

**BEFORE THE SURFACE TRANSPORTATION BOARD
FINANCE DOCKET 35147**

**NORFOLK SOUTHERN RAILWAY COMPANY, PAN AMERICAN
RAILWAYS, INC., ET AL. JOINT CONTROL AND OPERATING
POOLING AGREEMENTS AS PAN AMERICAN SOUTHERN, LLC.**

**Comments of Captain Dirck Hecking and Locomotive Engineer
William Remington that Pan American Railways Management and
Owners ("The Mellon Group") are – UNFIT to participate where
behaving within the safeguards of public policy is mandated.**

July 30, 2008

Pursuant to the Board's decision served June 26, 2008, Captain Dirck Hecking and Locomotive Engineer William Remington¹ present these disqualifying comments. From the following text the reader should come to know the Mellon Group bosses and minions conned the Department of Transportation, Legislators and Administrators. The Mellon Group, with unlawful intent and contemplated harm, created documents, submittals, pleadings replete with false, deceptive, misleading text arranged to defeat the public policy safeguards in order to obtain a benefit to which they were not entitled. The Group then sent each artifice by wire and mail in furtherance of a scheme to defraud selected marks across a wide variety of victims.

The Authors of this text, victims, Captain Dirck Hecking and Locomotive Engineer William Remington, have been collecting testimony, information and evidence, regarding grievous Mellon Group operating practices since September 24th, 2001 and October 10, 1989 respectively. During this time they have amassed volumes; which goes to suggest that the members of the Mellon Group,² can not be relied upon to be honest and straightforward, administratively or contractually compliant, or at the very least proceed in simple good faith.

¹ At all times as a LLC

² Boston Maine Airways Corp. (BMAC) and its sister airline, Pan American Airways Corp. ("Pan Am") are wholly-owned subsidiaries of Pan American Airlines, Inc. ("PAA"). PAA, in turn, is owned primarily by Timothy Mellon (95%) and David Fink (5%). Mr. Mellon serves as Chairman of the Board, Mr. Fink as President, and Mr. Robert Culliford as general counsel, of PAA, BMAC and Pan Am. These three individuals hold the same positions at Pan Am Systems Inc. a holding company that, among other things, owns several railroads in New England. (Sirs. Mellon Fink and Culliford and their minions, are hereinafter referred to as the "Mellon Group.")

To be transacting business with the Mellon Group generally pans out, over time, to be destructive to each Mellon counterpart. It is safe to say, that every entity participating here is at risk; and therefore proceeding forward based in any part on Mellon professed plans, stated or inferred promises, expectations, estimations, stated beliefs, strategies, promises in writing, promises not in writing, statutory compliance, statutory reporting, administrative disclosures, intentions, forecasts, etc. Mellon promises, must be critically reviewed with a bias against them. Because in the recent past, Mellon words, inferences, or the omission thereof, might just be another scheme to defraud. The group's implication of astute financial dealing by reference to the well known "Mellon" financial moniker, is deceptive and has historically proven to be another worthless ploy.

Time and time over, Mr. Mellon in a New York minute, could have, and should have, neutralized the financial shortfall and ended the unfit behavior. He (the 95% stakeholder) aggressively did nothing. Therefore, a reasonable man could conclude Mr. Mellon was the master instigator and/or senior co-conspirator.

To every extent within their means, Captain Dirck Hecking and Locomotive Engineer William Remington's compelling, and still unfolding, case evidence collection, has been referred to administrators, legislators, prosecutors and injured parties to help them obtain relief. A typical portion of which is offered herein, for the critical review of the Board and all interested parties. Beyond that the LLC reserves the right to comment further as the docket matures.

The authors respectfully request the STB and DOT Secretary to defer further action on the joint proposals of applicants. Instead, conduct hearings and call upon its investigative arm to critically review the egregious behavior; beginning and not limited to, the individuals named later in this text. And of course the authors reject any notion of shortened proceedings here... or at least until the investigation of the Mellon Group bad acts provide substantial evidence it is fit, willing, able and predisposed to be morally straight and compliant with the tenets of public policy. Failing that the bad actors should be disqualified to participate in the industry.

