

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application Docket No. 92936

DOCKETED

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**DOCUMENT
FOLDER**

In re: Application of DEPARTMENT OF HIGHWAYS OF THE COMMONWEALTH OF PENNSYLVANIA - For approval of the abolition of the crossing, at grade, where State Highway Route 38016 crosses the track of The Pennsylvania Railroad Company, and the construction of a crossing, at grade, in lieu thereof, where the same highway, relocated as proposed, will cross the same track of said company, all in South Lebanon Township, Lebanon County, and the allocation of the costs and expenses incident thereto.

ORDER

BY THE COMMISSION, JULY 25, 1966:

The Pennsylvania Railroad Company has constructed an industrial siding track to the site of a multimillion dollar plant (under construction) of Aluminum Company of America in South Lebanon Township, Lebanon County.

This track, crosses, at grade, Township Road 462 (Lincoln Avenue) and existing State Highway Route 38016 in the same township, which crossings were approved by our preliminary order issued November 15, 1965, at A. 92682. In order to construct this industrial complex, as proposed, it will be necessary to relocate State Highway Route 38016 to the westerly side of the industrial site. The preliminary order was to remain in effect only until a further hearing had been held and a further order issued and, in any event, not after December 31, 1966.

In this application Department of Highways seeks Commission approval of the abolition of the crossing (approved by the preliminary order) where State Highway Route 38016 is crossed, at grade, by the new siding track of The Pennsylvania Railroad Company and the construction of a crossing in lieu thereof.

The state highway involved in this proceeding extends in a general southeasterly direction about four and a quarter miles from Cumberland Street (State Highway Route 149) in the City of Lebanon to

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PA. DEPT. OF TRANSPORTATION

EXHIBIT NO. 1
P.U.C. NO. 9270106 9270107
2870124 B-113589

DATE OF HEARING 8/5/97
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its terminus in State Highway Route Application 4668 in South Lebanon Township, Lebanon County. The highway approaches to the present crossing, at grade, have a graded width of 38 feet, the middle portion of which is paved with bituminous macadam to a width of 22 feet. Reflectorized 90-degree railroad crossing warning signs and reflector-type advance warning signs have been installed. Our preliminary order, dated November 15, 1965, requires the carrier to flag all train movements across the highway.

At the hearing held in Lebanon on June 17, 1966, a witness for Department of Highways stated that the average daily volume of vehicular traffic at the crossing was 975 vehicles and that future traffic is expected to increase to 1,900 motor vehicles.

Right-of-way and construction plans, consisting of nine sheets, were admitted at the hearing as Applicant's Exhibit No. 1. These plans indicate that the proposed highway will have a graded width of 48 feet in fill sections and 44 feet in cut sections, with the center portion thereof paved with bituminous concrete to a width of 24 feet and will cross, at grade, the same track of The Pennsylvania Railroad Company about 280 feet west of the existing crossing, at grade. Department of Highways' witness testified that Route 38016 will not be a limited-access highway, and that the improvement will be financed entirely by State funds at the sole cost and expense of the department, including paving the crossing area and the erection of reflector-type advance railroad crossing warning signs.

The department has estimated the cost of the proposed highway construction at \$230,680 as summarized below, from its Exhibit No. 2:

Grading	\$ 80,853
Drainage	35,147
Pavement	84,628
Railroad Crossing Pavement	302
Guard Fence	8,750
Engineering and Contingencies	20,970
Total	\$230,680

The Aluminum Company of America presently owns all property through which Route 38016 will be relocated and we will take jurisdiction over the entire length of the relocation of this highway, from the northerly right-of-way line of State Highway Route Application 4668, at or about Engineering Station 0+18, to the center line of the existing Route 38016, at or about Engineering Station 57+75. The Commission will also appropriate all additional property required in connection with the construction of the proposed relocated highway and will vacate the portion of the right of way of existing State Highway Route 38016 lying east of the required new right of way and not necessary for the new construction.

The department's witness testified that, by an agreement between Department of Highways of the Commonwealth of Pennsylvania and the Aluminum Company of America, dated September 22, 1966, the company agreed to acquire and convey by proper deed, at no cost to the Commonwealth, the necessary right of way and slope easements as may be required for the relocation and construction of State Highway Route 38016, Section 5. The agreement also provides for the construction and maintenance of a road by the company as an access road to its new facilities at its own cost and expense and to grant to the Commonwealth a temporary easement on and over said road through property of the company for a temporary run-around road during the time intervening between the vacation of a portion of existing State Highway Route 38016 and the completion of the project. The Commission will appropriate all property, including the temporary appropriation, required for this railroad-highway crossing project.

Department of Highways' Exhibit No. 4 contains detailed descriptions, by metes and bounds, of all property to be temporarily appropriated by the Commission and the department's Exhibit No. 3 contains the same data for all other property to be appropriated by the Commission for the construction of the railroad-highway crossing project.

The witness also testified that, due to the small number of trains which will operate over this crossing at a slow speed, flashing light railroad crossing warning signals are not required. However, he stated that if the Commission should determine that flashing light signals are necessary and allocates any portion of the cost to the department, it should be without prejudice to the department's right to recover such cost from the Aluminum Company of America in accordance with the agreement.

A witness for The Pennsylvania Railroad Company averred that, even though rail movements would consist of only one in each direction daily, the heavy volume of high speed highway traffic requires that the crossing be protected by flashing light railroad crossing warning signals at an estimated cost of \$12,000. He also stated that the rails within the limits of the proposed crossing have been welded and that the carrier would install necessary guard timbers through the crossing.

A witness for The United Gas Improvement Company testified that the company is presently constructing and will maintain, at its sole cost and expense, a new 8-inch gas line to serve the new aluminum plant, crossing under the track in the shoulder of existing State Highway Route 38016.

A witness for Metropolitan Edison Company testified that the facilities of this company already have been relocated parallel to and outside of the limits of the portion of State Highway Route 38016 proposed to be relocated and that the company is presently negotiating for a crossing agreement with the railroad company.

The Atlantic Pipe Line Company operates two 8-inch diameter and one 6-inch diameter pipe lines, located about 30 inches below the surface of the original ground or about 18 inches below the surface of the pavement of proposed relocated State Highway Route 38016. These lines will be crossed by the new highway at about Survey Station 10+50 and presumably must be altered, relocated, or otherwise protected.

The pipeline company, although notified, was not represented at the hearing.

City of Lebanon owns a 16-inch diameter cast iron water main which will be crossed by the new highway at about Survey Station 15+20 where the embankment will be about 10 feet in height above the ground surface, placing an additional load on this pipeline. The city, which was not represented at the hearing, will be required to make any necessary changes in its line.

Upon full consideration of the matters and things involved, we find and determine that the abolition of the existing crossing, at grade, and the construction of a new crossing, at grade, in lieu thereof, as above described, are necessary or proper for the service, accommodation, convenience, or safety of the public; THEREFORE,

IT IS ORDERED:

1. That the existing crossing where an industrial siding track of The Pennsylvania Railroad Company crosses, at grade, State Highway Route 38016 in South Lebanon Township, Lebanon County, be abolished and a new crossing, at grade, where the said highway, relocated as proposed, will cross the same track in the said township and county, be constructed in accordance with the right-of-way and construction plans prepared by Department of Highways and admitted at the hearing held June 17, 1966 as the Applicant's Exhibit No. 1, which plans are attached hereto, made part hereof, and are hereby approved, except insofar as they may relate to the division of work, the deletion of work, or to the allocation of costs and expenses incident to the construction of the improvement.

2. That the following described public highway in the Township of South Lebanon, Lebanon County, be and is hereby laid out and established, to wit:

A road or highway, approximately 5528 feet in length, beginning at a point in the northerly side of existing State Highway Route Application 4668 in South Lebanon Township, Lebanon County, at or about State Highway Survey Station 92+84.50 and extending thence in a general northerly direction in the said township and across the single track of an industrial siding of The Pennsylvania Railroad Company to a point in the center line of State Highway Route 38016 in South Lebanon Township, Lebanon County, at or about State Highway Survey Station 35+60; alignment, width, and grade to be as shown on the approved plan.

3. That in accordance with the provisions of Section 409 of the Public Utility Law 1937, P.L. 1053, as amended and supplemented, 66 P.S. 1179, the following described properties be and are hereby severally taken and appropriated for the sole purpose of constructing a temporary run-around road in accordance with the approved plans and that numbered paragraph 3 of this order, together with a copy of said plans, shall be recorded by the Recorder of Deeds of Lebanon County and shall be indexed under the name or names of the record owners of said property, grantor(s), and to the Commonwealth of Pennsylvania, grantee, at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein; said temporary right of way shall exist only as long as required to accommodate the temporary run-around road pending completion of the relocation of State Highway Route 38016, Section 5, and its acceptance and opening to public use and, in any event, not beyond July 31, 1968.

1. Aluminum Company of America, record owner
Alcoa Building
Pittsburgh, Pennsylvania 15219

ALL THAT CERTAIN tract of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in South Lebanon Township, Lebanon County, bounded and described as follows, to wit:

Beginning at a point on the northeasterly side of State Highway Route 38016, said point being on the northeasterly temporary right-of-way line for Temporary Run-Around and the northeasterly legal right-of-way line distant one hundred (100) feet northeasterly and measured radially from the construction center line of Route 38016 at or about Station 46/50 thereof; thence in a northeasterly direction along the legal right-of-way line to a point on the northeasterly required right-of-way line distant fifty (50) feet northeasterly and measured radially from the construction center line at or about Station 51/55 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant fifty (50) feet northeasterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a southwesterly direction along the required right-of-way line to a point on the northeasterly legal right-of-way line distant

forty (40) feet northeasterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a northwesterly direction along the legal right-of-way line to a point on the northeasterly temporary right-of-way line for Temporary Run-Around distant forty (40) feet northeasterly and measured at right angles from the construction center line at or about Station 57/75 thereof; thence in a southeasterly direction along the temporary right-of-way line for Temporary Run-Around to a point distant one hundred sixty-eight (168) feet northeasterly and measured at right angles from the construction center line at or about Station 55/70 thereof; thence in a southeasterly direction along the temporary right-of-way line for Temporary Run-Around to a point distant one hundred fifteen (115) feet northeasterly and measured radially from the construction center line at or about Station 48/50 thereof; thence in a southeasterly direction along the temporary right-of-way line for Temporary Run-Around to a point and place of beginning and containing one and six hundred sixty-two thousandths (1.662) acres of land, more or less.

The above tract of land is a portion of real estate which became legally vested in Aluminum Company of America by deed dated October 21, 1965 from Ezra M. Martin and Edith S. Martin, recorded October 21, 1965 in Deed Book 49, page 276; by deed dated September 13, 1965 from Arron B. Horning and Elizabeth Horning, recorded September 13, 1965 in Deed Book 48, page 582; by deed date November 2, 1965 from Paul R. Horst and Mary K. Horst, recorded November 3, 1965 in Deed Book 49, page 532; and by deed dated November 1, 1965 from Ivan S. Parker and Vivian W. Parker, recorded November 1, 1965 in Deed Book 49, page 505, all in the Lebanon County Courthouse.

4. That in accordance with the provisions of Section 409 of the Public Utility Law, 1937, P.L. 1053, as amended and supplemented, 66 P.S. 1179, the following described properties be and are hereby severally taken and appropriated for the purpose of the improvement in accordance with the approved plans and that numbered paragraph 4 of this order, together with a copy of said plans, shall be recorded by the Recorder of Deeds of Lebanon County and shall be indexed under the name or names of the record owners of said properties, grantor(s), and to the Commonwealth of Pennsylvania, grantees, at the sole cost and expense of Department of Highways of the Commonwealth of Pennsylvania, applicant herein.

1. Aluminum Company of America, record owner
Alcoa Building
Pittsburgh, Pennsylvania 15219

ALL THOSE CERTAIN tracts of land, together with all buildings, structures or parts thereof of any description or use whatsoever, erected or located thereon, situated in South Lebanon Township, Lebanon County, bounded and described as follows, to wit:

TRACT NO. 1

Beginning at a point on the westerly side of State Highway Route 38016, said point being on the westerly required right-of-way line and the northerly legal right-of-way line of Application 4668 distant nineteen and four tenths (19.4) feet northerly and measured at right angles from the center line of Application 4668 at or about Station 90/60 thereof; thence in a northerly direction along the required right-of-way line to a point distant fifty (50) feet northerly and measured at right angles from the center line of Application 4668 at or about Station 90/60 thereof; thence in an easterly direction along the required right-of-way line to a point distant fifty (50) feet northerly and measured at right angles from the center line of Application 4668 at or about Station 92/05 thereof; thence in a northeasterly direction along the required right-of-way line and an arc of a circular curve to the left with a radius of forty (40) feet to a point distant fifty (50) feet westerly and measured at right angles from the construction center line of Route 38016 at or about Station 0/75 thereof; thence in a northerly direction along the required right-of-way line to a point distant fifty (50) feet westerly and measured at right angles from the construction center line at or about Station 15/00 thereof; thence in a westerly direction along the required right-of-way line to a point distant sixty (60) feet westerly and measured at right angles from the construction center line at or about Station 15/00 thereof; thence in a northerly direction along the required right-of-way line to a point distant sixty (60) feet westerly and measured at right angles from the construction center line at or about Station 26/00 thereof; thence in an easterly direction along the required right-of-way line to a point distant fifty (50) feet westerly and measured at right angles from the construction center line at or about Station 26/00 thereof; thence in a northerly direction along the required right-of-way line to a point distant fifty (50) feet westerly and measured at right angles from the construction center line at or about Station 29/00 thereof; thence in a westerly direction along the required right-of-way line to a point distant sixty (60) feet westerly and measured at right angles from the construction center line at or about Station 29/00 thereof; thence in a northerly direction along the required right-of-way line to a point distant sixty (60) feet westerly and measured at right angles from the construction center line at or about Station 31/15.65 thereof; thence in a

northwesterly direction along the required right-of-way line to a point distant sixty (60) feet westerly and measured radially from the construction center line at or about Station 33/00 thereof; thence in an easterly direction along the required right of way line to a point distant fifty (50) feet westerly and measured radially from the construction center line at or about Station 33/00 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant fifty (50) feet southwesterly and measured radially from the construction center line at or about Station 46/00 thereof; thence in a ~~southwesterly direction~~ along the required right-of-way line to a point distant sixty (60) feet southwesterly and measured radially from the construction center line at or about Station 46/00 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant sixty (60) feet southwesterly and measured radially from the construction center line at or about Station 50/00 thereof; thence in a northeasterly direction along the required right-of-way line to a point distant fifty (50) feet southwesterly and measured radially from the construction center line at or about Station 50/00 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant fifty (50) feet southwesterly and measured at right angles from the construction center line at or about Station 54/65.65 thereof; thence in a northwesterly direction along the required right-of-way line to a point distant fifty (50) feet southwesterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a northeasterly direction along the required right-of-way line to a point on the southwesterly legal right-of-way line distant forty (40) feet southwesterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a southeasterly direction along the legal right-of-way line to a point distant forty (40) feet southwesterly and measured at right angles from the construction center line at or about Station 55/00 thereof; thence in a northeasterly direction along the legal right-of-way line to a point distant thirty (30) feet southwesterly and measured at right angles from the construction center line at or about Station 55/00 thereof; thence in a southeasterly direction along the legal right-of-way line to a point distant thirty (30) feet southwesterly and measured at right angles from the construction center line at or about Station 54/87.66 thereof; thence in a southeasterly direction along the legal right-of-way line to a point distant ten (10) feet southwesterly and measured radially from the construction center line at or about Station 49/76 thereof; thence in a southwesterly direction along the legal right-of-way line to a point distant twenty (20) feet southeasterly and measured radially from the construction center line at or about Station 49/75 thereof; thence in a southwesterly direction along the legal right-of-way line to a point distant fourteen (14) feet northeasterly and measured radially from the construction center line at or about Station 46/77 thereof; thence in a northeasterly direction

along the legal right-of-way line to a point distant twenty-four (24) feet northeasterly and measured radially from the construction center line at or about Station 46/79 thereof; thence in a southeasterly direction along the legal right-of-way line to a point on the northeasterly required right-of-way line distant fifty (50) feet northeasterly and measured radially from the construction center line at or about Station 45/11 thereof; thence in a southeasterly direction along the required right-of-way line to a point distant fifty (50) feet easterly and measured radially from the construction center line at or about Station 32/50 thereof; thence in an easterly direction along the required right-of-way line to a point distant sixty (60) feet easterly and measured radially from the construction center line at or about Station 32/50 thereof; thence in a southerly direction along the required right-of-way line to a point distant sixty (60) feet easterly and measured at right angles from the construction center line at or about Station 31/15.65 thereof; thence in a southerly direction along the required right-of-way line to a point distant sixty (60) feet easterly and measured at right angles from the construction center line at or about Station 28/00 thereof; thence in a westerly direction along the required right-of-way line to a point distant fifty (50) feet easterly and measured at right angles from the construction center line at or about Station 28/00 thereof; thence in a southerly direction along the required right-of-way line to a point distant fifty (50) feet easterly and measured at right angles from the construction center line at or about Station 0/83 thereof; thence in a southeasterly direction along the required right-of-way line and an arc of a circular curve to the left with a radius of twenty (20) feet to a point distant fifty (50) feet northerly and measured at right angles from the center line of Application 4668 at or about Station 93/68 thereof; thence in a southerly direction along the required right-of-way line to a point on the northerly legal right-of-way line to Application 4668 distant eighteen (18) feet northerly and measured at right angles from the center line of Application 4668 at or about Station 93/68 thereof; thence in a southwesterly direction along the northerly legal right-of-way line of Application 4668 to a point and place of beginning and containing twelve and eighty-four thousandths (12.084) acres of land, more or less.

TRACT NO. 2

Beginning at a point on the northeasterly side of State Highway Route 38016, said point being on the northeasterly legal right-of-way line and the northeasterly required right-of-way line distant fifty (50) feet northeasterly and measured radially from the construction center line at or about Station 51/50 thereof; thence in a northwesterly direction along the legal right-of-way line to a point on the northeasterly required right-of-way line distant forty (40) feet northeasterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a northeasterly

direction along the required right-of-way line to a point distant fifty (50) feet northeasterly and measured at right angles from the construction center line at or about Station 55/60 thereof; thence in a southeasterly direction along the required right-of-way line to a point and place of beginning and containing forty-six thousandths (0.046) of an acre of land, more or less.

The above two tracts of land are portions of real estate which became legally vested in Aluminum Company of America by deed dated July 27, 1965 from Robert A. Batdorf, Sr., and Esther M. Batdorf, recorded July 27, 1965 in Deed Book 47, page 607; by deed dated October 21, 1965 from Ezra M. Martin and Edith S. Martin, recorded October 21, 1965 in Deed Book 49, page 276; by deed dated September 13, 1965 from Arron B. Horning and Elizabeth Horning, recorded September 13, 1965 in Deed Book 48, page 582; by deed dated October 5, 1965 from Benedict d. Birkel and Viola M. Birkel, recorded October 5, 1965 in Deed Book 48, page 1131; by deed dated December 31, 1965 from Charles F. Moyer and Helen L. Moyer, recorded January 11, 1966 in Deed Book 50, page 597; and by deed dated November 2, 1965 from Paul R. Horst and Mary K. Horst, recorded November 3, 1965 in Deed Book 49, page 532, all in the Lebanon County Courthouse.

5. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to rehabilitate its track and to install guard timbers along each rail with flangeways not in excess of 2-1/2 inches in width for the full graded width of the highway at the site of the new crossing.

6. That The Pennsylvania Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to remove the crossbuck railroad crossing warning signs at the abolished crossing and, in addition, furnish any construction inspectors, flagmen, or watchmen required to protect its facilities and operations during the time that the improvement is being constructed across and adjacent to its track.

7. That The Pennsylvania Railroad Company, within 60 days after the date of service hereof, prepare and submit to the Commission for approval, a detailed location and circuit plan providing for the installation of automatically operated flashing light railroad crossing warning signals at the new crossing, at grade.

8. That The Pennsylvania Railroad Company furnish all material and perform all work necessary to install a flashing light railroad crossing warning signal at a proper location on each side of the crossing, at grade, in accordance with the detailed plan to be approved by the Commission.

9. That Department of Highways, at its sole cost and expense, furnish all material and do all work required to construct the new highway hereinabove laid out and established, in accordance with the approved plans, including the installation of a standard reflector-type advance railroad crossing warning sign at a proper location on each side of the new crossing, at grade.

10. That, except for the areas occupied by guard timbers installed by The Pennsylvania Railroad Company, the new crossing, at grade, be paved by Department of Highways, at its sole cost and expense, with bituminous concrete or other suitable material solid between the rails and for a distance of at least 24 inches beyond

each rail for the full graded width of the highway; said crossing to be paved so as to provide a smooth, solid surface between the outside of the railhead and the abutting highway surface.

