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208678

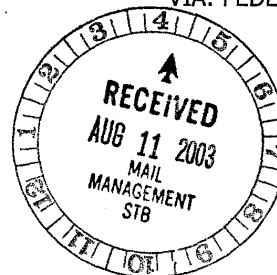
GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

ENTERED
Office of Proceedings

AUG 11 2003

Part of
Public Record

August 8, 2003
VIA: FEDERAL EXPRESS



Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Allegheny & Eastern Railroad, Inc. - Abandonment Exemption - Elk and Cameron
Counties, Pennsylvania
Docket No. 854 (X)
Environmental/Historic Report

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of the Environmental/Historic Report being filed in connection with the above-referenced matter. As indicated in the Report, Allegheny & Eastern Railroad, Inc. expects to file its verified Notice of Abandonment on or about September 8, 2003. Please time-stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped, self-addressed envelope provided for your convenience.

Respectfully,

Leanne D. Bellis

Enclosures

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

208678



Before the
SURFACE TRANSPORTATION BOARD

ALLEGHENY & EASTERN RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

Elk County and Cameron County, Pennsylvania

Docket No. 854 (X)

ENTERED
Office of Proceedings

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ENVIRONMENTAL/HISTORIC REPORT

ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 JFK Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorney for
Allegheny & Eastern Railroad, Inc.

Dated: August 8, 2003

Before the
SURFACE TRANSPORTATION BOARD

ALLEGHENY & EASTERN RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

Elk County and Cameron County, Pennsylvania

Docket No. 854 (X)

ENVIRONMENTAL/HISTORIC REPORT

Allegheny & Eastern Railroad, Inc. ("Applicant") will be filing a verified notice of abandonment on or about September 8, 2003. This report is being filed in connection therewith in accordance with the requirements of 49 C.F.R. §§1105.7 and 1105.8. To prepare this report Applicant consulted with various state and federal agencies. See the letters attached as Exhibit A. Based on the written responses attached as Exhibit B, and the oral responses noted in the Response Log attached as Exhibit C. Applicant states as follows:

A. ENVIRONMENTAL REPORT
(49 C.F.R. §1105.7)

1. **Proposed action and alternatives**

Applicant proposes to abandon a portion of its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.9¹). No service has been provided on this line by Applicant for over two years. Abandonment of the line will allow Applicant to salvage the track and materials. At this time, there appears to be no alternative to the proposed action. See Exhibit D for a topographical map of the line to be abandoned.

2. **Effects on transportation system**

Since no traffic has been handled on the line for over two years, no traffic will be diverted. The proposed abandonment will have no effect on regional or local transportation systems or patterns.

3. **Land use**

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant served notices of the proposed abandonment

¹In the letters sent by Applicant, the ending milepost was stated as "149.95". Applicant has determined that the proper end point of the abandonment is at milepost 149.9.

on: Pennsylvania State Conservation Commission, National Park Service (Northeast Region), National Park Service (National Center For Recreation and Conservation), National Park Service (Land Resources Division), Pennsylvania Department of Conservation and Natural Resources, Elk County Commissioner, Cameron County Board of Commissioners, The National Geodetic Survey N-NGS2, Cameron County Conservation District, Elk County Conservation District, USDA Natural Resources Conservation Service (State Conservationist), and Pennsylvania Department of Conservation and Natural Resources. See Exhibit A. No responses have been received.

Applicant did receive a copy of a letter, dated June 25, 2003, from Mr. Richard A. Snay, Chief of the National Geodetic Survey (National Ocean and Atmospheric Administration) addressed to Victoria J. Rutson, Chief of the Section of Environmental Analysis (Surface Transportation Board), that provides a listing of 30 geodetic markers that may be affected by the proposed abandonment. Mr. Snay notes that if the markers are to be disturbed or destroyed, at least 90 days notice is required. The proposed abandonment will not affect these markers.

(ii) The proposed action is believed to have no affect on any prime agricultural land. Notice of the abandonment has been served on the USDA Natural Resources Conservation Service, a copy of which is attached as part of Exhibit A. No response has been received.

(iii) Notice of the abandonment has been served on the Office For River Basin Cooperation, Coastal Zone Management Program, Pennsylvania Department of Environmental Protection, a copy of which is attached as part of Exhibit A. The Coastal Zone Management Program's response by letter, dated June 12, 2003, see Exhibit B, stated that the abandonment is located outside of Pennsylvania's Coastal Zones and will not impact these zones.

(iv) This property is located primarily in a rural area. Although there are no current plans for the right-of way to be turned over for public use, the Borough of Emporium telephoned on behalf of Elk County and Cameron County, and expressed interest in a rail banking agreement. See the Response Log attached as Exhibit C. During a telephone call, the Borough of Emporium's Manager stated that the parties understood that it was too soon to file a request for a rail banking agreement.

4. Energy

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on recyclable commodities.

(iii) Since the line has not been used for at least the past two years, there will be no effect on overall energy efficiency.

(iv) The proposed abandonment will not divert any

traffic from rail to motor carriage since there has been no local traffic on the line.

5. Air

The proposed abandonment will not result in any increases in rail or truck traffic or activity.

6. Noise

The proposed abandonment will not result in any increase in noise levels.

7. Safety

The proposed abandonment will not have any effect on public health or safety.

8. Biological Resources

(i) Applicant has given notice of the proposed abandonment to the US Fish and Wildlife Service's Pennsylvania Regional Office, see Exhibit A. The US Fish and Wildlife Service's response letter, dated June 24, 2003 (see Exhibit B), states that there are no "National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site". The letter further notes that "except for occasional transient species, no federally listed or proposed threatened or endangered species ... are known to occur within the project impact area" and that "no biological assessment nor further consultation under the Endangered Species Act ... are required with the Service. This

determination is valid for two years from the date of this letter."

Based on this response, Applicant does not believe the action will adversely affect endangered or threatened species or critical habitats, wildlife sanctuaries or refuges, or National or State parks or forests.

(ii) Applicant does not believe wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. Further, based on a suggestion in the US Fish and Wildlife Service's response letter, dated June 24, 2003, Applicant sent additional notice of the proposed abandonment to the Pennsylvania Game Commission and the Pennsylvania Fish and Boat Commission, see Exhibit A. The US Fish and Wildlife Service's response letter also recommended contacting the following agencies who were already included in Applicant's initial mailing for the abandonment, see Exhibit A: Pennsylvania Department of Conservation and Natural Resources and the Department of Environmental Protection. To date, no response has been received from the Pennsylvania Department of Conservation and Natural Resources.

The Pennsylvania Department of Environmental Protection ("PA DEP") responded in a Certified letter dated June 27, 2003, see Exhibit B. The response states that "Chapter 105 of the Department of Environmental Protection's regulations requires a permit prior to the abandonment of any stream crossings". Applicant is

consulting further with PA DEP to determine what permits if any, will be required in connection with abandonment and salvage of the rail line. Applicant will comply with any applicable regulations.

The Pennsylvania Game Commission telephoned Applicant on July 22, 2003 to determine the exact location and ownership of the line. Applicant faxed the history of the line, a copy of which is attached to this report as Exhibit H. A log of the relevant telephone calls is included in Exhibit C.

The Pennsylvania Fish and Boat Commission responded by letter dated July 10, 2003, that the "Commission had no comment on this issue." See Exhibit B.

9. Water

(i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. No effect is expected on water quality. Further Applicant received a response from PA DEP, stating that: "Crossings that may affect adjacent property owners because they are too small or deteriorated may need to be removed during the abandonment of the line. Structurally sound culverts/bridges may remain in place under a permit that would be issued..." As noted, Applicant will comply with any applicable regulations.

(ii) Applicant has received a letter dated July 15, 2003 from the Department of the Army, Corps of Engineers, stating that no permit is required from them because the project does not

include "the placement of fill into any wetland area or other waters of the United States" (see Exhibit B). Further, to the best of Applicant's knowledge, the proposed abandonment does not contain either wetlands or 100-year flood plains.

(iii) Applicant has sent notice of the intended abandonment to the US Environmental Protection Agency (Region 3), the Pennsylvania Department of Environmental Protection's Northwest Regional Office and the Pennsylvania Department of Environmental Protection's Northcentral Regional Office, see Exhibit A. Applicant has received no response from the US Environmental Protection Agency (Region 3) or from the Pennsylvania Department of Environmental Protection's Northwest Regional Office. The response from the Pennsylvania Department of Environmental Protection's Northcentral Regional Office, discussed previously, contained no reference to the Clean Water Act. The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards.

10. Proposed Mitigation

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. Additional Information for Rail Constructions

Not applicable.

12. Consultation

As shown by the copies of letters attached hereto as

Exhibit A, Applicant has consulted with Secretary of the Commonwealth, Pennsylvania State Conservation Commission, Pennsylvania Department of Environmental Protection (Northwest Regional Office), Pennsylvania Department of Environmental Protection (Northcentral Regional Office), Office For River Basin Cooperation (Pennsylvania Department of Environmental Protection), Elk County Commissioner, Cameron County Board of Commissioners, Environmental Protection Agency (Region 3), US Fish and Wildlife Service (Regional Office for Pennsylvania), U.S. Army's Corps of Engineers (Pittsburgh District), National Park Service (Northeast Region), National Park Service (National Center For Recreation and Conservation), National Park Services (Land Resources Division), USDA Natural Resources Conservation Service, Pennsylvania Department of Conservation and Natural Resources, The National Geodetic Survey (National Ocean and Atmospheric Administration), Cameron County Conservation District, Elk County Conservation District, Pennsylvania Game Commission's Bureau of Law Enforcement (North Central Regional Office), and Pennsylvania Fish and Boat Commission (Northcentral Region). Written responses were received only from the following agencies: Secretary of the Commonwealth, Pennsylvania Department of Environmental Protection (Northcentral Regional Office), Office For River Basin Cooperation (Pennsylvania Department of Environmental Protection), United States Fish and Wildlife Service (Pennsylvania Regional Office), Department Of The

Army Corps of Engineers (Pittsburgh District), National Geodetic Survey (National Ocean and Atmospheric Administration), and Pennsylvania Fish and Boat Commission (Northcentral Region). Copies of the written responses are attached hereto as Exhibit B.

The only oral contact, subsequent to the receipt of a written response, was with PA DEP - Northcentral Regional Office and with the Pennsylvania Game Commission Bureau of Law Enforcement (North Central Regional Office) [for the latter, see above Paragraph A. 8(ii)]. PA DEP responded to a request by the Applicant for clarification as to the required Permit. Although not sent an Environmental Notice, telephone calls were also received from the Borough of Emporium pertaining to rail banking. A log of the responses and all telephone calls is attached as Exhibit C.

13. Certifications

Applicant certifies that it:

(a) Consulted with the agencies listed in 49 C.F.R. §1105.7(b), as described in paragraph No. 12 above;

(b) Sent on this date copies of this report to each of the agencies consulted;

(c) Published on July 10th, 17th and 24th, 2003, a notice in the The Daily Press, a paper with general circulation in Elk and Cameron Counties in Pennsylvania in the form specified in 49 C.F.R. §1105.12, that alerted the public to the proposed

abandonment, to available reuse alternatives, and to how it may participate in this proceeding. A copy of the proof of publication is attached as Exhibit E; and

(d) Will not file its verified notice of abandonment until at least twenty (20) days after the agencies have been served with a copy of this report.

B. HISTORIC REPORT
(49 C.F.R. §1105.8)

The information required by 49 C.F.R. §1105.7(e)(1) is set forth in Section A.1 above.

1. **U.S.G.S. Topographic Map**

U.S.G.S. topographic map showing the location of the proposed abandonment is attached hereto as Exhibit D.