I. The United States Department of Transportation
revokes the operating authority of Mellon Group
operation, Boston Maine Airways.

(U.S. DOT, Show Cause Order 2008-2-3 of February 1, 2008. 2004 – 19919 – 0020)

By order of, Michael W. Reynolds, Acting Assistant Secretary – The Department proposes to revoke (and indeed did revoke) the certificate of public convenience and necessity issued to (the Mellon Group's entity) Boston-Maine Airways Corp. ("BMAC"), and dismissed its applications for foreign scheduled certificate and exemption authority for its failure to continue to remain fit, willing, and able to provide air transportation as a U.S. certificated air carrier. Our review of the record in this case indicates that BMAC does not possess (1) the financial

wherewithal to continue or expand its operations without posing an undue risk to consumers and their funds, (2) the managerial competence necessary to oversee its current and proposed operations, and (3) a proper regard for the laws and regulations governing its services to ensure that acceptable consumer relations practices will be followed. (DMS Docket: DOT – OST – 2000 – 7668; 2003 – 14985; 2004 – 19 – 9129)

The Department's tentative findings are based on the following circumstances:

- On August 27, 2002, BMAC filed an application for certificate authority to conduct scheduled passenger operations using 141seat, B-727 aircraft. The Department was later informed that the financial information submitted by BMAC in support of its request had been falsified, and that the air carrier did not actually possess the financial resources necessary to meet the Department's financial fitness requirements for the requested authority.
- Over the past five years, BMAC's actual financial condition has been extremely poor, and the air carrier has continued to sustain losses. The severity of BMAC's financial situation has inhibited the air carrier's ability to maintain an adequate number of skilled employees, caused the air carrier to significantly scale back its operations.
- BMAC's President, David Fink, Sr. claims that the company was not aware that its Senior Vice President and General Counsel, John Nadolny, had submitted falsified documents to the Department, had engaged in such behavior. Whether or not that assertion is true, the company, should have known about the non-compliant activity. Consequently, the company's management should be held accountable for these serious falsifications.

Moreover, given that the Department issued three public orders summarizing our financial fitness requirements and the air carrier's alleged financial position, which was based on the falsified material, we may only conclude that the President and other key personnel either did not read the orders, which, in and of itself, raises questions concerning their managerial competence, or that they knew that the orders were inaccurate and did not inform the Department, which directly reflects on their compliance disposition.

The circumstances listed above indicate that BMAC (1) was not fit at the time that it received certificate authority to operate its B-727 aircraft and therefore, it is not eligible to hold such authority; (2) is not financially fit and does not possess the managerial competence to conduct any air transportation operations; and (3) has failed to comply with the regulations governing its operations. Thus, the Department proposes to revoke the air carrier's certificate authority in accordance with 49 U.S.C. § 41110(e).

- II. Rather than be contractually compliant, the Mellon Group syndicate creates an alter ego operation within BMAC, in order to renege on Pan American Airway's lawfully promised obligations to its employees associated with a binding contract between it and the Air Line Pilots Association.

(ALPA v. Guilford Transp. Indus., No. 04-331-JD, 2004 WL 2318478, 175 L.R.R.M. 2313 (D.N.H. Oct. 13, 2004) ("Guilford") appeal docketed, No. 04-2409 (1st Cir. Oct. 15, 2004).