11. That the City of Lebanon furnish all material and do all work required to make any temporary or permanent alterations or relocations of its existing 16-inch diameter water pipeline or other facilities required by reason of, or to permit, the construction of the railroad-highway crossing project in accordance with this order.

12. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than The Pennsylvania Railroad Company, located within the limits of any highway, which may be required as incidental to the execution of the project, be made by said public utility, at its sole cost and expense, and in such manner as will not interfere with the construction of the improvement and such relocated or changed facilities thereafter be maintained by said utility.

13. That any relocation of, changes in, or removal of any adjacent structures, equipment, or other facilities of any public utility, other than The Pennsylvania Railroad Company, located beyond the limits of any highway, which may be required as incidental to the execution of the project, be made by said public utility in such manner as will not interfere with the construction of the improvement and such relocated or changed facilities thereafter be maintained by said utility.

14. That Department of Highways, at its initial cost and expense, furnish all material and do all work necessary to effect the vacation, relocation, removal, or demolition of any nonutility structures, including occupied dwellings, located upon property required for the purpose of the improvement.

15. That Department of Highways, at its initial cost and expense, furnish all material and do all work necessary to construct

and maintain the temporary run-around road and such other features as may be required to accommodate highway traffic properly during the time the improvement is being constructed.

16. That Department of Highways, at its sole cost and expense, furnish all material and do all work necessary to complete the remainder of the railroad-highway crossing project in accordance with the approved plans.

17. That the railroad-highway crossing project be completed in a manner satisfactory to this Commission on or before July 31, 1968, and that on or before said date Department of Highways, The Pennsylvania Railroad Company, and City of Lebanon each report to this Commission the date of actual completion of its respective portion and, at the earliest practicable time subsequent to said date of completion, submit to this Commission a detailed statement of the actual cost incurred by it in furnishing material and in performing work in compliance with this order.

18. That Department of Highways cooperate with The Pennsylvania Railroad Company so that in the construction of the crossing project the operation and facilities of the company will not be endangered or unnecessarily impeded.

19. That during the time the railroad-highway crossing project is being constructed across and adjacent to its track The Pennsylvania Railroad Company cooperate with Department of Highways and conduct its operations in the vicinity of the crossings in a safe manner and under control.

20. That The Pennsylvania Railroad Company pay any money to which it may be entitled as compensation for damages for any of its operating right of way property taken, injured, or destroyed by reason of the construction of the railroad-highway crossing project in accordance with this order.

21. That Department of Highways, at its initial cost and expense, pay all compensation for damages, if any,—due to the owners, exclusive of The Pennsylvania Railroad Company, as hereinabove provided, for property taken, injured, or destroyed by reason of the construction of the project in accordance with this order.

22. That Department of Highways pay the City of Lebanon, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to the actual cost of material furnished and work performed by the city in altering or relocating its facilities in accordance with numbered paragraph 11 of this order.

23. That Department of Highways, at its initial cost and expense, pay The Pennsylvania Railroad Company, when and as certified by Pennsylvania Public Utility Commission, a sum or sums of money equal to 90 per cent of the actual cost incurred by the company in furnishing and installing the flashing light railroad crossing warning signals in accordance with this order.

24. That upon completion of the new crossing and its opening to public use, The Pennsylvania Railroad Company furnish all material and do all work necessary thereafter to maintain its railroad facilities, including the flashing light railroad crossing warning signals, and to maintain at all times in a smooth and satisfactory condition the crossing paving between the rails and for a distance of at least 24 inches beyond each rail at the new crossing.

25. That upon completion of the railroad-highway crossing project and its opening to public use, Department of Highways furnish all material and do all work necessary thereafter to maintain the advance railroad crossing warning signs and the approaches to the new crossing on the new highway herein laid out and established to points 24 inches beyond each rail.

26. That upon completion of the construction of the project and its opening to public use, all that portion of the existing State

Highway Route 15016 lying between the termini of the new highway hereinabove laid out and established and beyond the required right of way of the new highway be and is hereby vacated and closed to public use.

27. That this order, insofar as it imposes certain costs upon Department of Highways in the first instance, is without prejudice to the right of the Department to recover from ~~the~~ ~~Company of America~~ part or all of such costs thus incurred in accordance with any lawful agreement between the parties.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

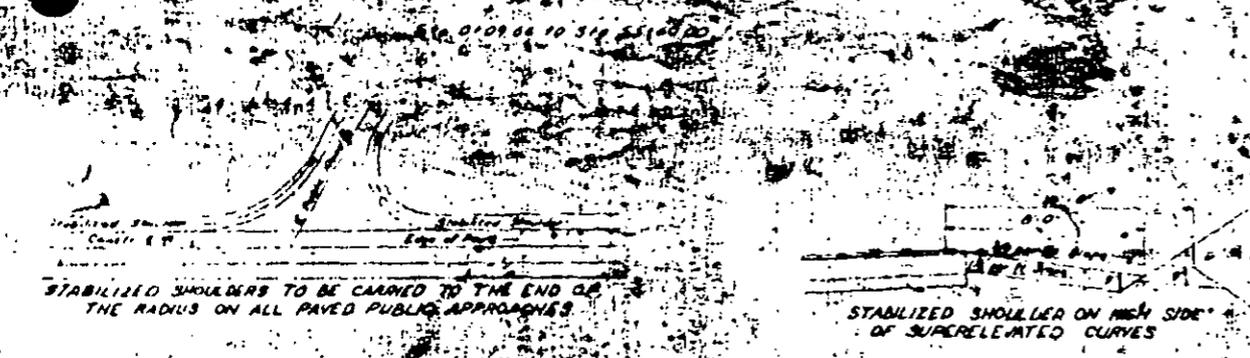
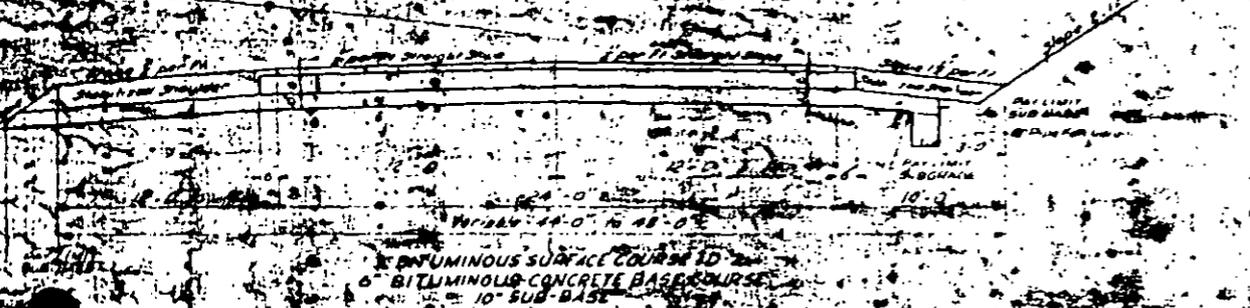
(signed) George I. Elmer

Chairman

ATTEST:

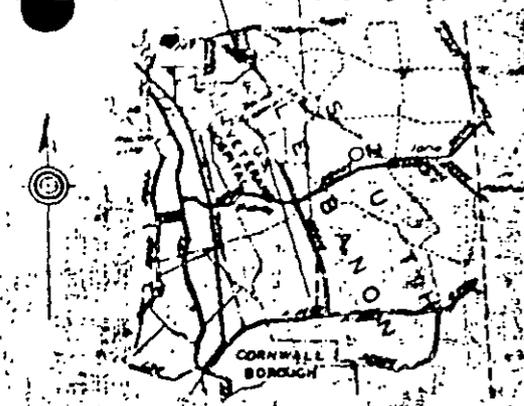
Secretary

TYPICAL SECTION



LIMIT OF WORK
STA 0+09.64
L.R. 38.016 SECT 5
SOUTH LEBANON TWP
LEBANON CO

LIMIT OF WORK
STA 55+60.00
3LD STA 55+60
L.R. 38.016 SECT 5
SOUTH LEBANON TWP
LEBANON CO



LOCATION MAP
LEGEND
CONSTRUCTION
STATE HIGHWAYS
TOWNSHIP ROAD

TABULATION OF UNDERDRAIN

Station to Station	Side	Type of Underdrain	Remarks
0+00 to 0+10	LT	3" Dia. 12' Spacing	On Radius
0+10 to 0+20	LT	3" Dia. 12' Spacing	On Radius
0+20 to 0+30	LT	3" Dia. 12' Spacing	On Radius
0+30 to 0+40	LT	3" Dia. 12' Spacing	On Radius
0+40 to 0+50	LT	3" Dia. 12' Spacing	On Radius
0+50 to 0+60	LT	3" Dia. 12' Spacing	On Radius
0+60 to 0+70	LT	3" Dia. 12' Spacing	On Radius
0+70 to 0+80	LT	3" Dia. 12' Spacing	On Radius
0+80 to 0+90	LT	3" Dia. 12' Spacing	On Radius
0+90 to 1+00	LT	3" Dia. 12' Spacing	On Radius
1+00 to 1+10	LT	3" Dia. 12' Spacing	On Radius
1+10 to 1+20	LT	3" Dia. 12' Spacing	On Radius
1+20 to 1+30	LT	3" Dia. 12' Spacing	On Radius
1+30 to 1+40	LT	3" Dia. 12' Spacing	On Radius
1+40 to 1+50	LT	3" Dia. 12' Spacing	On Radius
1+50 to 1+60	LT	3" Dia. 12' Spacing	On Radius
1+60 to 1+70	LT	3" Dia. 12' Spacing	On Radius
1+70 to 1+80	LT	3" Dia. 12' Spacing	On Radius
1+80 to 1+90	LT	3" Dia. 12' Spacing	On Radius
1+90 to 2+00	LT	3" Dia. 12' Spacing	On Radius
2+00 to 2+10	LT	3" Dia. 12' Spacing	On Radius
2+10 to 2+20	LT	3" Dia. 12' Spacing	On Radius
2+20 to 2+30	LT	3" Dia. 12' Spacing	On Radius
2+30 to 2+40	LT	3" Dia. 12' Spacing	On Radius
2+40 to 2+50	LT	3" Dia. 12' Spacing	On Radius
2+50 to 2+60	LT	3" Dia. 12' Spacing	On Radius
2+60 to 2+70	LT	3" Dia. 12' Spacing	On Radius
2+70 to 2+80	LT	3" Dia. 12' Spacing	On Radius
2+80 to 2+90	LT	3" Dia. 12' Spacing	On Radius
2+90 to 3+00	LT	3" Dia. 12' Spacing	On Radius

GENERAL NOTES

This project shall be constructed in accordance with the Department of Highways Specifications, 1960 Edition.

Construction details other than those shown on these drawings shall conform to the attached Standard Sheets.

March 1966
March 1966
November 1966
November 1966
November 1966
November 1966

TABULATION OF GUARD FENCE

Station to Station	Side	Type of Guard Fence	Type of End Anchorage	Remarks	STATION TO STATION	SIDE	TYPE OF END ANCHORAGE
13+71 to 23+03	LT	2" Dia. 12' Spacing	2'		13+71 to 23+03	LT	2'
23+03 to 23+16	LT	2" Dia. 12' Spacing	2'		23+03 to 23+16	LT	2'
23+16 to 23+28	LT	2" Dia. 12' Spacing	2'		23+16 to 23+28	LT	2'
23+28 to 23+32	LT	2" Dia. 12' Spacing	2'		23+28 to 23+32	LT	2'
23+32 to 23+40	LT	2" Dia. 12' Spacing	2'		23+32 to 23+40	LT	2'
23+40 to 23+47	LT	2" Dia. 12' Spacing	2'		23+40 to 23+47	LT	2'
23+47 to 23+50	LT	2" Dia. 12' Spacing	2'		23+47 to 23+50	LT	2'
23+50 to 23+60	LT	2" Dia. 12' Spacing	2'		23+50 to 23+60	LT	2'
23+60 to 23+70	LT	2" Dia. 12' Spacing	2'		23+60 to 23+70	LT	2'
23+70 to 23+80	LT	2" Dia. 12' Spacing	2'		23+70 to 23+80	LT	2'
23+80 to 23+90	LT	2" Dia. 12' Spacing	2'		23+80 to 23+90	LT	2'
23+90 to 24+00	LT	2" Dia. 12' Spacing	2'		23+90 to 24+00	LT	2'

6" SELECTED MATERIAL SURFACING (2A-66GR)
TEMP RUN AROUND STA 48+00 EXIST L.R. 38.016, RT.

COMPUTATION OF LENGTH

Sta 34+01.64 to Sta 54+65.65 Bn = 5,453.01 ft
Sta 34+01.64 to Sta 55+00.00 = 20,347 ft
Total = 5,328.35 ft = 1.014 mi

EQUATIONS

Sta 54+65.65 Bn = Sta 54+87.66 And

GRADING SECTION

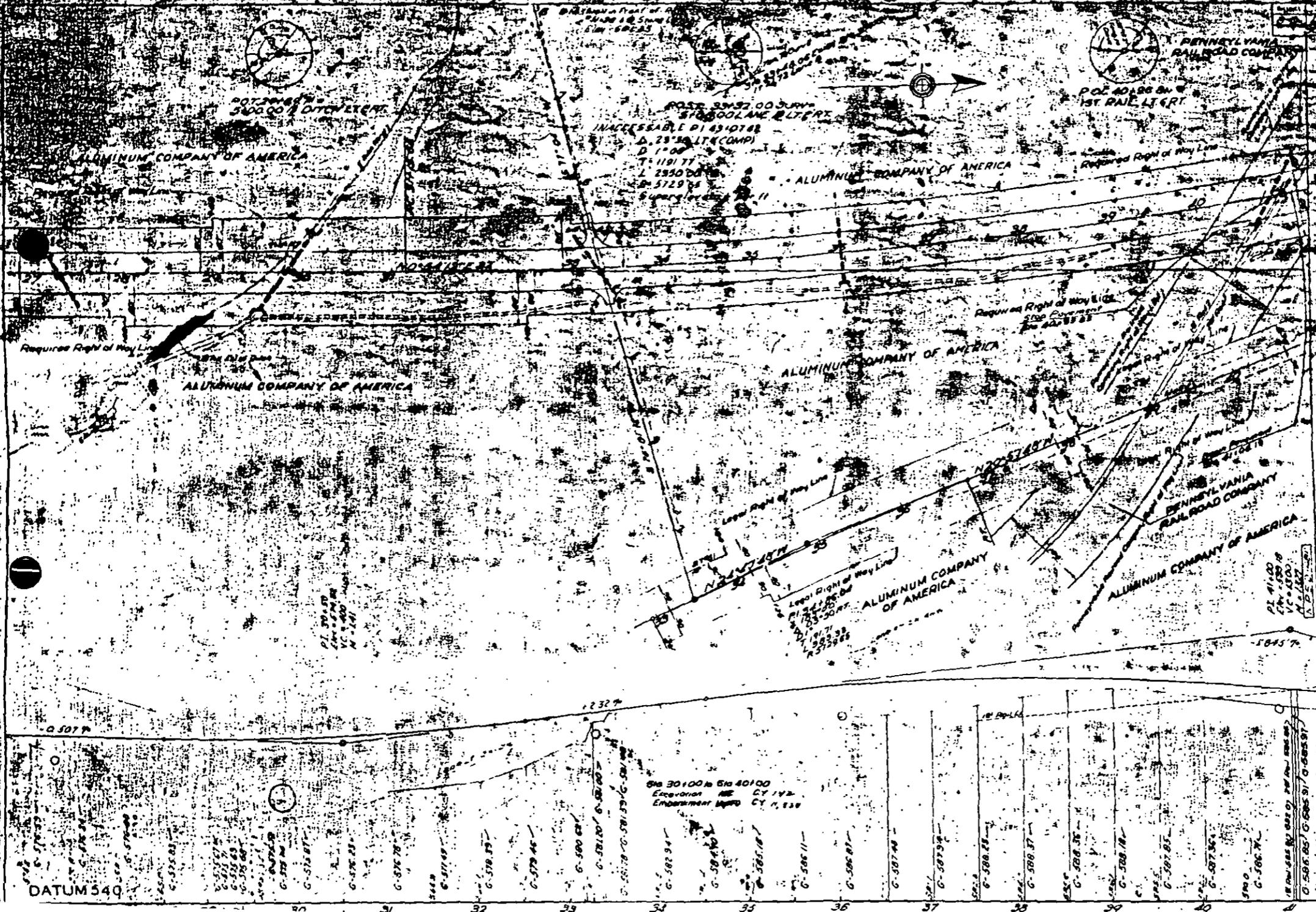
The following information on the estimated amounts of grading quantities has been used by the Department of Highways in its preliminary estimate for this project and shall not be taken or used as a basis for any provisions of the specifications and contract quantities shown here are approximate.

STATIONS	LENGTH	CU YDS OF CUT	CU YDS OF FILL	CU YDS OF CUT	CU YDS OF FILL
0+00 to 0+10	10	1,453.01	0	0	0
0+10 to 0+20	10	1,453.01	0	0	0
0+20 to 0+30	10	1,453.01	0	0	0
0+30 to 0+40	10	1,453.01	0	0	0
0+40 to 0+50	10	1,453.01	0	0	0
0+50 to 0+60	10	1,453.01	0	0	0
0+60 to 0+70	10	1,453.01	0	0	0
0+70 to 0+80	10	1,453.01	0	0	0
0+80 to 0+90	10	1,453.01	0	0	0
0+90 to 1+00	10	1,453.01	0	0	0
1+00 to 1+10	10	1,453.01	0	0	0
1+10 to 1+20	10	1,453.01	0	0	0
1+20 to 1+30	10	1,453.01	0	0	0
1+30 to 1+40	10	1,453.01	0	0	0
1+40 to 1+50	10	1,453.01	0	0	0
1+50 to 1+60	10	1,453.01	0	0	0
1+60 to 1+70	10	1,453.01	0	0	0
1+70 to 1+80	10	1,453.01	0	0	0
1+80 to 1+90	10	1,453.01	0	0	0
1+90 to 2+00	10	1,453.01	0	0	0
2+00 to 2+10	10	1,453.01	0	0	0
2+10 to 2+20	10	1,453.01	0	0	0
2+20 to 2+30	10	1,453.01	0	0	0
2+30 to 2+40	10	1,453.01	0	0	0
2+40 to 2+50	10	1,453.01	0	0	0
2+50 to 2+60	10	1,453.01	0	0	0
2+60 to 2+70	10	1,453.01	0	0	0
2+70 to 2+80	10	1,453.01	0	0	0
2+80 to 2+90	10	1,453.01	0	0	0
2+90 to 3+00	10	1,453.01	0	0	0

LOCKETED
 DECEMBER 3 1997
 DOCUMENT
 FOLDER

PA. DEPT. OF TRANSPORTATION
 EXHIBIT NO. 2
 C-970106, C-970107
 P.U.C. NO. C-970106, A-113589
 DATE OF HEARING 8/5/97

PUBLIC UTILITIES
 Lebanon Bureau of Water & Sewer, City Hall, Lebanon, Penna 17048
 Pennsylvania Railroad Company, 5 Penn Center Plaza, Philadelphia, Penna 19104



REQUIRED LIST	
1	See 29-30-31
2	See 29-30-31
3	See 29-30-31
4	See 29-30-31
5	See 29-30-31
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98	See 29-30-31
99	See 29-30-31
100	See 29-30-31

DATUM 540

Sta 30+00 to Sta 40+00
Excavation 100 CY 100
Embankment 1000 CY 100

LTERM: R80C5001

CURRENT TRAFFIC COUNT DATA (DIRECTIONAL)

COUNTY...: 38 LEBANON				COUNT KEY.: 38/2003/0010/0000
STATE ROUTE: 2003		BASE YR: 1994		- DATE.....: 09/27/1994
SEGMENT....: 0020				- TYPE.....: AXLE VOL
OFFSET.....: 0000				- REF. NO...: 1994286
LGTH - FT: 2499	BASE YEAR	CURRENT	% OF	DIRECTION.....: BOTH
MI: 0.473	-----	-----	TOTAL	DURATION (HOURS)...: 24
TOTAL VEHICLES (ADT): 2591		2722	TRUCKS	PERCENT TRUCKS....: 09
TOTAL TRUCKS (ADTT)..: 233		245	-----	TRAF PATTERN GROUP: 05
2 AXLE TRUCK OR BUS: 167		176	72	DAILY - TOTAL VMT.: 1287
3 AXLE SINGLE UNIT.: 26		28	11	- TRUCK VMT.: 115
3 AXLE SEMI-TRAILER: 5		5	2	-----DESIGN HR VOL FACTORS-----
4 AXLE SINGLE UNIT.: 7		7	3	K: 11 D: 55 T: 5
4 AXLE SEMI-TRAILER: 7		7	3	-----TRAFFIC COUNT LIMITS-----
5 AXLE SEMI-TRAILER: 21		22	9	CO -SR- SEG. OFF.
5 AXLE TWIN-TRAILER: 0		0	0	FROM: 38 2003 0010 0000
6 OR MORE AXLE ALL.: 0		0	0	TO..: 38 2003 0040 0341
WEEKDAY TRUCKS.....: 298		314	EST TRK	-----PARALLEL LIMITS-----
18K ESAL - RIGID.....: 161		167	VOL	FROM: 00 0000 0000 0000
- FLEXIBLE...: 121		126		TO...: 00 0000 0000 0000

ACTION: I (A B E F G H I J L Q R S V W X Y)
MESSAGES:

DOCKETED

SEP 03 1997

**DOCUMENT
FOLDER**

PA. DEPT. OF TRANSPORTATION
EXHIBIT NO. 3
R.U.C. NO. C-970106-970107
970106-A-113589
DATE OF HEARING 9/5/97

Hbg TLS

PA. DEPT. OF TRANSPORTATION

EXHIBIT NO. 4

P.U.C. NO. C-976107 C-476107
C-976136 A-115579

DATE OF HEARING 8/5/97

Hbgg TLS

CKETE

SEP 03 1997

35276

THIS AGREEMENT, made and entered into this 22nd day of September, 1965, by and between the Commonwealth of Pennsylvania, acting through the Department of Highways, hereinafter called Commonwealth

a
b
d

Aluminum Company of America, a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, with its principal offices at 1501 Alcoa Building, Mellon Square, Pittsburgh, Pennsylvania, acting through its proper officials, hereinafter called Alcoa.

