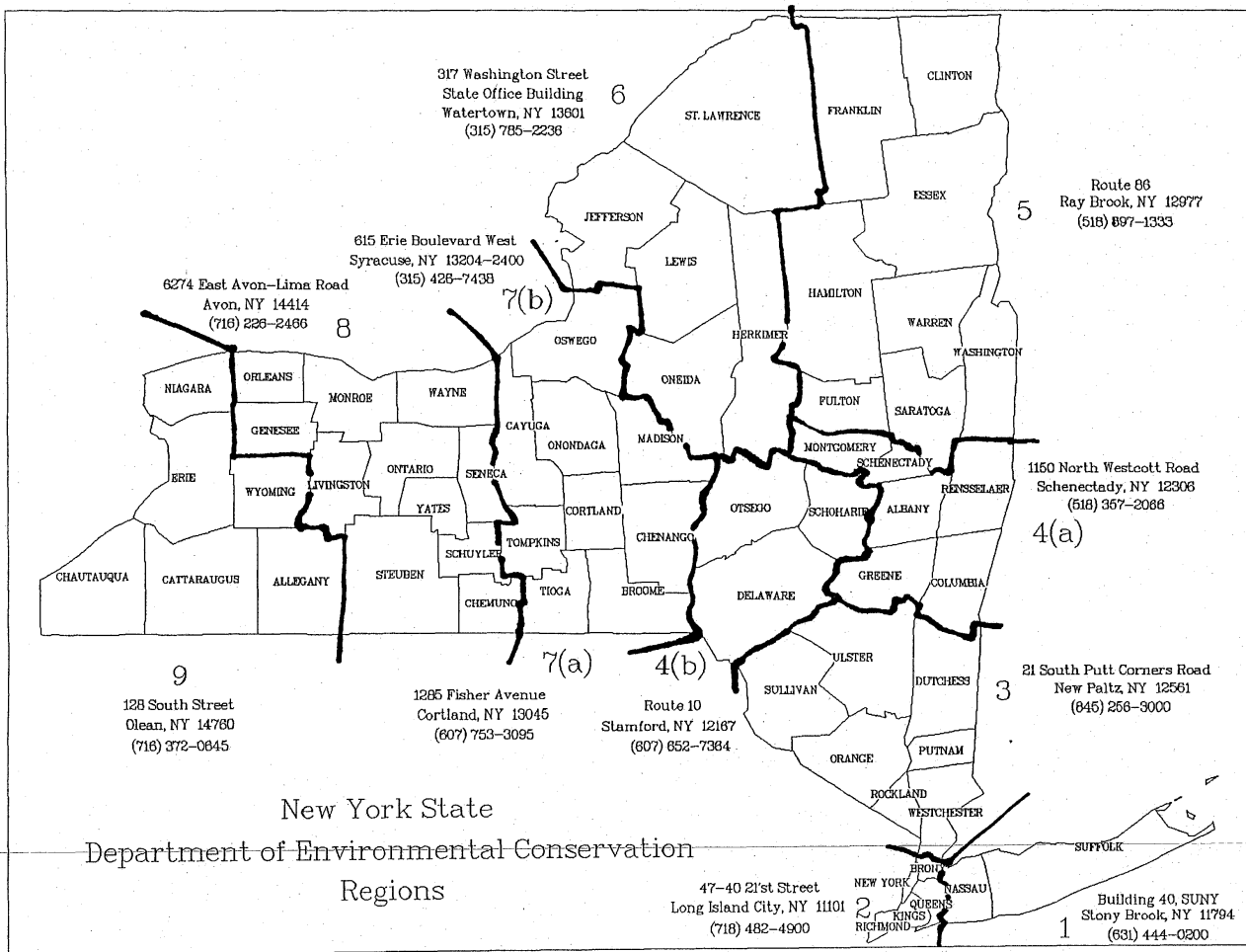
<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>FISHES</u>			
Sturgeon, shortnose*	<i>Acipenser brevirostrum</i>	E	Hudson River & other Atlantic coastal rivers
<u>REPTILES</u>			
Turtle, bog	<i>Clemmys muhlenbergii</i>	T	Albany, Columbia, Dutchess, Genesee, Orange, Oswego, Putnam, Seneca, Sullivan, Ulster, Wayne, and Westchester Counties
Turtle, green*	<i>Chelonia mydas</i>	T	Oceanic summer visitor coastal waters
Turtle, hawksbill*	<i>Eretmochelys imbricata</i>	E	Oceanic summer visitor coastal waters
Turtle, leatherback*	<i>Dermochelys coriacea</i>	E	Oceanic summer resident coastal waters
Turtle, loggerhead*	<i>Caretta caretta</i>	T	Oceanic summer resident coastal waters
Turtle, Atlantic ridley*	<i>Lepidochelys kempii</i>	E	Oceanic summer resident coastal waters
<u>BIRDS</u>			
Eagle, bald	<i>Haliaeetus leucocephalus</i>	T	Entire state
Plover, piping	<i>Charadrius melodus</i>	E	Great Lakes Watershed Critical Habitat - Eastern Lake Ontario shoreline from Salmon River (Oswego County) to Stony Point (Jefferson County)
Tern, roseate	<i>Sterna dougallii dougallii</i>	T E	Remainder of coastal New York Southeastern coastal portions of state
<u>MAMMALS</u>			
Bat, Indiana	<i>Myotis sodalis</i>	E	Entire state
Cougar, eastern	<i>Felis concolor cougar</i>	E	Entire state - probably extinct
Whale, blue*	<i>Balaenoptera musculus</i>	E	Oceanic
Whale, finback*	<i>Balaenoptera physalus</i>	E	Oceanic
Whale, humpback*	<i>Megaptera novaeangliae</i>	E	Oceanic
Whale, right*	<i>Eubalaena glacialis</i>	E	Oceanic
Whale, sei*	<i>Balaenoptera borealis</i>	E	Oceanic
Whale, sperm*	<i>Physeter catodon</i>	E	Oceanic

* Except for sea turtle nesting habitat, principal responsibility for these species is vested with the National Marine Fisheries Service.

**FEDERALLY LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES
IN NEW YORK (Cont'd)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>	<u>Distribution</u>
<u>MOLLUSKS</u>			
Snail, Chittenango ovate amber	<i>Novisuccinea chittenangoensis</i>	T	Madison County
Mussel, dwarf wedge	<i>Alasmidonta heterodon</i>	E	Orange County - lower Neversink River Delaware and Sullivan Counties - Delaware River
<u>BUTTERFLIES</u>			
Butterfly, Karner blue	<i>Lycaeides melissa samuelis</i>	E	Albany, Saratoga, Warren, and Schenectady Counties
<u>PLANTS</u>			
Monkshood, northern wild	<i>Aconitum noveboracense</i>	T	Ulster, Sullivan, and Delaware Counties
Pogonia, small whorled	<i>Isotria medeoloides</i>	T	Entire state
Swamp pink	<i>Helonias bullata</i>	T	Staten Island - presumed extirpated
Gerardia, sandplain	<i>Agalinis acuta</i>	E	Nassau and Suffolk Counties
Fern, American hart's-tongue	<i>Asplenium scolopendrium</i> var. <i>americana</i>	T	Onondaga and Madison Counties
Orchid, eastern prairie fringed	<i>Platanthera leucophea</i>	T	Not relocated in New York
Bulrush, northeastern	<i>Scirpus ancistrochaetus</i>	E	Not relocated in New York
Roseroot, Leedy's	<i>Sedum integrifolium</i> ssp. <i>Leedyi</i>	T	West shore of Seneca Lake
Amaranth, seabeach	<i>Amaranthus pumilus</i>	T	Atlantic coastal plain beaches
Goldenrod, Houghton's	<i>Solidago houghtonii</i>	T	Genesee County