In September 2004, ALPA sought an injunction to restrain Guilford, Pan Am and BMAC from violating the statutory rights of Pan Am's pilots and ALPA under the RLA by transferring PAN Am's [Boeing] 727 operation to BMAC. After a full evidentiary hearing and a Report and Recommendation ("R&R") by a magistrate, 2004 WL 2203570, 175 L.R.R.M. 2971 (D.N.H. Sept. 17, 2004) the U.S. District Court for the District of New Hampshire found that (a) BMAC and Pan Am were under common management, (b) Pan Am's 727 Operation was being transferred to BMAC for the purpose of evading the ALPA-Pan Am collective bargaining agreement and the status quo requirements of the RLA, (c) the transfer of the 727 operations from Pan Am to BMAC also independently constituted a direct attempt to evade and destroy ALPA in violation of the organizational rights provisions of the RLA, and (d) Guilford orchestrated the diversion of work from Pan Am to BMAC. Guilford, 2004 WL 2318478 at *3-*10.³

The court issued an injunction against BMAC, Guilford and Pan Am directing them, among other things, to cease violating the status quo with respect to rates of pay, rules and working conditions of Pan Am's pilots and to refrain from using BMAC to conduct 727 service traditionally performed by PanAm. This case was appealed to the U.S. Court of Appeals for the First Circuit. Oral argument was held on December 7 and the court's decision is expected in January.

February 28, 2005 – For at least two important reasons, the defendants in this case prudently decided not to rely upon the inapposite P & LE decision, either in the district court or on appeal. In all events, the argument has been waived. As ALPA is entitled to bargain (viz., negotiate and self-help) over both the Pan Am closure and its effects, I would affirm the status-quo injunction granted by the district court. No. 04-2409

³ The Report and Recommendations, adopted by Court, also credited the testimony of Pan Am regional manager, Linda Toth, that she had been discharged by the company for refusing to sign documents stating that she provided certain Pan Am employees with ramp training when she was not certified to provide that training. 2004 WL 2203570 at *3, n. 4.

- III. Rather than be administratively compliant, the Mellon Group aggressively stonewalled its passengers who were entitled to a refund. The result was a DOT fine of \$50,000.00

(Show cause order 2008-2-3 of 1 February, 2008, see page 18 signed, Michael W. Reynolds.)

...Furthermore, the false submissions to the Department are not the only compliance disposition issue BMAC has had with the Department. In 2006, the Department's Office of Aviation Enforcement and Proceedings investigated BMAC for its apparent failure to comply with federal laws requiring timely credit refunds to consumers. The Department enforcement case precedent applicable to timely refunds to consumers for cash ticket purchases, was ordered post investigation.

That investigation was concluded with the issuance of Consent Order 2006-7-7, issued July 7, 2006, which found that BMAC had violated 14 CFR Part 374, which requires airlines to make prompt credit refunds as required by the Consumer Credit Protection Act and Regulation Z of the Board of Governors of the Federal Reserve System and 15 U.S.C. §§ 1601-1693r and 12 CFR Part 226.

That order further found that BMAC had engaged in an unfair, deceptive practice and unfair methods of competition in violation of 49 U.S.C. 41712 and directed the air carrier to cease and desist from further violations and assessed the air carrier \$50,000 in civil penalties.

- IV. The case of Locomotive Engineer Remington serves as a fair example in support of the fact that the Mellon Group forces their money above safety agenda, by intimidating the body of licensees, who are just trying in good faith to do their duty for safety sake.

**(Locomotive Engineer William Remington v. Springfield Terminal Railway
1:08-CV-11074-MBB.)**

Over the years, Mellon operatives have become expert in the art framing a mark into an administrative inquiry as a means to, "throw the man (mark) under the bus," when safety is inconvenient for them. The Group then summons its managers for the purpose of conspiring to create a scheme to take away the mark's right to a fair and impartial hearing. From accusation to its predetermined outcome, the company's morally compromised officials, managers and representatives, conspire ...knowing better, then proceeded in bad faith with improper animus.

Their primary goal is to engineer a bad faith record. This involves the close-held, company employed, company selected, company paid hearing officer, who unlawfully acts as a prosecutor, ostensibly cloaked as a neutral. When challenged, he summarily denies and sharply cuts adverse discussion. As such the spot-on objections are diminished, leaving the poison text prominent in the record before the NRAB referee.

