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March 17, 2004

Vernon Williams
Secretary
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

210371



Re: Consolidated Rail Corporation-Abandonment Exemption-In Lancaster and Chester Counties, STB Docket No. AB-167 (Sub-No 1095X)

Dear Mr. Williams:

Please find enclosed an original and ten copies of Lancaster County's Petition for Notice of Interim Trail Use and for Reconsideration for filing in the above captioned proceeding. I also enclose an additional copy for time-stamping purposes. I request that this copy be time-stamped and returned to me in the enclosed self-addressed envelope. Pursuant to 49 C.F.R. §1002.2(e)(1), as a local government entity, Lancaster County is exempt from the payment of any filing fee. Should you have any questions or comments please do not hesitate to contact my office.

Sincerely,

STEVENS & LEE

Kenneth Zielonis
Kenneth Zielonis

FILED
MAR 22 2004
SURFACE
TRANSPORTATION BOARD

Philadelphia • Reading • Valley Forge • Lehigh Valley • Harrisburg • Lancaster
Scranton • Wilkes-Barre • Princeton, NJ* • Cherry Hill, NJ* • Wilmington, DE

BEFORE THE
SURFACE TRANSPORTATION BOARD



RE: CONSOLIDATED RAIL
CORPORATION – ABANDONMENT
EXEMPTION – LANCASTER AND
CHESTER COUNTIES – PA.

: STB Docket No. AB-167 (Sub No. 1095x)
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PETITION FOR ISSUANCE OF NOTICE OF
INTERIM TRAIL USE AND FOR RECONSIDERATION

This Petition for Notice of Interim Rail Use and for Reconsideration is submitted on behalf of the County of Lancaster, Pennsylvania (hereinafter "County"), in the above-captioned proceeding.

The County is a political subdivision of the Commonwealth of Pennsylvania and requests issuance of a Notice of Interim Trail Use (hereinafter "NITU"), for the rail line known as the Enola Branch (hereinafter "Enola Line"), of the former Consolidated Rail Corporation between approximately Mile Post 4.0 near the Lancaster County, Pennsylvania-Chester County, Pennsylvania municipal boundary line to Mile Post 27.0 near Shenks Ferry, Pennsylvania, a distance of approximately 23 miles. The subject rail line transverses southern Lancaster County, Pennsylvania.

On October 20, 2003, the Surface Transportation Board (hereinafter "STB"), served a Notice to the Parties (hereinafter "Notice"), in the above captioned proceeding seeking comments regarding its plan to complete the National Historic Preservation Act Section 106 historic review process. In the course of commenting in the proceeding which lead to the STB's October 20, 2003 Notice, Norfolk Southern Railway Corporation (hereinafter "NS"), stated that it would entertain a proposal for trail use that meet certain criteria specified in its comments. See, Notice to Parties at 4. Thus, the County believes that this statement indicates a willingness to engage in negotiations regarding future trail use. The County believes that this statement justifies the granting of this Petition for Issuance of an Notice of Interim Trail Use for the above specified portion of the Enola Line. Furthermore, this willingness to discuss trail use justifies reconsideration of the STB's prior orders concerning the subject rail line.

In addition to NS' willingness to discuss trail use, several parties to this proceeding, including public bodies such as the Pennsylvania Department of Conservation and Natural Resources, have expressed a desire to implement rail banking and interim trail use on the Enola Line. See, Notice to Parties at 3. In anticipation of these negotiations for interim trail use, the County has begun the discussion process with all affected parties, including the local municipalities. The County does not wish to further delay final STB action in this matter and is serious in resolving interim trail use and attendant issues expeditiously with all affected parties, particularly the local municipalities. As a sign of the seriousness of the County's commitment to this project, it has deployed numerous internal resources including its Parks Department, its Planning Department and its Engineering Department to deal with this matter. The County intends to create a partnership with the affected parties. All of this items justify issuance of a NITU.

Statement of Willingness to Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, Lancaster County is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from the liability, in which case it need only indemnify the railroad against any potential liability) and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Pennsylvania Lines, LLC (hereinafter "PRR"), as successor to the rights and obligations of the former Consolidated Rail Corporation as they relate to the Enola Line and now operated by Norfolk Southern Railway Corporation.¹ The portion of the property known as the Enola Branch which will be the subject to the NITU extends from railroad Mile Post 4.0 near Parkesburg, Chester County, Pennsylvania to railroad Mile Post 27.0 near Shenks Ferry, Lancaster County, Pennsylvania, a distance of approximately 23 miles in Lancaster County, Pennsylvania. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-167 (Sub-No. 1095x).