2. **Description Of Right Of Way**

Applicant proposes to abandon a portion of its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.9). This line traverses through United States Postal ZIP Codes 15857 and 15834. This property is located primarily in a mountainous rural area. At points, small streams parallel and/or cross under the line. See Exhibits D, F and G. The width of the right of way varies. However, the right of way is predominately 66 feet wide.

The proposed abandonment includes a stone inlet archway and four deck bridges. Photographs of these structures and their surrounding terrain are attached as Exhibit F. The locations and the dimensions of these structures are included in the chart attached as Exhibit G. Applicant does not currently intend to alter or remove these structures.

3. Dates Of Construction

Information in Applicant's possession concerning the stone inlet archway and deck bridges, their dates of construction and known repairs is shown in the attached chart as Exhibit G. Information on mid-sized culverts along the line is also included in Exhibit G.

4. Photographs

Photographs of the line, including the stone inlet archway, the deck bridges, and the immediate surrounding area are attached as Exhibit F.²

5. History Of Carrier Operations In The Area

A history of the line proposed to be abandoned and its carrier operations is attached as Exhibit H. Because of the lack of service, Applicant proposes to abandon the line and to salvage the track materials. All track removal work will be done on top of the road bed. Nothing beneath the road bed will be disturbed.

6. Documentation of Historic Structures

The structures on this line that are 50 years old or older are the stone inlet archway and the four deck bridges that are identified in Exhibit G. Their dates of construction and any known repairs are included in the chart. The Applicant's records on these structures are contained on microfilm in the Applicant's

²Applicant has not included photographs of these culverts as they are not prominent structures, and they handle only intermittent water flows.

possession. The line also contains one known historic mid-sized culvert, see Exhibit G. This culvert was constructed of concrete in 1952. This information was derived from a review of the maps of the proposed abandonment and the Applicant's inspection reports.

7. **National Register of Historic Places/ Archaeological Resources**

The proposed abandonment consists of the tracks, the track bed, deck bridges, a stone inlet archway and culverts. The historic features are: the stone inlet archway, the four deck bridges and the concrete culvert. Notice of the planned abandonment was served upon the Pennsylvania Historical and Museum Commission ("PA Historical Commission"). See Exhibit A. The PA Historical Commission responded by letter, dated July 10, 2003, that they required more information in order to evaluate the effect of the abandonment on the historic properties, see Exhibit B. This Historic Report will serve as Applicant's response to the PA Historical Commission's request.

As the proposed abandonment is not anticipated to affect the historic stone inlet archway, the deck bridges or the concrete culvert beyond the removal of the rails, the abandonment should not raise any concerns with the PA Historical Commission.

8. Environmental Conditions

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archaeological recovery of resources or the surrounding terrain.

Respectfully submitted,



ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
Four Penn Center
Suite 200
1600 JFK Blvd.
Philadelphia, PA 19103
(215) 563-9400
Attorney for
Allegheny & Eastern Railroad, Inc.

Dated: August 8, 2003

EXHIBIT A

213 WEST MINER STREET
PO Box 796
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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 30, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Fish and Boat Commission
Northcentral Region
466 Robinson Lane
PO Box 5306
Bellefonte, PA 16823

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

No local service has been provided on the line for over two years. ALY plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about August 4, 2003 in Docket No. 854 (X).

ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

PA Fish and Boat Commission, page 2

June 30, 2003

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 30, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Game Commission
Bureau of Law Enforcement
North Central Regional Office
1566 South Route 44 Highway
Post Office Box 5038
Jersey Shore, PA 17740-5038

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

PA Game Commission, page 2

June 30, 2003

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Legal Assistant

Enclosure (Map)

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sent via map

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

June 26, 2003
VIA: FIRST CLASS MAIL

PA Department of Transportation
400 North Street
8th Floor
Harrisburg, PA 17120

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

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ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

June 26, 2003

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

Elk County Conservation District
P.O. Box 448
Courthouse
Ridgway, PA 15853-0448

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

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GOLLATZ, GRIFFIN & EWING, P.C.

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June 5, 2003

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Enclosure (Map)

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June 5, 2003
VIA: FIRST CLASS MAIL

Cameron County Conservation District
P.O. Box 136
Emporium, PA 15834

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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June 5, 2003
VIA: FIRST CLASS MAIL

Mr. Edward McKay
The National Geodetic Survey N-NGS2
Station 8813
1315 East-West Highway
Silver Spring, MD 20910-3282

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

No local service has been provided on the line for over two years. ALY plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about August 4, 2003 in Docket No. 854 (X).

ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Mr. Edward McKay, page 2

June 5, 2003

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM



LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

PA Department of Conservation and Natural Resources Executive Office
7th Floor
Rachel Carson State Office Building
P.O. Box 8767
Harrisburg, PA 17105-8767

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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June 5, 2003

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Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

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WILMINGTON

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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

USDA Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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Legal Assistant

Enclosure (Map)

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GOLLATZ, GRIFFIN & EWING, P.C.

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lbellis@ggelaw.com



June 5, 2003
VIA: FIRST CLASS MAIL

National Park Services
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

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WILMINGTON

June 5, 2003

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Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

213 WEST MINER STREET
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GC&E GOLLATZ
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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

National Park Service
National Center For Recreation and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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WEST CHESTER

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Enclosure (Map)

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G&E GOLLATZ
GRIFFIN
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ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

Northeast Region
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

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Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

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ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

U.S. Army, Corps of Engineers, Pittsburgh District
2032 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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Enclosure (Map)

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LEANORE D. BELLIS
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lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

US Fish and Wildlife Service
Regional Office - PA
300 Westgate Center Drive
Hadley, MA 01035-9589

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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Enclosure (Map)

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lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

Region 3
Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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Leanne D. Bellis
Legal Assistant

Enclosure (Map)

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ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

Board of Commissioners Chair
Cameron County
20 East 5th Street
County Courthouse
Emporium, PA 15834-1469

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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GC&E GOLLATZ
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June 5, 2003
VIA: FIRST CLASS MAIL

Commissioner
Elk County
Court House Annex Building
300 Center Street
P.O. Box 448
Ridgway, PA 15853

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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Enclosure (Map)

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GC&E GOLLATZ
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June 5, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Department of Environmental Protection
Northcentral Regional Office
208 W. Third Street
Suite 101
Williamsport, PA 17701-6448

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

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PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Dept. of Environmental Protection
Northwest Regional Office
230 Chestnut Street
Meadville, PA 19335

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

No local service has been provided on the line for over two years. ALY plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about August 4, 2003 in Docket No. 854 (X).

ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

June 5, 2003

environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

213 WEST MINER STREET
PO Box 796
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lbellis@ggelaw.com

GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

Pennsylvania State Conservation Commission
Agriculture Building, Room 407
2301 North Cameron Street
Harrisburg, Pennsylvania 17110

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

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ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the

GOLLATZ, GRIFFIN & EWING, P.C.

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June 5, 2003

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Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

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& EWING
ATTORNEYS - AT - LAW

LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

Secretary of the Commonwealth
302 North Office Building
Harrisburg, PA 17120

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

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ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Secretary of the Commonwealth, page 2

June 5, 2003

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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GC&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

June 5, 2003
VIA: FIRST CLASS MAIL

Office For River Basin Cooperation
Coastal Zone Management Program
PA DEP
P.O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105-2063

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

No local service has been provided on the line for over two years. ALY plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about August 4, 2003 in Docket No. 854(X).

Please advise us whether the proposed abandonment is within Pennsylvania's coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Pennsylvania's coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

Coastal Zone Management Program, p. 2

June 5, 2003

We would appreciate a response prior to July 7, 2003. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)
cc: Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

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WWW.GGELAW.COM



LEANORE D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

June 5, 2003
VIA: FIRST CLASS MAIL

Pennsylvania Historical and Museum Commission
300 North Street
Harrisburg, PA 17120

RE: Notice of Exemption/Abandonment
Docket No. 854 (X)

Dear Sir or Madam:

This letter is to advise you that Allegheny & Eastern Railroad, Inc. ("ALY") proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP Codes 15857 and 15834. A map showing the location of the line is attached.

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ALY plans to salvage the rail and to remove the ties following the line's abandonment. Based upon information in our possession, the line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The deck bridges and inlet archways along this line are over 50 years old. ALY does not currently intend to alter or remove these structures.

ALY does not believe that there are any reasonable alternatives to the proposed action. ALY believes that the abandonment authorization will not have a significant effect upon the environment or any historic structures.

In advance of preparing an environmental and historic report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by July 7, 2003 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment

GOLLATZ, GRIFFIN & EWING, P.C.

WEST CHESTER

PHILADELPHIA

WILMINGTON

June 5, 2003

or historic preservation. If you have any questions about the abandonment proposal, or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire

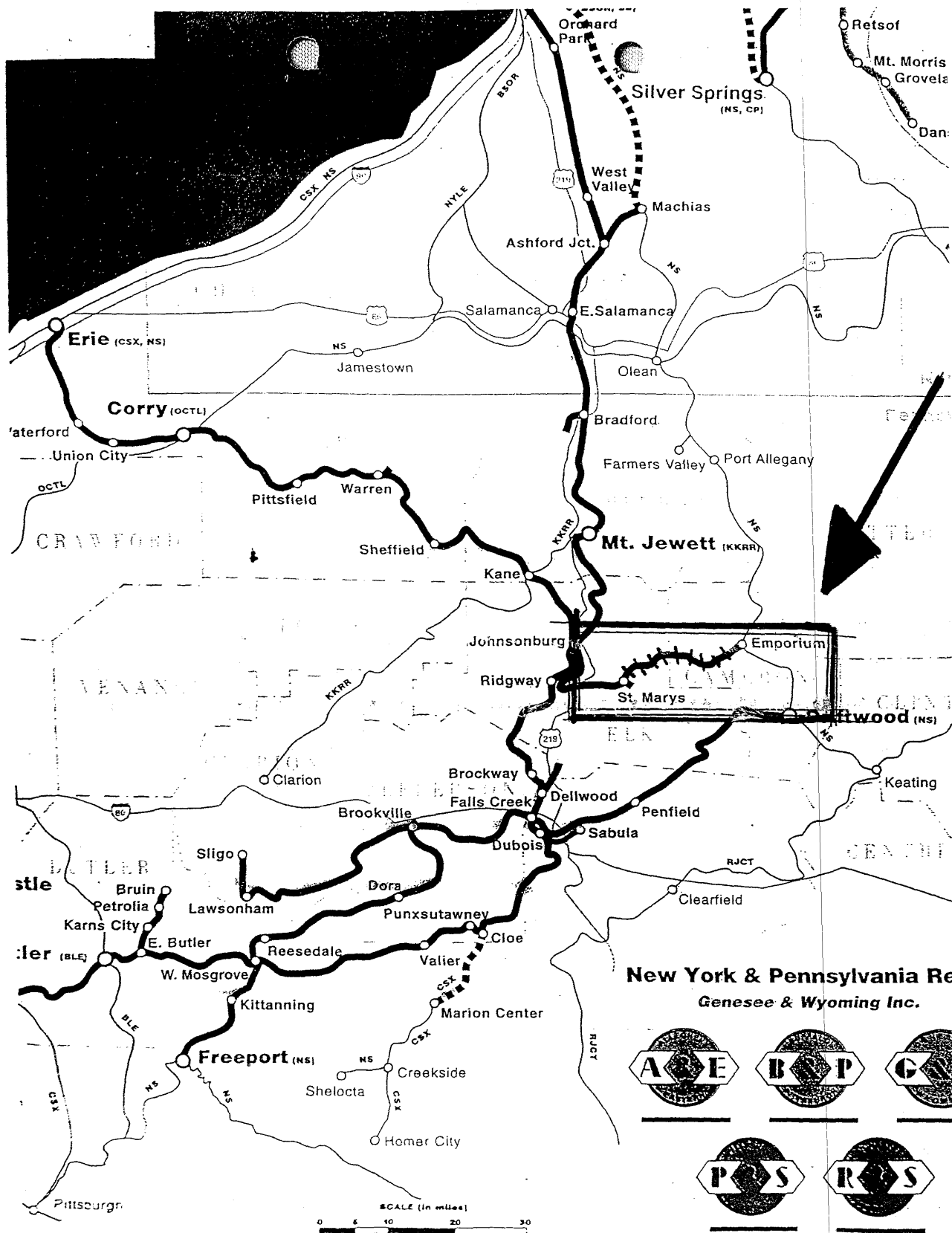


EXHIBIT B

213 WEST MINER STREET
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GG&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEA D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

FACSIMILE TRANSMITTAL FORM

DATE: JULY 22, 2003

TO: JASON RAUP (717) 787-6957 *PA Game Commission*

FROM: LEA BELLIS *LB*

THE ORIGINAL WILL NOT BE MAILED TO YOU.