When the so called “neutral” feels the company is loosing he improperly leads his witnesses’ transcribed testimony ...but there is so much more. The artifice is so well executed a mark’s pleadings are often overwhelmed all the way through appeal. The reader should critically review the recently filed appeal of Engineer Remington in the Mass. District Court of Appeals available in PACER.

- V. Just as with its railroad operations, the Mellon Group regularly subjected flight crews and pilots to intimidation, harassment, grounding and firings for insisting Pan American Airways simply comply with federal regulations.

(Pan American Airways Corp. v. ALPA, 206 F. Supp. 2d 12)

1. “No employee should be punished for disobeying an order that is illegal, unethical, or that would endanger the employee or others.” – OSHA

Pan Am pilot, Captain Donald Simonds determined, in good faith, that he could not complete a flight leg he had been assigned without violating FAA flight time restrictions. This scheduling mistake by the company, compelled him not to fly the segment. Pan Am immediately, in bad faith, terminated Captain Simonds for not complying with an order by the company’s coerced chief pilot, that he take the flight. Mr. Simonds filed a grievance over his termination. The arbitration panel hearing his case determined Id. at 17. The OSHA panel awarded reinstatement and back pay to Captain Simonds.

Rather than obey the panel’s decision, Pan Am asked the U.S. District Court of the District of Columbia to vacate it. The district court declined the invitation and found that the panel’s decision was “well within its authority.” Id. at 21. In doing so, the court not only rejected Pam Am’s argument that reinstatement of Captain Simonds would be against public policy, but held that the reinstatement would be consistent with the FAA’s interpretation of FAR, 14 C.F.R. § 121.471.

Subsequently, the company forged a payment bond intended to protect Captain Simonds and others. It did so to create a benefit for the company to which it was not entitled. When exposed, Mellon paid up immediately and argued the bosses had no knowledge, which was not appreciated by the Department of Transportation and District Court in (US v. Nadolny; USDC District of New Hampshire 07-CR-26-01-PB).

Not since the tremulous times of the notorious Frank Lorenzo, has the Department of Transportation and thereby the public at large, been so defiled. For crimes against public policy, Mr. David Fink and Mr. Timothy Mellon have been banished from the aviation industry. As such, their railroading entities should be seized in favor of a compliant suitor.

2. Federal Court decided Pan Am acted in bad faith, in delaying payment.

In *ALPA v. Pan American Airways Corp.*, No. 03-154-JM (D.N.H. June 22, 2004) (Attachment F), appeal docketed, No. 04-2256 (1st Cir. Sept. 21, 2004). An arbitration panel awarded a Pan Am Captain, Mr. Shahir Selim, moving express, lost income, reinstatement and captain's pay and upgrade. Pan Am refused to abide by the award.

ALPA sought a court order compelling Pan Am to comply with the terms of the award and awarding attorneys fees. The U.S. District Court for the District of New Hampshire enforced the arbitrator's award and awarded attorneys fees on the grounds that Pan Am's delay in reimbursing moving expenses was done "only to oppress Captain Selim," and was in bad faith. *Id.* at 11

3. Facts established that the pilots were fatigued and reasonably feared that flying would endanger themselves and Pan Am's passengers. – OSHA

Due to a company scheduling error, Pan Am Flight Crewmen Haymen, Schatton and Morse were terminated 1-0240-02-016 (OSHA 2003) (attachment G). In March 2002, Pan Am put three pilots into a situation compelling them not to fly because of fatigue. Pan Am terminated the pilots.

The pilots filed a complaint under 49 U.S.C. § 42121 with the Occupational Safety and Health administration (OSHA), Boston Regional Office. Following an investigation, the facts established that the pilots were fatigued and reasonably feared that flying would endanger themselves and Pan Am's passengers. OSHA surmised that the company failed its duty to present a showing that the act was in bad faith.