A map of the property depicting the right-of-way is attached hereto as Exhibit A.

Lancaster County acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this Petition is being served upon James R. Paschall, Esquire, Norfolk Southern Railway Company, Three Commercial Place, Norfolk, Pa. 23510-2191, by first class, U.S. mail, postage prepaid, on the

¹ NS will succeed to the rights of PRR Directly through the STB's action in STB Finance Docket No. 33388(Sub-No. 94). See, CSX Corporation, et al. - Control and Operating Lease/Agreements-Conrail, Inc. and Consolidated Rail Corporation, Decision No. 2, effective November 7, 2003.

same date it is being served upon the Surface Transportation Board.

Respectfully submitted,

STEVENS & LEE

A handwritten signature in cursive script, appearing to read "Kenneth Zielonis".

Kenneth Zielonis
4750 Lindle Road
P.O. Box 11670
Harrisburg, PA 17108-1670

Attorneys for Lancaster County, Pennsylvania

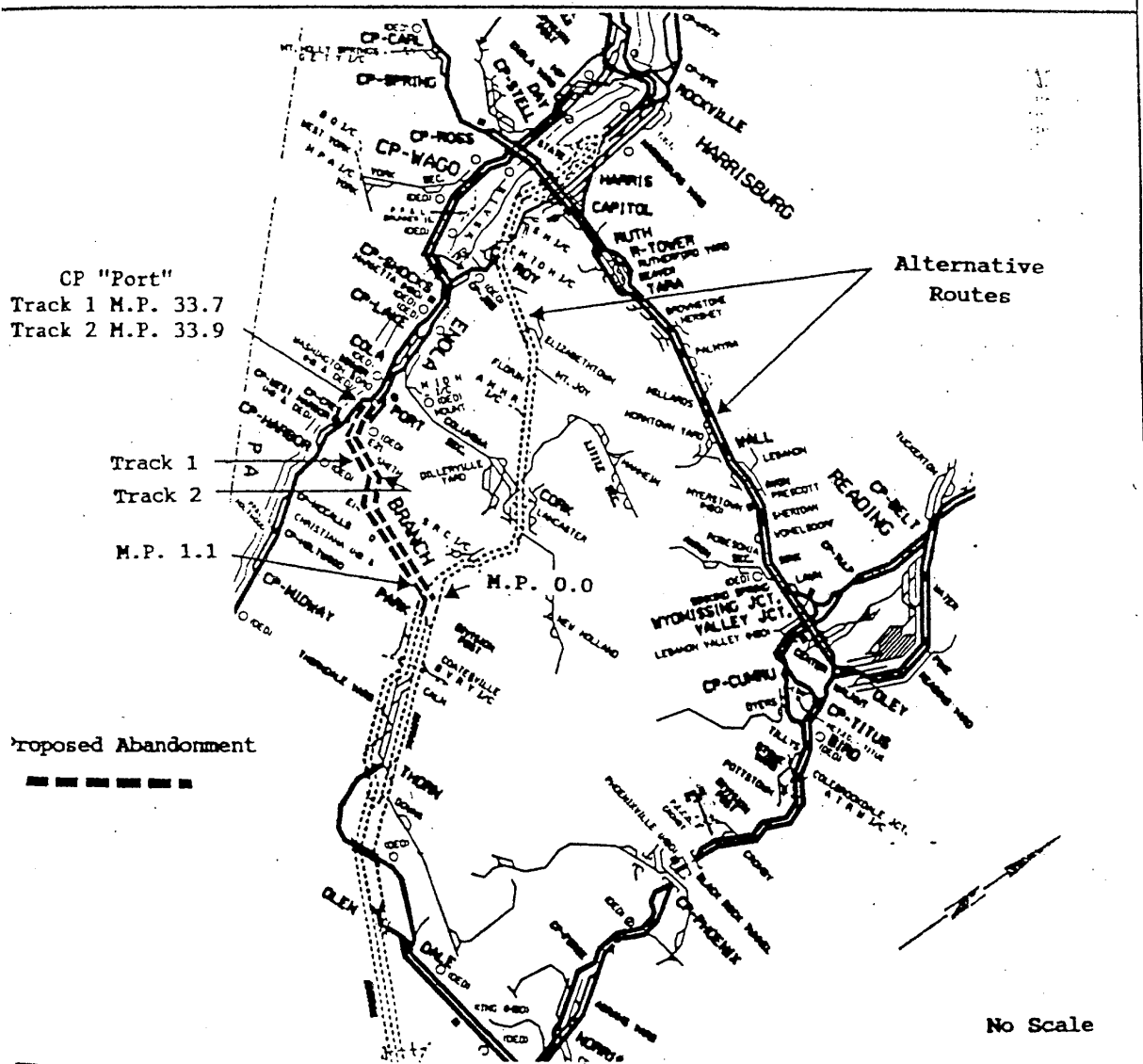
Dated: March 17, 2004

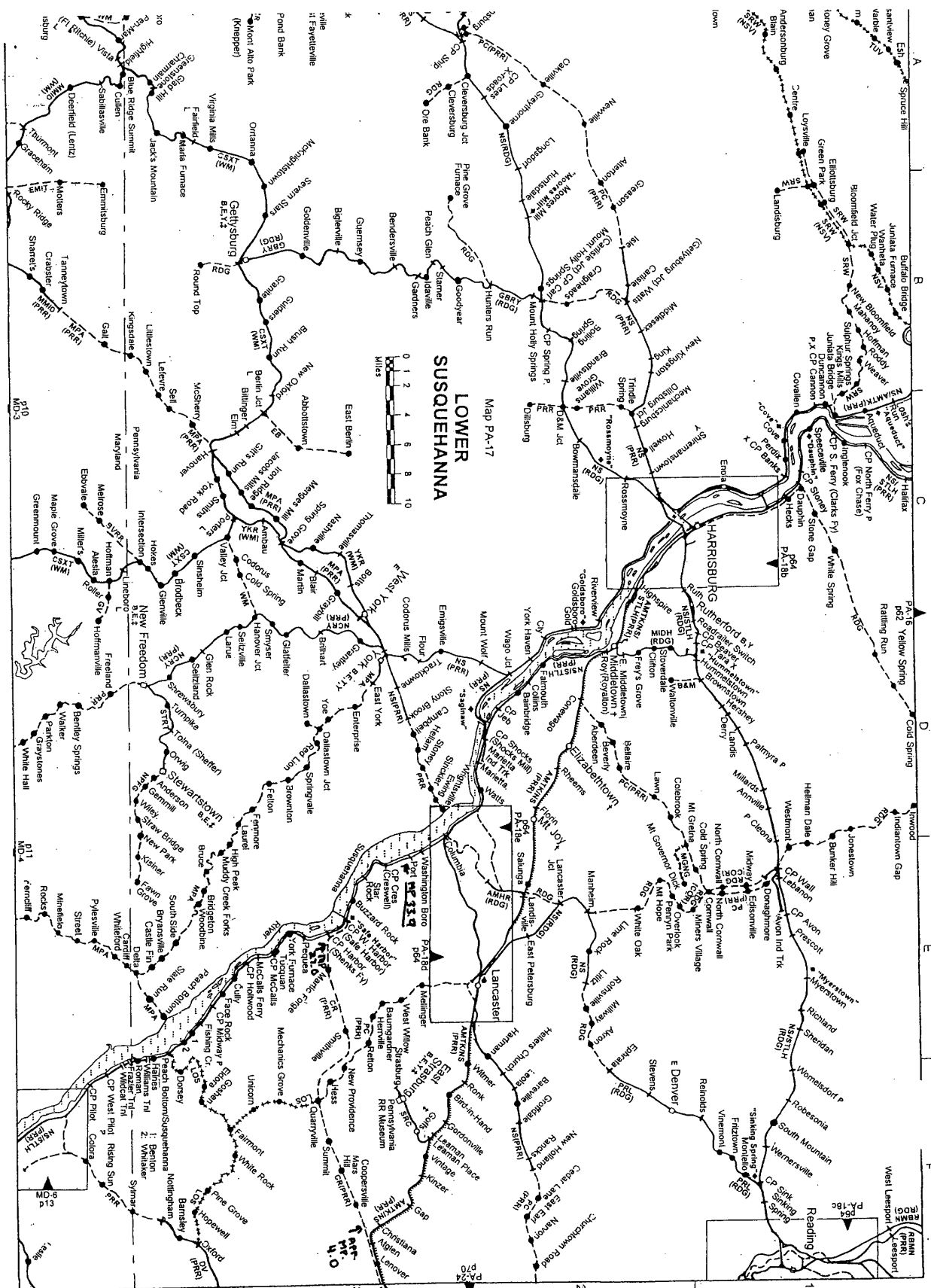
Exhibit “A”