NO. OF PAGES (INCLUDING THIS COVER SHEET): 2

MESSAGE: Let me know if you need anything more. Lea

THIS FAXED MATERIAL AND THE INFORMATION CONTAINED IN IT IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Allegheny & Eastern Railroad, Inc.
Brief History of Construction & Operation of the
Emporium to St Marys, PA Rail Line

The rail line between Emporium and St Marys was constructed in 1864 by the Philadelphia and Erie Railroad Company (Pennsylvania Railroad Company was lessee) and was subsequently operated by same.

The Philadelphia and Erie Railroad Company was merged into The Pennsylvania Railroad Company in 1907.

The New York Central Railroad Company merged into The Pennsylvania Railroad Company in 1968 and the surviving entity became the Penn Central Transportation Company. Penn Central Transportation Company filed for bankruptcy in 1970.

Penn Central Transportation Company conveyed the rail line to Consolidated Rail Corporation in 1976.

Consolidated Rail Corporation conveyed the rail line to Allegheny Railroad Company (a subsidiary of Hammermill Paper Company) in 1985.

Allegheny Railroad Company (then a subsidiary of International Paper Company) conveyed the rail line to Allegheny & Eastern Railroad, Inc. in 1992.

Both freight and passenger services were provided on the line from its inception in 1864 until the early 1960's, when passenger service was discontinued.

From the time of acquisition by Allegheny Railroad Company in 1985 to the present, there were no customers of common carrier freight services located on the Emporium to St Marys rail line. A small amount of interchange traffic with Consolidated Rail Corporation at Emporium was handled over the line into the 1990's by Allegheny Railroad Company and later Allegheny & Eastern Railroad, Inc.¹

Other carriers operated unit trains over the line under special contract service for International Paper Company. This overhead contract service ended in late 2001 with the closure of International Paper Company's Erie Mill. There is not currently any overhead traffic on the line.

¹ Limited exempt contract (non-common carrier) freight service was provided thereafter by other carriers to Hammermill Paper Company (later International Paper Company) at Hammermill's Emporium Wood Yard. This service terminated in late 2000, when the Emporium Wood Yard was closed.

07/22/2003 12:10 FAX 610 692 9177

GOLLATZ, GRIFFIN & EWING

001

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO	2477	
CONNECTION TEL		917177876957
CONNECTION ID		
ST. TIME	07/22 12:10	
USAGE T	00'28	
PGS. SENT	2	
RESULT	OK	

213 WEST MINER STREET
PO Box 796
WEST CHESTER, PA 19381
TELEPHONE 610.692.9116
FACSIMILE 610.692.9177
WWW.GGELAW.COM

GG&E GOLLATZ
GRIFFIN
& EWING
ATTORNEYS - AT - LAW

LEA D. BELLIS
DIRECT DIAL 610.350.4132
lbellis@ggelaw.com

FACSIMILE TRANSMITTAL FORM

DATE: JULY 22, 2003
TO: JASON RAUP (717) 787-6957
FROM: LEA BELLIS *LB*

THE ORIGINAL WILL NOT BE MAILED TO YOU.

NO. OF PAGES (INCLUDING THIS COVER SHEET): 2

MESSAGE: Let me know if you need anything more. Lea



DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186

REPLY TO
ATTENTION OF:

July 15, 2003

Operations and Readiness Division
Regulatory Branch
200300892

Ms. Leanore D. Bellis
Gollatz, Griffin & Ewing, P.C.
213 West Miner Street
PO Box 796
West Chester, Pennsylvania 19381

Dear Ms. Bellis:

I refer to your June 5, 2003 letter, received in this office on July 9, 2003 to abandon the Allegheny & Eastern Railroad line, located near St. Mary's, Elk County, Pennsylvania.

If the project does not involve the placement of fill into any wetland area or other waters of the United States, a Department of the Army Permit is not required for this activity. You may begin the work after you have received any required State and local permits.

If the project does involve the placement of fill into any wetland area or other waters of the United States, a Department of the Army Permit will be required. Please contact this office for permit requirements.

If you have any questions, please contact Nancy Mullen at (412) 395-7170.

Sincerely,

for Albert H. Rogalla
Albert H. Rogalla
Chief, Regulatory Branch

Rec'd
7/21/03



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

Rec'd
7/14/03

July 10, 2003

Leanore D. Bellis
Legal Assistant
Gollatz Griffin Ewing
PO Box 796
West Chester, PA 19381

Re: Notice of Exemption/Abandonment
Docket No. 854(X)

Dear Ms. Bellis:

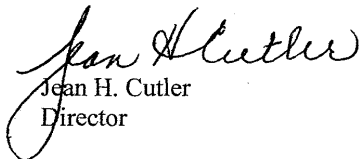
I am responding to your June 5 letter to the Pennsylvania Historical and Museum Commission concerning the Notice of Exemption/Abandonment, Docket No. 854(X) for the Allegheny & Eastern Railroad, Inc., that runs between a point north of St. Mary's in Elk County, Pennsylvania, and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania.

We have received no information to date on this project with the exception of the above referenced letter. In order to evaluate the effect of the abandonment on historic properties, we require information on the history of this railroad and photographs of structures along the line such as bridges, railroad station/freight stations, and culverts and the general condition of these structures.

Please forward this information to this office. If you have any further questions, please contact Susan Zacher of my staff at 717.783.9920.

Thank you.

Sincerely,


Jean H. Cutler
Director



COMMONWEALTH OF PENNSYLVANIA
FISH & BOAT COMMISSION

450 Robinson Lane
Belleville, PA 16823-9620

Rec'd 7/14/03

July 10, 2003

Gollatz, Griffin, & Ewing, P.C.
Attn: Ms. Leanne D. Bellis
213 West Miner Street
P. O. Box 796
West Chester, PA 19381

Re: Exemption/Abandonment Notice - Docket No. 854(X)
Allegheny & Eastern Railroad, Inc.
St. Marys, Elk County to Emporium, Cameron County

Dear Ms. Bellis:

Thank you for providing the Pennsylvania Fish and Boat Commission an opportunity to have input on the subject notice; however, the Commission has no comment on this issue.

Please feel free to contact me at 814-359-5108 if you have any concerns or questions in this matter.

Sincerely,


Bernard J. Kiesnoski
Chief of Real Estate

dw

c: J. Simmons
J. Arway
B. Burger
BJK (K03L77B) File



Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

July 10, 2003

Leanore D. Bellis
Legal Assistant
Gollatz Griffin Ewing
PO Box 796
West Chester, PA 19381

Re: Notice of Exemption/Abandonment
Docket No. 854(X)

Dear Ms. Bellis:

I am responding to your June 5 letter to the Pennsylvania Historical and Museum Commission concerning the Notice of Exemption/Abandonment, Docket No. 854(X) for the Allegheny & Eastern Railroad, Inc.; that runs between a point north of St. Mary's in Elk County, Pennsylvania, and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania.

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Please forward this information to this office. If you have any further questions, please contact Susan Zacher of my staff at 717.783.9920.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Jean H. Cutler".
Jean H. Cutler
Director

Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
(717)783-8947

FAX TRANSMITTAL SHEET

DATE

7/10/03

ATTENTION

Leanne Bellis

ORGANIZATION

FAX NUMBER

610-692-9177

FROM

Jean Cutler

TELEPHONE

705-4035

FAX NUMBER (717) 772-0920

NUMBER OF PAGES (INCLUDING COVER SHEET):

2



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL OCEAN SERVICE
National Geodetic Survey
Silver Spring, Maryland 20910-3282

Rec'd
7/7/03

JUN 25 2003

Ms. Victoria J. Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Allegheny & Eastern Railroad, Inc. for a portion of rail line between Milepost 131 near St. Mary's, Elk County, Pennsylvania, to Milepost 149.95 in Emporium, Cameron County, Pennsylvania, STB Docket No. 854 (X), has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 30 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: Frank.Maida@noaa.gov.

Sincerely,

Richard A. Snay
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell
Leanore D. Bellis, www.GGELAW.com



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ALLEGHENY AND EASTERN RAILROAD
BETWEEN ST. MARY'S AND EMPORIUM
IN ELK AND CAMERON COUNTIES, PENNSYLVANIA

STB DOCKET NO. AB-854 (X)

30 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

PIDS	DESIGNATION	LATITUDE	LONGITUDE
AA8979	P 26 RESET	N412541	W0783340
MA0462	ST MARYS	N412540	W0783339
MA0461	68	N412545	W0783332
MA0460	Y 26	N412708	W0783313
MA0457	L 26	N412750	W0783034
MA0458	TTS 91 TN	N412750	W0783034
MA0456	63 A	N412756	W0783016
MA0338	K 26	N412911	W0782829
MA0337	J 26	N412905	W0782610
MA0336	60	N412905	W0782610
MA0333	H 26	N412850	W0782404
MA0334	58	N412850	W0782404
MA0335	TTS 93 TN	N412850	W0782404
MA0332	56	N412828	W0782128
MA0331	G 26	N412821	W0782055
MA0330	1160.2	N412840	W0781928
MA0329	53	N412908	W0781833
MA0328	F 26	N412922	W0781801
MA0327	52	N412927	W0781738
MA0326	TTS 95 TN	N412936	W0781642
MA0136	1080.2	N412949	W0781613

MA0135	E 26	N413008	W0781535
MA0134	50	N413008	W0781535
MA0133	1052.6	N413018	W0781515
MA0132	1040	N413033	W0781445
MA0131	1038.2	N413035	W0781441
MA0130	D 26	N413035	W0781441
MA0129	U 25	N413032	W0781323
MA0126	1017.5	N413024	W0781320
MA0125	S 25 RESET 1944	N413022	W0781318



National Geodetic Survey - News Flash!



GEODETIC DATA AVAILABLE FREE ON THE INTERNET

Are you interested in getting the most current position, height, and descriptive information for all the geodetic control points in the National Spatial Reference System? Are you interested in getting this information immediately, free of cost, and whenever you want it? With an Internet connection, this information is yours to download.