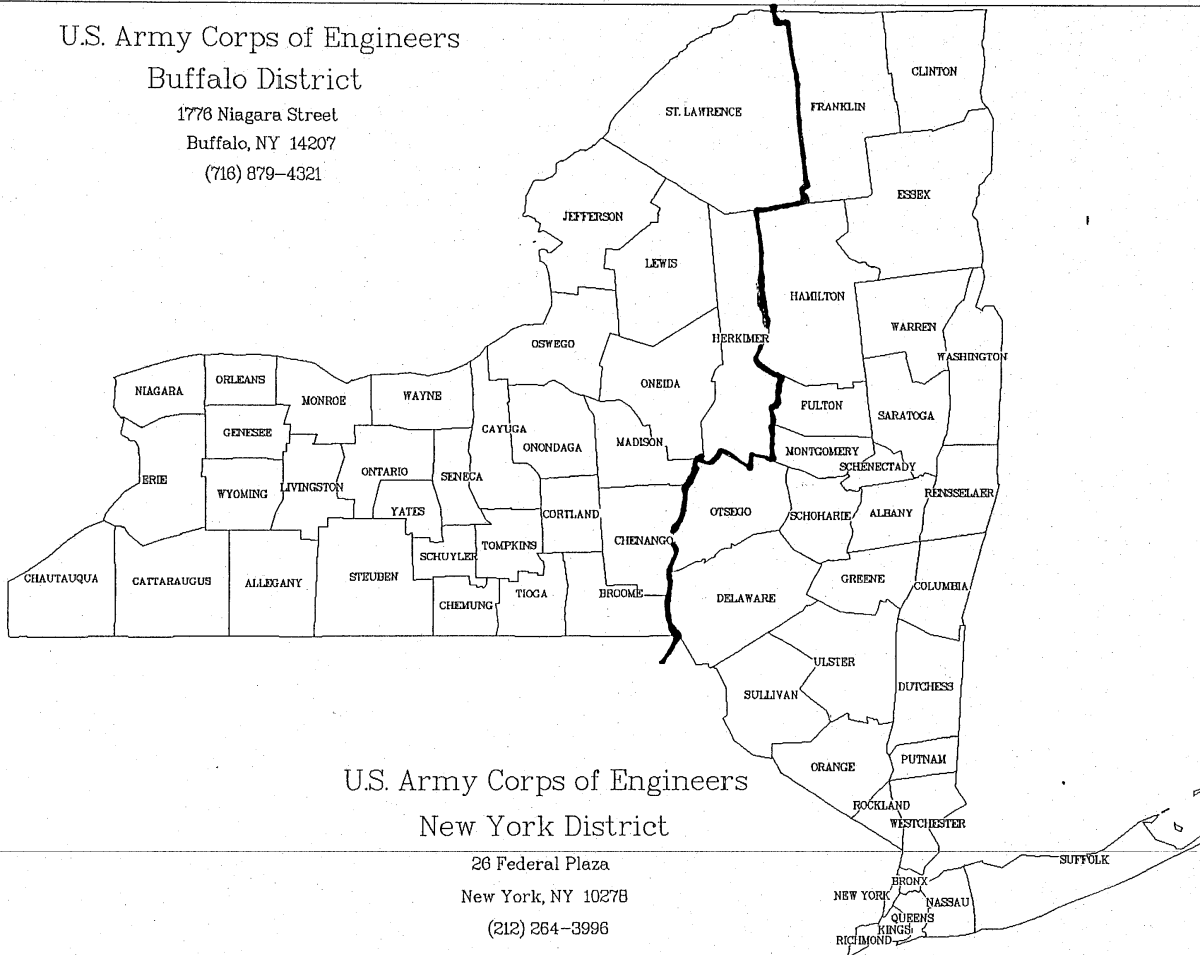
E=endangered T=threatened P=proposed



U.S. Army Corps of Engineers

Buffalo District

1776 Niagara Street
Buffalo, NY 14207
(716) 879-4321



U.S. Army Corps of Engineers

New York District

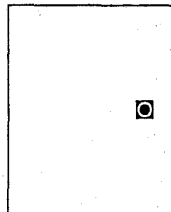
26 Federal Plaza
New York, NY 10278
(212) 264-3996

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise brief description of the project/action.
2. Name of the hamlet/village/city/town/county where the project/action occurs.
3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
4. A map showing the project/action location. Preferably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.
If you require additional information please contact Michael Stoll at (607) 753-9334.

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix I

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, N.W.
Room 540
Washington, DC 20002

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. -Abandonment Exemption--
In Erie County, New York

To Whom It May Concern:

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�") expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50;⁵ and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Lines"). The total distance of the Subject Lines is approximately 5.20 miles, all within Erie County, New York. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Lines is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
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4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

⁵ It appears that a small portion of the Walden Running Track between approximately milepost 413.9 and approximately milepost 414.0 may already have been abandoned by its previous owner, the Consolidated Rail Corporation.

Kirkpatrick & Lockhart LLP

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
August 12, 2002
Page 2

8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



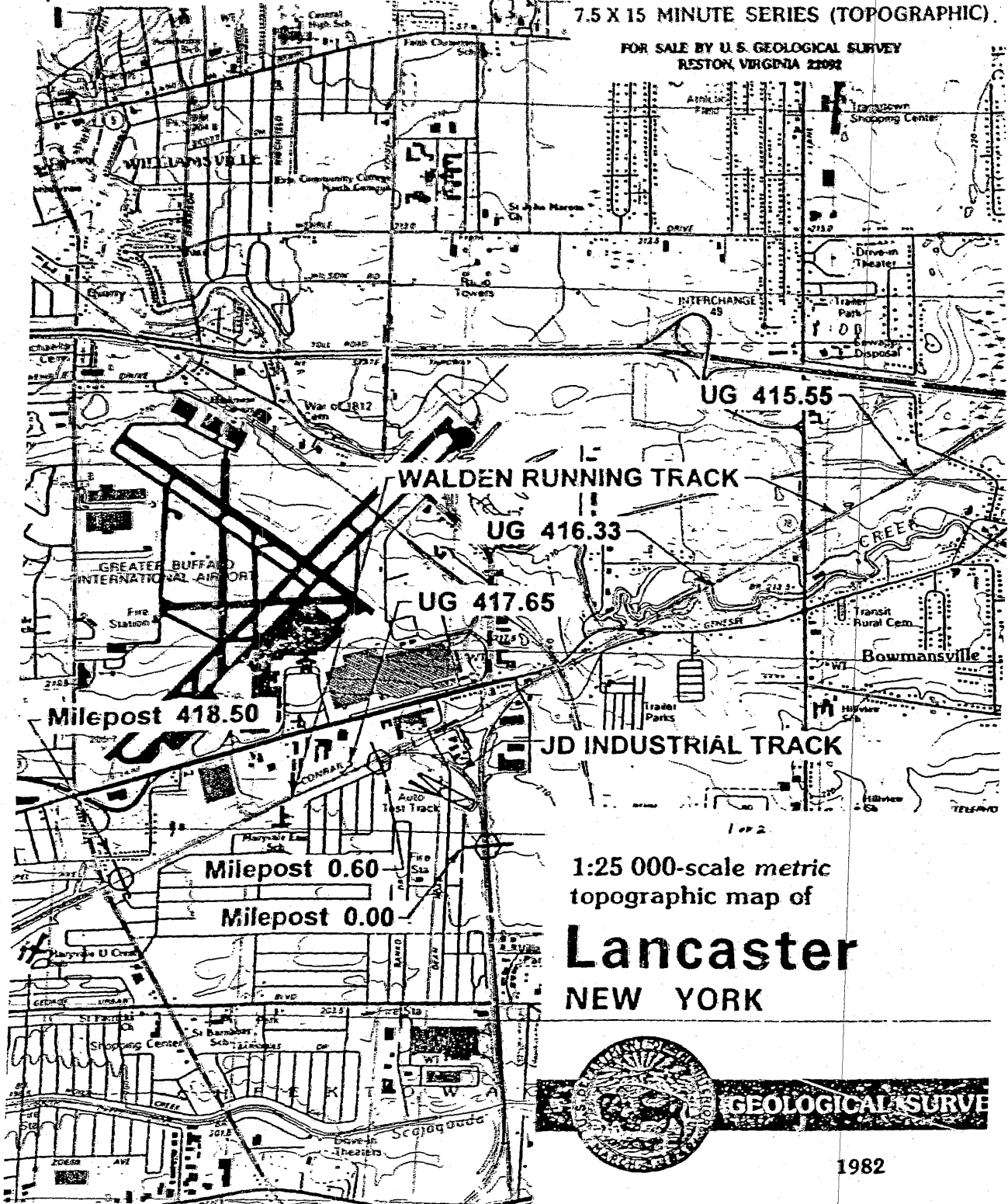
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