OSHA further found the pilots' decision not to operate the flight constituted protected whistle-blower activity and that Pan Am's discharge of the pilots was a violation of the statute. OSHA ordered reinstatement of the three pilots, back pay and expunged from the pilots' personnel folders any reference relating to the discharge, and posting of a notice to all employees acknowledging Pan Am's obligations under Air 21.

4. "Facts established that Mr. Ford acted in a professional manner and that Mr. Ford's concerns about Pan Am's security procedures were reasonable." – OSHA

(Pan Am/Ford/1-0240-03-010 (OSHA 2004) (Attachment H).

In July, 2003, Robert Ford, a Pan Am pilot, voiced his concern about Pan Am's pre-flight security procedures and a month later Pan Am fired Mr. Ford. Mr. Ford filed a complaint with OSHA's Boston Regional Office. Following an investigation, OSHA found that the facts established that Mr. Ford acted in a professional manner and that Mr. Ford's concerns about Pan Am's security procedures were reasonable. OSHA further found that Mr. Ford's actions protected under Air 21 and that his discharge violated 49 U.S.C. § 42121. OSHA ordered a

range of remedies including back pay, compensatory damages for moving costs, job search expenses and emotional distress, posting of an FAA “Whistleblowers Protection Program” poster in Pan Am’s facilities, and payment of Mr. Ford’s attorney’s fees. OSHA did not order the reinstatement of Mr. Ford because he had turned 60 before OSHA’s order was issued.

VI. Mr. Mellon in particular is aggressively not compliant when it comes to environmental law. The Department of Environmental Protection was victorious before the State Supreme Court – regarding Mr. Timothy Mellon’s blatant and lawless runway extension, tree clearing violations.

(In Ventres v. Goodspeed Airport, LLC, 275 Conn. 105, 138 (2005).)

Ultimately, the trial court awarded relief at the site under CEPA and not the Wet lands Act. The court found that the relations were strained between the neighboring property owners and any requirement for Mellon to enter onto wetlands property, such as to plant trees, could be problematic. It turned to an alternative available by law only when the Attorney General brings a CEPA case: issuance of a supplemental environmental project.

In this case, the trial court, although guided by a proposal from the Attorney General's Office regarding invasive plant species, crafted a plan on its own. This resulted in Mr. Mellon and the airport be responsible to pay \$50,000 to the DEP, for a government-funded research project at the site. In sum, the trial court ordered the payment of \$67,500 with the expectation that the amount would be used to remediate the harm done by Mr. Mellon – Mr. Mellon appealed. The Supreme Court affirmed the trial court's holding, that Timothy Mellon is personally liable for violations under the Wetlands Act and CEPA.

VII. Rather than be administratively compliant, the Mellon Group is widely known to cover up environmental violations.

(Commonwealth of Massachusetts, Office of the Attorney General, dated April 3, 2008)

Pan Am Railways and subsidiaries were indicted on charges of failing to report environmental contamination. A Middlesex Grand Jury returned indictments against a New Hampshire railway company and three of its subsidiaries, for failing to report a hazardous spill and contamination on its rail yard property in Ayer, MA.

Pan Am Railways, Inc., of Portsmouth, NH, was charged in two counts, with violating the Massachusetts Oil and Hazardous Material Release Prevention Act. Massachusetts' law requires that any owner or operator of a site, as soon as it has knowledge of a release, or threat of release of oil or hazardous material, shall immediately notify the Department of Environmental Protection (MassDEP).

An investigation conducted by the Massachusetts Environmental Crimes Strike Force (ECSF) found, that on the evening of August 8, 2006, a locomotive

left idling at Pan Am Railway's rail yard in Ayer, spilled hundreds of gallons of diesel fuel onto the ground. Despite a two-hour time period for reporting spills of ten gallons or more to the MassDEP, the fuel spill was not reported by the company, or its subsidiaries either that night or the next morning, but instead, investigators allege that an attempt was made to cover it up.