The National Geodetic Survey's (NGS) data sheet contains position, height, and descriptive information for approximately 750,000 control points throughout the United States. The data sheet provides:

- ▶ The geodetic coordinates and the orthometric height for each point
- ▶ The horizontal and vertical datums on which the information is based
- ▶ State plane coordinates and Universal Transverse Mercator coordinates
- ▶ Modeled geoid height, ellipsoidal height, modeled gravity, and Laplace correction
- ▶ A description of the station's location and how to reach it

To obtain this information, set your Web browser to
http://www.ngs.noaa.gov/products_services.html

For more information contact:

NOAA, National Geodetic Survey, N/NGS12
1315 East-West Highway, Station 09202
Silver Spring, MD 20910

Telephone: (301) 713-3242; Fax: (301) 713-4172

Monday through Friday, 7:00 a.m. - 4:30 p.m., Eastern Time

<http://www.ngs.noaa.gov>



NGS: Tying America Together



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101

Williamsport, PA 17701-6448

June 27, 2003

Rec'd 7/3/03

Northcentral Regional Office

Fax 570-327-3565

CERTIFIED MAIL NO. 7002 3150 0003 8443 5872

Ms. Leanore D. Bellis
Legal Assistant
GGNE
213 West Miner Street
P.O. Box 796
West Chester, PA 19381

Re: Notice of Exemption/Abandonment
Docket No. 854(x)

Dear Ms. Bellis:

Your letter of June 5, 2003, requests our comments on your proposal to abandon a section of railroad between a point north of St. Mary's in Elk County and a point southeast of Emporium in Cameron County. Please be advised that Chapter 105 of the Department of Environmental Protection's regulations requires a permit prior to the abandonment of any stream crossings. It is suggested that your staff contact Mr. George Grose, of our office, at 570-327-3702 for a field view of stream crossings along this railroad in Cameron County; it is also suggested that you contact Mr. Pat Williams, of our Northwest Regional Office, at 814-332-6660 regarding the stream crossings in Elk County. Crossings that may affect adjacent property owners because they are too small or deteriorated may need to be removed during the abandonment of this line. Structurally sound culverts/bridges may remain in place under a permit that would be issued to you.

If you have any questions regarding this matter, please feel free to contact me at 570-327-3700.

Sincerely,

F. Alan Sever, P.E.

Chief, Soils and Waterways Section
Water Management Program

cc: Pat Williams, Meadville
George Grose
File

FAS/sr

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www.dep.state.pa.us

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Lea Bellis

From: Burger, Brian [bburger@state.pa.us]
Sent: Thursday, July 03, 2003 11:07 AM
To: 'ldb@ggelaw.com'
Subject: RE: ALY Rail Abandonment - Elk & Cameron Counties

OK...we'll do our best. As said, we DO appreciate the inclusion.

B. Burger

-----Original Message-----

From: Lea Bellis [mailto:ldb@ggelaw.com]
Sent: Thursday, July 03, 2003 10:13 AM
To: Burger, Brian
Subject: RE: ALY Rail Abandonment - Elk & Cameron Counties

Mr. Burger -

We apologize for the short notice. We sent you this notice at the suggestion of the US Fish and Wildlife Service who suggested that your agency be given an opportunity to comment on the abandonment. The abandonment regulations do not require us to do include your agency in the original Environmental Notice mailing. We understand that the time requested for a response is short and that you may not be able to meet the suggested deadline. We appreciate any response as soon as possible. If we receive responses after we have filed our report with the STB, they can be included in a supplemental filing. Again we apologize for any inconvenience.

Very truly yours,

Lea Bellis

-----Original Message-----

From: Burger, Brian [mailto:bburger@state.pa.us]
Sent: Wednesday, July 02, 2003 3:46 PM
To: 'lbellis@ggelaw.com'
Subject: ALY Rail Abandonment - Elk & Cameron Counties

Ms. Bellis -

Because of your own short notice requesting response by 7 July on the subject issue, I am taking liberty to email you. As the regional law enforcement headquarters, we would have little reason to weigh in on this project. However, it would be appropriate that this request be reviewed by, both, our Division of Environmental Services (POC is John Arway at 814-359-5147) and our Real Estate Section (POC is Bernard Kiesnoski at 814-359-5108). I will be forwarding your letter to those offices and, as a courtesy copy, I will forward to our local officers in the specified area to allow their input should they be aware of any local issues / concerns.

We just received this correspondence today (7/2/03). It is highly unlikely that you will receive any further response by 7 July. That is a rather impractical expectation, but we appreciate the notice and will do our best in advising you.

Brian B. Burger
Northcentral Region Manager
PA Fish & Boat Commission

814-259-5250

Lea Bellis

From: Burger, Brian [bburger@state.pa.us]
Sent: Wednesday, July 02, 2003 3:46 PM
To: 'lbellis@ggelaw.com'
Subject: ALY Rail Abandonment - Elk & Cameron Counties

Ms. Bellis -

Because of your own short notice requesting response by 7 July on the subject issue, I am taking liberty to email you. As the regional law enforcement headquarters, we would have little reason to weigh in on this project. However, it would be appropriate that this request be reviewed by, both, our Division of Environmental Services (POC is John Arway at 814-359-5147) and our Real Estate Section (POC is Bernard Kiesnoski at 814-359-5108). I will be forwarding your letter to those offices and, as a courtesy copy, I will forward to our local officers in the specified area to allow their input should they be aware of any local issues / concerns.

We just received this correspondence today (7/2/03). It is highly unlikely that you will receive any further response by 7 July. That is a rather impractical expectation, but we appreciate the notice and will do our best in advising you.

Brian B. Burger
Northcentral Region Manager
PA Fish & Boat Commission
814-259-5250

Lea Bellis

From: Lea Bellis [ldb@ggelaw.com]
Sent: Monday, June 30, 2003 3:46 PM
To: Eric Hocky
Subject: AYL/St. Mary's

Called the Emporium Borough Mgr. and let her know that we do need to go through the abandonment/environmental assessment procedures. She knows that she has to wait for us to file in order to file her request.

Just for the record, I did not speak with the STB - only the Rails To Trails people. Neither the regional nor the national office believed that there were any short cuts for rail banking.

Lea Bellis

From: Sislo, Andrew [asislo@state.pa.us]
Sent: Friday, June 27, 2003 12:51 PM
To: 'Eric Hocky'
Cc: Lea Bellis
Subject: RE: A & E Railroad - Abandonment of Line

Thank you. We just wanted to make sure that we were not missing something here. We didn't have any reason to believe that we had any duty or responsibility concernig this issue. I appreciate your reply. Thank you.

-----Original Message-----

From: Eric Hocky [mailto:EMHocky@ggelaw.com]
Sent: Friday, June 27, 2003 12:37 PM
To: Sislo, Andrew
Cc: Lea Bellis
Subject: RE: A & E Railroad - Abandonment of Line

Thank you for your email. The abandonment of rail lines that have been used in interstate commerce is subject to the jurisdiction of the Surface Transportation Board ("STB"). Its regulations require that, in connection with any abandonment, the rail carrier must notify various state and federal agencies to determine if they have any environmental or historic concerns. 49 CFR 1105.7. Among the agencies to be consulted are the "State Clearinghouse" or "other State equivalent agency" if the state has no clearinghouse. We sent the letter to the Secretary of the Commonwealth on this basis. We have since been informed by staff at the STB that PennDOT has been designated as the equivalent agency for Pennsylvania for these purposes.

We have consulted with PennDOT as well as other potentially involved state and local agencies, and accordingly there is no need for the Secretary of the Commonwealth to participate or respond. Please let me know if you need any additional information. We appreciate your bringing this error to our attention, and we apologize for any inconvenience.

Eric M. Hocky
Gollatz, Griffin & Ewing, P.C.
215.320.3720 (direct)
215.563.9400 (telephone)
215.665.9988 (fax)
emhocky@ggelaw.com

-----Original Message-----

From: Sislo, Andrew [mailto:asislo@state.pa.us]
Sent: Tuesday, June 17, 2003 1:16 PM
To: 'lbellis@ggelaw.com'
Cc: 'emhocky@ggelaw.com'
Subject: A & E Railroad - Abandonment of Line

Dear Ms. Bellis.

The Secretary of the Commonwealth of Pennsylvania received a letter from you on behalf of your client, Allegheny & Eastern Railroad, Inc. concerning its proposed abandonment of a line running between the Pennsylvania municipalities of St. Mary's and Emporium.

6/27/2003

It is unclear to us as to why you sent this correspondence to the Secretary of the Commonwealth. You suggest that we are "an appropriate agency" that may have concerns with respect to environmental or historic preservation effects of the proposed abandonment. We ponder why that is the case. Please provide a citation to statutory or case law authority setting forth the authority or jurisdiction of the Secretary of the Commonwealth concerning rail line abandonment. We suspect that your correspondence has been misdirected since we are not cognizant that the subject matter is within the jurisdiction of the Department of State or the Secretary of the Commonwealth. From time to time, ancient statutes, and often freestanding statutes, assigning various duties and responsibilities to the Department of State and/or the Secretary of the Commonwealth come to our attention, and this may be one of them. However, often those ancient provisions of law are no longer effective for a host of reasons. Of course, if you have authority to the contrary we will readily stand corrected and welcome the opportunity to offer our comments as requested. Please advise. Thank you.

Andrew Sislo
Chief Counsel
Department of State
302 North Office Building
Harrisburg, PA 17120
717.783.1520 (voice)
717.787.1734 (fax)
asislo@state.pa.us

6/27/2003



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



June 24, 2003

Leanore D. Bellis
Gollatz, Griffin & Ewing
213 West Miner Street
P.O. Box 796
West Chester, PA 19381

Dear Ms. Bellis:

This responds to your letter of June 5, 2003, requesting information about natural resource areas of special concern, and federally listed and proposed species in the vicinity of the proposed railroad abandonment project (milepost 131 to 149.95) located in Elk and Cameron Counties, Pennsylvania.

There are no National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site.

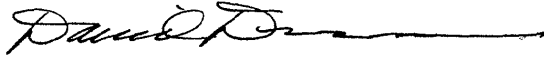
In addition, except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, no biological assessment nor further consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) are required with the Service. This determination is valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office will be necessary. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of certain federal status species in Pennsylvania is enclosed for your information.

For information regarding State resources of special concern, including State-listed endangered and threatened species, please contact the Pennsylvania Game Commission (birds and mammals; State Game Lands), the Pennsylvania Fish and Boat Commission (fish, reptiles, amphibians and aquatic invertebrates; trout streams), the Pennsylvania Department of Conservation and Natural Resources (PNDI; plants and plant sanctuaries; State Forests; State Parks; Natural Areas; State Wild and Scenic Rivers) and the Department of Environmental Protection (Special Protection Watersheds; Wetlands).

This response is based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

If we can be of further assistance, please contact Robert Anderson of my staff at 814-234-4090.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", with a long horizontal flourish extending to the right.

David Densmore
Supervisor

Enclosure

**FEDERALLY LISTED, PROPOSED AND CANDIDATE SPECIES
(in Pennsylvania)**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u> ¹	<u>Distribution (by County and/or Watershed)</u>
<u>FISHES</u>			
Shortnose sturgeon ²	<i>Acipenser brevirostrum</i>	E	Delaware River & other Atlantic coastal waters
<u>REPTILES</u>			
Bog turtle	<i>Clemmys muhlenbergii</i>	T	Current - Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill, York. Historic - Crawford, Mercer, Philadelphia Co.
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Current - Butler, Crawford, Mercer and Venango Co. Historic - Allegheny and Lawrence Co.
<u>BIRDS</u>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Suitable habitats across the state. Recent nesting in Butler, Cameron, Centre, Chester, Crawford, Dauphin, Erie, Forest, Huntingdon, Lancaster, Lebanon, Mercer, Northumberland, Pike, Tioga, Venango, Warren, Wayne and York Co. Wintering concentrations occur near ice-free sections of rivers, lakes and reservoirs, including the Delaware River.
Piping plover	<i>Charadrius melodus</i>	E	Migratory. No nesting in Pennsylvania since 1950s. Designated critical habitat on Presque Isle, Erie Co.
<u>MAMMALS</u>			
Indiana bat	<i>Myotis sodalis</i>	E	Winter hibernacula: Armstrong, Blair, Lawrence, Luzerne, Mifflin and Somerset Co.
<u>MOLLUSKS</u>			
Dwarf wedgemussel	<i>Alasmidonta heterodon</i>	E	Current - Delaware River (Wayne Co.). Historic - Delaware River watershed (Bucks, Carbon, Chester and Philadelphia Co.); Susquehanna River watershed (Lancaster Co.)
Clubshell mussel	<i>Pleurobema clava</i>	E	French Creek and Allegheny River watersheds (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Co.); Shenango River (Ohio River watershed; Mercer and Crawford Co.)
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	French Creek and Allegheny River watersheds (Clarion, Crawford, Erie, Forest, Mercer, Venango and Warren Co.)
<u>PLANTS</u>			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Current - Adams, Bedford, Blair, Carbon, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Lackawanna, Lehigh, Lycoming, Mifflin, Monroe, Perry, Snyder and Union Co. Historic - Northampton Co.
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Current - Centre, Chester and Venango Co. Historic - Berks, Greene, Monroe, Montgomery and Philadelphia Co.