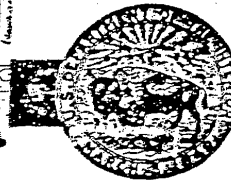
7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

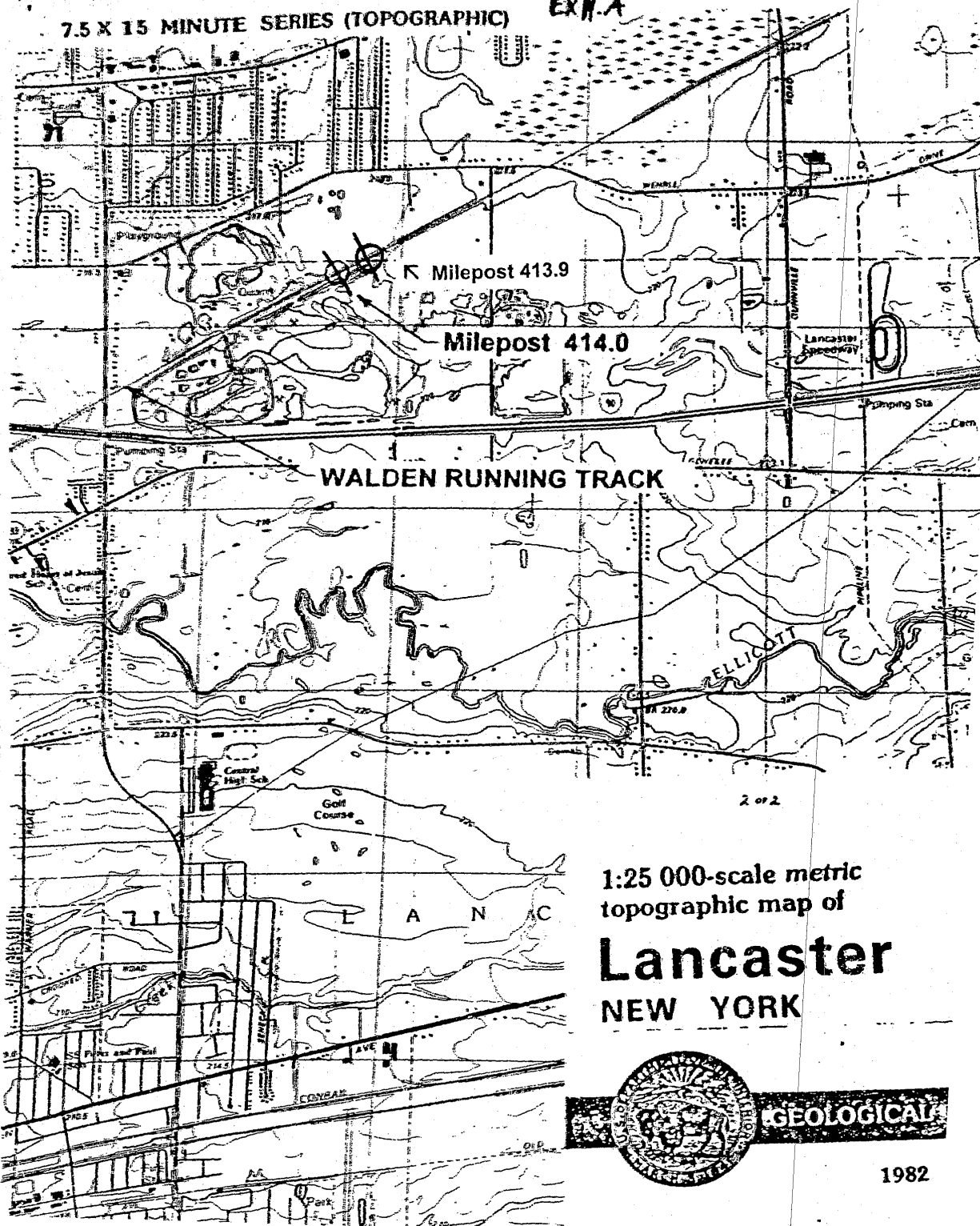


U.S. GEOLOGICAL SURVEY

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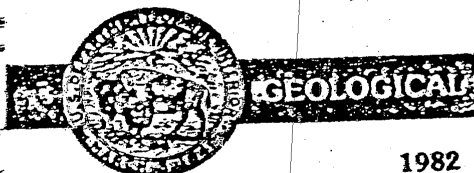
7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXN-A



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix J

U.S. Army Engineer District, Buffalo
Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

To Whom It May Concern:

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8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or

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Kirkpatrick & Lockhart LLP

U.S. Army Engineer District, Buffalo
Regulatory Branch

August 12, 2002

Page 2

10. Coastal Zone Management Areas.

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Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