VIII. Federal Judges have clamped down on the Mellon interests, in both civil and criminal matters.

(Excerpts from the transcript of Mr. Nadolny's sentencing hearing before the Honorable Paul J. Barbadoro (In Criminal Case No. 07-CR-26-01-PB); Other citations to inspect are: Ventres v. Goodspeed Airport at VII.; ALPA v. Pan American Airways in re: Captain Donald Simons at V. *at al.*)

Merit excerpts from the transcript of Mr. Nadolny's Sentencing Hearing.

Judge Barbadoro to US Attorney Kinsella – Why didn't you charge BMAC with a crime? John Nadolny's actions were undertaken on behalf of BMAC. He was an officer of the company. His actions would be chargeable, or taken – undertaken ostensibly to benefit the company, and it would seem that the company is criminally culpable here. Why didn't you charge the company?

Mr. Kinsella speaks for the U.S. Attorney's Office – Perhaps it would be, and the primary reason for that, judge, is that there were a number of people that work for the company. It is essentially, at least relatively speaking, a start-up airline. A lot of people and their families depend upon the paycheck that they get from the company. *Id.* at 4.

Judge Barbadoro addresses Pan Am Chief Council, Mr. Culliford – Your company's criminal conduct has harmed people, that's true, and that when it was exposed, that your company suffered some harm as a result of your company's criminal conduct is undoubtedly true. But when you commit a crime that bad things happen to you does not make you a victim of the crime. That's the problem.

Mr. Kinsella – The benefit of that [unlawful] conduct would also be Mr. Nadolny's employer.

Judge Barbadoro – Right. But the...victim [ALPA] of that conduct, to the extent it would be anyone, would be the recipient of the false bond record, right?

Judge Barbadoro – So I shouldn't consider that against Mr. Nadolny at all in sentencing him? Or is it relevant conduct that I can consider?

Mr. Kinsella – I believe that you can consider it as relevant conduct.

Attorney Lang for Mr. Nadolny – It's along the same course of conduct... where he's trying to preserve his financial interests of his company. To the extent it's relevant. Its misconduct. It's nor directly related to

this, but I suspect that it does fall within the definition under 1B1.3 of relevant conduct. Id. at 12, 13, 14, and 15. [this makes the forged bond relevant]

Judge Barbadoro to Attorney Culliford – [Mr. Nadolny's] view is, that you guys, if not expressly knowledgeable of the conduct, were deeply involved in it and told him to get it done no matter what, essentially knowing what his conduct was [going to be]. So, [Mr. Nadolny's] not going to tell you what you want to hear, because what he would tell you is the principals of this company are culpable in this criminal action. That's what he's going to tell you. That's what his position has been, and you want to deny what he believes is the truth.

Mr. Kinsella – The circumstances as I believed them to be at the time was that Mr. Nadolny worked for this company and the president of the company, a person known as Mr. Fink, ruled the company and the employees of it, in a very aggressive way. Mr. Nadolny is a very malleable, easily influenced, easily led and intimidated individual, aside from being a lawyer, and he was clearly in my view subject to the overbearing management style that Mr. Fink exercised over employees of the company.

Judge Barbadoro – I don't doubt what you say, because I only have the limited information that the probation officer has provided to me, and I certainly agree that based on that information, that the employer here, the principal in this company, terrorized his employees and terrorized Mr. Nadolny. But he wasn't threatening to kill them unless they engaged in false conduct. The threat was implicit, you don't do what I want done and you're fired. I understand that the employer was abusive, dictatorial and irresponsible in the way he handled his employees, including Mr. Nadolny. Id. at 26 and 27.

Nevertheless, despite pleas for leniency from both sides, Mr. Nadolny was sent to prison for six months and received a sentence to a term of supervised release of one year. There was no appeal.

IX. Mellon Group bosses Mellon, Fink and Nadolny interfere with the day to day lawful administration of workmen's compensation.