¹ E = Endangered, T = Threatened, PE = Proposed Endangered, PT = Proposed Threatened, C = Candidate Revised 2/27/03
² Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service

**FEDERALLY LISTED AND PROPOSED SPECIES
THAT NO LONGER OCCUR IN PENNSYLVANIA**

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS**</u>	<u>FORMER DISTRIBUTION</u>
<u>MAMMALS</u>			
Canada lynx	<i>Lynx canadensis</i>	PT	north-central PA (Tioga Co.)
Delmarva Peninsula fox squirrel	<i>Sciurus niger cinereus</i>	E	mature forests of southeastern PA (Delaware and Chester Co.)
Eastern cougar	<i>Felis concolor couguar</i>	E	state-wide
Grey wolf	<i>Canis lupus</i>	E	state-wide
<u>MOLLUSKS</u>			
Fanshell*	<i>Cyprogenia stegaria</i>	E	Ohio River drainage
Orange pimpleback*	<i>Plethobasus striatus</i>	E	Ohio River drainage
Pink mucket pearly mussel*	<i>Lampsilis abrupta</i>	E	Ohio River drainage
Ring pink mussel*	<i>Obovaria retusa</i>	E	Ohio River drainage
Rough pigtoe*	<i>Pleurobema plenum</i>	E	Ohio River drainage
<u>INSECTS</u>			
American burying beetle	<i>Nicrophorus americanus</i>	E	state-wide
Karner blue butterfly	<i>Lycaeides melissa samuelis</i>	E	pine barrens, oak savannas (wild lupine habitat) (Wayne Co.)
Northeastern beach tiger beetle	<i>Cicindela dorsalis dorsalis</i>	T	along large rivers in southeastern PA
<u>PLANTS</u>			
Eastern prairie fringed orchid	<i>Platanthera leucophaea</i>	T	wet prairies, bogs (Crawford Co.)
Sensitive joint-vetch	<i>Aeschynomene virginica</i>	T	freshwater tidal marshes of Delaware river (Delaware and Philadelphia Co.)
Virginia spiraea*	<i>Spiraea virginiana</i>	T	along Youghiogheny River (Fayette Co.)
Smooth coneflower	<i>Echinacea laevigata</i>	E	serpentine barrens (Lancaster Co.)

Revised 10/19/00

* It is possible that remnant populations of some of these species (indicated with an *) may still occur in Pennsylvania, however, there have been no confirmed sightings of these species for over 70 years.

** E = Endangered, T = Threatened, PT = Proposed Threatened

The following is a partial list of additional species that no longer occur in Pennsylvania: moose, bison, wolverine, passenger pigeon, Bachman's sparrow, greater prairie-chicken, olive-sided flycatcher, Bewick's wren, eastern tiger salamander, blue pike, butterfly mussel, Diana fritillary butterfly, precious underwing moth, deertoe mussel, marbled underwing moth, cobblestone tiger beetle, mountain clubmoss, crested yellow orchid, red milkweed, American barberry, small white lady's-slipper, etc. etc.

Lea Bellis

From: Sislo, Andrew [asislo@state.pa.us]
Sent: Tuesday, June 17, 2003 1:16 PM
To: 'lbellis@ggelaw.com'
Cc: 'emhocky@ggelaw.com'
Subject: A & E Railroad - Abandonment of Line

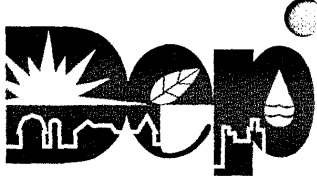
Dear Ms. Bellis.

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It is unclear to us as to why you sent this correspondence to the Secretary of the Commonwealth. You suggest that we are "an appropriate agency" that may have concerns with respect to environmental or historic preservation effects of the proposed abandonment. We ponder why that is the case. Please provide a citation to statutory or case law authority setting forth the authority or jurisdiction of the Secretary of the Commonwealth concerning rail line abandonment. We suspect that your correspondence has been misdirected since we are not cognizant that the subject matter is within the jurisdiction of the Department of State or the Secretary of the Commonwealth. From time to time, ancient statutes, and often freestanding statutes, assigning various duties and responsibilities to the Department of State and/or the Secretary of the Commonwealth come to our attention, and this may be one of them. However, often those ancient provisions of law are no longer effective for a host of reasons. Of course, if you have authority to the contrary we will readily stand corrected and welcome the opportunity to offer our comments as requested. Please advise. Thank you.

Andrew Sislo
Chief Counsel
Department of State
302 North Office Building
Harrisburg, PA 17120
717.783.1520 (voice)
717.787.1734 (fax)
asislo@state.pa.us

6/19/2003



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
June 12, 2003

Rec'd 6/19/

Office for River Basin Cooperation

717-772-5622

Leanore D. Bellis
Legal Assistant
Gollatz, Griffin & Ewing
213 West Miner Street
PO Box 796
West Chester, PA 19381

Re: DEP File No. CZ7:FPL

Dear Ms. Bellis:

The Pennsylvania Coastal Zone Management (CZM) Program has reviewed information received in this office on June 9, 2003, concerning **Notice of Exemption/Abandonment Docket No. 854 (X)**. In this notice Allegheny & Eastern Railroad, Inc. proposes to abandon its line of railroad which runs between a point north of St. Mary's in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This abandonment is located outside of Pennsylvania's Coastal Zones, and will not impact upon them. As such, we have determined that this railroad abandonment is consistent with Pennsylvania's CZM Program.

Please note that this determination pertains only to CZM federal consistency review requirements, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Sincerely,

Lawrence J. Toth
Environmental Planner
Coastal Zone Management Program

cc: Tabor
Elaine Kaiser, Interstate Commerce Commission
Main File

LJT:cjk

EXHIBIT C

Revised 07/21/03

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE ST. MARY'S - EMPORIUM ABANDONMENT
DOCKET NO. 854 (X)**

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Secretary of the Commonwealth 302 North Office Building Harrisburg, PA 17120 717-787-6458	Andrew Sislo Chief Counsel Dept. of State 302 North Office Building Harrisburg, PA 17120 717-783-1520 Fax: 717-787-1734 asislo@state.pa.us	6/5/03-Env. Notice 6/27/03 - E-mail 6/27/03 - E-mail	6/17/03 - E-mail re are we correct agency? 6/27/03 - E-mail response from ALY counsel re STB regulations and why mailing inadvertently sent to this office. Correct office PennDOT. 6/27/03 - E-mail from A Sislo acknowledging receipt of ALY counsel's e-mail.
Pennsylvania State Conservation Commission Agriculture Building, Room 407 2301 North Cameron Street Harrisburg, Pennsylvania 17110 717-787-8821 fax (717) 705-3778		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT / RESPONSE DATE	FORM OF RESPONSE / SUMMARY
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PA Dept. of Environmental Protection Northwest Regional Office 230 Chestnut Street Meadville, PA 19335		6/5/03-Env. Notice	
PA Dept. of Environmental Protection Northcentral Regional Office 208 W. Third Street Suite 101 Williamsport, PA 17701-6448	F. Alan Sever, PE Chief, Soils and Waterways Section Water Management Program Tel: 570-327-3700 Fax: 570-327-3565 Mr. George Grose Northcentral Regional Office 570-327-3702 Mr. Pat Williams Northwest Regional Office 814-332-6660	6/5/03-Env. Notice 6/27/03 - Certified Mail Letter (rec'd 7/3/03)	6/27/03 - Letter re: Chapter 105 of DEP Reg's requires a permit prior to abandonment of any stream crossings. Contact Grose and Williams re relevant crossings. Small or deteriorated crossings may need to be removed. Sound culverts/bridges may remain with permit. 7/3/03 - Call to Mr. Sever re: which permits required? 7/8/03 - Telephone message from and call with A Sever that Water Obstruction Permit may be required and that a "field view" is a pre-requisite for the permit.

AGENCY	CONTACT	DATE SENT / RESPONSE DATE	FORM OF RESPONSE / SUMMARY
Office For River Basin Cooperation Coastal Zone Management Program PA DEP P.O. Box 2063 400 Market Street, 15th Floor Harrisburg, PA 17105-2063 (717) 772-4785 Fax (717) 783-4690	Lawrence J. Toth Environmental Planner Coastal Zone Management Program/Office of River Basin Cooperation DEP Rachel Carson State Office Building P.O. Box 2063 Harrisburg, PA 17105-2063 717-772-5622	6/5/03 - Coastal Not. 6/12/03 - Letter	6/12/03 - Letter that abandonment is consistent with PA's "CZM Program". This abandonment is located outside of PA's Coastal Zones and will not impact them.
Commissioner Elk County Court House Annex Building 300 Center Street P.O. Box 448 Ridgway, PA 15853 Telephone: 814-776-1161 FAX: 814-776-5379		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Board of Commissioners Chair Cameron County 20 East 5th Street County Courthouse Emporium, PA 15834-1469 Phone: (814)486-2315 Fax: (814)486-3176		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Borough of Emporium 421 N. Broad Street Emporium, PA 15834	Vicki Petrazio Borough Manager 814-486-0768 (Ext. 22)		6/24/03 - Telephone call re: possibility of rail banking agreement between ALY and Counties of Elk and Cameron. Understood that it was too soon to file for a rail banking agreement. Suggested that a rail banking agreement could be filed and prevent the need for the full abandonment procedure. 6/26/03 - Call re: investigating rail banking agreement in lieu of full abandonment procedure. 6/30/03 - After telephone calls with Rails To Trails regional and national offices, it was determined that the abandonment procedure, along with the necessary environmental and historical assessments, are required for rail banking.