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Very truly yours,



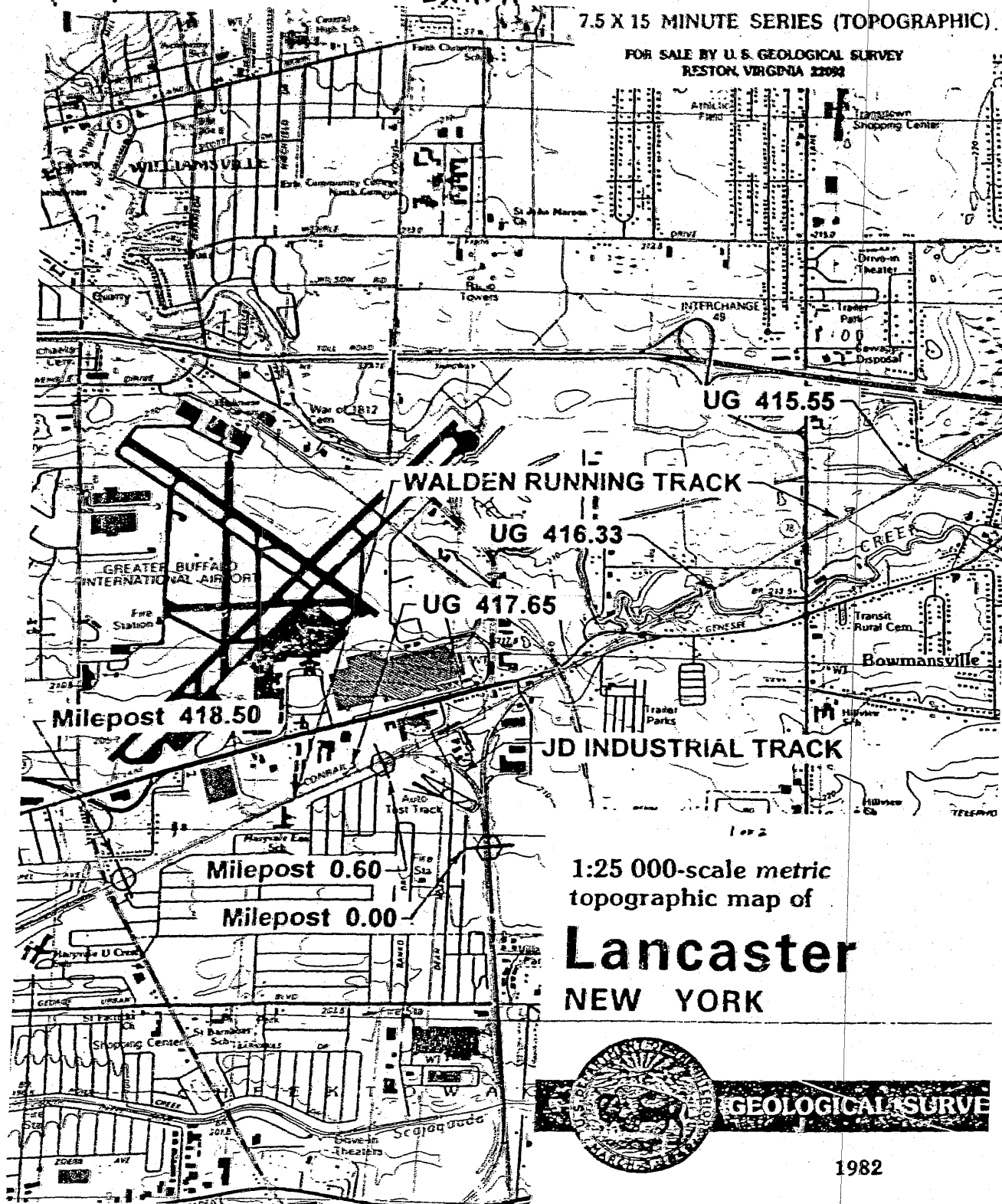
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

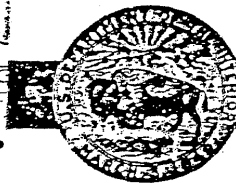
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FOR SALE BY U.S. GEOLOGICAL SURVEY
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NEW YORK

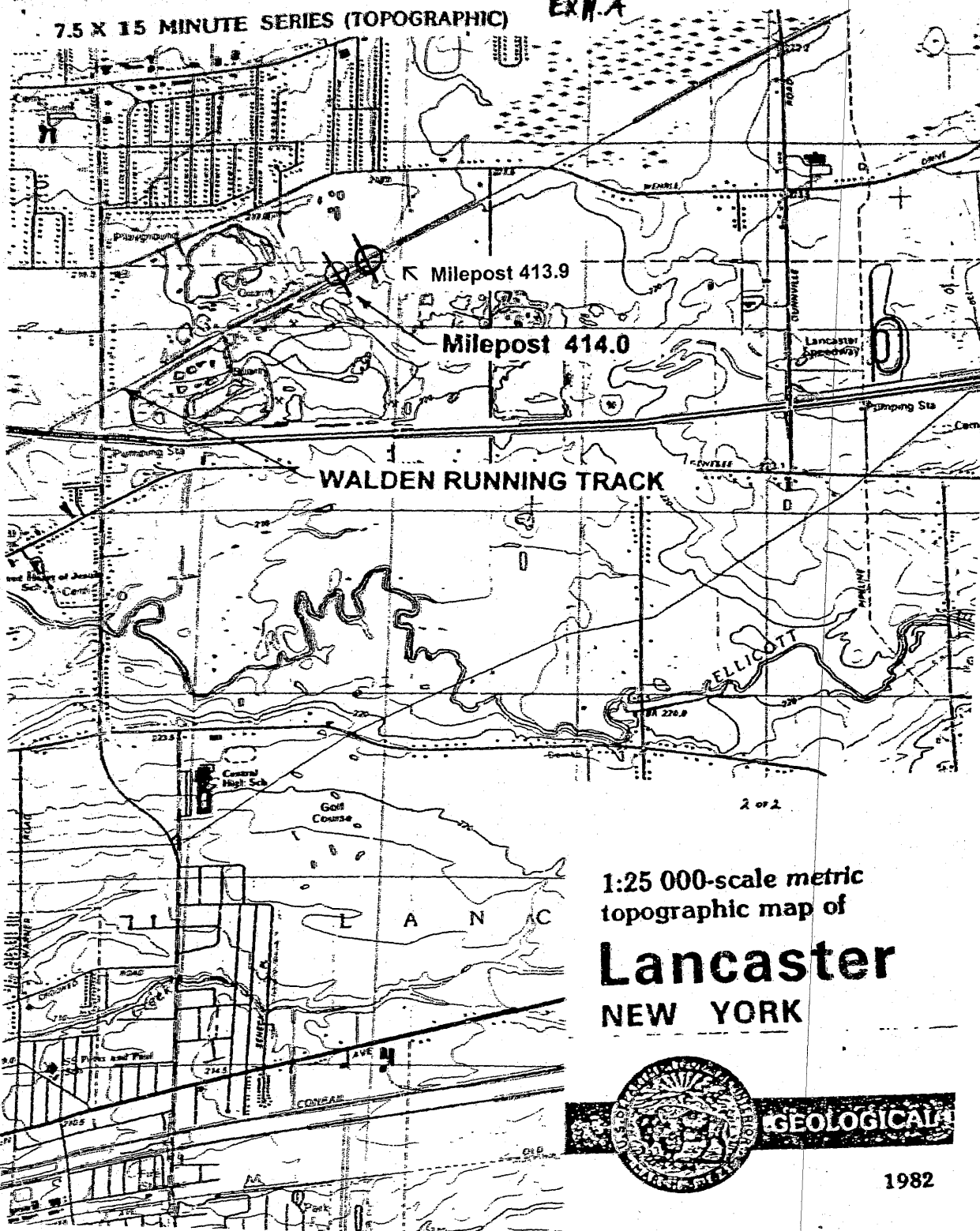


U.S. GEOLOGICAL SURVEY

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXN-A



WALDEN RUNNING TRACK

Milepost 413.9

Milepost 414.0

1:25 000-scale metric
topographic map of

Lancaster
NEW YORK



GEOLOGICAL

1982

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix K

National Oceanic and Atmospheric Administration
National Geodetic Survey, N/NGS12
1315 East-West Highway
Silver Spring, MD 20910-3282