W I T N E S S E T H:

WHEREAS, Alcoa is undertaking, in expansion of its industrial facilities, the erection and construction of a new plant facility in Lebanon County, Pennsylvania; and

WHEREAS, it will benefit and promote the general welfare of the Commonwealth and its people to accommodate the construction and development of Alcoa's said new plant facilities; and

WHEREAS, to accommodate the construction and development of Alcoa's said new plant facility it is necessary to vacate and relocate a section of State highway known as Legislative Route 38016, in South Lebanon Township, Lebanon County, Pennsylvania; and

WHEREAS, Alcoa will grade and construct a road, as an access and plant road for its said new facility and is willing and ready to construct and maintain said road, at its own cost and expense, in accordance with the plans and specifications of the Pennsylvania Department of Highways and to

Asst.

3110

thereafter grant to the Commonwealth, for the use of the travelling public, a temporary easement on and over said road and through Alcoa's property as a temporary run-around road during the interim or period between the vacation of a present section of said Legislative Route 38016 and the completion and acceptance for public use of the relocated section of said Legislative Route 38016; and

WHEREAS, the Commonwealth is willing to accede to Alcoa's request for the relocation of said section of State highway and to accept the temporary easement for a run-around road on, over and through Alcoa's said road and property.

NOW, THEREFORE, the parties hereto, for and in consideration of the foregoing premises and of the mutual promises hereinafter set forth, with the intention of being legally bound hereby, agree as follows:

1. Alcoa, upon execution of this agreement, shall, at its cost and expense, survey, design, construct and maintain over its land in South Lebanon Township, Lebanon County, Pennsylvania, a road of twenty-two (22') feet width with paved surface of two and one-half (2 1/2") inch ID-2 wearing surface on a temporary road ten (10") inch PPH base - Type A aggregate, in a location to the west of Legislative Route 38016, as it now exists, from approximate Station 0+00 to approximate Station 35+00 of Legislative Route 38016, in accordance with the plans and specifications approved by the Pennsylvania Department of Highways.

2. Alcoa, upon the completion of the road described in paragraph 1 hereof, in order to provide the travelling public with access across Alcoa's land from about Station 35+00 of

Legislative Route 38016 to Application 4668, pending completion and acceptance by the Commonwealth for public State highway use of Section 5 of relocated Legislative Route 38016, more specifically described in paragraph 4 hereof, shall grant, by appropriate deed of conveyance in form satisfactory to Commonwealth, a temporary easement and right to Commonwealth for the use of said road for State highway purposes as a temporary run-around road from approximate Station 35/00 of Legislative Route 38016 to Application 4668. Alcoa shall at all times maintain, at its own cost and expense, said road in such a manner as to comply with Commonwealth's standards, specifications and other requirements of the Secretary of Highways, or his duly authorized representative for the maintenance of same, except that the Commonwealth, during the period said road is used for and as a temporary run-around road, shall remove the snow therefrom and place anti-skid thereon, as the Commonwealth may consider necessary or advisable, at its own expense.

3. Commonwealth, upon completion of the aforesaid road described in paragraph 1 hereof to the satisfaction of and its acceptance, by the Secretary of Highways, or his duly authorized representative, as being suitable for the use of the travelling public as a State highway, shall vacate for State highway purposes Section 4 of Legislative Route 38016 from approximate Station 35/00 of Legislative Route 38016 to its present intersection with Application 4668, provided, however, all of said section to be vacated is situated wholly within property owned by Alcoa.

4. Commonwealth shall, in lieu of the said Section 4 of Legislative Route 38016 to be vacated as provided in paragraph 3 hereof, design and construct at its cost and expense, except as is otherwise provided in paragraph 5 hereof, a section of State highway, known or to be known as Section 5 of relocated Legislative Route 38016, with a width of twenty-four (24') feet from approximate Station 49/30 of said Legislative Route 38016, on, over and through Alcoa's land to an intersection with Application 4668.

The location of said relocated and new Section 5 of relocated Legislative

Route 38016, within South Lebanon Township, Lebanon County, Pennsylvania, is shown and indicated on the plan or map, entitled "Proposed Relocation Penna. Highway - Rte. 38016", and marked Exhibit 1, attached to and made a part hereof.

5. Alcoa shall, in addition, undertake and complete the following:

(a) Acquire and grant to Commonwealth, without cost or expense to Commonwealth, by appropriate deed of conveyance in form satisfactory to Commonwealth, the necessary rights-of-way and slope easements over property in Alcoa's ownership or control and of adjoining property as may be required for the relocation and construction of said Section 5 of Legislative Route 38016 as provided for in paragraph 4 hereof.

(b) Indemnify and save harmless Commonwealth from any and all cost or expense incident to the installation of automatic warning signals, flashing lights, and other safety devices, if the same are ordered to be installed by the Pennsylvania Public Utility Commission at the crossing of said relocated Section 5 of Legislative Route 38016 to the grade of a railroad siding proposed to be constructed on and across Alcoa's land.

6. Alcoa, in furtherance of the aforesaid relocation project, shall license and permit the Commonwealth, its duly authorized agents, representatives and employees, to enter upon, use and occupy Alcoa's land for the purpose of carrying out the terms of this agreement. Alcoa shall also and does hereby quitclaim and release to Commonwealth any and all damages incurred by Alcoa for or by virtue of the vacation of the aforesaid portion of Legislative Route 38016 and the work undertaken by Commonwealth, its duly authorized agents, representatives and employees under the terms of this agreement, including the taking by condemnation of any portion of Alcoa's land and adjoining lands as may hereafter be acquired by Alcoa for the accommodation of said highway relocation and

construction project; provided, however, that such quitclaim and release of damages shall not apply to or include any damage caused by or resulting from any negligent act or conduct of any contractor or subcontractor acting for or on behalf of the Commonwealth engaged in any part of the work contemplated under the terms of this agreement or by any agent, representative and employee acting for or on behalf of the Commonwealth.

7. All of the work done on the aforesaid relocation and construction project under and by virtue of the terms of this agreement shall conform to and be governed by the plans and specifications prepared or approved therefor by and on file with the Pennsylvania Department of Highways, and the work shall be done under the general supervision of the Secretary of Highways or his duly authorized representative. In this connection, it is distinctly understood and agreed that the work done on the Alcoa road, to be used as the interim temporary run-around road shall be subject, at all times, to the inspection and supervision of the Department of Highways' District 8-0 Engineer and his authorized representatives to ascertain that the work thereon is being performed and that the results of the work performed by Alcoa's contractor are in conformity with the plans and specifications approved by the Department of Highways. The costs of such inspections shall be paid by Alcoa after presentation of invoices to Alcoa therefor, upon certification to Alcoa of the completion and acceptance by Commonwealth of said interim temporary run-around road for public use.

8. When any material not conforming to the requirements of the specifications and drawings of the Department of

Highways has been delivered upon the project or incorporated in the work of the Alcoa road, described in paragraph 1 hereof, or any work performed therein or thereon is of inferior quality, such material and/or work shall be considered as defective and shall be removed and renewed or made satisfactory as directed, at no expense to Commonwealth.

9. Unless otherwise herein specifically provided, the performance of the work on the Alcoa road, described in paragraph 1 hereof, pursuant to this agreement shall be subject to and be governed by the applicable provisions of Commonwealth of Pennsylvania, Department of Highways' Specifications, 1960, Form 408, its current amendments and supplements, which are incorporated into this agreement by reference thereto as though physically attached hereto. Alcoa agrees and understands that all of the terms, conditions and provisions of said Highways' Specifications, 1960, Form 408, subject to which this agreement is made, shall apply not only to Alcoa's contractor in his performance of the work on the aforesaid project, but also to Alcoa in the performance of this agreement for all of which Alcoa assumes full liability and responsibility.

10. Alcoa shall and does hereby indemnify and save harmless the Commonwealth, the Department of Highways, and all of its officers, agents and employees, from all suits, actions or claims of any character, name and description brought for or on account of any injuries or damages received or sustained by any person, persons or property, during the performance of the work on the road described in paragraph 1 hereof by or from Alcoa's contractor, servants, agents and employees whether the same be due to the use of defective

materials, defective workmanship, neglect in safeguarding the work or by or on account of any act, omission, neglect or misconduct of the said contractor, its servants, agents and employees, during the performance of said work and during the effective period of this agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, attested, and sealed by their proper officials, pursuant to due and legal action authorizing the same to be done, the day and year first above written.

ATTEST:

COMMONWEALTH OF PENNSYLVANIA

R. W. Mitchell

By W. Buckheit
Deputy Secretary of Highways

(SEAL)

ATTEST:

ALUMINUM COMPANY OF AMERICA

F. J. Thomas
Asst. Secretary

By L. A. Wilson
Vice President

(SEAL)

APPROVED AS TO FORM AND LEGALITY

By John R. Reynolds
Deputy Attorney General

KNOW ALL MEN BY THESE PRESENTS

That ALUMINUM COMPANY OF AMERICA, a Corporation of the Commonwealth of Pennsylvania, having an office at 1501 Alcoa Building, Pittsburgh, Pennsylvania, 15219, hereinafter called Grantor, for and in consideration of the sum of \$1.00, lawful money of the United States of America, unto it well and truly paid by THE PENNSYLVANIA RAILROAD COMPANY, also a Corporation of the Commonwealth of Pennsylvania, hereinafter called Grantee, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted and by these presents does grant unto said Grantee and to its successors and assigns, the right, liberty and privilege of constructing, maintaining, repairing, renewing, operating and using a railroad through, over and upon _____

ALL THAT STRIP or parcel of land, 100 feet wide, situate in the Township of South Lebanon, County of Lebanon and Commonwealth of Pennsylvania, bounded and described as follows, viz: _____

BEGINNING at a point marked by an iron pipe at the Northeasterly corner of the parcel of land containing 10.497 acres, ±, which has been acquired by The Pennsylvania Railroad Company from Stanley L. Smith and Effie M., his wife, by deed dated April 28, 1966 and recorded in the Recorder of Deeds Office in and for said Lebanon County in Deed Book 52, page 222, said beginning point being at the distance of 976.37 feet measured N. 40° 44' E., along the southeasterly line of said parcel of land acquired as aforesaid from a concrete monument at the southernmost corner thereof, said concrete monument being at the westernmost corner of land of Aluminum Company of America and at an angle point in the general easterly line of land now or formerly of Rufus H. Musser and Susie B., his wife, and Rufus K. Musser and Mary Ella, his wife: _____

EXTENDING from said beginning point the following fourteen courses and distances, the first thirteen thereof being through land of said Aluminum Company of America: (1) S. 69° 24' E., 263.97 feet to a point of curve marked by an iron pipe; (2) Eastwardly, on a curve to the left having a radius of 409.28 feet, the chord of which bears S. 77° 55' 52" E. for a length of 121.43 feet, the arc distance of 121.59 feet to a point of tangent marked by an iron pipe; (3) S. 86° 27' 45" E., 1,023.23 feet to a point of curve marked by an iron pipe; (4) Eastwardly, on a curve to the right having a radius of 623.69 feet, the chord of which bears S. 70° 53' 45" E. for a length of 334.75 feet, the arc distance of 338.61 feet to a point of tangent marked by an iron pipe; (5) S. 55° 19' 45" E., crossing the proposed relocation of State Highway Legislative Route 38016 and crossing the existing State Highway Legislative Route 38016 (State Drive), 1,154.56 feet to an iron pipe in the general easterly right of way line of said existing State Highway; the following three courses and distances being along said general easterly right of way line: (6) S. 20° 35' 45" E., 144.49 feet to an iron pipe; (7) N. 69° 24' 15" E., 10.0 feet to an iron pipe; (8) S. 20° 35' 45" E., 45.45 feet to an iron pipe distant 100 feet southwestwardly at right angles from the prolongation of course number five herein; the following five courses and distances being parallel with said prolongation of and course number five herein and with courses numbers four, three, two and one herein: (9) N. 55° 19' 45" W., recrossing said existing and proposed relocation of State Highway Legislative Route 38016, the distance of 1,316.35 feet to a point of curve marked by an iron pipe; (10) Westwardly, on a curve to the left having a radius of 523.69 feet, the chord of which bears N. 70° 53' 45" W. for a length of 281.07 feet, the arc distance of 284.18 feet to a point of tangent marked by an iron pipe; (11) N. 86° 27' 45" W., 1,023.23 feet to a point of curve marked by an iron pipe; (12) Westwardly, on a curve to the right having a radius of 509.28 feet, the chord of which bears N. 77° 55' 52" W. for a length of 151.10 feet, the arc distance of 151.44 feet to a point of tangent marked by an iron pipe; (13) N. 69° 24' W., 300.63 feet to an iron pipe in said southeasterly line of the parcel of land acquired as aforesaid from Stanley L. Smith and Effie M., his wife; and (14) N. 40° 44' E., along said southeasterly line of the last mentioned land, 106.51 feet to the place of beginning. _____

CONTAINING 6.853 acres, ±. _____

TOGETHER with the free and uninterrupted right, liberty and privilege of passing _____

PA. DEPT. OF TRANSPORTATION

EXHIBIT NO. 5

P.U.C. NO. C-970106, C970107, C-970126, A-113589

DATE OF HEARING 8/5/97

LLS Hley

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at all times hereafter forever through, over and upon the same, with or without locomotives, freight or other cars; and _____

TOGETHER with the right to maintain, widen, enlarge, alter, change, improve and operate said railroad and all necessary or convenient appurtenances over and across the said land and including the right to construct or install across the same whatever facilities as may be necessary or convenient in connection therewith and/or in connection with any change in motive power and operation which may be hereafter made, including as well the installation, maintenance and use, under, across or above the said land of any power lines, train control, communication and signal lines or any other system or systems or other convenient facilities and appurtenances whatsoever.

THE right of way and easement granted herein shall terminate upon the removal of said railroad siding or upon the abandonment of railroad service over said railroad siding to Grantor's plant or upon the nonuse thereof continuing for twelve (12) consecutive months. In the event of such termination for reason other than the removal of said railroad siding, Grantee, at its cost and expense, shall, within a reasonable time, remove its railroad and facilities and appurtenances thereto and if Grantee fails to do so, Grantor, at its sole discretion and option, may, at Grantee's cost and expense, remove the same. In the event of the removal of said railroad siding or other termination of this right of way and easement, Grantee shall, within a reasonable time thereafter, deliver to Grantor, its successors and assigns, a release, in recordable form, releasing and relinquishing from the terms of this grant the above described strip or parcel of land.

THE said ALUMINUM COMPANY OF AMERICA does hereby constitute and appoint

R. E. Sheffer to be its Attorney, for it and in its name, and as and

for its corporate act and deed to acknowledge this Grant before any person having authority by the laws of the Commonwealth of Pennsylvania to take such acknowledgment, to the intent that the same may be duly recorded. _____



IN WITNESS WHEREOF, the said ALUMINUM COMPANY OF AMERICA has caused its common

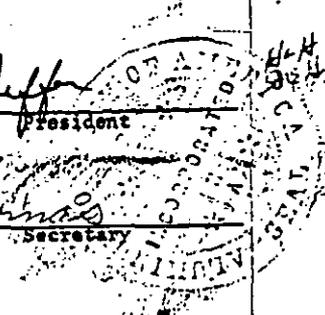
or corporate seal to be hereunto affixed, duly attested, this 21st
day of October A.D. 1966.

ALUMINUM COMPANY OF AMERICA
By:

R. E. Sheffer
Vice President

Attest:

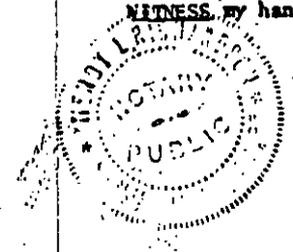
J. J. Thomas
Assistant Secretary



COMMONWEALTH OF PENNSYLVANIA)
: ss
COUNTY OF ALLEGHENY)

I HEREBY CERTIFY that on this 21st day of October
in the year of our Lord one thousand nine hundred and sixty-six (1966), before me,
the subscriber, a Notary Public in and for the Commonwealth of Pennsylvania and
County aforesaid, personally appeared R. E. Sheffer
the Attorney named in the foregoing Grant, and by virtue and in pursuance of the
authority therein conferred upon him, acknowledged the said Grant to be the act and
deed of the said ALUMINUM COMPANY OF AMERICA.

WITNESS my hand and notarial seal, the day and year aforesaid.