AGENCY	CONTACT	DATE SENT / RESPONSE DATE	FORM OF RESPONSE / SUMMARY
Region 3 (DC, DE, MD, PA, VA, WV) Environmental Protection Agency 1650 Arch Street Philadelphia, PA 19103-2029 http://www.epa.gov/region03/ Phone: (215) 814-5000 Fax: (215) 814-5103 Toll free: (800) 438-2474 Email: r3public@epa.gov		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT / RESPONSE DATE	FORM OF RESPONSE / SUMMARY
US Fish and Wildlife Service Regional Office - PA 300 Westgate Center Drive Hadley, MA 01035-9589 Switchboard: (413) 253-8200 Fax: (413) 253-8308	David Densmore Supervisor Fish and Wildlife Service Pennsylvania Field Office 315 South Allen Street Suite 322 State College, PA 16801-4805	6/5/03-Env. Notice 6/24/03 - Letter	6/24/03 - "...no National Wildlife Refuges, National Fish Hatcheries nor National Environmental Centers operated by the Fish and Wildlife Service within the vicinity of the proposed site." "...except for occasional transient species, no federally listed or proposed threatened or endangered species ... occur within the project impact area...no biological assessment nor further consultation under the Endangered Species Act ... are required with the Service."
U.S. Army, Corps of Engineers, Pittsburgh District 2032 William S. Moorhead Federal Building 1000 Liberty Avenue Pittsburgh, PA 15222-4186	Albert H. Rogalla Chief, Regulatory Branch Dept. of the Army, Pittsburgh District, Corps of Engineers Nancy Mullen 412-395-7170	6/5/03-Env. Notice 7/15/03 - Letter	7/15/03 - Letter from A Rogalla that if project not involving placement of fill into wetland areas or other waters, a permit not required. Work may begin after receipt of any required State and local permits.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
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Northeast Region Regional Director National Park Service U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106 (215) 597-7013		6/5/03-Env. Notice	
National Park Service National Center For Recreation and Conservation M.S. 3622 1849 C Street, NW Washington, DC 20240-0001 (202) 565-1200		6/5/03-Env. Notice	
National Park Service Land Resources Division M.S. 3622 1849 C Street, NW Washington, DC 20240-0001 (202) 565-1200		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
State Conservationist USDA Natural Resources Conservation Service One Credit Union Place, Suite 340 Harrisburg, PA 17110-2993 ph: 717-237-2100 fax: 717-237-2238		6/5/03-Env. Notice	
PA Department of Conservation and Natural Resources Executive Office 7th Floor Rachel Carson State Office Building P.O. Box 8767 Harrisburg, PA 17105-8767 General Information: (717) 787-2869 Fax: (717) 772-9106		6/5/03-Env. Notice	

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Mr. Edward McKay The National Geodetic Survey N-NGS2 Station 8813 1315 East-West Highway Silver Spring, MD 20910-3282 (301)713-3191 ext. 102 (direct line to McKay/Director) (301)713-3242 (general info.) (301)713-4172 (fax)	Richard A. Snay Chief, Spatial Reference System Division Frank C. Maida NOAA, N/NGS2 Room 8736 1315 East-West Highway Silver Spring, MD 20910-3282 (310) 713-3198 Fax (310)713-4324 Frank.Maida@noaa.gov	6/5/03-Env. Notice 6/25/03- Response letter	6/25/03 - Letter to VJ Ruisson re 30 geodetic station markers may be affected by abandonment. At least 90 days notice required if they may be disturbed. Contact person to be FC Maida. Letter attaches a listing of the markers.
Cameron County Conservation District P.O. Box 136 Emporium, PA 15834		6/5/03-Env. Notice	
Elk County Conservation District P.O. Box 448 Courthouse Ridgway, PA 15853-0448		6/5/03-Env. Notice	

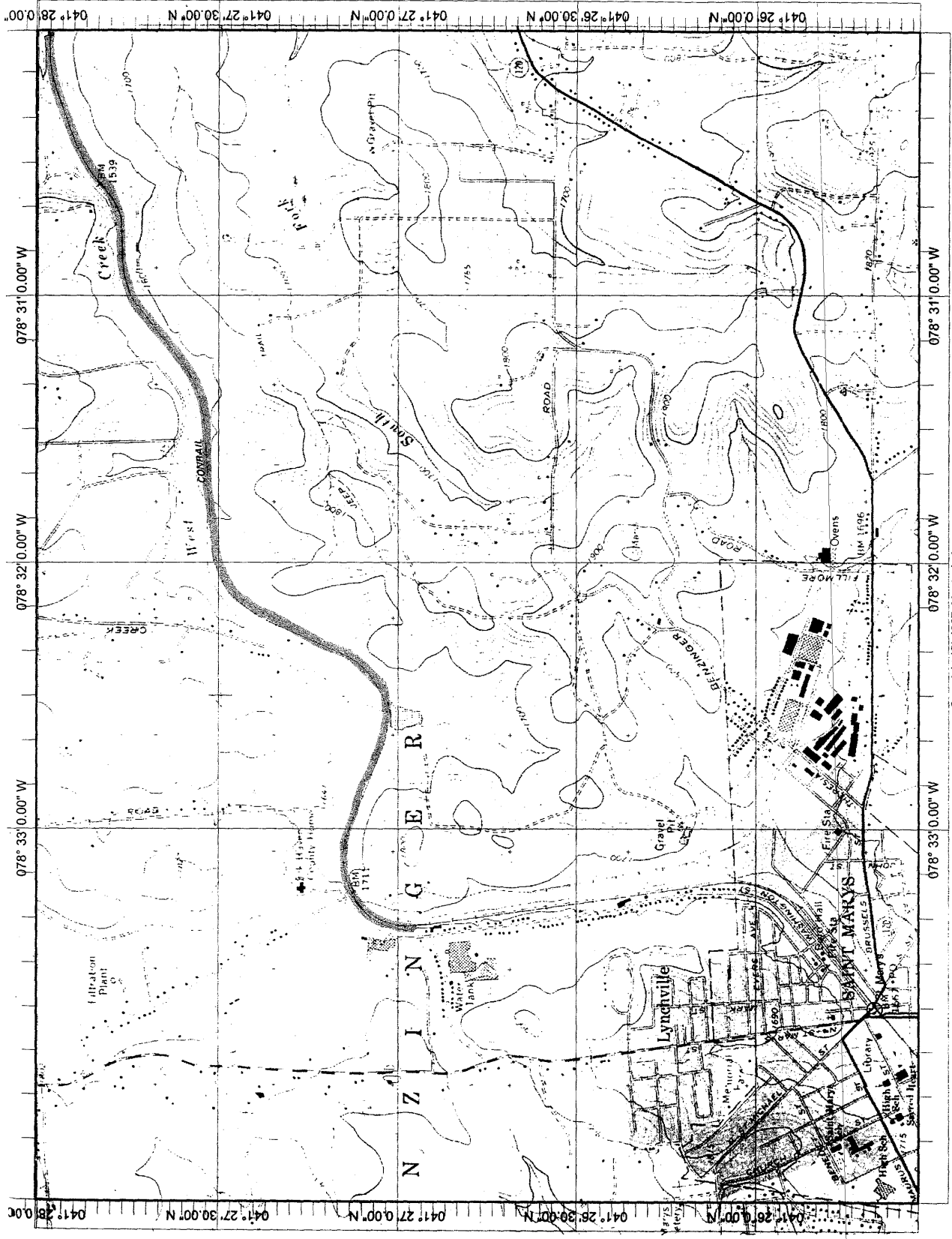
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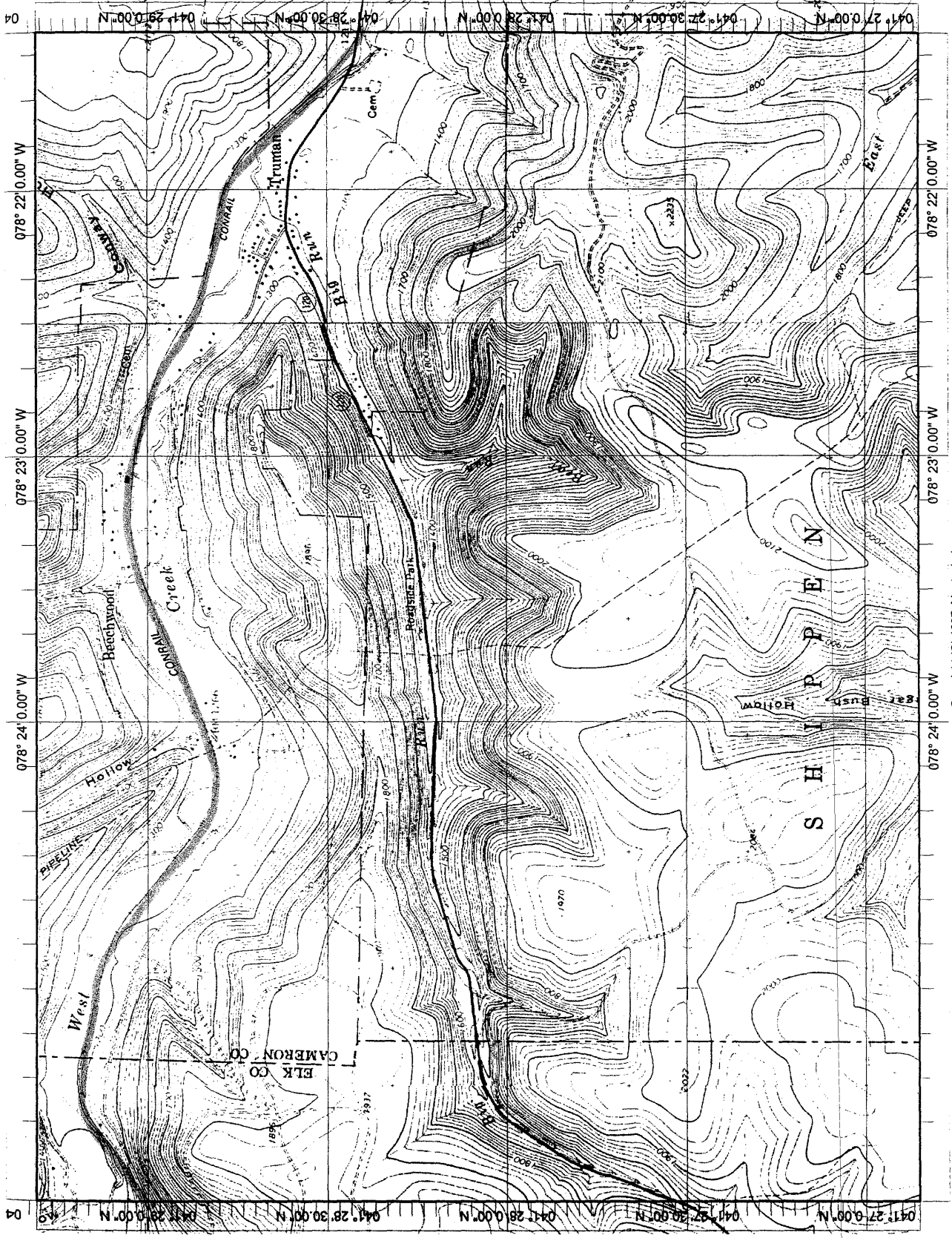
PA Department of Transportation 400 North Street 8 th Floor Harrisburg, PA 17120		6/26/03 - Env. Not.	
Pennsylvania Game Commission Bureau of Law Enforcement North Central Regional Office 1566 South Route 44 Highway Post Office Box 5038 Jersey Shore, PA 17740-5038 (Toll Free 1-877/877-7674) or (570) 398-4744	Jason Raup (717) 787-6568 Fx: (717) 787-6957	6/30/03 - Env. Notice as per suggestion of US Fish and Wildlife 7/22/03 - Telephone Call	7/22/03 - Telephone call from J. Raup asking for clarification as to which rail line the abandonment references. Responded by telephone and then sent via fax, a history of the line that indicates the trail of ownership.