On August 24, 2003, current and qualified aircraft commander, Dirck Hecking was hired as a Captain for Pan American Airways and was enrolled in the statutory training classes. The final class involved ditching training and drills conducted in a nearby high school pool. The class went well and all the trainees passed the exercise.

While in the pool several students contracted the industrial disease of labyrinthitis. The Captain's symptoms were the most disgusting and on target for

that diagnosis. This, according to Pan American pleadings, made Boeing 727 specific training impossible. So, the company had to fire him.

Firing was not legal, so, Captain Hecking filed for the statutory workers compensation with the state of New Hampshire. The company top bosses Sirs Mellon, Fink and Nadolony denied the claim citing non-employee status and non-causal status on the prescribed form. Unfortunately for the tortfeasers trio ...and just before top management's filing, Ms. Renu ja, head of human resources, filed an official form indicating the Captain indeed, was a *bona fide* employee and in the pool working at the time. As such, there is an implausible contradiction between the forms. Despite multiple certified notices received by company high officials, the tortfeasers did nothing to explain this away.

The behavior of management was admitted by council, Corey Belobrow, two or more violations of RSA 281 A56 II were committed. Nevertheless, the Mellon group still had more torts to commit. The next, came in the form of their entering into a conspiracy with Kemper Insurance's, licensed adjuster, Ralph Tatone; to falsify administrative documents and present a false medical report. Then Ralph Tatone, insurance adjuster, committed wire/mail fraud, putting the conspirators' position forth, with absolutely no record developed to justify a denial. The law is clear and concise:

281-A:56 Penalty for False Representation. –

II. An employer or insurance carrier, or any employee, agent, or person acting on behalf of an employer or insurance carrier, who makes a false statement or representation in the course of reporting, investigating or adjusting a claim for any benefit or payment under this chapter and who does not believe the statement or representation to be true shall be subject to prosecution and punishment for false swearing under RSA 641:2, unsworn falsification under RSA 641:3, or perjury under RSA 641:1, as the case may be.

Source. 1988, 194:2. 1993, 239:2, eff. Jan. 1, 1994. 2000, 158:2, eff. Jan. 1, 2001.

X. Here is the promised list of persons of interest:

The following includes a partial list of morally challenged individuals likely to have inside information regarding these and other related Mellon torts:

Mr. Timothy Mellon, Mr. David Fink, Mr. Robert Culliford, Dr. Thomas Klein
Mr. Ralph Tatone, Mr. David Fink, Jr., Mr. Sydney Culliford, Ms. Cynthia Scarano
Mr. Tony Lomanto, Ms. Deb Bourassa, Mr. David Nagy, Mr. John Holland,
Mr. Larry Ferguson, Mr. Steve Belforti, Mr. Jose Nevarez, Mr. David Grimm
Mr. Mark Galvis, Mr. Robert Stearns, Mr. Jim Patterson, Mr. Michael Walsh
Mr. William Wallace, Mr. Robert Silk...

In closing a regular man can determine with reasonable certainty there is heightened degree of peril attached to dealing with the Mellon Group and its minions. Damage in their wake include trees, plants, wetlands ...and even across species; from frogs, to birds, to rabbits, to squirrels, to deer, to fox, to possum, to turtles, hawks, owls, falcons ...all the way up the chain to bipeds like Captain Hecking.

In presenting the aforementioned information, the writers request the participants in the docket critically review whether the Mellon Group can be relied upon in these matters, or in any other matter before the Board. Our intent does not imply, in any way that Norfolk Southern, its managers and associates are conspirators in any way; indeed, history teaches, they stand to suffer unexpectedly in the long run, as have others. Norfolk Southern is indeed a national treasure.

Thank you.

/S/ /S/

Engineer William Remington
Captain Dirck Hecking

Certification

I certify that the foregoing text has been wired into the docket and provided via First Class US Mail to the members of the list as of this date.

/s/

William Remington