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

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Kirkpatrick & Lockhart LLP

National Oceanic and Atmospheric Administration
National Geodetic Survey, N/NGS12
August 12, 2002
Page 2

10. Coastal Zone Management Areas.

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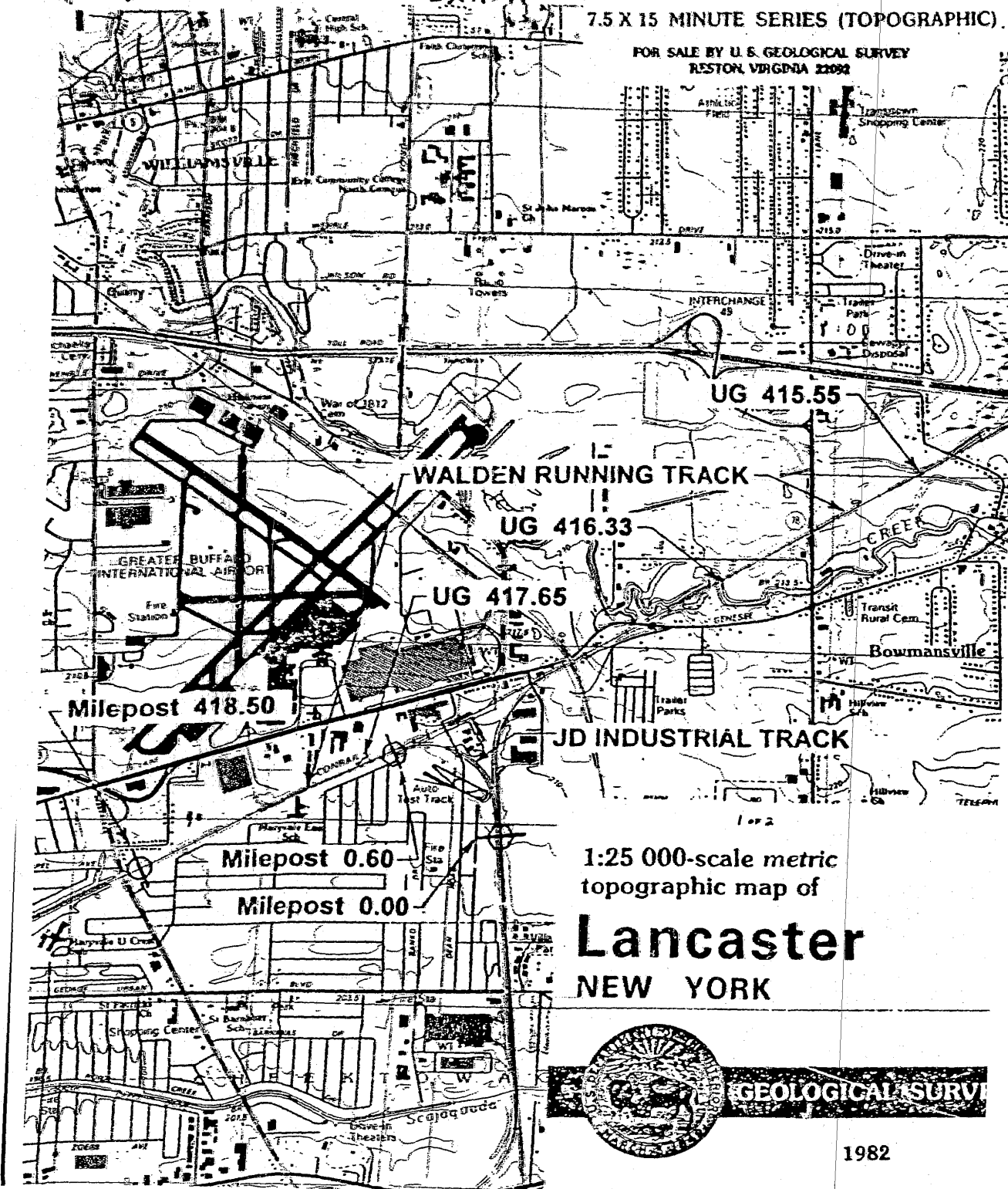
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
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Attachment

EXH. A

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC).

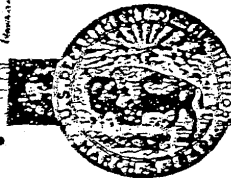
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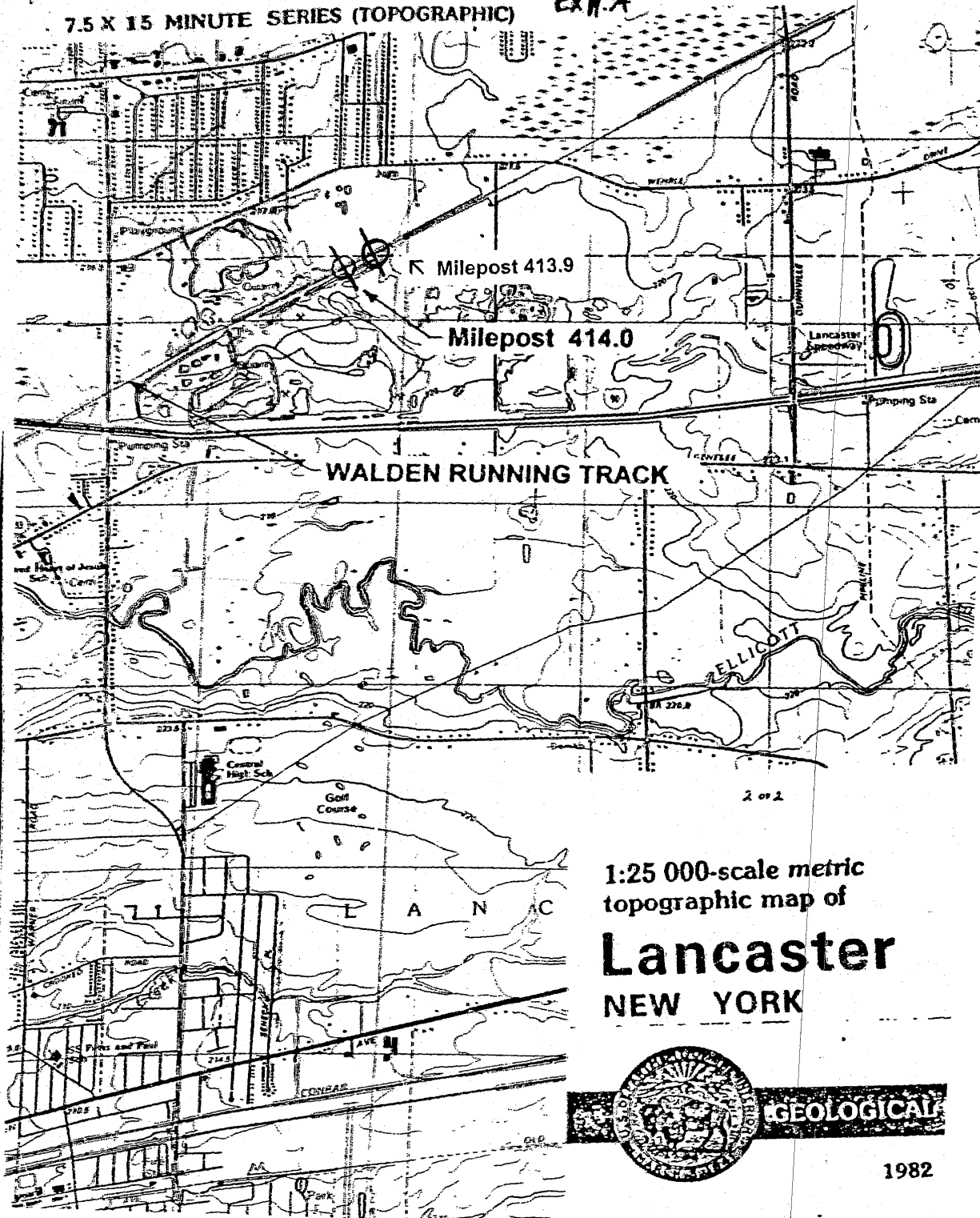