WENDY L. RICHARDSON, Notary Public
Pittsburgh, Allegheny County, Penna.
My Commission Expires
April 7, 1969

Wendy L. Richardson
Notary Public

My Commission Expires: April 7, 1969

I HEREBY CERTIFY that the correct address of the within-named Grantee is:

Room 1444 - Six Penn Center Plaza
Philadelphia, Pennsylvania 19104

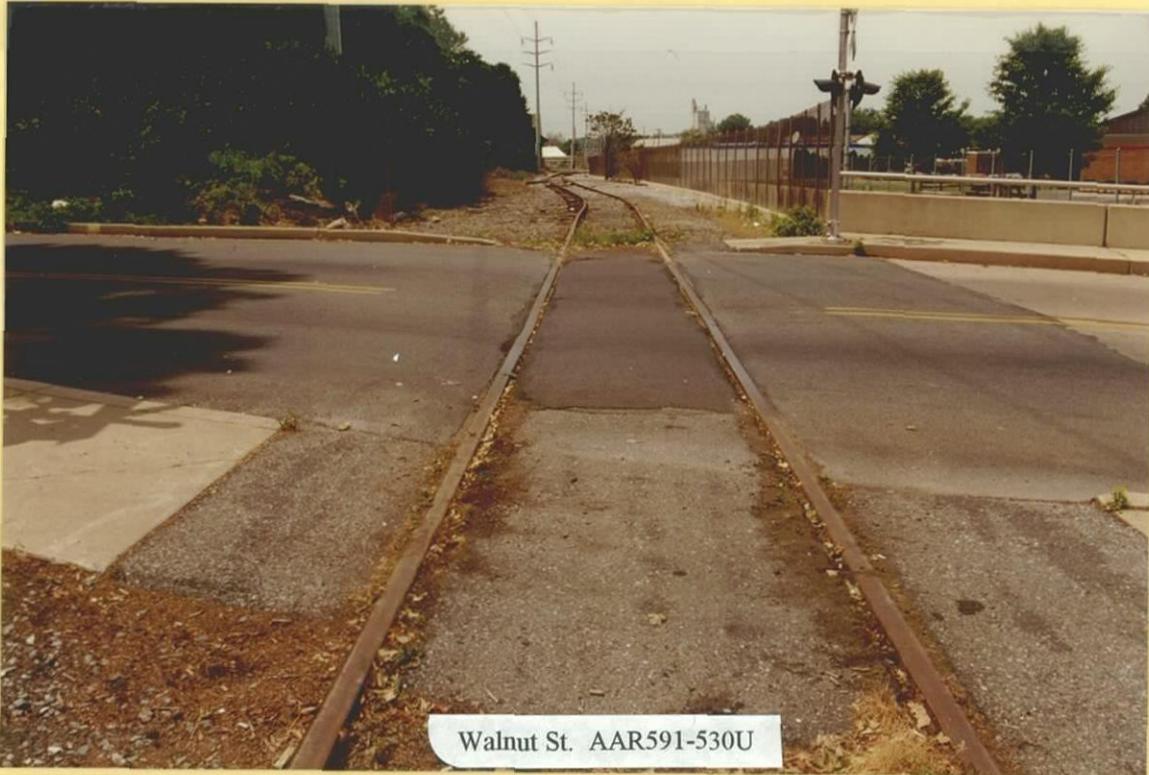
David P. [Signature]
for The Pennsylvania Railroad Company



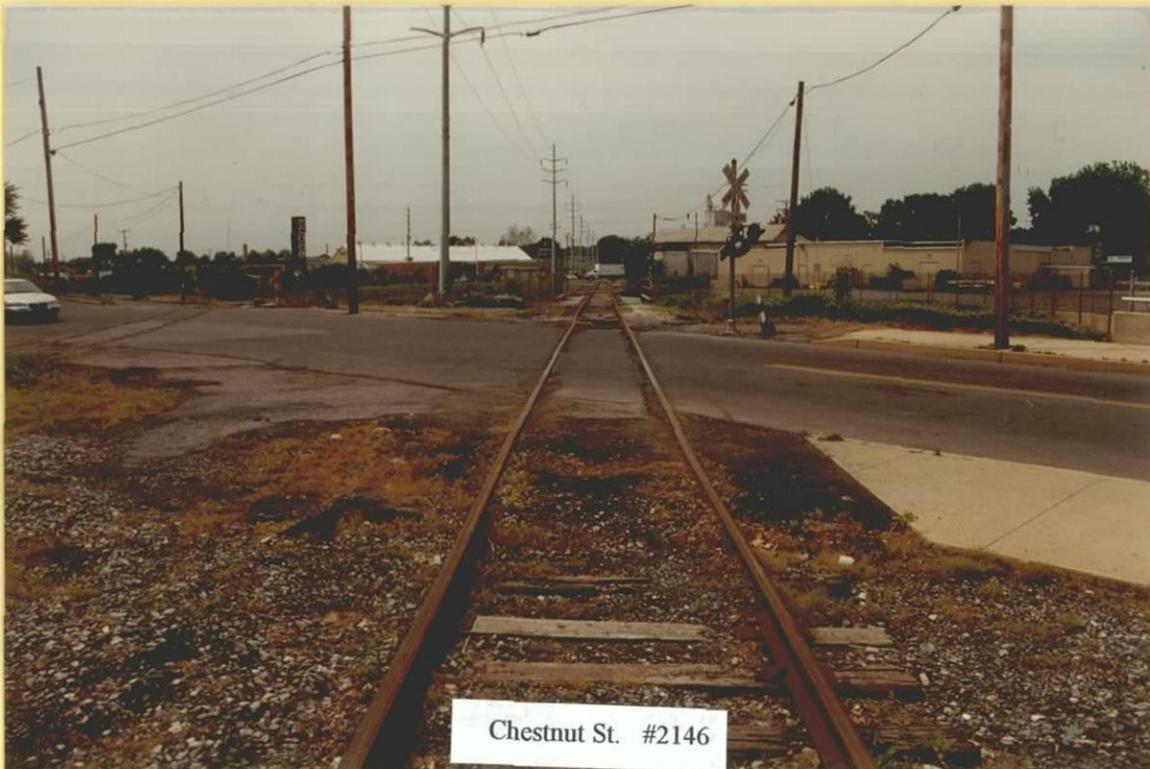
Chestnut St. #2146



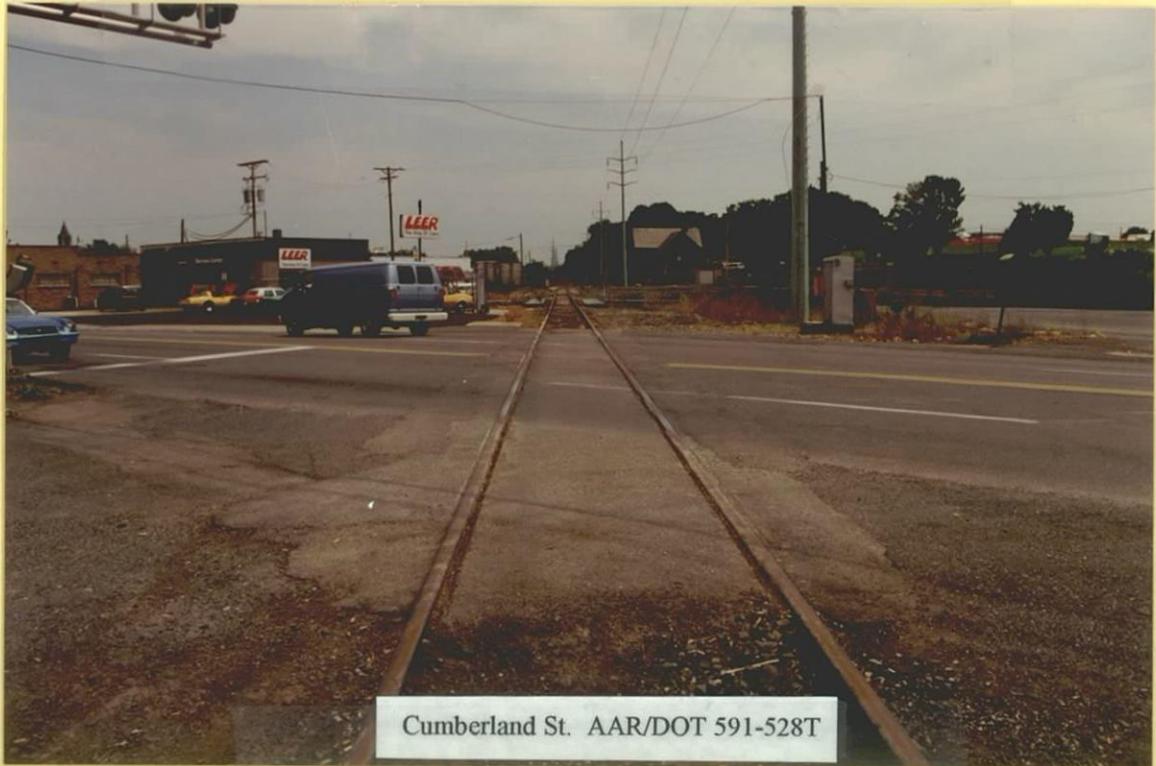
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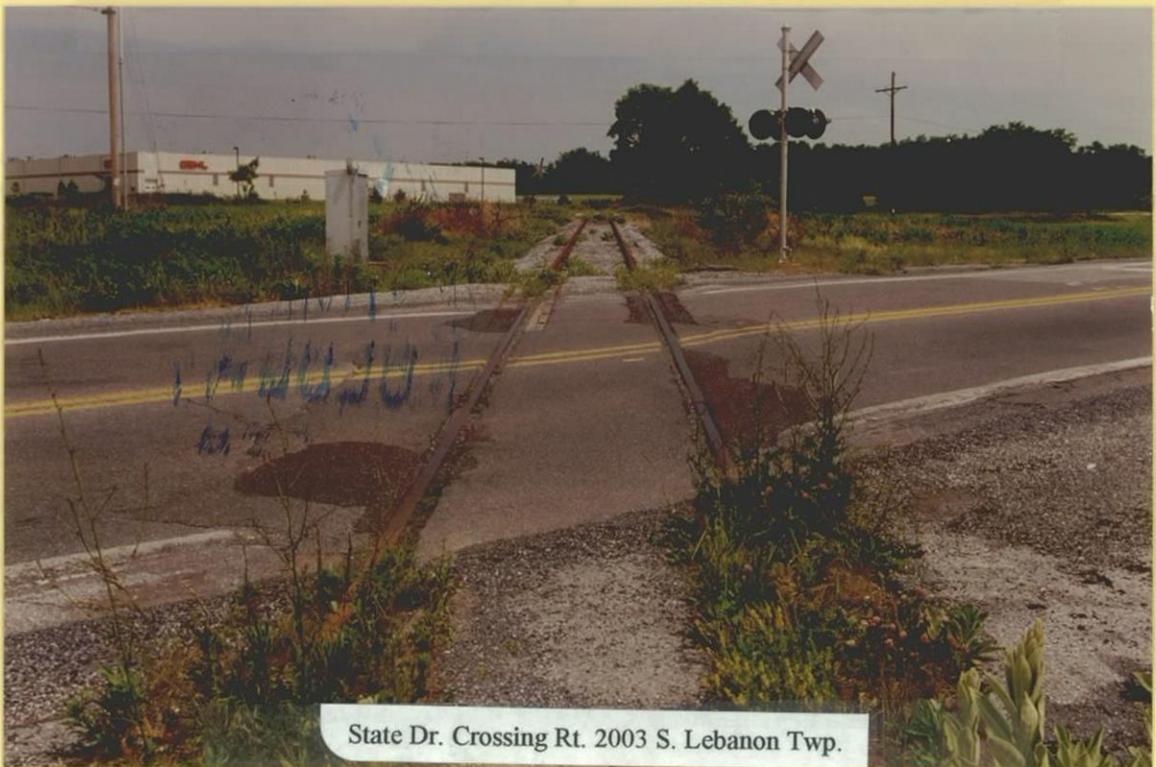
Walnut St. AAR591-530U



Chestnut St. #2146



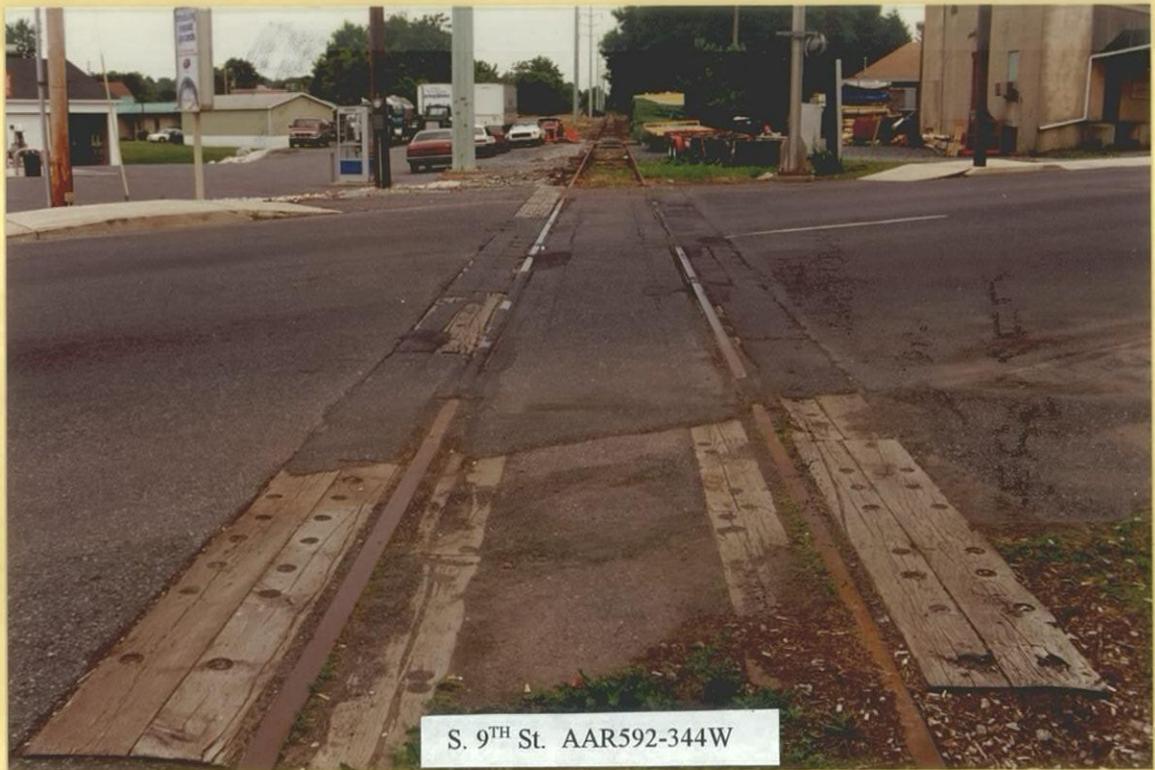
Cumberland St. AAR/DOT 591-528T



State Dr. Crossing Rt. 2003 S. Lebanon Twp.



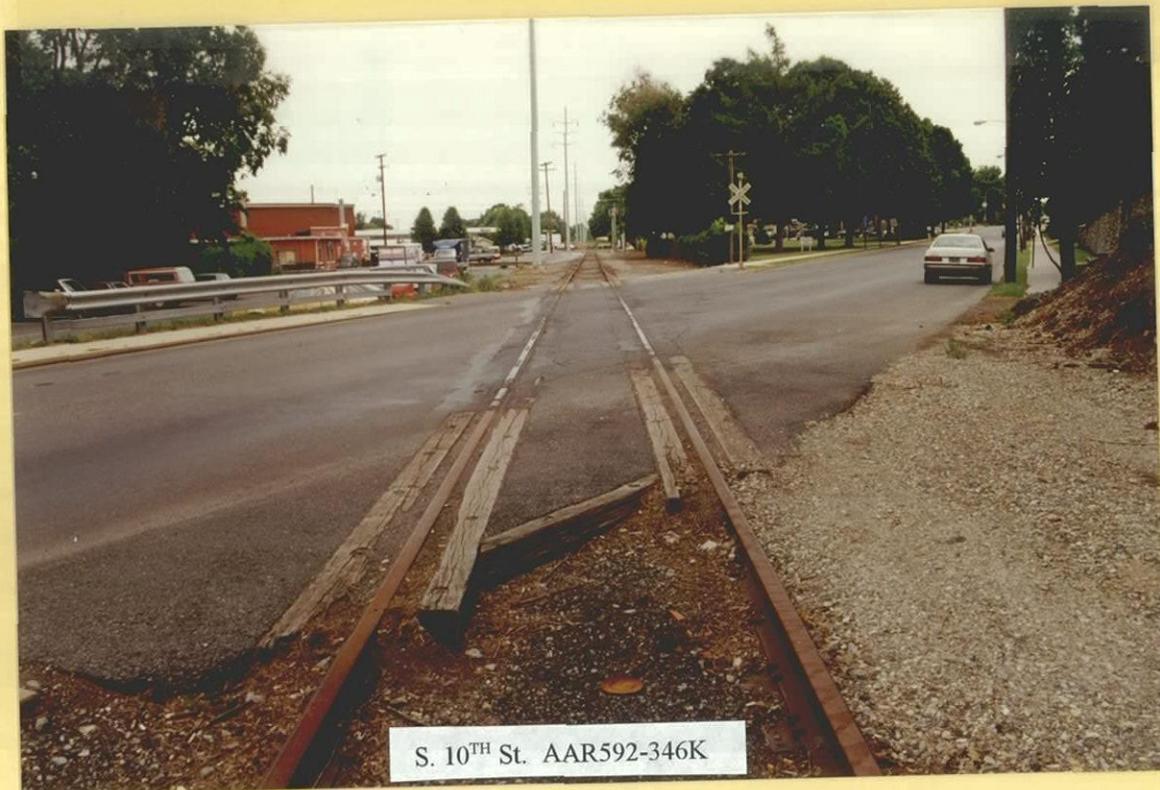
S. 8TH St. AAR535-103E



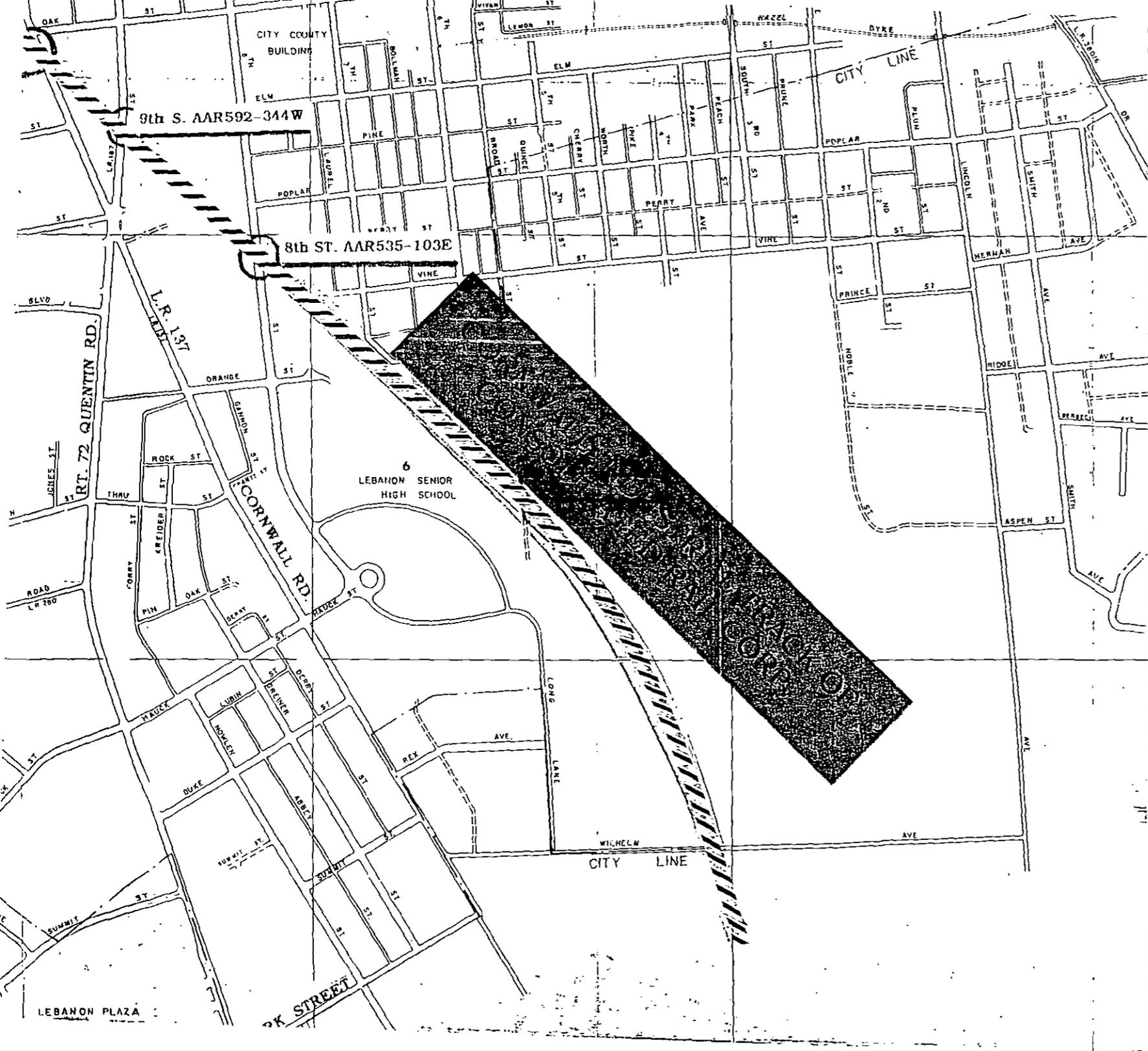
S. 9TH St. AAR592-344W



S. 12TH St. AAR591-531B



S. 10TH St. AAR592-346K



SCHOOLS

1. SOUTH-WEST ELEMENTARY
2. SOUTH-EAST ELEMENTARY
3. HARDING ELEMENTARY
4. HENRY HOUCK ELEMENTARY
5. LEBANON JR. HIGH
6. LEBANON SR. HIGH
7. ST. MARY'S PAROCHIAL
8. LEBANON CATHOLIC HIGH
9. SENIOR CITIZEN CENTER
10. NORTH-WEST ELEMENTARY

FIRE HOUSES

12. PERSEVERANCE AND UNION
13. LIBERTY
14. RESCUE
15. INDEP
16. WASHU
17. GOODY
18. HOOK
19. CHEMIE
20. HEBRO
21. SPEED
22. FRIEND