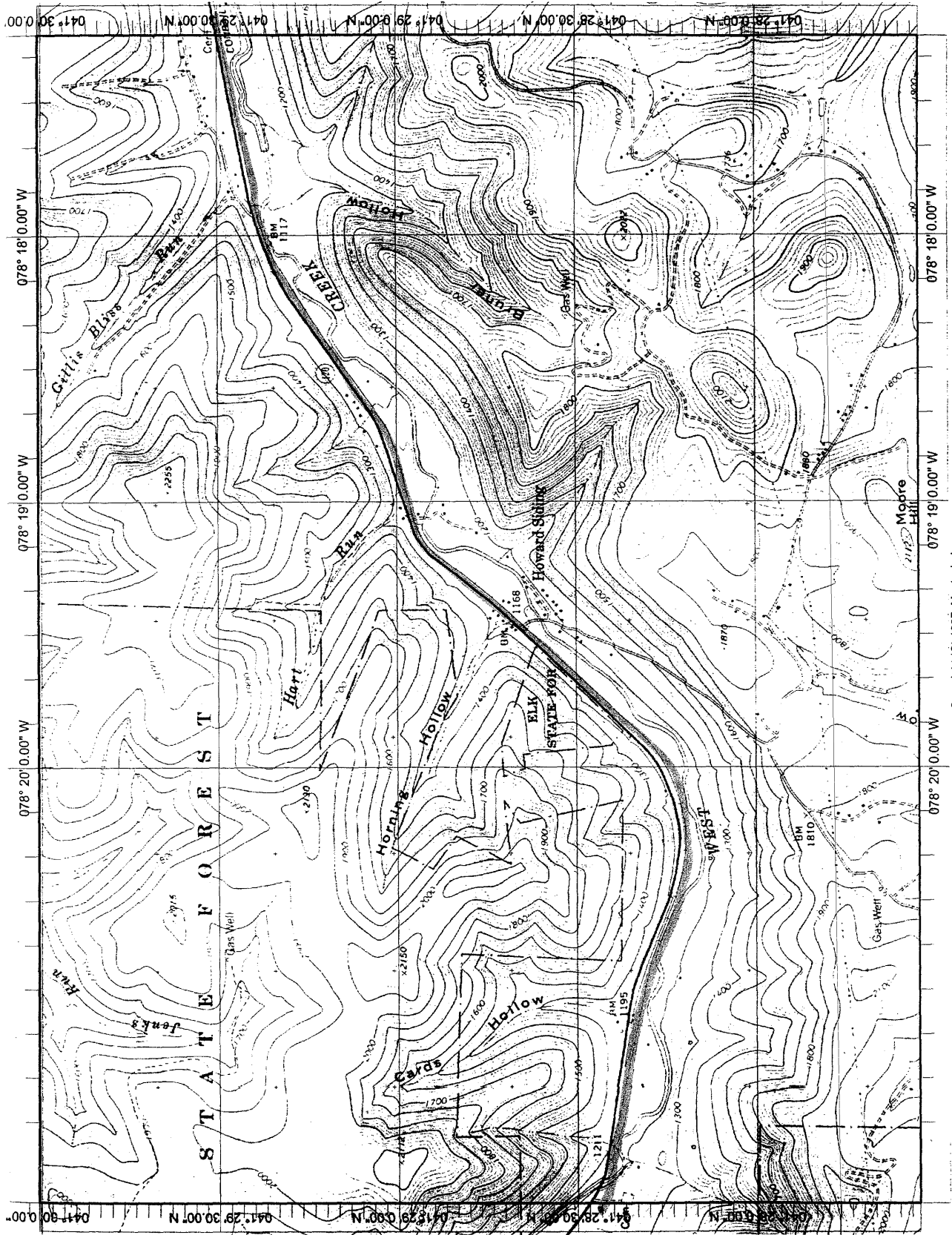
AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Pennsylvania Fish and Boat Commission Northcentral Region 466 Robinson Lane PO Box 5306 Bellefonte, PA 16823 (814) 443-9841	Brian B. Burger Northcentral Region Manager (814) 259-5250 John Arway, Div. of Environmental Services (814) 359-5147 Bernard Kiesnoski, Real Estate Section (814) 359-5108	6/30/03 - Env. Notice as per suggestion of US Fish and Wildlife 7/3/03 - E-mail response to Commission 7/3/03 - E-mail response from Commission 7/10/03 - Letter	7/02/03 - E-mail concerning lack of timeliness of mailing; forwarding request to their Division of Environmental Services and to Real Estate Section, as well as to local officers in the area of the proposed abandonment. 7/3/03 - E-mail response to PA Fish and Boat explaining lateness of mailing due to follow-up of suggestion by US Fish and Wildlife. 7/3/03 - E-mail expressing appreciation for inclusion in mailing. 7/10/03 - Letter from Kiesnoski stating that the Commission has no comment on the abandonment.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Pennsylvania Historical and Museum Commission 300 North Street Harrisburg, PA 17120 (717) 787-3362 fax: (717) 783-9924 Webmaster E-mail: RA-PHMC-Webmaster@state.pa.us	Jean J. Cutler Director Pennsylvania Historical and Museum Commission 400 North Street, 2 nd Floor Harrisburg, PA 17120-0093 717-783-9920	6/5/03 - Hist. Not. 7/10/03 - Fax/Letter 7/14/03 - Hard copy of 7/10/03 letter received.	7/10/03 (7/14/03) - Faxed letter received re: requiring more information in order to evaluate the effect of the abandonment on the historic properties.

EXHIBIT D









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EXHIBIT E

Proof of Publication of Notice in The Daily Press

(Under Act of May 16th, 1929, P. L. 1784)

STATE OF PENNSYLVANIA, }
COUNTY OF ELK, } SS:

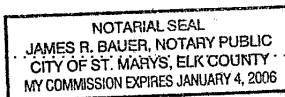
Wayne A. Bauer, being duly sworn according to law, deposes and says that he is the General Manager of The Daily Press, a newspaper of general circulation published in the City of St. Marys, Elk County, Pennsylvania, which was established in February, 1910, and has been published continuously as a daily newspaper of general circulation since that date, in said county, and that the printed notice of publication attached hereto is exactly the same as was printed and published in the regular editions and issues of The Daily Press on the following dates, viz:

10th, 17th
and the 24th
day of July, A. D. 2003.

Affiant further deposes and says that he is duly authorized by The Daily Press, a newspaper of general circulation, to verify the foregoing statements under oath, and that neither the affiant nor The Daily Press is interested in the subject matter of the aforesaid notice or advertisement; and that all allegations in the foregoing statements as to time, place and character of publication are true. Affiant further deposes and says that the costs, charges and expenses incurred in such publication have been paid as will appear by receipted bill attached to this proof.

Wayne A. Bauer
Sworn and subscribed before me this 24th day
of July, A. D. 2003.
James R. Bauer
Notary Public

My Commission Expires



STATEMENTS OF ADVERTISING COSTS

Buffalo & Pittsburgh Railroad Inc.
201 N. Penn St.
Punxsutawney, PA 15767

To THE DAILY PRESS Dr.

For publishing the notice or publication attached hereto on the above stated dates, \$ 360.00
Probating same, \$ 1.50
Total \$ 361.50

Publisher's Receipt for Advertising Costs

The Daily Press, a newspaper of general circulation, above named, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

THE DAILY PRESS

By [Signature] 7/2/03

NOTICE

Allegheny & Eastern Railroad, Inc. gives notice that on or about August 4, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments - permitting the abandonment of an 18.95 mile line of railroad which runs between a point north of St. Marys in Elk County, Pennsylvania (milepost 131) and a point in the southeastern corner of Emporium in Cameron County, Pennsylvania (milepost 149.95). This line traverses through United States Postal ZIP codes 15857 and 15834. The proceeding will be docketed as AB No. 854 (x).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Surface Transportation Board, Mercury Building, 1925 K Street, NW, Washington, DC 20423-0001 or by calling that office at 202-565-1539.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Mercury Building, 1925 K Street, NW, Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esquire, Gollatz, Griffin & Ewing, P.C., Four Penn Center, Suite 200, 1600 John F. Kennedy Blvd., Philadelphia, PA 19103, (215) 563-9400.
7/10,17,24/3t

EXHIBIT F

Picture 1: M.P. 131 - Looking East

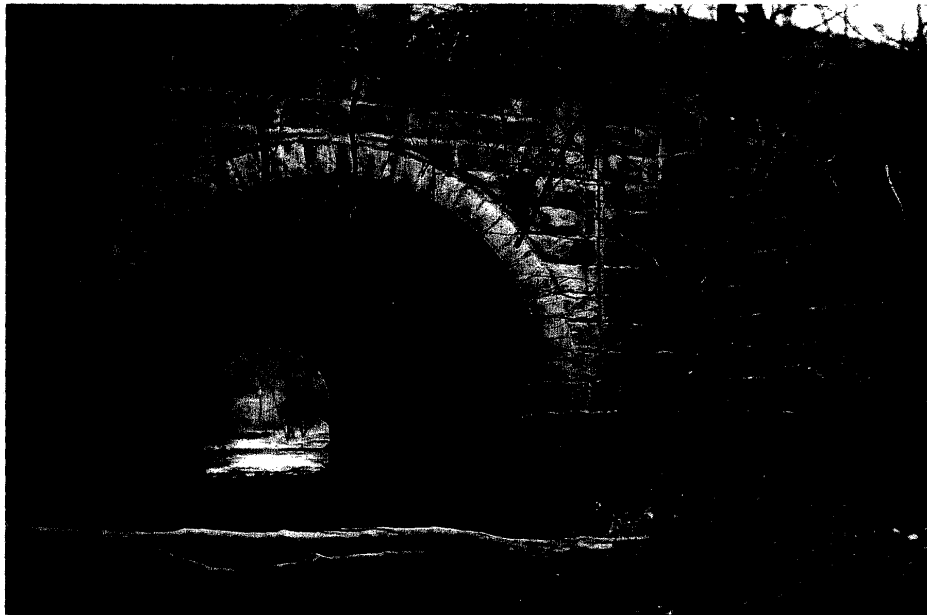


Picture 2: M.P. 132 - Looking East





Picture 3: M.P. 134 Looking West



Picture 4: Inlet Archway/Southside



Picture 5: M.P. 134.5 - Continuous Welded
Railway



Picture 6: Jackson Road Crossing



Picture 7: M.P. 136 - Continuous Welded
Railway



Picture 8: Rathbun Crossing/Looking West



Picture 9: M.P. 137.54 - Looking West/
Side View



Picture 10: M.P. 137.54 - Looking West/
Top-Side View



Picture 11: M.P. 138 - Looking West



Picture 12: M.P. 139.51 - Looking West/
Ballast Deck Bridge/Side View



Picture 13: M.P. 139.51 - Looking
West/Ballast Deck Bridge/Top
View

Picture 14: M.P. 140 - Looking East



Picture 15: M.P. 140.05 - Corrugated Pipe Culvert



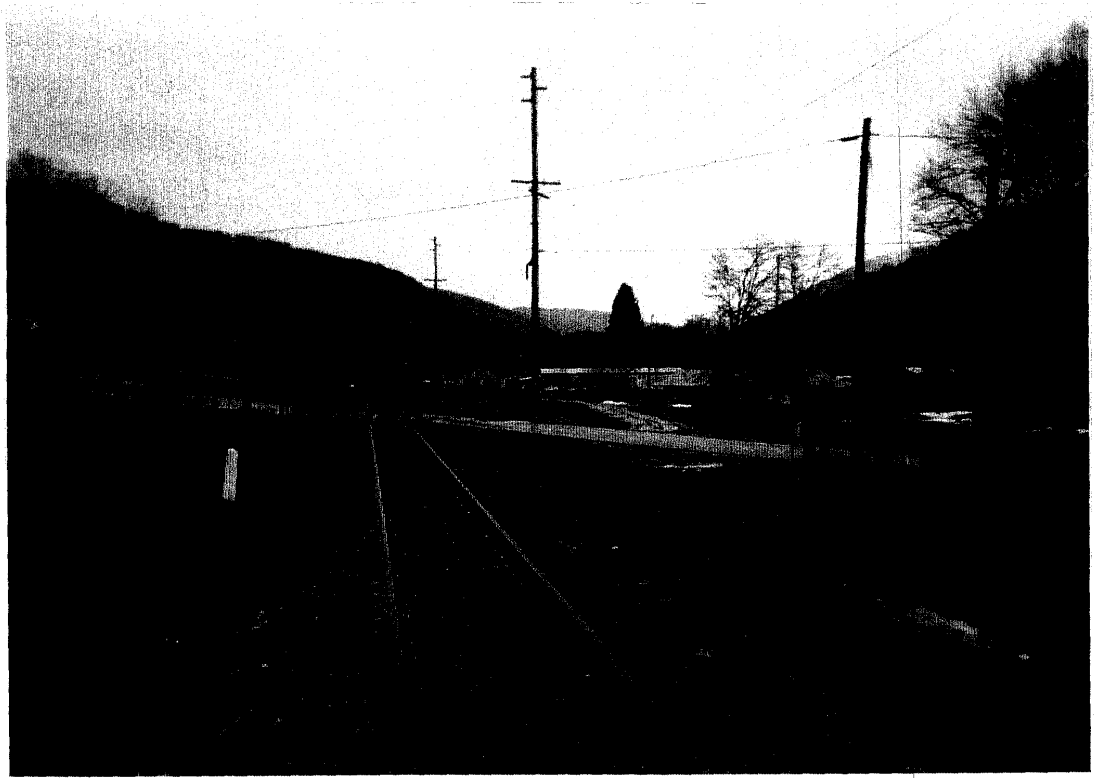
Picture 17: M.P. 143 - Continuous Welded
Railway



Picture 16: M.P. 142 - Looking East



Picture 18: M.P. 144 - Looking East



Picture 19: M.P. 145 - Looking East



Picture 20: M.P. 147 - Looking East



Picture 21: M.P. 147.82 - Ballast Deck
Bridge/Top-Side View



Picture 22: M.P. 147.82 - Ballast Deck
Bridge/Side View



Picture 23: M.P. 148.77 - 3 Span Open Deck Bridge/Top-Side View



Picture 24: M.P. 148.77 - 3 Span Open Deck Bridge/Side View



Picture 25: M.P. 149 - Looking East



Picture 26: M.P. 149.2 - West End/
Customer Siding



Picture 27: M.P. 149.6 - East End/Customer
Siding



Picture 28: M.P. 149.9 - Old Wye
Switch/End of Line

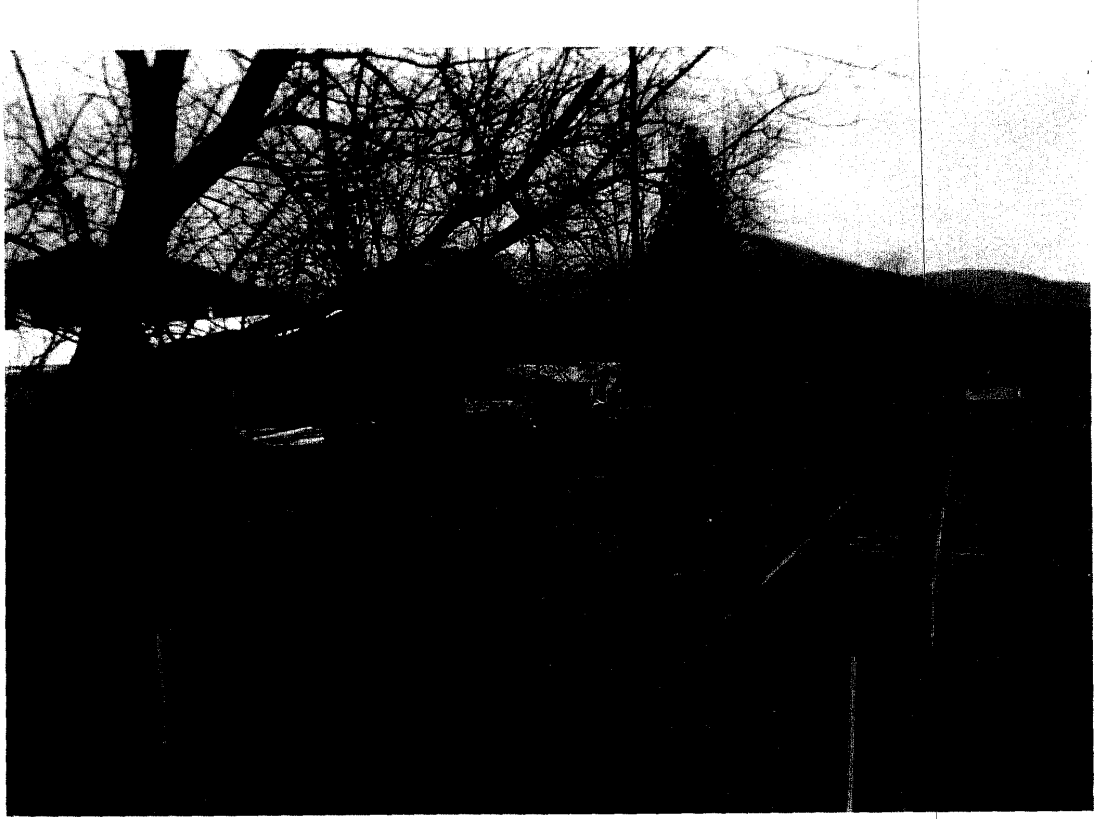


EXHIBIT G

Allegheny & Eastern Railroad, Inc. major bridge data MP 131 to 149.9

Bridge #	Track Chart Milepost	Old BR #	Description	Built	Waterway	Notes
134.30	134.12	75	20 foot stone arch	Unknown, possibly 1860's	South Fork (West Creek) aka Swismont Run	New concrete outlet apron 1991
137.52	137.54	76	1 span reinforced concrete slab	1916 or 1917	Sand Lick Run	
139.50	139.51	77	2 span deck plate girder with concrete deck	1915 - Ft. Pitt Bridge Works	West Creek	Pier sheet piling 1949 Bridge seat repairs & pier tuckpointed 1988
147.82	147.83	81	2 span 1/2 thru plate girder with concrete deck	1916 - Bethlehem Steel Co. - Steelton	West Creek (formerly?)	
148.77	148.74	82	3 span 1/2 thru plate girder with open deck	1904 - Pennsylvania Steel Co. - Steelton	(now dry & cut off from creek?) Driftwood Branch of Sinnemahoning Creek	New east pier & protection of existing masonry 1936 or 1937

Allegheny & Eastern Railroad, Inc. mid size culvert data MP 131 to 149.9 (from maps and past ALY inspection reports)

138.60			5' dia. corrugated steel pipe	unknown	intermittent/small stream	Not shown on track chart
140.08	140.05		5' dia. corrugated steel pipe	unknown	intermittent/small stream	Not shown on track chart
140.98			4' dia. cast iron pipe	unknown	intermittent/small stream	May be incorrectly located?
142.35	142.39		5' dia. corrugated steel pipe	unknown	intermittent/small stream	Replaced 3' X 3' stone box
144.47	144.48		4' X 8' concrete box	1952	Hart Run (intermittent)	
145.65	145.65		6' dia. cast iron pipe	unknown	Gillis Bliss Run (intermittent)	
145.80	145.86		5' dia. corrugated steel pipe	unknown	intermittent/small stream	Not shown on track chart
	146.69±		2 X 48" cast iron pipe	unknown	Towner Run (intermittent)	Not shown on track chart
	147.30±		3 X 48" cast iron pipe	unknown	intermittent/small stream	

EXHIBIT H

Allegheny & Eastern Railroad, Inc.
Brief History of Construction & Operation of the
Emporium to St Marys, PA Rail Line

The rail line between Emporium and St Marys was constructed in 1864 by the Philadelphia and Erie Railroad Company (Pennsylvania Railroad Company was lessee) and was subsequently operated by same.

The Philadelphia and Erie Railroad Company was merged into The Pennsylvania Railroad Company in 1907.

The New York Central Railroad Company merged into The Pennsylvania Railroad Company in 1968 and the surviving entity became the Penn Central Transportation Company. Penn Central Transportation Company filed for bankruptcy in 1970.

Penn Central Transportation Company conveyed the rail line to Consolidated Rail Corporation in 1976.

Consolidated Rail Corporation conveyed the rail line to Allegheny Railroad Company (a subsidiary of Hammermill Paper Company) in 1985.

Allegheny Railroad Company (then a subsidiary of International Paper Company) conveyed the rail line to Allegheny & Eastern Railroad, Inc. in 1992.

Both freight and passenger services were provided on the line from its inception in 1864 until the early 1960's, when passenger service was discontinued.

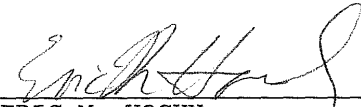
From the time of acquisition by Allegheny Railroad Company in 1985 to the present, there were no customers of common carrier freight services located on the Emporium to St Marys rail line. A small amount of interchange traffic with Consolidated Rail Corporation at Emporium was handled over the line into the 1990's by Allegheny Railroad Company and later Allegheny & Eastern Railroad, Inc.¹

Other carriers operated unit trains over the line under special contract service for International Paper Company. This overhead contract service ended in late 2001 with the closure of International Paper Company's Erie Mill. There is not currently any overhead traffic on the line.

¹ Limited exempt contract (non-common carrier) freight service was provided thereafter by other carriers to Hammermill Paper Company (later International Paper Company) at Hammermill's Emporium Wood Yard. This service terminated in late 2000, when the Emporium Wood Yard was closed.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Environmental/Historic Report was served on the persons shown on the attached list by first class mail, postage prepaid.


ERIC M. HOCKY

Dated: August 8, 2003

SERVICE/ADDRESS LIST

Pennsylvania State Conservation Commission
Agriculture Building, Room 407
2301 North Cameron Street
Harrisburg, Pennsylvania 17110

PA Dept. of Environmental Protection
Northwest Regional Office
230 Chestnut Street
Meadville, PA 19335

PA Dept. of Environmental Protection
Northcentral Regional Office
208 W. Third Street
Suite 101
Williamsport, PA 17701-6448

Office For River Basin Cooperation
Coastal Zone Management Program
PA Dept. of Environmental Protection
P.O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105-2063

Commissioner
Elk County
Court House Annex Building
300 Center Street
P.O. Box 448
Ridgway, PA 15853

Board of Commissioners Chair
Cameron County
20 East 5th Street
County Courthouse
Emporium, PA 15834-1469

Vicki Petrazio
Borough Manager
Borough of Emporium
421 N. Broad Street
Emporium, PA 15834

Pennsylvania Game Commission
Bureau of Law Enforcement
North Central Regional Office
1566 South Route 44 Highway
Post Office Box 5038
Jersey Shore, PA 17740-5038

Pennsylvania Fish and Boat Commission
Northcentral Region
466 Robinson Lane
PO Box 5306
Bellefonte, PA 16823

Region 3
Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

US Fish and Wildlife Service
Regional Office - PA
300 Westgate Center Drive
Hadley, MA 01035-9589

David Densmore
Supervisor
Fish and Wildlife Service
Pennsylvania Field Office
315 South Allen Street
Suite 322
State College, PA 16801-4805

U.S. Army, Corps of Engineers, Pittsburgh District
2032 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Northeast Region
Regional Director
National Park Service
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

National Park Service
National Center For Recreation and Conservation
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

National Park Services
Land Resources Division
M.S. 3622
1849 C Street, NW
Washington, DC 20240-0001

USDA Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

PA Department of Conservation and Natural Resources
Executive Office
7th Floor
Rachel Carson State Office Building
P.O. Box 8767
Harrisburg, PA 17105-8767

Mr. Richard A. Snay
The National Geodetic Survey N-NGS2
Station 8813
1315 East-West Highway
Silver Spring, MD 20910-3282

Cameron County Conservation District
P.O. Box 136
Emporium, PA 15834

Elk County Conservation District
P.O. Box 448
Courthouse
Ridgway, PA 15853-0448

Pennsylvania Historical and Museum Commission
300 North Street
Harrisburg, PA 17120