GEOLOGICAL SURVEY

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7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXH. A



Milepost 413.9

Milepost 414.0

WALDEN RUNNING TRACK

2 of 2

1:25 000-scale metric
topographic map of

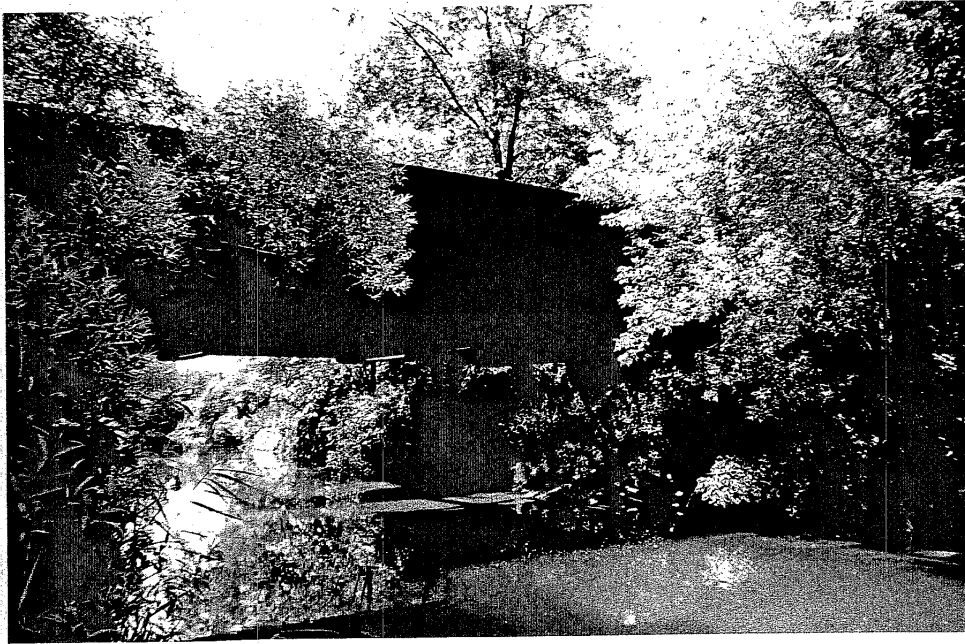
Lancaster
NEW YORK

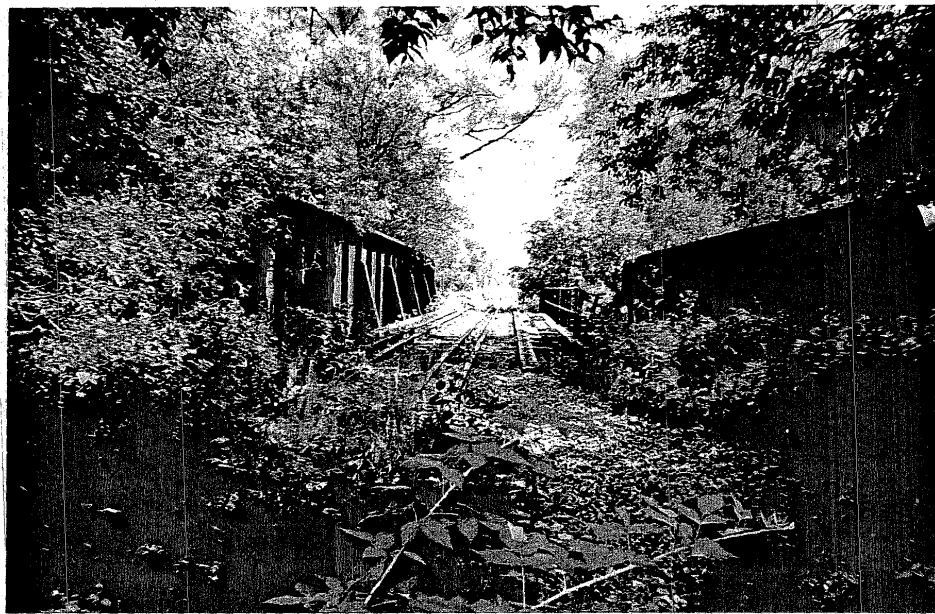


GEOLOGICAL

1982

Walden Running Track
UG 416.33 Through Girder / Open Deck





Walden Running Track
UG 416.33 Through Girder/Open Deck

Kirkpatrick & Lockhart LLP

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

August 12, 2002

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix M

Mr. Richard Lord
Restoration Coordinator
New York State Parks, Recreation and Historic Preservation
Peebles Island
P.O. Box 189
Waterford, NY 12188

Re: Docket No. AB-550 (Sub-No. 2X)
R.J. Corman Railroad Company/Allentown Lines, Inc. –Abandonment Exemption–
In Erie County, New York

To Whom It May Concern:

R.J. Corman Railroad Company/Allentown Lines, Inc. ("RJC�") expects shortly to file with the Surface Transportation Board a notice of exemption from the provisions of 49 U.S.C. § 10903 to abandon (1) the Walden Running Track between approximately milepost 413.90 and approximately milepost 418.50;⁶ and (2) the JD Industrial Track between approximately milepost 0.00 and approximately milepost 0.60 (collectively, the "Subject Lines"). The total distance of the Subject Lines is approximately 5.20 miles, all within Erie County, New York. The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50. A map showing the location of the Subject Lines is attached for your reference.

In accordance with the Board's environmental regulations, 49 C.F.R. § 1105, we are advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following:

1. Regional or local land use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year flood plains;
7. Endangered or threatened species and critical habitats;

⁶ It appears that a small portion of the Walden Running Track between approximately milepost 413.9 and approximately milepost 414.0 may already have been abandoned by its previous owner, the Consolidated Rail Corporation.

Kirkpatrick & Lockhart LLP

Mr. Richard Lord
Restoration Coordinator
New York State Parks, Recreation and Historic Preservation
August 12, 2002
Page 2

8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Existing or potential safety hazards; or
10. Coastal Zone Management Areas.

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. § § 1342, 1344) are required for the proposed abandonment.

No rail freight operations of any kind have occurred on the Subject Lines for more than five (5) years. Accordingly, we foresee no adverse environmental effects given the limited nature of the proposed abandonment. Please review the proposed action and provide any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-550 (Sub-No. 2X) and be sent to the undersigned, with a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 500
1925 K Street, N.W.
Washington, D.C. 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this abandonment will be forwarded to you at least twenty (20) days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 202-778-9456.