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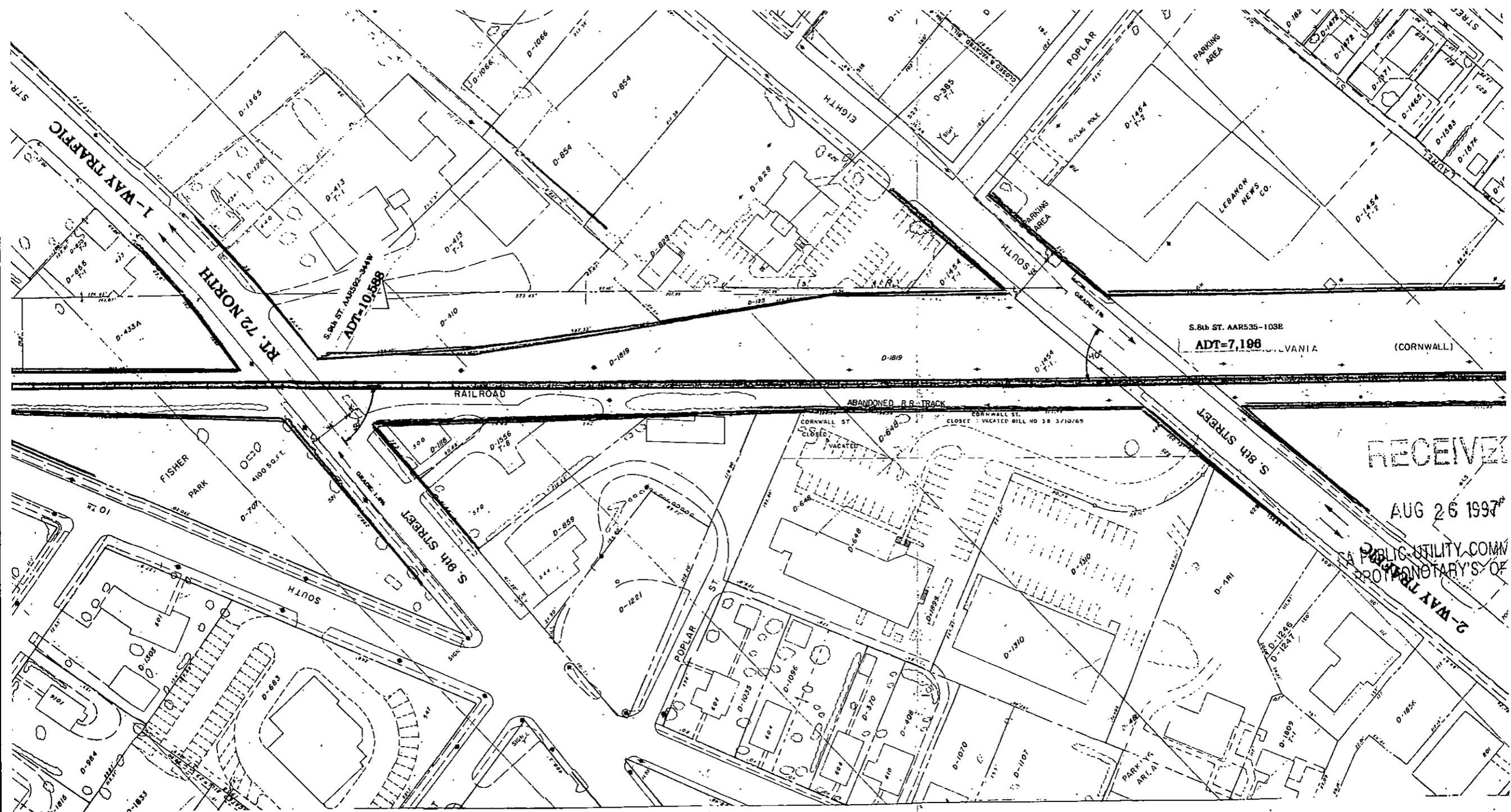
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CITY OF LEBA

OVER SIZED DOCUMENTS



S.8th ST. AAR535-1038
ADT=7,198
PENNSYLVANIA (CORNWALL)

RECEIVED

AUG 26 1997

PUBLIC UTILITY COMM
COMMISSIONER'S OFFICE

THE CORNWALL INDUSTRIAL TRACK OF CC

City of Lebanon
A-00113589 &
8-5-97 Hba

Honorable
Herbert S. Cohen



RECEIVED

97 AUG 26 PM 3:33

F.A.P.U.C.
PROTHONOTARY'S OFFICE

PENGAD-Bayonne, N.J. A-00113589 et al
EXHIBIT
SLT #1
8-5-97 Hbg TWS

DOCKETED

SEP 03 1997

DOCUMENTS
FOLDER

A photograph showing a three-way asphalt road intersection. The road is dark grey with visible expansion joints. The area is surrounded by tall grasses and green foliage. In the upper right corner, a yellow rectangular sign is mounted on a post. The sign contains the text 'Honorable Herbert S. Cohen' in black, handwritten-style letters. There are two black circular markers on the left side of the image, one near the top and one near the bottom.

Honorable
Herbert S. Cohen

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97 AUG 25 PM 3:33

FEDERAL BUREAU OF INVESTIGATION
PROTHONOTARY'S OFFICE



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SEP 03 1997

DOCUMENT
FOLDER

Honorable
Herbert S. Cohen



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PROTHONOTARY'S OFFICE

PENGAD-Bygonne, N.J.
EXHIBIT
SLT # 3
8-5-97 TLS Hbg

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SEP 03 1997

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Honorable
Herbert S. Cohen



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PROTHONOTARY'S OFFICE

PENGLD-Bryant, N. J.
A-00113584 et al
EXHIBIT
SLT # 4
TUS 8-5-97 Hbg

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SEP 03 1997

DOCUMENT
FOLDER

A-0003539 Uta
EXHIBIT
SLT 6
8-5-97 HBM TJS

1997 July 28

Mr. John M. Quain, Chairman
PA Public Utility Commission
Room 104 North Office Building
P.O. box 3265
Harrisburg, PA 17105-3265

RECEIVED
97 AUG 26 PM 3:33
PA.P.U.C.
PROTHONOTARY'S OFFICE

RE: ConRail Spur Line Use at Alcoa

Dear Chairman Quain,

This letter will confirm that Alcoa's plant in Lebanon, PA is not currently being served by ConRail. We have no plans to return to rail service in the future.

Sincerely,

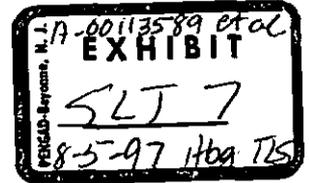
Ka Deane
Kathryn A. Deane
Procurement Manager

BUCKETED
SEP 03 1997
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PA.P.U.C.
PROTHONOTARY'S OFFICE

cc: Bruce Johnson

Richard J. Cantwell, P.E.
Asst. Chief Engineer
Public Improvements
Consolidated Rail Corporation
P. O. Box 41412
Philadelphia, PA. 19101-1412



DUCKETED
SEP 03 1997

August 4, 1997

Dear Mr. Cantwell,

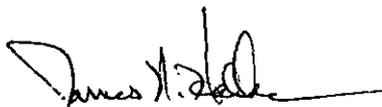
When the ALCOA, Lebanon Works, Plant was installed in 1966 in South Lebanon Township, Lebanon County, Pennsylvania, it was serviced by rail initially through The Pennsylvania Railroad Company and later by Conrail. The Pennsylvania Railroad Company received a right-of-way across the ALCOA property from its western boundary, east until it crossed both new and old State Drive. This was recorded as Deed Book 52, page 222. ALCOA maintained responsibility for the railroad from that point, extending the track east and southward into its production facility. This service continued until approximately October, 1995 when the last rail shipment was made to ALCOA. At that time, for economic and production flexibility reasons, ALCOA elected to switch to other forms of material transport for all of its transportation requirements.

Since that time, no railroad equipment has been requested by ALCOA, nor provided by Conrail or any other railroad service provider. The condition of the track has deteriorated over the past two years to the point where major work would be required if rail service was ever restored. Both ALCOA and (I believe) Conrail have ceased all rail maintenance.

ALCOA is the only company with railroad loading facilities along the track extending across the ALCOA property. ALCOA has no intention of resuming railroad service in the near or distant future. This section of rail has effectively been abandoned since October, 1995. Pursuant to the Deed referenced above, ALCOA formally requests that Consolidated Rail Corporation remove all "railroad and facilities and appurtenances" from this right of way.

Please contact me at (717) 270-4872 to discuss this request.

Sincerely,



James N. Haller
Engineering and Environmental Manager
ALCOA - Foil Products Division

**DOCUMENT
FOLDER**

97 AUG 26 PM 3:33
PROTHONOTARY'S OFFICE
F.A. U.C.

Page Two

cc: Steve Barrell
Conrail
P. O. Box 15167
Reading, PA. 19612-5167

James McNulty, Sec.
Pennsylvania Public Utility Commission
P. O. Box 8265
Harrisburg, PA. 17105-3265

Paul W. Kilgore
Spitler and Kilgore Law Office
522 South Eighth Street
P. O. Box 1188
Lebanon, PA. 17042

K. R. McElheny ALCOA – Lebanon Works
B. D. Johnson ALCOA – Lebanon Works

Commonwealth of Pennsylvania :
: 55:
County of Lebanon :

Andrew H. Mick, being duly sworn according to law deposes and says:

He is VICE PRESIDENT of MID-STATES NEWSPAPERS, INC., a corporation organized and existing under the laws of the State of Delaware, with an office and place of business at South Eighth and Poplar Streets, in the City of Lebanon, County of Lebanon, Commonwealth of Pennsylvania; that the said Corporation is the owner of the Lebanon Daily News, a newspaper of general circulation printed and published at South Eighth and Poplar Streets, in the City, County and State aforesaid, that the Lebanon Daily News was established in 1872, and has been continuously published ever since; that the printed notice or publication which is securely attached hereto is exactly as printed and published in regular editions and issues which appeared on

7/21, 7/28 A.D. 19 97

Affiant further deposes and says that he is duly authorized by said Corporation to verify this statement, and that neither he nor said corporation is interested in the subject matter of said printed notice or advertising, and that all of the allegations of this statement as to the time, place and character of publication are true.

RESOLVED, That the President, Secretary, Treasurer, Vice President, Controller, and General Manger of this corporation be and they are hereby severally authorized and empowered to execute the verified statement in the proofs of publication on behalf of this corporation as the owner and publisher of the Lebanon Daily News as required by the Newspaper Advertisement Act of July 9, 1976 PL 877, No. 160

Andrew H. Mick
Andrew H. Mick Copy of Notice of Publication

Sworn and subscribed before me this 30th day of July A.D. 19 97

Colleen A. Novak
Notary Public

NOTICE OF APPLICATION OF THE COUNTY OF LEBANON TRANSIT AUTHORITY
A-00113589
SOUTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
vs.
CONSOLIDATED RAIL CORPORATION
C-00970106
CITY OF LEBANON
vs.
CONSOLIDATED RAIL CORPORATION
C-00970107
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
vs.
CONSOLIDATED RAIL CORPORATION
C-00970120
NOTICE IS HEREBY GIVEN that an Application and three (3) complaints have been made to the Pennsylvania Public Utility Commission, under the provisions of the Public Utility Code, requesting the Public Utility Commission's approval of the suspension of a series of crossings involving the Cornwall Industrial Tract of Consolidated Rail Corporation located in the City of Lebanon, Lebanon County (A-00113589). A complaint by the South Lebanon Township Board of Supervisors has been received by the Pennsylvania Public Utility Commission identifying numerous complaints that have been received about the crossing at South Main Street Avenue, mainly regarding ruts and deep holes causing damage to vehicles (C-00970106). A complaint by the City of Lebanon has been received by the Pennsylvania Public Utility Commission identifying numerous complaints that have been received about the crossing at the Cornwall Industrial Tract of Consolidated Rail Corporation at the following locations in the City of Lebanon: Willow Street; Cumberland Street; Chestnut Street; Walnut Street; 12th Street; 10th Street; 8th Street; and 6th Street. The City of Lebanon has received complaints from the public that these crossings are causing damage to vehicles (C-00970107). A complaint by the Pennsylvania Department of Transportation has been received by the Pennsylvania Public Utility Commission stating concerns about the safety of the at-grade crossing at State Route 2003 (L.R. 3801e), State Drive. The concern involves a sunken crossing with rotting timbers breaking out and a location on an over vertical curb and a driver is not aware of the crossing's poor condition until it is too late (C-00970120).
A public hearing on these proceedings will be held Tuesday, August 5, 1997, at 10:00 o'clock a.m. in an available hearing room, Ground Floor, North Office Building, North Street and Commonwealth Avenue, Harrisburg, Pennsylvania, when and where all persons in interest may appear and be heard if they so desire.
Timothy D. Shelley, Esquire
REILLY, WOLFSON, SHEFFEY,
SCHRUM AND LUNDBERG
1601 Cornwall Road,
Lebanon, PA 17043
21,28

Notarial Seal
Colleen A. Novak, Notary Public
Lebanon, Lebanon County
My Commission Expires Feb. 12, 2001
Member, Pennsylvania Association of Notaries

Statement of Advertising Costs
To The Lebanon Daily News Dr.
for notice or publications attached hereto

on the above stated dates \$ 306.02
Preparation Fees \$ 5.00
Total \$ 311.02

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P.A.P.U.C.
PROTHONOTARY'S OFFICE

A-00113589 et al
Transit Authority
8-5-97 Hbg TCS.

BEFORE THE
INTERSTATE COMMERCE COMMISSION

DOCKET NO. AB 167 (SUB-NO. 1156X)

CONSOLIDATED RAIL CORPORATION -- ABANDONMENT
EXEMPTION -- IN LEBANON COUNTY, PENNSYLVANIA

PETITION FOR EXEMPTION

RECEIVED
57 AUG 26 PM 3:33
PROthonotary's OFFICE
PHILADELPHIA

John J. Paylor
Associate General Counsel
(215) 209-5047

John K. Enright
Associate General Counsel
(215) 209-5012

CONSOLIDATED RAIL CORPORATION
2001 Market Street - 16A
P. O. Box 41416
Philadelphia, PA 19101-1416

Attorneys for Consolidated Rail Corporation

Dated: December 21, 1995

DOCKETED
SEP 03 1997

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A-00113589 et al
Conrail I
8-5-97 Abg TLS

BEFORE THE
INTERSTATE COMMERCE COMMISSION

DOCKET NO. AB 167 (SUB-NO. 1156X)

CONSOLIDATED RAIL CORPORATION – ABANDONMENT
EXEMPTION – IN LEBANON COUNTY, PENNSYLVANIA

PETITION FOR EXEMPTION

1. Consolidated Rail Corporation ("Conrail"), a rail carrier subject to the Interstate Commerce Act, proposes to abandon a line of railroad known as the Cornwall Industrial Track and the former Lebanon Industrial Track, in Lebanon County, Pennsylvania (the "Subject Line" or "Line"). Conrail hereby petitions the Commission pursuant to 49 U.S.C. § 10505 to exempt the proposed abandonment of the Subject Line from the provisions of 49 U.S.C. §§ 10903-10904. In support of its Petition, Conrail states the following:

2. The Subject Line is identified and described as follows:

(a) Name: Cornwall Industrial Track

Location: Lebanon County, Pennsylvania

Description of Track: Between milepost 0.90 and milepost 3.50, in Lebanon County, Pennsylvania.

Length of Track: 2.60 miles ±

(b) Name: Lebanon Industrial Track

Location: Lebanon County, Pennsylvania

Description of Track: Between milepost 18.60 and milepost 18.00, in Lebanon County, Pennsylvania.

Length of Track: 0.60 miles ±

The Cornwall Industrial Track and the Lebanon Industrial Track here proposed for abandonment constitute a continuous line of railroad running approximately 3.2 miles from a point in the town of Lebanon, near Horntown Yard on Conrail's Harrisburg to Reading mainline, to the end of track, and connection with a private siding known as Alcoa Lead.

3. A map in compliance with 49 C.F.R. 1152.22(a)(5) depicting the location of the Line is attached to this Petition as Exhibit "A."

4. Prior to November 29, 1995, there was only one active customer, Aluminum Company of America ("Alcoa"), whose private siding connected with the Line at milepost 18.15±. All of Alcoa's business is now moving by truck, under a contract which commenced in late October 1995. Alcoa made the decision to convert to 100% truck service due to the reduced transit time offered by truck service (nine days rail vs. one day truck). Alcoa's contract commits it to use truck service for a minimum of two years.

5. The Subject Track is in need of substantial rehabilitation. The cost to rehabilitate the track if Conrail were to continue to provide service is estimated to be \$451,700. In addition, the Pennsylvania Public Utilities Commission held a site conference on September 22, 1995 regarding the condition of various at-grade crossings on the Subject Line. It is expected that Conrail will be ordered to rehabilitate nine crossings at a total cost of \$90,000 over the next five years unless the Line is abandoned.

6. The Line crosses over Wilhelm Avenue in South Lebanon Township on undergrade bridge 2.46 (see attached historic report for a photo of this bridge). The bridge abutments restrict Wilhelm Avenue to one lane, but the Township reports that a traffic study of this street shows a traffic volume of 2400 vehicles in a 24-hour period. The bridge has accordingly been selected for replacement at a cost of \$1.2 million (80% state funds; 20% township funds). Abandonment of the Line will allow removal rather than replacement of this bridge and will avoid the necessity of this substantial expenditure of public funds.

7. Conrail believes there is no prospect for developing any freight business on the Line in the foreseeable future. Abandonment of the Line will allow Conrail to salvage track and land, with an estimated net salvage value of \$168,396, will allow Conrail to avoid the costs of rehabilitation of the Line, will benefit the community and the public through the removal and closing of highway grade crossings, and will allow the local township to avoid the expenditure of \$1.2 million to replace undergrade bridge 2.46 carrying the Line over Wilhelm Avenue.

8. Under 49 U.S.C. §10505, the Commission must exempt a transaction from regulation when it finds that application of a provision of the statute is not necessary to carry out the rail transportation policy set forth at 49 U.S.C. 10101a, and that the transaction is of limited scope or that regulation is not necessary to protect shippers from an abuse of market power. The exemption proposed here meets all of the statutory requirements.

9. Relevant provisions of the national rail transportation policy set forth in 49 U.S.C. §10101a include subsections (2), to minimize the need for federal regulatory control over the rail transportation system and expedite regulatory decisions; (5), to foster sound economic conditions in transportation; (7), to reduce regulatory barriers to entry

into and exit from the industry; and (10), to encourage honest and efficient management of railroads.

10. Exemption of the proposed abandonment well serves all of the aforesaid elements of the rail policy and is contrary to none of the others. Specifically, by minimizing the regulatory expense and time lag inherent in the full abandonment process, exemption will expedite regulatory decisions and reduce regulatory barriers to exit. Exemption will also foster sound economic conditions, encourage efficient management, and promote sound transportation conditions, because abandonment will allow Conrail to avoid the unnecessary expenditure of funds to rehabilitate the Line. This will allow Conrail to allocate its resources to those portions of its railroad that are generating, or have the potential to generate, profitable traffic and positive revenues.

11. Application of Sections 10903-10904 of the Act to abandonment of this track is not necessary to carry out the transportation policy of the Act. The only affected shipper has terminated its use of rail service and has diverted its transportation to truck.

12. Given that the affected shipper no longer utilizes rail service, the proposed abandonment presents no opportunity for an abuse of market power. Further, the proposed abandonment is of limited scope, because (1) it involves only 3.2 miles of rail line which presently serves no shippers; (2) there is no potential for additional service over the Line; and, (3) there will be no competitive impact from abandonment.

13. Abandonment will also have other public benefits. It will allow salvage of the line, will allow the closing of highway grade crossings, and will allow the local township to avoid replacement of the bridge over Wilhelm Avenue.

14. In short, regulation of the abandonment of the Subject Track is unnecessary to carry out any of the relevant rail transportation policy elements of 49 U.S.C. §10101a. No vital interest of shippers or the community will be adversely

affected and abandonment will have no effect on competition. To the contrary, the interests of the public will be served by the abandonment.

15. Conrail has provided notice of this proceeding by serving a copy of this Petition on Alcoa, as well as the persons set forth in 49 C.F.R. § 1152.50(d).

16. Based on information in Conrail's possession, the Line does not contain any federally granted rights-of-way. Any documentation in Conrail's possession will be made available promptly to those requesting it.

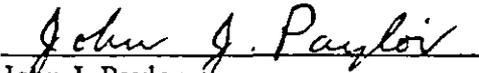
17. Conrail acknowledges that the Commission must impose labor protective conditions as stated in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

18. An Environmental/Historic Report prepared in accordance with 49 C.F.R. §§ 1105.7 and 1105.8 is attached as Exhibit "B" to this Petition.

19. Conrail's counsel in this matter, and the person to whom correspondence should be directed, is:

JOHN J. PAYLOR
Consolidated Rail Corporation
2001 Market Street, 16A
Philadelphia, PA 19101-1416
Telephone: (215) 209-5047
Facsimile: (215) 209-4817

WHEREFORE, Conrail respectfully requests that, pursuant to 49 U.S.C. § 10505, the Commission grant an exemption from the provisions of 49 U.S.C. § 10903-10904, with regard to the proposed abandonment of the Subject Line.



John J. Paylor
John K. Enright
Associate General Counsel
Consolidated Rail Corporation
2001 Market Street - 16A
Philadelphia, PA 19101-1416
(215) 209-5047

Attorneys for Consolidated
Rail Corporation

DATE: December 21, 1995

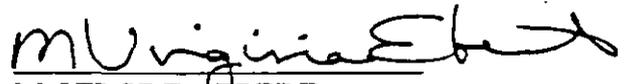
VERIFICATION

COMMONWEALTH OF PENNSYLVANIA :

: ss.

COUNTY OF PHILADELPHIA :

M. Virginia Ebert, being duly sworn, makes oath and says that she is Assistant Vice President Real Estate of Consolidated Rail Corporation; that she has been authorized by proper corporate action of Consolidated Rail Corporation to verify and file with the Interstate Commerce Commission the foregoing Petition for Exemption; that she has general knowledge of the facts and matters relied upon in such Petition; and that all representations set forth therein are true and correct as stated.

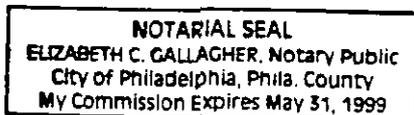

M. VIRGINIA EBERT

Sworn To And Subscribed

Before Me This 21st Day

Of December, 1995.


Notary Public



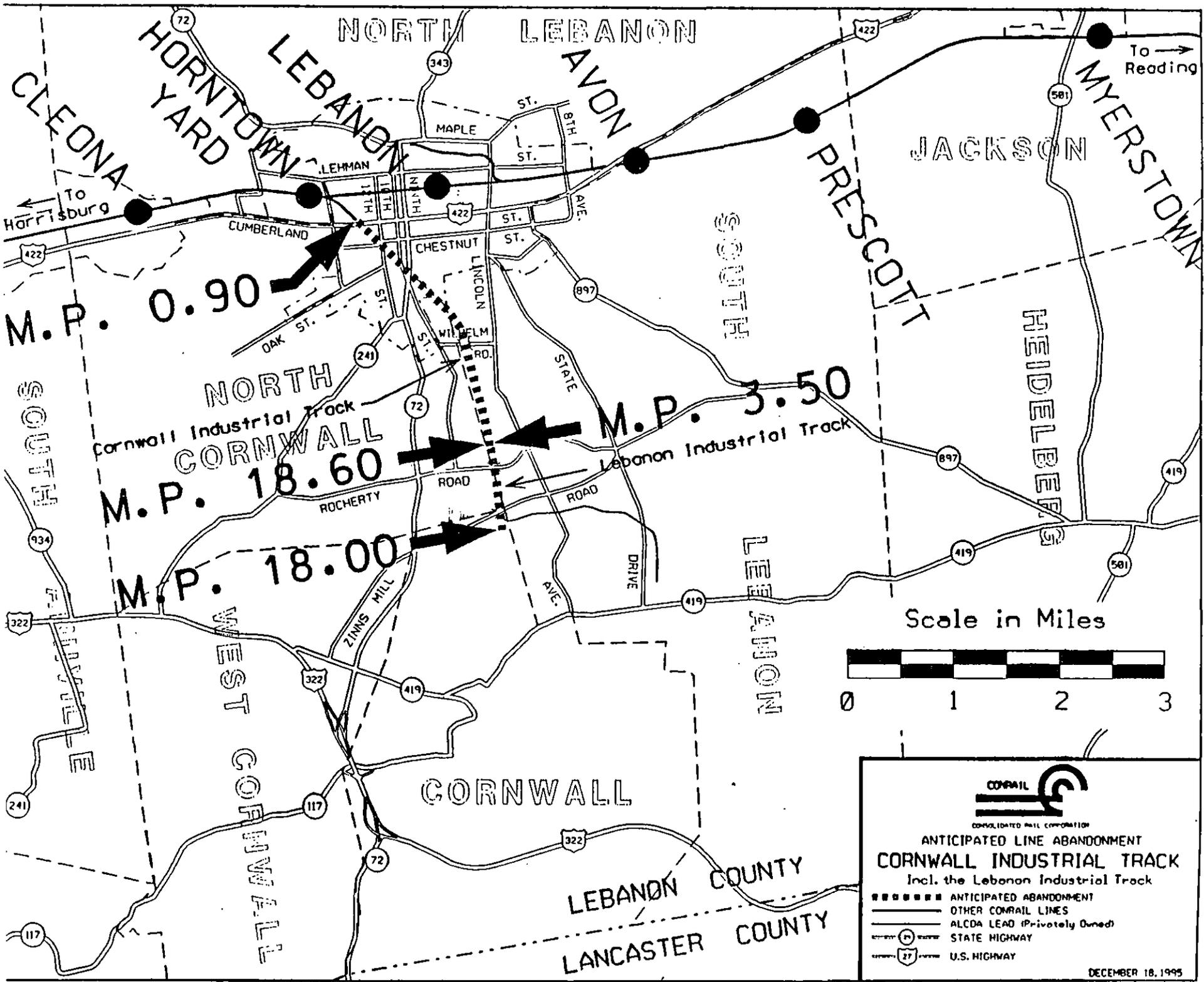


EXHIBIT A

EXHIBIT B

**BEFORE THE
INTERSTATE COMMERCE COMMISSION**

DOCKET NO. AB 167 (SUB-NO. 1156X)

**CONSOLIDATED RAIL CORPORATION – ABANDONMENT
EXEMPTION – IN LEBANON COUNTY, PENNSYLVANIA**

PETITION FOR EXEMPTION

ENVIRONMENTAL AND HISTORIC REPORT

Consolidated Rail Corporation ("Conrail") submits this Environmental and Historic Report in accordance with 49 C.F.R. §§ 1105.7 & 1105.8. Conrail has fulfilled the requirements of sections 1105.7 and 1105.8 that it consult specified public agencies by sending letters to such agencies and requesting comments on the effect of this action on the environment and on matters of historic preservation concern. Copies of the letters and all responses Conrail has received as of this date are attached to this Report. Any additional responses will be furnished when received.

ENVIRONMENTAL

1. Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

1. The proposed action is abandonment of a line of railroad known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and milepost 18.00 in Lebanon County, Pennsylvania. The line has been embargoed due to unsafe track conditions. Prior to the removal of this line from service, it served one shipper facility, Aluminum Company of America ("Alcoa"). For economic and service reasons, Alcoa has ceased its use of the Line, and no traffic has moved from or to Alcoa since November 29, 1995. After abandonment, no commodities will be transported on the Subject Line. The abandonment will involve removal of rail, track materials, and crossties. Bridges are not planned for removal as part of the planned action. The bridge over Wilhelm Avenue presently constitutes an obstruction to traffic and abandonment of the Line will make possible the removal of this obstruction if local authorities having responsibility for the road elect to do so. No alternative actions have been considered. A detailed map showing the location of the Subject Line and delineating the project is attached to the Petition for Exemption as Exhibit "A".

2. Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

2. The subject line is used for no freight or passenger service. Consequently, the proposed abandonment will have no effect upon regional or local transportation systems and patterns and will cause no diversion of passengers or freight to other transportation systems or modes.

3. Land use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with the existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

3. (i) Conrail is aware of no inconsistencies of the proposed action with existing land use plans. The Lebanon County Board of Commissioners and the Lebanon County Planning Department have been consulted in this regard. Conrail first wrote to these agencies on November 17, 1995, to request that they comment on the proposed abandonment. To date, no responses have been forthcoming. Upon receipt of any responses, Conrail will forward same to the Commission.

(ii) The United States Soil Conservation Service ("SCS") has been consulted in this regard. In its response of November 24, 1995, this agency indicated that there is "Important Farmland in the vicinity of the track." This agency further stated that it "does not have authority for enforcement of environmental or farmland protection agencies" and that it "respectfully decline[s] to comment" on the merits of the proposed abandonment.

(iii) The Pennsylvania Division of Coastal Programs has been consulted in this regard. In its response of November 30, 1995, this agency "determined that these railroad

abandonments are located outside of Pennsylvania's coastal zones and will not impact upon them."

(iv) Conrail is not aware of an alternative public use under 49 U.S.C. § 10906 for which the right-of-way is suitable.

4. Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

4. Because the subject line is out of service and has handled no local or overhead traffic since November 29, 1995, the proposed abandonment will not affect transportation of energy resources or recyclable commodities, will not result in an increase or decrease in overall energy efficiency, and will cause no traffic diversion from rail to motor carriage.

5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. (iii) If transportation of ozone

depleting material is contemplated, identify the materials and quantity, the frequency of service, safety practices, the applicant's safety record on derailments, accidents and spills, contingency plans to deal with accidental spills, and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

5. Because the subject line has handled no traffic since November 29, 1995, the proposed abandonment will cause no increase or decrease in rail or motor carrier traffic and will have no impact upon air quality. The proposed action will not involve the transportation of ozone depleting material.

6. Noise. If any of the thresholds identified in item (5) are surpassed, will the proposed action cause (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the affected area, and quantify the noise increase for these receptors if the thresholds are surpassed.

6. Inapplicable because none of the thresholds identified in Item 5 is surpassed.

7. Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify materials, quantity, frequency of service whether chemicals are being transported that if mixed could react to form hazardous compounds, safety practices, the applicant's safety record, contingency plans to deal with accidental spills, and the likelihood of accidental release. (iii) Identify the location of any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

7. (i) Because the subject line has handled no traffic since November 29, 1995, public health and safety will not be affected by the proposed action.

(ii) No hazardous materials will be transported as a result of the proposed abandonment.

(iii) Conrail is aware of no hazardous waste sites or hazardous materials spills on the right-of-way.

8. Biological resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

8. (i) The United States Fish and Wildlife Service (FWS) has been consulted in this regard. In its response of November 30, 1995, the FWS stated that "[e]xcept for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service." The National Park Service has also been consulted in this regard, and may comment, if relevant.

(ii) Conrail is aware of no wildlife sanctuary or refuge or National or State park or forest likely to be adversely affected by the proposed abandonment. The United States Fish and Wildlife Service in its response of November 30, 1995 identified no such areas within the vicinity of the line. The National Park Service has also been consulted in this regard, and may comment if relevant.

9. Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable federal, state, or local water quality standards (usually applicable only in the context of rail line construction application and abandonments that will require in-stream salvage operations), and describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required and whether any designated wetlands or 100-year flood plains will be affected, and describe any effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

9. (i) No in-stream salvage operations will be required, and Conrail is aware of no inconsistency of the proposed action with applicable federal, state, and local water quality standards. The U.S. Environmental Protection Agency and the Pennsylvania Department of Environmental Resources have been consulted in this

regard. Conrail first wrote to these agencies on November 17, 1995, to request that they comment on the proposed abandonment. To date, no responses have been forthcoming. Upon receipt of any responses, Conrail will forward same to the Commission.

(ii) Given that the proposed abandonment contemplates only removal of the rail, track material, and cross ties and that no clearing, grading, or alteration of the topography will be involved, no permits will be required under section 404 of the Clean Water Act. The line is not located within a designated 100-year flood plain. The U.S. Army Corps of Engineers has been consulted in this regard. Conrail first wrote to this agency on November 17, 1995, to request that it comment on the proposed abandonment. To date, no response has been forthcoming. Upon receipt of a response, Conrail will forward same to the Commission.

(iii) No permits will be required under section 402 of the Clean Water Act (33 U.S.C. 1342). The question of permitting in Pennsylvania under section 402 has been delegated to the Pennsylvania Department of Environmental Resources. Conrail first wrote to this agency on November 17, 1995, to request that it comment on the proposed abandonment. To date, no response has been forthcoming. Upon receipt of a response, Conrail will forward same to the Commission.

10. Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

10. Inapplicable, in that there are no adverse environmental impacts.

HISTORIC

Pursuant to 49 C.F.R. § 1105.8, Conrail provides the following report on specified historic matters.

Proposed action and alternatives.

The proposed action and alternatives are described above in Item 1 of the Environmental section of this report.

1. Map. Attach a U.S.G.S topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

1. A map of the subject line is attached to the foregoing Petition for Exemption as Exhibit "A".

2. Description of right-of-way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

2. The right-of-way proposed for abandonment is located in Lebanon County, Pennsylvania. It extends from approximately milepost 0.90± to approximately milepost 3.50± (Cornwall Industrial Track), and from approximately milepost 18.60± to approximately milepost 18.00± (Lebanon Industrial Track). The right-of-way varies in width, from 30 to 45 feet wide. The topography of the surrounding area is flat as shown on the topographic map attached to the foregoing Petition for Exemption as Exhibit "A". The track is located in a rural/agricultural area.

3. Photographs. Good quality photographs of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

3. There are two undergrade bridges on the line owned by Conrail. Both of these bridges are older than 50 years. Neither of the bridges appears to have significant structural or historic qualities. Photographs of the bridges and the areas immediately surrounding them are attached hereto.

4. Construction dates. The date(s) of construction of the structure(s), and the date(s) and extent of any major alteration, to the extent such information is known.

4. The construction dates of the structures on the line are as follows:

<u>Bridge No.</u>	<u>Construction Type</u>	<u>Construction Date</u>
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Undergrade:

UG 1.01	Deck Girder/Timber Deck	1890
UG 2.46	I-Beam/Timber Deck	1890

Conrail knows of no major alterations to any of these structures.

5. Carrier operations. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

5. The subject line was used for rail freight operations. However, the line is presently out of service. Accordingly, no change in operations is contemplated as a result of the proposed action.

6. Summary of documents. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

6. Conrail has in its possession engineering drawings for the bridges identified in Item No. 4 that are over 50 years old.

7. Opinion regarding historical matters. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4) and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultation with the State Historic Preservation Office, local historical societies or universities).

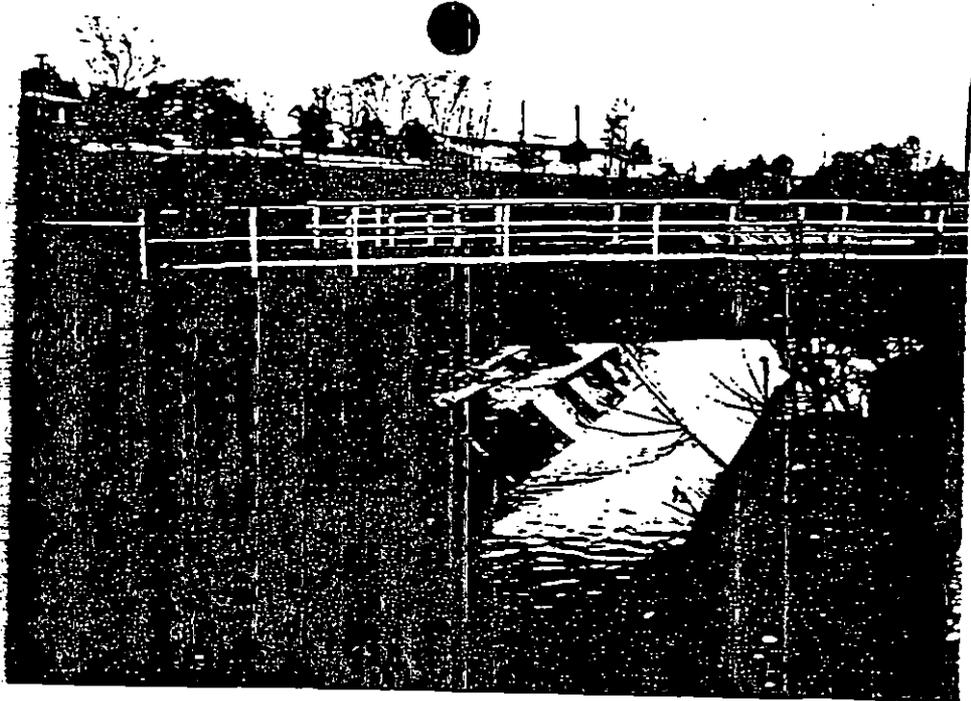
7. Based upon readily available information in its possession, Conrail is of the opinion that the site of the subject line and the railroad structures thereon do not meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.04), and there is not a likelihood of archeological resources or any other previously unknown historic properties on the subject line. The bases for these opinions are the absence of any document in Conrail's possession indicating that the site or any structures meet historical criteria or that there is a likelihood that archeological resources or historic properties exist on the line, and on-site inspection of the subject line conducted by Conrail field engineers on October 12, 1995. The Pennsylvania Historical and Museum Commission has been consulted in this regard. Conrail first wrote to this agency on November 17, 1995, to request that it comment on the proposed abandonment. To date, no response has been forthcoming. Upon receipt of a response, Conrail will forward same to the Commission.

8. Description of certain matters. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental condition (naturally occurring or man-made) that might affect the archeological recovery of resources (such as swampy condition or the presence of toxic wastes), and the surrounding terrain.

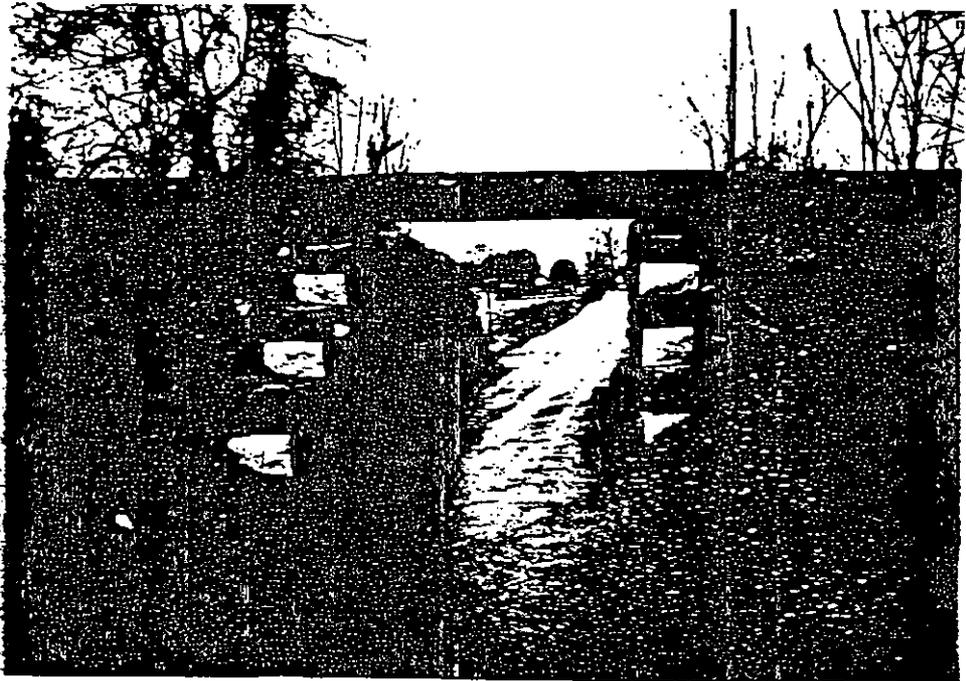
8. Based on readily available information in its possession, Conrail is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources. The Pennsylvania Historical and Museum Commission has been consulted in this regard.

Conrail first wrote to this agency on November 17, 1995, to request that it comment on the proposed abandonment. To date, no response has been forthcoming. Upon receipt of a response, Conrail will forward same to the Commission.

U.G. Bridge 1.01
Stream



U.G. Bridge 2.46
Wilhelm Rd.



United States
Department of
Agriculture

Natural Resources
Conservation
Service

Suite 340
One Credit Union Place
Harrisburg, PA 17110-2993

November 24, 1995

Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

RE: Notice of Abandonment
Cornwall Industrial Track
Lebanon County, Pennsylvania

Dear Mr. Harrison:

Enclosed is a soil map covering the area of this project, and lists of Important Farmland for Lebanon County.

There is Important Farmland in the vicinity of the track.

The Natural Resources Conservation Service does not have authority for enforcement of environmental or farmland protection regulations. We respectfully decline to comment on its merits.

BARRY FRANTZ
Soil Conservationist

PRIME FARMLAND

Survey Area- LEBANON COUNTY, PENNSYLVANIA

Map Symbol	Prime Farmland Code	Soil Mapunit Name
AbA	S	ABBOTTSTOWN SILT LOAM, 0 TO 3 PERCENT SLOPES
AbB	S	ABBOTTSTOWN SILT LOAM, 3 TO 8 PERCENT SLOPES
BeA	1	BEDINGTON SHALY SILT LOAM, 0 TO 3 PERCENT SLOPES
BeB	1	BEDINGTON SHALY SILT LOAM, 3 TO 8 PERCENT SLOPES
BeC	S	BEDINGTON SHALY SILT LOAM, 8 TO 15 PERCENT SLOPES
BkB	S	BERKS SHALY SILT LOAM, 3 TO 8 PERCENT SLOPES
BkC	S	BERKS SHALY SILT LOAM, 8 TO 15 PERCENT SLOPES
Ba	S	BOWMANVILLE SILT LOAM
BnB	1	BRECKNOCK CHANNERY SILT LOAM, 3 TO 8 PERCENT SLOPES
BnC	S	BRECKNOCK CHANNERY SILT LOAM, 8 TO 15 PERCENT SLOPES
BuB	1	BUCHANAN GRAVELLY LOAM, 3 TO 8 PERCENT SLOPES
ByB	1	BUCKS SILT LOAM, 3 TO 8 PERCENT SLOPES
CeB	1	CHESTER CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
CeC	S	CHESTER CHANNERY LOAM, 8 TO 15 PERCENT SLOPES
CkA	1	CLARKSBURG SILT LOAM, 0 TO 3 PERCENT SLOPES
CkB	1	CLARKSBURG SILT LOAM, 3 TO 8 PERCENT SLOPES
CaA	1	COMLY SILT LOAM, 0 TO 3 PERCENT SLOPES
CaB	1	COMLY SILT LOAM, 3 TO 8 PERCENT SLOPES
DfA	1	DUFFIELD SILT LOAM, 0 TO 3 PERCENT SLOPES
DfB	1	DUFFIELD SILT LOAM, 3 TO 8 PERCENT SLOPES
DfC	S	DUFFIELD SILT LOAM, 8 TO 15 PERCENT SLOPES
HaA	1	HAGERSTOWN SILT LOAM, 0 TO 3 PERCENT SLOPES
HaB	1	HAGERSTOWN SILT LOAM, 3 TO 8 PERCENT SLOPES
HbC	S	HAGERSTOWN SILTY CLAY LOAM, 8 TO 15 PERCENT SLOPES
KnB	S	KLINESVILLE SHALY SILT LOAM, 3 TO 8 PERCENT SLOPES
LaB	1	LADIG CHANNERY LOAM, 3 TO 8 PERCENT SLOPES
LaC	S	LADIG CHANNERY LOAM, 8 TO 15 PERCENT SLOPES
LeB	1	LECK KILL SHALY SILT LOAM, 3 TO 8 PERCENT SLOPES
LeC	S	LECK KILL SHALY SILT LOAM, 8 TO 15 PERCENT SLOPES
LbB	S	LEHIGH SILT LOAM, 2 TO 10 PERCENT SLOPES
Ls	1	LINDSIDE SILT LOAM
Me	S	MELVIN VARIANT SILT LOAM
MoB	1	MOUNT LUCAS SILT LOAM, 3 TO 8 PERCENT SLOPES
MuB	1	MURRILL GRAVELLY SILT LOAM, 3 TO 8 PERCENT SLOPES
MeB	1	MESAMINY GRAVELLY SILT LOAM, 3 TO 8 PERCENT SLOPES
MeC	S	MESAMINY GRAVELLY SILT LOAM, 8 TO 15 PERCENT SLOPES
Mo	1	MOLIN VARIANT SILT LOAM
PeB	1	PENN SHALY SILT LOAM, 3 TO 8 PERCENT SLOPES
PeC	S	PENN SHALY SILT LOAM, 8 TO 15 PERCENT SLOPES
Ph	1	PHILO SILT LOAM
Po	1	POPE LOAM
ReB	S	READINGTON SILT LOAM, 3 TO 8 PERCENT SLOPES
Ro	1	ROWLAND SILT LOAM
UnB	1	UNGERS LOAM, 3 TO 8 PERCENT SLOPES
UnC	S	UNGERS LOAM, 8 TO 15 PERCENT SLOPES

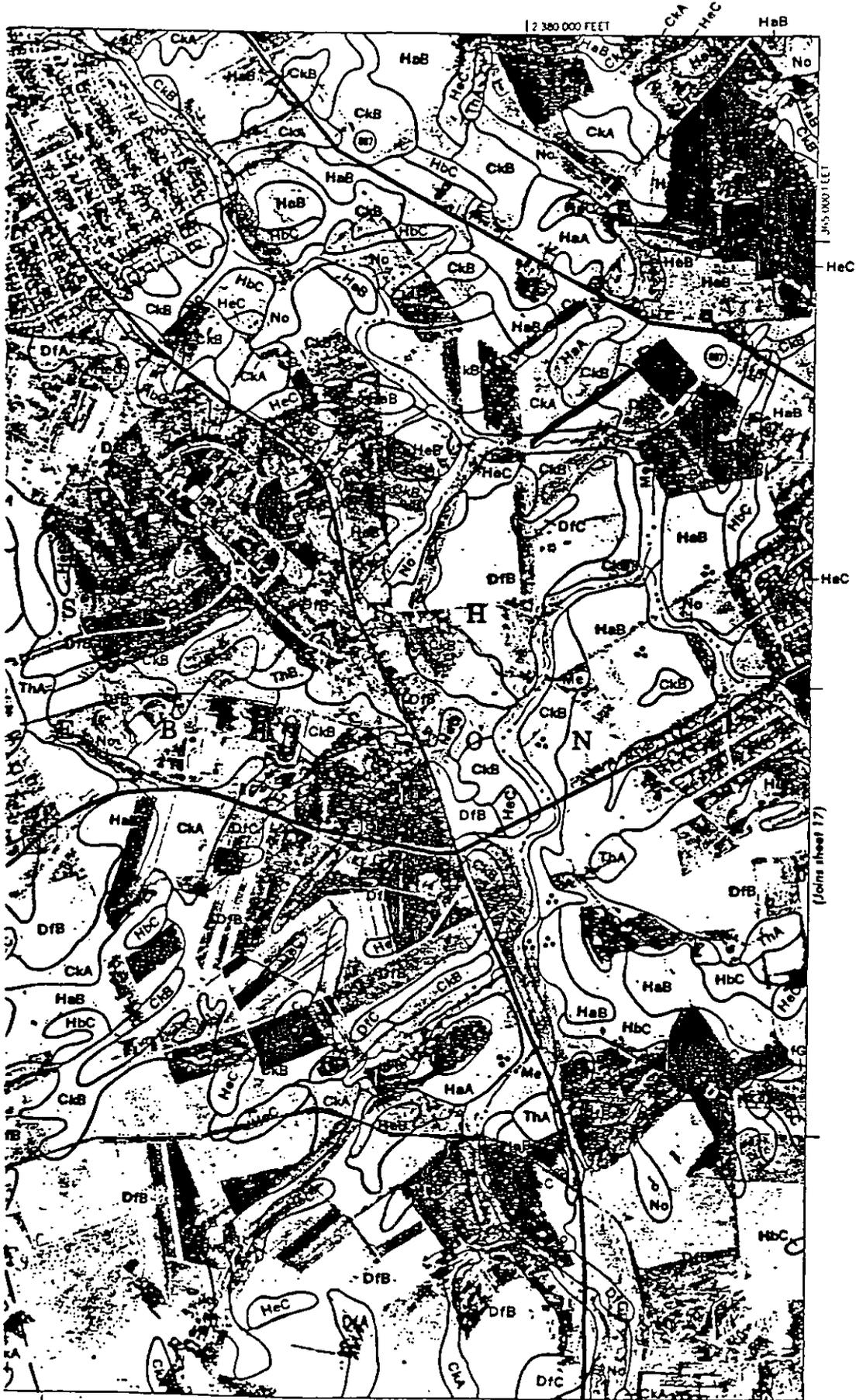
PRIME FARMLAND

Survey Area- LEBANON COUNTY, PENNSYLVANIA

Prime	Map	Farmland	Symbol	Code	Soil Map	Unit Name
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Prime	Farmland	Code	Description
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- 1 All areas are prime farmland.
- S Farmland of Statewide Importance



This map is compiled in 1977 U.S. Geological Survey. Orthophotography by the U.S. Department of Agriculture, Soil Conservation Service and cooperating agencies.
 The 1:250,000 scale soil survey data were derived from 1:50,000 scale soil survey maps. The 1:250,000 scale soil survey maps are approximately 1:250,000.



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL RESOURCES
-Please note our new name-
DEPARTMENT OF ENVIRONMENTAL PROTECTION
D E P

Rachel Carson State Office Building
P.O. Box 8555
Harrisburg, PA 17105-8555
November 30, 1995

717-787-2529

Bureau of Land and Water Conservation

Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

RE: DEP File No. CZ7:FPL

Dear Mr. Harrison:

The Division of Coastal Programs has reviewed the information received in this office on November 20, 1995, concerning Conrail's abandonment of the following Lebanon County rail lines:

- Cornwall Industrial Track between Mile Post .90 and Mile Post 3.50, and
Lebanon Industrial Track between Mile Post 18.60 and 18.00.

We have determined that these railroad abandonments are located outside of Pennsylvania's coastal zones and will not impact upon them.

Please note that this determination pertains only to Coastal Zone Management 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
Monitoring and Consistency Specialist
Division of Coastal Programs



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Suite 322
315 South Allen Street
State College, Pennsylvania 16801

November 30, 1995

Mr. Brian V. Harrison
Consolidated Rail Corporation
2001 Market Street
P.O. Box 41412
Philadelphia, PA 19101-1412

Dear Mr. Harrison:

This responds to your letter of November 17, 1995 requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed rail abandonment (milepost .90, milepost 3.50, 18.60 and 18.00) located in Lebanon County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of federally listed species in Pennsylvania is enclosed for your information.

This response relates only to endangered or threatened species under our jurisdiction 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 other Service concerns under the Fish and Wildlife Coordination Act or other legislation.

Requests for information regarding State-listed endangered or threatened species should be directed to the Pennsylvania Game Commission (birds and mammals), the Pennsylvania Fish and Boat Commission (fish, reptiles, and amphibians), and the Pennsylvania Department of Conservation and Natural Resources (plants).

Please contact Carole Copeyon of my staff at 814-234-4090 if you have any questions or require further assistance regarding endangered, threatened, or candidate species.

Sincerely,

Charles J. Kulp
Supervisor

Enclosure

FEDERALLY LISTED 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>			
Delmarva Peninsula fox squirrel	<i>Sciurus niger cinereus</i>	E	mature forests of southeastern PA (Delaware and Chester Co.)
Eastern cougar	<i>Felis concolor cougar</i>	E	state-wide
Gray wolf	<i>Canis lupus</i>	E	state-wide
<u>MOLLUSKS</u>			
Dwarf wedge mussel*	<i>Alesmidonta heterodon</i>	E	Delaware River drainage
Fanshell*	<i>Cyprogenia stegeria</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.)

* 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

The following is a partial list of additional species that no longer occur in Pennsylvania: moose, bison, lynx, wolverine, passenger pigeon, Bachman's sparrow, common tern, lark sparrow, tiger salamander, mud sunfish, longjaw cisco, lake whitefish, butterfly mussel, precious underwing moth, American barberry, small white lady's-slipper, etc., etc.

FEDERALLY LISTED SPECIES IN PENNSYLVANIA

<u>COMMON NAME</u>	<u>SCIENTIFIC NAME</u>	<u>STATUS*</u>	<u>DISTRIBUTION</u>
<u>FISHES</u>			
Shortnose sturgeon**	<i>Acipenser brevirostrum</i>	E	Delaware River and other Atlantic coastal waters
<u>REPTILES & AMPHIBIANS</u>			
None			
<u>BIRDS</u>			
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Entire state. Recent nesting in Butler, Crawford, Dauphin, Forest, Lancaster, Pike, Tioga, Warren and York Counties
Peregrine falcon (American)	<i>Falco peregrinus anatum</i>	E	Entire state. Recent nesting in and around Philadelphia and Pittsburgh (Allegheny, Delaware, Philadelphia and Bucks Counties)
Piping plover	<i>Charadrius melodus</i>	E	Presque Isle (Erie County). Migratory. No nesting in Pennsylvania since mid-1950s
<u>MAMMALS</u>			
Indiana bat	<i>Myotis sodalis</i>	E	Summer range: possibly state-wide in suitable habitat. Only one known winter hibernaculum (south-central Pennsylvania)
<u>MOLLUSKS</u>			
Clubshell mussel	<i>Pleurobema clava</i>	E	French Creek and Allegheny River watersheds; Clarion, Crawford, Erie, Forest, Mercer and Venango Counties
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	French Creek and Allegheny River watersheds; Crawford, Erie, Forest, Venango and Warren Counties
<u>PLANTS</u>			
Northeastern bulrush	<i>Scirpus encistrochaetus</i>	E	Current - Blair, Centre, Clinton, Cumberland, Dauphin, Franklin, Huntingdon, Lackawanna, Lehigh, Monroe, Perry and Union Counties. Historic - Northampton County
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Current - Centre and Venango Counties. Historic - Berks, Chester, Greene, Monroe, Montgomery, Philadelphia Counties

* E = Endangered, T = Threatened

Revised 7/13/85

** Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service

CONRAIL



November 17, 1995

Mr. Brent D. Glass
Executive Director
Pennsylvania Historical and Museum Commission
P. O. Box 1026
Harrisburg, PA 17108

Dear Mr. Glass:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process Conrail must file an application with the Interstate Commerce Commission. A requirement for this filing is the consultation of the Pennsylvania Historical and Museum Commission.

Enclosed is a reproduced portion of a U.S.G.S. quadrangle map delineating the area being considered, with the locations of any structures shown. There are no railroad buildings along this line. The subject rail lines contain 2 undergrade bridges that our records indicate are greater than 50 years old and are the maintainance responsibility of the railroad. The designation UG denotes undergrade bridges. Enclosed is a table listing pertinent information as recorded in our structures list and photographs of the applicable structures.

It is Conrail's position that none of the structures on these lines hold any special historical or engineering significance. The track is located in a generally rural agricultural area with a gently rolling topography. There is no record of any subsurface ground disturbance or fill. There are no known environmental conditions that might affect archeological recovery. The abandonment will only involve removal of the rail, track material and crossties.

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Cornwall Industrial Track
November 17, 1995
Page 2

Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

Enclosures

CORNWALL INDUSTRIAL TRACK
MP 0.90 to 3.50
&
FORMER
LEBANON INDUSTRIAL TRACK
MP 18.60 to 18.00*
STRUCTURAL INFORMATION LIST

<u>BRIDGE NUMBER</u>	<u>TYPE CONSTRUCTION</u>	<u>DATE BUILT</u>
Cornwall I.T.		
UG 1.01	Deck Girder/Timber Deck	1890
UG 2.46	I-Beam/Timber Deck	1890

* MP 18.60 to 18.00 is the current Cornwall I.T. MP 3.50 to 4.10

MP 0.90
(N/S of Cumberland St.)

UG 1.01

UG 2.46

**CORNWALL
INDUSTRIAL TRACK**

*The Lebanon IT was previously
abandoned and removed from
MP 18.60 to MP 20.50*

MP 3.50
(Location of track swing from
Cornwall IT to Lebanon IT)

MP 18.60
**LEBANON
INDUSTRIAL TRACK**

MP 18.00 Alcoa Aluminum
MP 4.10 Track (Private)

**The Cornwall IT was previously
authorized for abandonment
from MP 3.50 to MP 5.20**

*The Lebanon IT from
MP 18.00 southward was
previously abandoned
and removed*

LEBANON, PA.

N4015—W7622.5/7.5

CONRAIL

November 17, 1995

William Carpenter, Commissioner
Lebanon County Commissioners
400 S. 8th Street, Room 207
Municipal Building
Lebanon, PA 17042

Dear Mr. Carpenter:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact local or regional planning agencies about the abandonment.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Is the proposed abandonment consistent with existing land use plans?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215)-209-3862.

Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412
enclosure(s)

CONRAIL

November 17, 1995

U.S. Fish and Wildlife Service, Region 5
300 Westgate Center Drive
Hadley, MA 01035

Dear Sir/Madam:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. A requirement of this filing is that various agencies be contacted concerning certain items, one being the presence of any endangered or threatened species or critical habitats.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment will involve salvage and removal of the rail, track material and crossies.

Are there any endangered or threatened species in the vicinity of the track, and would there be an adverse effect due to the abandonment? Are there any areas designated as critical habitats in the vicinity? Also, are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity? If so, how would they be affected?

Please forward your written reply to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12 - C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL

November 17, 1995

Roger Ficks, Director
Department of Environmental Resources
P. O. Box 8551
Harrisburg, PA 17105-8551

Dear Mr. Ficks:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process Conrail must file an application with the Interstate Commerce Commission. A requirement for this filing is the consultation of the Bureau of State Parks. I would appreciate any comments you may have concerning the proposal.

I am enclosing a copy of a U.S.G.S. map with the area of the subject track defined. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

Enclosure(s)

CONRAIL

November 17, 1995

Mr. Richard N. Duncan - State Conservationist
USDA Soil Conservation Service
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110-2993

Dear Mr. Duncan:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact various agencies about items concerning the abandonment. One of these items involves prime agricultural soils.

Enclosed is a copy of a portion of a U.S.G.S. Quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Are there any areas of prime agricultural land, as defined by the Natural Resources Conservation Service, in the vicinity of the subject track? What would be the effect of the proposed abandonment on any prime soils?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

Enclosure(s)

CONRAIL



November 17, 1995

Honorable Bradley L. Mallory
Secretary
Department of Transportation
Commonwealth of Pennsylvania
1200 Transportation & Safety Building
Harrisburg, PA 17120

Dear Mr. Mallory:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact the state clearinghouse concerning the abandonment. I would appreciate any comments you may have concerning the proposal.

I am enclosing a copy of a U.S.G.S. map with the area of the subject tracks defined. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Thank you for your cooperation.

Sincerely,

Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

CONRAIL

November 17, 1995

Mr. Arthur A. Davis
Secretary
Department of Environmental Resources
P. O. Box 2063
Harrisburg, PA 17105-2063

Dear Mr. Davis:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the Environmental Protection Agency be consulted.

I am enclosing a copy of a U.S.G.S. map with the area of the subject tracks defined. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)? Are there any coastal zone areas in the vicinity of this proposal? And if so, what effect would the proposal have on these zones?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

Enclosure(s)

CONRAIL

December 20, 1995

Mr. Thomas Iurino
National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Dear Mr. Iurino:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the National Park Service be consulted.

Enclosed is a reproduced portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment will only involve salvage and removal of the rail, track material and crossties.

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposals? And if so, what would be the effects?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL

November 17, 1995

The District Engineer
U.S. Army Engineer District, Baltimore
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Sir/Madam:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact various agencies about items concerning the abandonment. Some of these items involve the Army Corps of Engineers.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and cross-ties. There would be no in-stream salvage of any bridges.

Will this abandonment require permits as designated under section 404 of the Clean Water Act (33 U.S.C. 1344)? Would the proposed abandonment affect any designated wetlands? Would any 100-year flood plains be affected by this action?

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the ICC filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL

November 17, 1995

Mr. Peter H. Kostmayer
Regional Administrator
Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Kostmayer:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall LT. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the Environmental Protection Agency be consulted.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412
enclosure(s)

CONRAIL



November 17, 1995

Lawrence J. Toth
PA Department of Environmental Resources
Bureau of Land and Water Conservation
Division of Coastal Programs
P. O. Box 8555
Harrisburg, PA 17105-8555

Dear Mr. Toth:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the Division of Coastal Resources be consulted.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Are there any coastal zone areas in the vicinity of the proposal? And if so, what effect would the proposal have on these zones?

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the ICC filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian V. Harrison".

Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL

November 17, 1995

William Kurtz, Director
Lebanon County Planning Department
400 S. 8th Street, Room 206
Municipal Building
Lebanon, PA 17042

Dear Mr. Kurtz:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact local or regional planning agencies about the abandonment.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossies.

Is the proposed abandonment consistent with existing land use plans?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215)-209-3862.

Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL



November 17, 1995

Mr. David W. Rolka
Chairman
Pennsylvania Public Utilities Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Rolka:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact the state clearinghouse concerning the abandonment. I would appreciate any comments you may have concerning the proposal.

I am enclosing a copy of a U.S.G.S. map with the area of the subject tracks defined. In this case, the abandonment would involve the salvage and removal of only the rail, track material and crossties.

Please forward your comments regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Thank you for your cooperation.

Sincerely,

Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

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CONRAIL

November 17, 1995

William Kurtz, Director
Lebanon County Planning Department
400 S. 8th Street, Room 206
Municipal Building
Lebanon, PA 17042

Dear Mr. Kurtz:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact local or regional planning agencies about the abandonment.

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Is the proposed abandonment consistent with existing land use plans?

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Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL



November 17, 1995

Lawrence J. Toth
PA Department of Environmental Resources
Bureau of Land and Water Conservation
Division of Coastal Programs
P. O. Box 8555
Harrisburg, PA 17105-8555

Dear Mr. Toth:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the Division of Coastal Resources be consulted.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Are there any coastal zone areas in the vicinity of the proposal? And if so, what effect would the proposal have on these zones?

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the ICC filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,

Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL



November 17, 1995

Mr. Peter H. Kostmayer
Regional Administrator
Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107

Dear Mr. Kostmayer:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the Environmental Protection Agency be consulted.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Will this proposed abandonment require permits as designated under section 402 of the Clean Water Act (33 U.S.C. 1342)?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862.

Thank you for your cooperation.

Sincerely,

Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412
enclosure(s)

CONRAIL

November 17, 1995

The District Engineer
U.S. Army Engineer District, Baltimore
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Sir/Madam:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process, Conrail must file an application with the Interstate Commerce Commission. We are required to contact various agencies about items concerning the abandonment. Some of these items involve the Army Corps of Engineers.

Enclosed is a copy of a portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment would involve the salvage and removal of only the rail and crossties. There would be no in-stream salvage of any bridges.

Will this abandonment require permits as designated under section 404 of the Clean Water Act (33 U.S.C. 1344)? Would the proposed abandonment affect any designated wetlands? Would any 100-year flood plains be affected by this action?

It is requested that a written reply be forwarded to the address below. Because of the necessary time schedules for the ICC filing, please respond within 30 days of the date of this letter. If I may be of any further assistance, please feel free to contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Senior Engineer - Asset Utilization
2001 Market Street, 12-C
P.O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

CONRAIL

December 20, 1995

Mr. Thomas Iurino
National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Dear Mr. Iurino:

Conrail is proposing to abandon portions of railroad, known as the Cornwall Industrial Track between milepost 0.90 and milepost 3.50, and the former Lebanon Industrial Track between milepost 18.60 and 18.00 (which correspond with the present Cornwall I.T. mileposts of 3.50 and 4.10 respectively) in Lebanon County, PA. To begin this abandonment process Conrail must file an application with the Interstate Commerce Commission. One of the requirements for this filing is that the National Park Service be consulted.

Enclosed is a reproduced portion of a U.S.G.S. quadrangle map delineating the area being considered. In this case, the abandonment will only involve salvage and removal of the rail, track material and crossties.

Are there any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposals? And if so, what would be the effects?

Please forward any comments you may have regarding this proposal, in writing to the address below. Because of the necessary time schedules for the ICC filing, I would appreciate your response within 30 days of the date of this letter. If I may be of any further assistance, please contact me at (215) 209-3862. Thank you for your cooperation.

Sincerely,



Brian V. Harrison
Sr. Engineer - Asset Utilization
2001 Market Street, 12-C
P. O. Box 41412
Philadelphia, PA 19101-1412

enclosure(s)

February 2, 1996

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
12th & Constitution Ave., NW
Washington, DC 20423

Re: Consolidated Rail Corporation-Abandonment-Lebanon County, Pa.-AB 167 (Sub-No. 1156x)

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Lebanon Valley Rails-to-Trails which is a private public interest organization interested in recreation, which is hereinafter referred to as 'Commenter'.

While not taking a position on the merits of this abandonment, Commenter requests issuance of a Public Use Condition as well as a Certificate or Notice of Interim Trail Use rather than an outright abandonment authorization between railroad milepost .90 near Horntown Yard in Lebanon to railroad milepost 3.50 near a private siding known as the Aloca Lead and between railroad milepost 18.00 and railroad milepost 18.60 in Lebanon County.

A. Public Use Condition

Commenter requests the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor would make an excellent recreational trail and conversion of the property to trail use would provide a critical link between the population center of Lebanon and outlying recreational areas in southern Lebanon County. In addition, the corridor provides important wildlife habitat and greenspace and its preservation as a recreational trail is consistent with that end. The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time because we have not had enough time to complete a trail plan or commence negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles and culverts. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, Commenter also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 USC 1247(d), and 49 CFR ss 1152.29, Lebanon Valley Rails-to-Trails 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 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 Consolidated Rail Corporation and operated by Consolidated Rail Corporation.

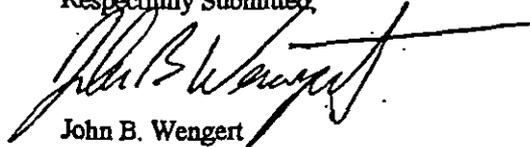
The property known as the Cornwall Industrial Track extends from railroad milepost .90 near Hornstown Yard in Lebanon to railroad milepost 3.50 near a private siding known as the Aloca Lead a distance of 2.6 miles in Lebanon County. The line known as the Lebanon Industrial Track extends from railroad milepost 18.0 to railroad milepost 18.6, a distance of .60 miles in Lebanon County. The rights-of-way are part of a line of railroad proposed for abandonment in STB Docket No. AB 167 (Sub No. 1156x).

A map depicting the right-of-way is attached.

Lebanon Valley Rails-to-Trails acknowledges that the 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.

By my signature below, I certify service upon Consolidated Rail Corporation, 2001 Market St., 16A, Philadelphia, PA 19101-1416., By U.S. Mail, postage prepaid, first class, this 2nd day of February, 1996.

Respectfully Submitted,



John B. Wengert
President

on behalf of: Lebanon Valley Rails-to-Trails

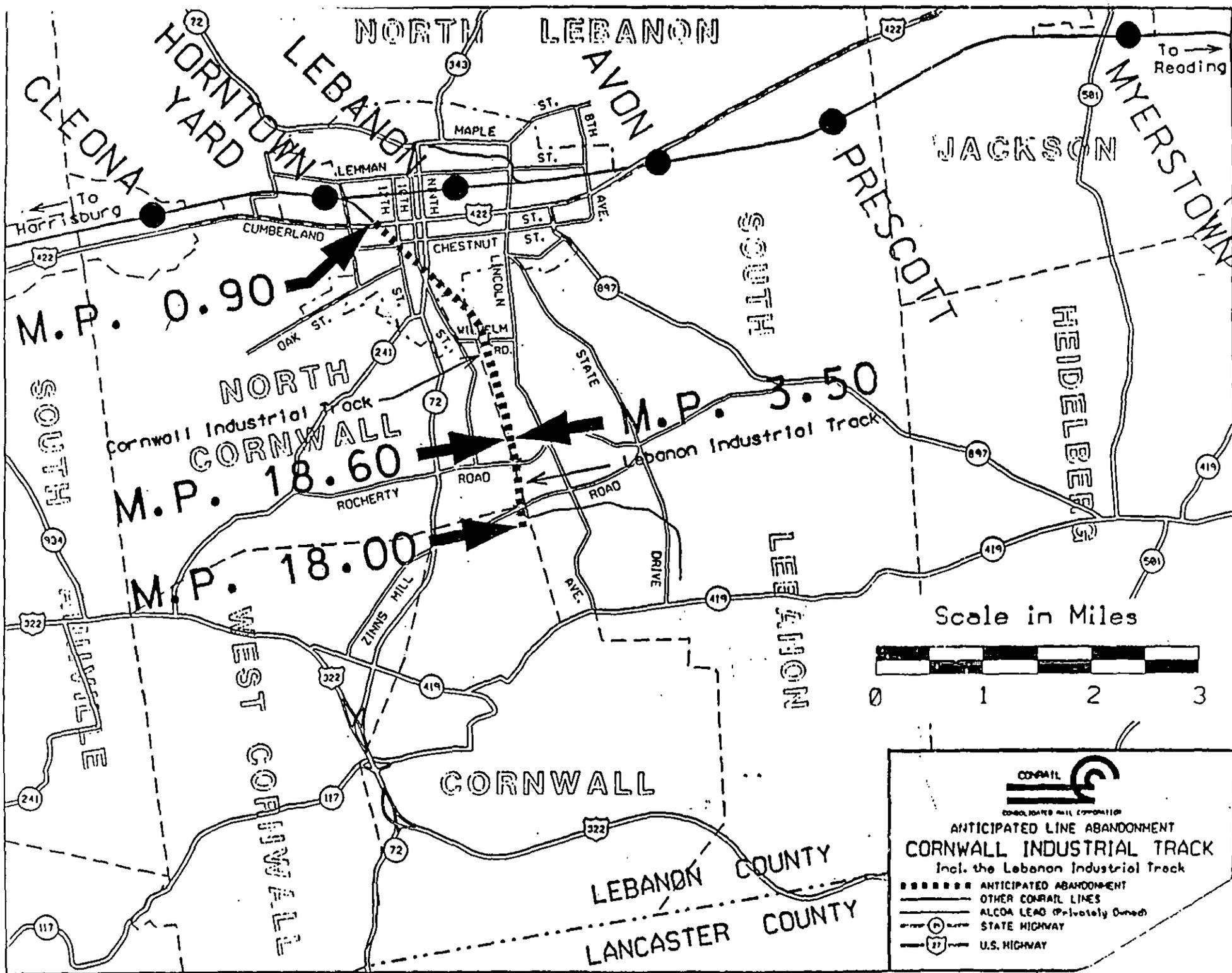


EXHIBIT A

CONRAIL®



February 19, 1996

UPS NEXT DAY

Vernon A. Williams, Secretary
Surface Transportation Board
12th St. & Constitution Ave., NW
Washington, DC 20423

Re: Docket No. AB-167 (Sub-No. 1156X)
Consolidated Rail Corporation -- Abandonment
Exemption -- in Lebanon County, Pennsylvania

Dear Mr. Williams:

On December 26, 1995, Consolidated Rail Corporation ("Conrail") filed with the Board an Petition for Exemption pursuant to 49 U.S.C. §10505 to abandon its Cornwall Industrial Track and Lebanon Industrial Track in the above-listed abandonment proceeding. By letter dated February 2, 1996, the Lebanon Valley Rails-to-Trails has filed a petition for Notice of Interim Trail Use ("NITU") pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29.

Conrail hereby notifies the Board that it is willing to negotiate with this party regarding interim trail use and does not object to the issuance of an NITU in accordance with 49 C.F.R. 1152.29(d).

Kindly time-stamp and return the extra copy of this letter in the enclosed self-addressed stamped envelope.

Very truly yours,

A handwritten signature in cursive script that reads "John J. Paylor".

John J. Paylor
Associate General Counsel
(215) 209-5047

cc: G. E. Christianson, Lebanon Valley Rails-to Trails

bc: P.H. Kiliani - 19B

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SURFACE TRANSPORTATION BOARD¹

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

Docket No. AB-167 (Sub-No. 1156X)

CONSOLIDATED RAIL CORPORATION--ABANDONMENT
EXEMPTION--IN LEBANON COUNTY, PA

Decided: July 11, 1996

Consolidated Rail Corporation (Conrail) seeks an exemption under 49 U.S.C. 10505 from the prior approval requirements of 49 U.S.C. 10903-04 to abandon a total of 3.2 miles of rail line in Lebanon County, PA, as follows: 2.6 miles of the Cornwall Industrial Track between milepost 0.9 and milepost 3.5; and 0.6 miles of the former Lebanon Industrial Track between milepost 18 and milepost 18.6. The United Transportation Union seeks the imposition of labor protective conditions, and Lebanon Valley Rails-to-Trails (LVR) requests imposition of trail use and public use conditions. We will grant the petition and issue a notice of interim trail use or abandonment (NITU), as requested, subject to trail use, public use, and standard labor protective conditions.

BACKGROUND

Conrail states that prior to November 29, 1995, Aluminum Company of America (Alcoa) was the line's only active shipper, with a private siding at approximately milepost 18.15. According to Conrail, Alcoa entered into a minimum 2-year contract, commencing in late October 1995, to use truck service for all movements. Conrail sees no prospect for developing any freight business on the line in the foreseeable future. Conrail states that a copy of the exemption petition was served on Alcoa.

For rail service to continue, Conrail estimates that \$451,700 must be spent on track rehabilitation. Also, if the line is not abandoned, Conrail expects that, as a result of a Pennsylvania Public Utilities Commission site conference held on September 22, 1995, to review the condition of the line's various at-grade crossings, a total of \$90,000 will have to be spent over the next 5 years to rehabilitate nine crossings.

The line also crosses Wilhelm Ave. in South Lebanon Township on undergrade bridge 2.46, and the bridge's abutments restrict Wilhelm Ave. to one lane. The bridge is to be replaced at a cost of \$1.2 million (80% state funds and 20% township funds) based on a traffic study of Wilhelm Ave. that assertedly shows a volume of 2,400 vehicles in a 24-hour period. By abandoning the line,

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¹ The ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803 (the ICCTA), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions and proceedings to the Surface Transportation Board (Board). Section 204(b)(1) of the ICCTA provides, in general, that proceedings pending before the ICC on the effective date of that legislation shall be decided under the law in effect prior to January 1, 1996, insofar as they involve functions retained by the ICCTA. This decision relates to a proceeding that was pending with the ICC prior to January 1, 1996, and to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10903. Therefore, this decision applies the law in effect prior to the ICCTA, and citations are to the former sections of the statute, unless otherwise indicated.

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Conrail observes that the bridge can be removed and a substantial disbursement of public funds avoided.

DISCUSSION AND CONCLUSIONS

Exemption. Under 49 U.S.C. 10903-04, a rail line may not be abandoned without our prior approval. Under 49 U.S.C. 10505, however, we must exempt a transaction or service from regulation when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny under 49 U.S.C. 10903-04 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of filing an abandonment application, an exemption will expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. 10101a(2) and (7)]. By avoiding the expense of rehabilitating a line that neither generates, nor has any prospect of generating, revenue traffic and thereby permitting resources to be reallocated to profitable or potentially profitable portions of Conrail's system, an exemption will foster sound economic conditions and encourage efficient management [49 U.S.C. 10101a(3), (5), and (10)]. Other aspects of the rail transportation policy will not be affected adversely.

Because no active shippers are on the line, and there is no potential to attract new shippers, we find that regulation is not necessary to protect shippers from the abuse of market power.² Nevertheless, to ensure that Alcoa is informed of our action, we will require Conrail to serve a copy of this decision on Alcoa within 5 days of the service date of this decision and certify to us that it has done so.

Labor Protection. Under 49 U.S.C. 10505(g), we may not use our exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, as a condition to granting this exemption, we will impose the employee protective conditions in Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979).

Environmental Conditions. Conrail has submitted an environmental report with its petition and has notified the appropriate Federal, state, and local agencies of the opportunity to submit information on the energy and environmental impact of the proposed action. See 49 CFR 1105.11. Our Section of Environmental Analysis (SEA) has examined the environmental report, verified its data, analyzed the probable effects of the proposed action on the quality of the human environment, and served an environmental assessment (EA) on February 28, 1996. In the EA, SEA suggests that the right-of-way may be suitable for other public purposes after abandonment but does not recommend the imposition of any environmental conditions.

By the March 25, 1996 due date, no comments to the EA had been filed. Therefore, we conclude that the proposed abandonment will not significantly affect either the quality of the human environment or conservation of energy resources.

² Given our market power finding, we need not determine whether the proposed transaction is limited in scope, although the abandonment of 3.2 miles of rail line in a single county and state appear to satisfy that criterion as well.

Trail Use. LVR requests that interim trail use/rail banking be imposed under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act), and has submitted a statement of willingness to assume financial responsibility for the right-of-way as required under 49 CFR 1152.29. By letter filed on February 21, 1996, Conrail agreed to negotiate trail use and expressed no objection to the issuance of an NITU. Although a request for interim trail use need not be filed under 49 CFR 1152.29(b)(2) until 10 days after the notice of exemption is published in the Federal Register, the Trails Act is applicable, and the criteria for imposing interim trail use/rail banking have been met. Accordingly, we will accept the trail use request and issue an NITU.

Our approval of trail use does not preclude other parties from filing interim trail use requests within 10 days after publication. Nor does it preclude Conrail from negotiating with other parties in addition to LVR during the NITU period. If, within the 10-day period following publication, additional trail use requests are filed, Conrail is directed to respond to them. If an agreement is executed, no further Board action is necessary. If no agreement is reached within 180 days, Conrail may fully abandon the line, subject to the conditions imposed below. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

Public Use Condition. LVR also requests that a 180-day condition be imposed under 49 U.S.C. 10906 to prohibit Conrail from disposing of the rail corridor, other than the tracks, ties and signal equipment, except for public use. LVR states that the corridor would make an excellent recreational trail and that conversion of the property to trail use would provide a critical link between Lebanon's population center and the outlying recreational areas in southern Lebanon County. LVR further states that the corridor provides important wildlife habitat and green space and that its preservation as a recreational trail is consistent with that end.

We have determined that persons who file under the Trails Act may also file for a public use condition under 49 U.S.C. 10906. When the need for both conditions is established, it is our policy to impose them concurrently, subject to the execution of a trail use agreement. LVR has met the public use criteria by specifying: (1) the condition sought; (2) the public importance of the condition; (3) the period of time for which the condition would be effective; and (4) justification for the imposition of the time period. 49 CFR 1152.28(a)(2). A 180-day public use condition will be imposed, commencing with the effective date of this decision and notice. The public use negotiating period cannot be extended.

A public use condition is not imposed for the benefit of any one potential user. Rather, it gives any interested person an opportunity to pursue acquisition of a right-of-way found suitable for public purposes.

Financial Assistance. Operation of the trail use procedures could be delayed, or even foreclosed, by the financial assistance process under 49 U.S.C. 10905. Offers of financial assistance (OFA) to acquire rail lines for continued rail service or to subsidize rail operations take priority over interim trail use/rail banking and public use. Accordingly, if a statement of intent to file an OFA is timely filed under 49 CFR 1152.27(c)(2), the effective date of this decision and notice will be postponed for 10 days beyond the effective date set forth below. In addition, the effective date may be further postponed at later stages of the OFA process. 49 CFR 1152.27(e)(2) and (f).

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Finally, if the line is sold under the OFA procedures, the petition for exemption will be dismissed and trail use/rail banking and public use precluded. Alternatively, if a sale under the OFA procedures does not occur, the trail use/rail banking and public use may proceed.

It is ordered:

1. The request for interim trail use/rail banking under 49 U.S.C. 1247(d) and public use under 49 U.S.C. 10906, submitted by LVR, is accepted.

2. Under 49 U.S.C. 10505, we exempt from the prior approval requirements of 49 U.S.C. 10903-04, the abandonment of the above-described line, subject to the conditions that Conrail: (1) provide employee protection as set forth in Oregon Short Line R. Co.--Abandonment--Goshen, 360 I.C.C. 91 (1979); (2) keep intact the right-of-way and any potential trail-related structures, including bridges, trestles, culverts, and tunnels (but not track or track materials), for 180 days after the effective date of this decision and notice, to permit any state or local government agency or other interested person to negotiate the acquisition of the right-of-way for public use; and (3) comply with the interim trail use/rail banking procedure set forth below. If an interim trail use/rail banking agreement is executed before the 180-day public use period expires, the public use process will be terminated as follows: if the trail use agreement covers the entire line, the public use process is terminated; if, however, a trail use agreement is executed only for a segment of the line, the public use process is terminated only for that line segment.

3. Subject to the conditions set forth above, Conrail may discontinue service, cancel tariffs, if any, for the line on not less than 10 days' notice to the Board, and salvage track and track materials consistent with public use after the effective date of this decision and notice.

4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for managing the right-of-way, for any legal liability arising out of its transfer or use (unless the user is immune from liability, in which case it need only indemnify the railroad from any potential liability), and for the payment of any taxes that may be assessed against it.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

6. If interim trail use is implemented and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. If an agreement for interim trail use/rail banking is reached by the 180th day after service of this decision and notice, trail use may be implemented. If no agreement is reached by that time, Conrail may fully abandon the line, provided the conditions imposed above are met.

8. Conrail must serve a copy of this decision on Alcoa within 5 days after this decision is served and certify to the Board that it has done so.

9. Notice will be published in the Federal Register on July 25, 1996.

10. Provided no formal expression of intent to file an OFA has been received, this exemption will be effective on August 24, 1996.

11. Formal expressions of intent to file an OFA³ under 49 CFR 1152.27(c)(2) and requests for interim trail use/rail banking under 49 CFR 1152.29 must be filed by August 5, 1996, petitions to stay must be filed by August 9, 1996, and petitions to reopen must be filed by August 19, 1996.

12. If a formal expression of intent to file an OFA has been timely submitted, an OFA to allow rail service to continue must be received by the railroad and the Board within 30 days after publication, subject to time extensions authorized under 49 CFR 1152.27(c)(2)(ii)(C) and (D). The offeror must comply with 49 U.S.C. 10905 and 49 CFR 1152.27(c)(2).

13. OFA's and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: "Office of Proceedings, AB-OFA."

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams
Secretary

³ See Exempt. of Rail Abandonment--Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).