ENOLA BRANCH

- Track 1 From the clearance point of the switch to Green Giant in Parkesburg (Approx. M.P. 1.1 $\pm$) to its connection to the Port Road Branch at CP "Port" in Manor Township (Approx. M.P. 33.7 $\pm$)
- Track 2 From its connection to Amtrak at CP "Park" in Parkesburg (Approx. M.P. 0.0 $\pm$) to its connection to the Port Road Branch at CP "Port" in Manor Township (Approx. M.P. 33.9 $\pm$)

PA _____ Counties: Chester _____
Lancaster _____





BEFORE THE
SURFACE TRANSPORTATION BOARD

CONSOLIDATED RAIL CORPORATION – :
ABANDONMENT EXEMPTION – : STB Docket No. AB-167 (Sub-No. 1095x)
LANCASTER AND CHESTER COUNTIES – :
PA. :

CERTIFICATE OF SERVICE

I, Kenneth Zielonis, Esquire, do hereby certify that on this 17th day of March 2004, I have caused a true and correct copy of Lancaster County's Petition for Issuance of Notice of Interim Trail Use and For Reconsideration in the above-reference matter, to be served on the following, by first-class mail, postage prepaid, addressed as follows:

The Honorable Arlen Specter
United States Senate
Harrisburg Regional Office
P.O. Box 1092
Harrisburg, PA 17108

The Honorable Joseph R. Pitts
Member of Congress
50 North Duke Street
Lancaster, PA 17602

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, VA 23510-2191

Mr. Don L. Klima, Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 809
Old Post Office Building
Washington, DC 20004

Ms Susan Zacker
Pennsylvania Historical & Museum
Commission
Bureau for Historic Preservation
400 North Street, 2nd Floor
Harrisburg, PA 17120-0093

Joyce A. Nettke
Friends of the Atglen-Susquehanna Trail, Inc.
P.O. Box 27
Strasburg, PA 17579

Mr. Larry D. Williamson
Conservation and Engineering Services
Department of Conservation and Natural
Resources
Commonwealth Of Pennsylvania
Rachel Carson State Office Building
P.O. Box 8767
Harrisburg, PA 17105-8767

Mr. Ira Beckerman
Cultural Resources Section Chief
Pennsylvania Department of Transportation
P.O. Box 3790
Harrisburg, PA 17120

Mr. Craig C. Eshelman
Chairman of the Board
Conestoga Township
P.O. Box 98
Conestoga, PA 17516

Mr. Wayne S. Herr
Chairman of the Board
Providence Township
200 Mt. Airy Road
New Providence, PA 17560

Mr. Calvin Deane
Chairman of the Board
Bart Township
46 Quarry Road
Quarryville, PA 17566

Margot L. Brubaker, President
Historic Preservation Trust of Lancaster
County
123 North Prince Street
Lancaster, PA 17603

Ralph H. Goodno
Executive Director
Lancaster County Conservancy
117 South West End Avenue
Lancaster, PA 17608

Benjamin Dunlap, Jr.
Naumann, Smith, Shissler & Hall
200 Third Street
P.O. Box 840
Harrisburg, PA 17108-0840

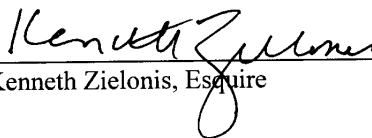
Mr. Frank H. Peiffer
Supervisor – Roadmaster
Martic Township
370 Steinman Farm Road
Pequea, PA 17565

Mr Jay Groff
Supervisor – Treasurer
Eden Township
489 Stony Hill Road
Quarryville, PA 17566

Mr. John D. Asetto, Jr.
Chairman of the Board
Sadsbury Township
1077 White Oak Road
Christiana, PA 17509

Heidi Schellenger
Executive Director
Lancaster Farmland Trust
128 East Marion Street
Lancaster, PA 17602

David L. Felpel
Southern End Community Association
665 Lancaster Pike
New Providence, PA 17560


Kenneth Zielonis, Esquire