Very truly yours,



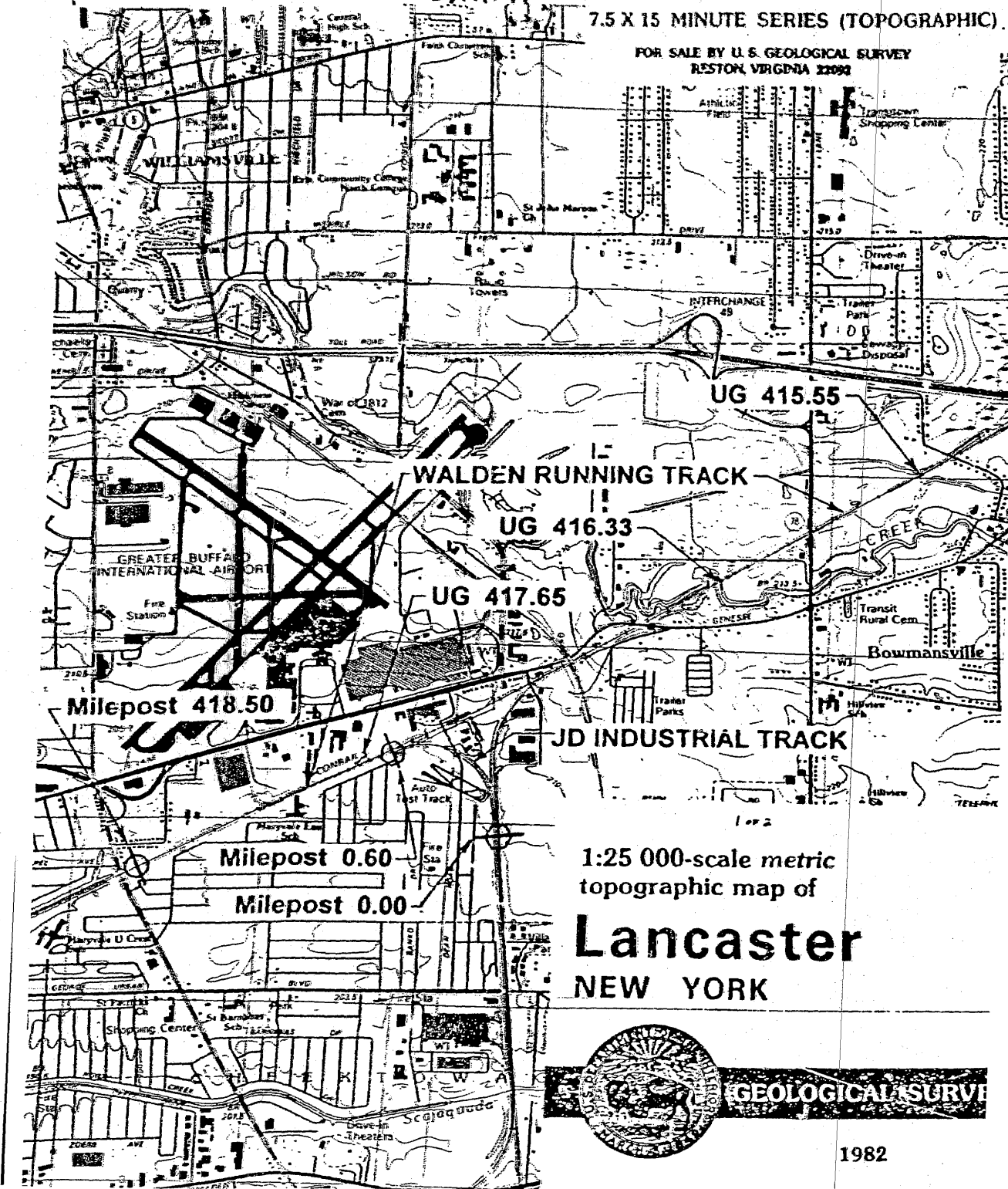
Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

Attachment

EXH. A

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

FOR SALE BY U.S. GEOLOGICAL SURVEY
RESTON, VIRGINIA 22092



1:25 000-scale metric
topographic map of

Lancaster
NEW YORK

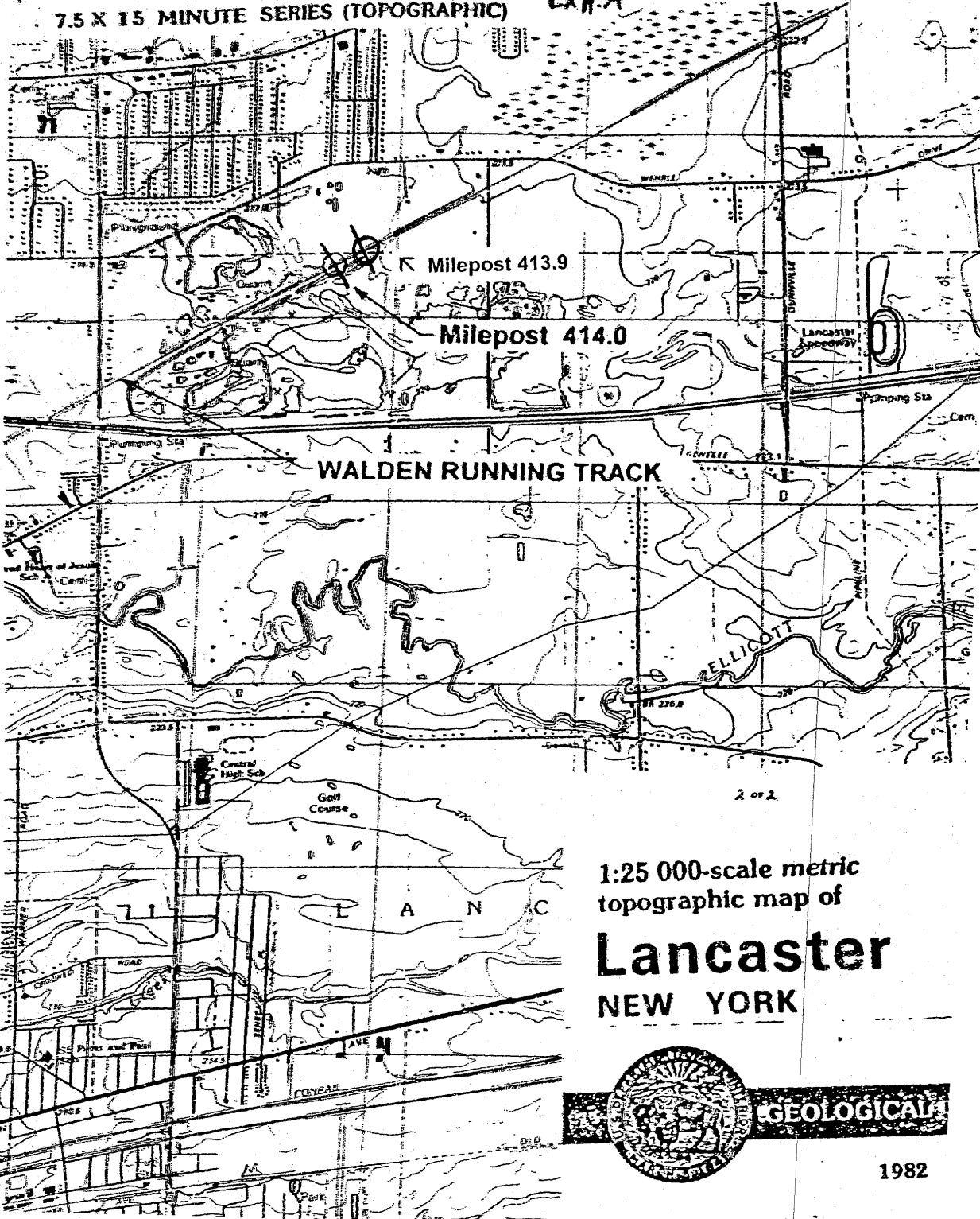


U.S. GEOLOGICAL SURVEY

1982

7.5 X 15 MINUTE SERIES (TOPOGRAPHIC)

EXH. A



WALDEN RUNNING TRACK

Milepost 413.9
Milepost 414.0

1:25 000-scale metric
topographic map of
Lancaster
NEW YORK



1982



New York State Office of Parks, Recreation and Historic Preservation
Historic Preservation Field Services Bureau
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix M-1

September 05, 2002

Edward J. Fishman
Kirkpatrick & Lockhart, LLP
1800 Massachusetts Ave NW, Suite 200
Washington, DC 20035-1221

Re: FRA/Docket No. AB-550 (Sub-No. 2X)
R. J. Corman Railroad Company/Allentown
Lines, Inc/Abandonment Exemption
Cheektowaga/Lancaster, Erie County
02PR04116

Dear Mr. Fishman:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the project in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will have No Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont
Director

RLP:cmp

CC: Surface Transportation Board

**BUILDINGS/STRUCTURES/DISTRICTS
EVALUATION COMMENTS**

PROJECT NUMBER 02PR04116

**(R. J. Corman Railroad Company/Allentown Lines, Inc. Abandonment
Exemption/Erie C**

**o. Town of Cheektowaga and Town of Lancaster, New York/Docket No. AB-550
(Sub-No
. 2X),Docket No. AB-550 (Sub-No. 2X)/T/CHEEKTOWAGA /T/LANCASTER)**

-
- ☒ Based upon a review of the information submitted and the scope of the project described, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.
- ☐ The following State/National Registers of Historic Places listed/eligible property/district is located within or adjacent to your project area. However, given the scope of the project, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.

* Archaeology comments will be provided in a separate attachment.

If you have any questions concerning this information, please call Claire Ross at 518-237-8643. ext 3259

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN
RESPONDING TO THIS REQUEST**

Consultation with Native American Tribes

The New York State Historic Preservation Office (SHPO) is often contacted with questions about appropriate consultation with Native American tribes. The SHPO can provide the following information to assist with tribal consultation.

Federal agencies are required to consult with appropriate Native American tribes for any undertaking that requires compliance with Section 106 of the National Historic Preservation Act of 1966.

The Section 106 implementing regulations, 36 CFR 800, were revised on December 12, 2000. In accordance with these revisions, in particular Section 800.2(c)(2)(ii), federal agencies must consult with any Native American tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property.

It is the responsibility of the federal agency official to make a reasonable and good faith effort to identify Native American tribes that should be consulted in the Section 106 process. A list of federally recognized tribes and maps of Native American lands are available from the Bureau of Indian Affairs at www.doi.gov/bia/tribalgovt.htm. *(This website currently down, contact Daisy West by fax at 202-208-4595 with requests for list, provide e-mail address for response.)* Also, a list of Tribal Historic Preservation Offices (THPO) is available from the National Park Service at www2.cr.nps.gov/tribal/thpo.htm.

It is the responsibility of the federal agency official to ensure that consultation in the Section 106 process provides Native American tribes with a reasonable opportunity to identify their concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate their views on the undertaking's effects on such properties, and participate in the resolution of adverse effects (Section 800.2(c)(2)(ii)(A)).

To request information on properties of traditional religious and cultural importance to Native Americans it is necessary to contact the appropriate tribe or tribes directly. The SHPO does not conduct these types of property evaluations, which are more appropriately the purview of the Native American tribes.

For federal agency projects, additional guidance or procedures regarding consultation with Native American tribes should be available from the Federal Agency Preservation Officer. For projects in which application is being made for funding or permits from a federal agency, inquiry as to that agency's procedures for consultation with Native American tribes may be appropriate.

The SHPO provides this information in order to assist with the satisfactory implementation of the new regulations.

CERTIFICATION

Docket No. AB-550 (Sub-No. 2X)
Environmental Report
Appendix N

I hereby certify that R.J. Corman Railroad Company/Allentown Lines, Inc. has consulted with all appropriate agencies in preparing the foregoing Environmental/Historic Report and that on September 25, 2002 a copy of the foregoing report was served by first class mail, postage prepaid, upon each of the following agencies as designated in 49 C.F.R. § 1105.7(b):

U.S. Army Engineer District, Buffalo
Regulatory Branch
1776 Niagara Street
Buffalo, NY 14207-3199

Regional Administrator
U.S. Environmental Protection Agency
Region 2
Jacob K. Javits Federal Building
290 Broadway
New York, NY 10007

Mr. William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, N.W.
Room 540
Washington, DC 20002

Ms. Abby Snyder
Regional Attorney
New York Department of Environmental
Conservation
270 Michigan Avenue
Buffalo, NY 14203

Mr. Steve Resler
Supervisor of Consistency Review and Analysis
New York Department of State
Division of Coastal Resources
41 State Street
Albany, NY 12231

Mr. Laurence K. Rubin
Commissioner
Erie County Environment and Planning
Rath Building
95 Franklin Street
Room 1053
Buffalo, NY 14202

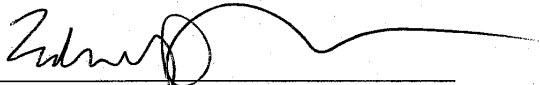
U.S. Fish and Wildlife Service
Region 5
Ecological Services
300 West Gate Center
Hadley, MA 01035-9589

National Oceanic and Atmospheric Administration
National Geodetic Survey, N/NGS12
1315 East-West Highway
Silver Spring, MD 20910-3282

Mr. Richard Lord
Restoration Coordinator
New York State Parks, Recreation and Historic
Preservation
Peebles Island
P.O. Box 189
Waterford, NY 12188

Mr. Joseph Del Vecchio
State Conservationist
New York Natural Resource Conservation Service
USDA Conservation Service
441 Salina Street, 5th Floor
Syracuse, NY 13202

Mr. Joel Giambra
County Executive
Rath Building
95 Franklin Street, Room 1600
Buffalo, NY 14202

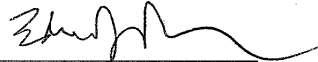


Edward J. Fishman
Attorney for R.J. Corman Railroad Company/
Allentown Lines, Inc.

CERTIFICATION OF PUBLICATION
PURSUANT TO
49 C.F.R. § 1105.12

I, Edward J. Fishman, hereby certify as follows:

1. I have contacted the newspaper of general circulation for the county in which the rail line to be abandoned in this proceeding is located and arranged for the publication of a Notice of Intent to Abandon pursuant to 49 C.F.R. § 1105.12.
2. The Notice of Intent to Abandon was published in the Buffalo Daily News on October 17, 2002. Proof of publication is forthcoming and will be available upon request.



Edward J. Fishman

Dated: October 22, 2002

VERIFICATION

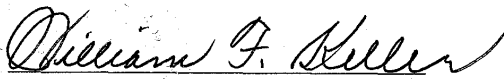
State of Kentucky)
) SS:
County of Jessamine)

Brad Brown, being duly sworn, deposes and says that he is Contracts/Property Manager of R.J. Corman Railroad Company/Allentown Lines, Inc., that he has read the foregoing Notice of Exemption and knows the facts asserted therein, and that the same are true as stated, to the best of his knowledge, information and belief.



Brad Brown

SUBSCRIBED AND SWORN to
before me this 4th day of October, 2002.


Notary Public

My Commission expires:

