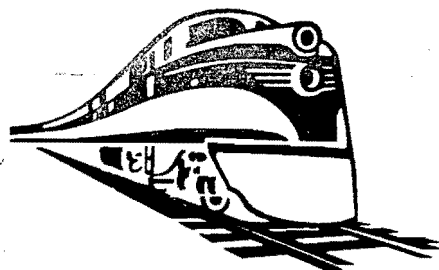
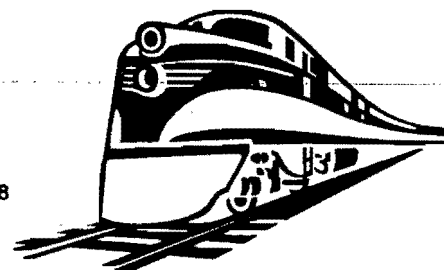


EI-11965



RJ CORMAN RAILROAD GROUP

A LIMITED LIABILITY HOLDING COMPANY
101 RJ Corman Drive • PO Box 788 • Nicholasville, KY 40340-0788
(859) 881-7521 • Fax: (859) 885-7804 • www.rjcorman.com



November 24, 2009

Ms. Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Attention: Danielle Gosselin

Re: STB Finance Docket No. 35116, R.J. Corman Railroad
Company/Pennsylvania Lines, Inc. – Construction and Operation
Exemption – in Clearfield and Centre Counties, PA

Dear Ms. Gosselin:

R.J. Corman Railroad Company/Pennsylvania Lines, Inc. (RJCP) would like to submit the following voluntary mitigation measures for Board consideration in the above-referenced proceeding. While we believe that our proposed rail reactivation project is limited in scope and does not pose significant impact to the project area, we remain sensitive to the concerns of local communities and interested agencies. Therefore, we have identified the following voluntary mitigation measures to offset any environmental and/or socioeconomic impacts associated with our proposed project. These voluntary mitigation measures are outlined below by individual resource category.

Grade Crossing Delay

- VM 1. Petitioner will coordinate the construction of each grade crossing, including the temporary maintenance and protection of traffic measures to be implemented at each grade crossing, with PennDOT via the grade crossing permit process.
- VM 2. Petitioner will coordinate the construction of each grade crossing, including the temporary maintenance and protection of traffic measures to be implemented at each grade crossing, with the respective municipality and appropriate local emergency response service providers (i.e., police, fire and ambulance).

- VM 3. Petitioner will coordinate the Final Design of the grade-separated crossing at Casanova Road (T-958), including any necessary temporary maintenance and protection of traffic measures, with the Morris Township Supervisors and/or Morris Township Roadmaster/Road Department, as appropriate.
- VM 4. For each public grade crossing, Petitioner shall provide and maintain a permanent sign prominently displaying both a toll-free telephone number and a unique grade-crossing identification number in compliance with FHWA Regulations (23 CFR Part 655). The toll-free number shall be answered 24 hours per day by Petitioner's personnel.
- VM 5. During construction of grade crossings, Petitioners shall provide appropriate advance warning signage for detours and temporary lane restrictions. Where practicable, Petitioners will maintain at least one open lane of traffic to allow for the passage of emergency response vehicles.

Rail Operations

- VM 6. In regard to waste traffic, Petitioner will not engage in any waste transloading or unloading activity on the reactivated Beech Creek Branch Line, but will deliver waste to customers served by the line, including RLLC. Any unloading and disposal activities by customers must be performed in accordance with a permit issued by the appropriate authorities.
- VM 7. Petitioner will limit the speed of trains over the reconstructed Beech Creek Branch Line to 25 mph with restrictions for the head end of the train to be limited to 10 mph when approaching and crossing Route 53 and Ninth Street near Philipsburg.
- VM 8. Subject to operational limitations, Petitioner will attempt to limit the operation of trains over the reconstructed Beech Creek Branch Line to the hours of 7:00 AM to 10:00 PM in order to minimize nighttime noise impacts to adjacent residential properties.

Rail Operations Safety

- VM 9. Petitioner will comply with all applicable FRA rail operations safety requirements (49 CFR Parts 200-299), as appropriate.
- VM 10. Prior to initializing rail operations, Petitioner will meet with private land owners to discuss appropriate safety precautions associated with at-grade private driveway crossings.
- VM 11. Petitioner will implement the appropriate safety appurtenances at each public road grade crossing, as identified by the Rail Safety Division of the Pennsylvania PUC during their February 12, 2009 project area field view.

- VM 12. Upon residential area property owners request and if it can be done without impairing safety on the right-of-way, petitioner will share costs 50%-50% with property owner to erect right-of-way fence (length and height of fencing subject to Petitioner discretion). In such case, property owner would assume responsibility and liability for fence maintenance.
- VM 13. Petitioner will transport municipal solid waste in accordance with Norfolk Southern Tariff NS 6306 – Rules and Regulations for Handling Municipal Solid Waste, Contaminated Soil, Hazardous Materials, and Related Articles.

Land Use

- VM 14. Regarding the acquisition of private property, Petitioner will only acquire that which is necessary to re-establish the 66-foot railroad right-of-way, and will attempt to reach an amicable sales agreement with each respective property owner in lieu of a condemnation proceeding.
- VM 15. In an effort to maintain consistency with the Morris Township Comprehensive Plan, Petitioner will not stack, stage or store trains on the reconstructed Beech Creek Branch Line within Morris Township other than in emergency operating conditions. While not a complete list, examples of such operating conditions would be a broken air line, locomotive failure, derailment, crew hours of service limitations.

Energy Resources

- VM 16. Prior to project construction, Petitioner will coordinate any required utility pole relocations or overhead utility line adjustments with the appropriate local utility company.

Air Quality

- VM 17. To minimize fugitive dust emissions created during project-related construction activities, Petitioner shall implement appropriate fugitive dust suppression controls, such as spraying water or other approved measures. Petitioner shall also operate water trucks on local haul roads, as necessary, to reduce dust.

Noise

- VM 18. Petitioner shall use rail lubricants, as appropriate on curves, on the newly constructed rail line in order to minimize wayside noise.

- VM 19. Petitioner shall coordinate with Cooper Township if they wish to petition the state to install gates or other supplementary safety measures, in order to provide the level of warning necessary to allow the township to request a waiver from FRA of the requirement to sound the horn at both the Sawmill Road (T-707) and Winburne Road (S.R. 2037) grade crossings.

Threatened and Endangered Species

- VM 20. Petitioner will conduct additional field surveys during the 2010 flowering/fruited season in an effort to positively identify the *Sparganium* species identified within the Western Segment of the project area. If determined to be Branching Bur-reed, Petitioner will coordinate with the PA DCNR to identify appropriate minimization/mitigation measures up to and including specimen relocation during project construction.
- VM 21. Petitioner shall ensure that any herbicidal sprays used in track maintenance are approved by the USEPA and are applied by licensed individuals who shall limit application to the extent necessary for rail operations.

Wetlands and Watercourses

- VM 22. Prior to initiation of any construction activities, Petitioner shall obtain the necessary USACE Section 404 and PA DEP Chapter 105 Waterway Encroachment Authorizations. Similarly, Petitioner shall obtain a National Pollutant Discharge Elimination System (NPDES) construction permit from the PA DEP.
- VM 23. Petitioner will implement appropriate erosion and sedimentation control measures to minimize potential water quality impacts during project construction in accordance with an Erosion and Sedimentation Pollution Control Plan approved by the Centre and Clearfield County Conservation Districts.
- VM 24. Petitioner shall comply with wetland and watercourse mitigation in accordance with its authorization from the USACE and PA DEP.
- VM 25. Petitioner will evaluate the potential to provide wetland and watercourse mitigation via an in lieu fee agreement with local watershed or conservation organizations and/or state or federal resource agencies.
- VM 26. Petitioner shall disturb the smallest area possible around wetlands and watercourses, and shall conduct reseeded efforts to ensure proper revegetation of disturbed areas as soon as practicable following project-related construction activities.

- VM 27. Petitioner shall not stage construction materials or equipment within any identified wetland or watercourse areas.
- VM 28. During construction, Petitioner shall require daily inspections of all equipment for any fuel, lube oil, hydraulic or antifreeze leaks. If leaks are found, Petitioners shall require the particular piece of equipment to be removed or repaired immediately.
- VM 29. Petitioner shall reconstruct the rail line in such a way as to maintain current drainage patterns to the maximum extent practicable.
- VM 30. During construction, Petitioner shall prohibit construction vehicles from driving in or crossing streams at other than established/permitted crossing points.
- VM 31. Petitioner shall employ best management practices to control turbidity and minimize channel disturbance during the construction of the new bridge over Laurel Run.
- VM 32. Petitioner shall strive to design a bridge structure and approach railway grade that minimizes impacts to the 100-year floodplain of Laurel Run to the maximum extent practicable. However, should the proposed bridge structure and/or approach railway grade result in changes to the 100-year flood elevation, Petitioner will coordinate with the local municipality and FEMA regarding implementation of the CLOMR process.

Parks and Recreation Facilities

- VM 33. To minimize the risk of potential railroad-caused wildfires in the Moshannon State Forest, as well as other forested areas along the Beech Creek Branch Line, Petitioner will develop and coordinate a Wildfire Suppression and Control Plan with the District Manager of Moshannon State Forest. Items to be incorporated into this Wildfire Suppression and Control Plan will include: a requirement to maintain spark arrestors on all locomotives owned/leased by RJCP on the Beech Creek Branch Line, monthly inspections of all RJCP owned/leased locomotives on the RJCP line incorporating a "burnout" of the exhaust stack to remove excess carbon materials, maintain communications with the appropriate wildfire suppression personnel from the PA DCNR Moshannon State Forest District, and when operationally feasible, operate a fire suppression vehicle behind the train during times of high fire danger, as designated by the PA DCNR Moshannon State Forest District.

VM 34. Petitioner will attempt to establish a mutually acceptable mitigation agreement with the Headwaters Charitable Trust regarding the reactivation of the Eastern Segment, and the subsequent loss of 9.3 miles of the Snow Shoe Multi-Use Rail Trail. However, should Petitioner determine that a mutually acceptable mitigation agreement is unachievable with the Headwaters Charitable Trust, Petitioner reserves the right to construct a new trailhead facility, consisting of a gravel parking area and covered sign structure, at the new Gorton Road trail terminus, as the sole mitigation for the project's impact to the Snow Shoe Multi-Use Rail Trail.

Geology and Soils

VM 35. Petitioner shall limit earth disturbance activities to only the area needed for project-related construction.

Hazardous Waste Sites

VM 36. During project construction, Petitioner will properly dispose of any and all waste materials encountered along the abandoned rail line.

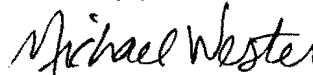
Historic Resources

VM 37. Petitioner will reconstruct the rail line in such a manner as to leave in place, or require only minor relocation, all remaining historic concrete mileage markers associated with the original Beech Creek Railroad.

VM 38. Petitioner will reconstruct the rail line in such a manner as to leave in place the historic stone portals to the Peale Tunnel.

If you have any questions or concerns, please feel free to contact me at your convenience. Also, by copy of this letter, Skelly and Loy, Inc. is aware of these suggested voluntary mitigation measures, and remains available to answer any technical questions that you may have relative to this project.

Sincerely yours,

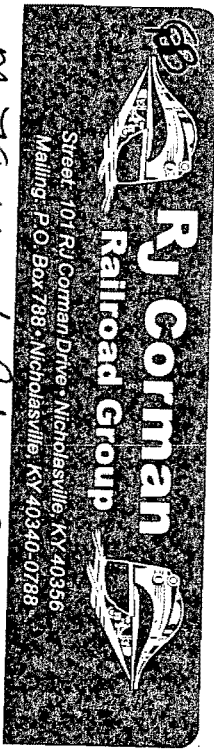


Michael Wester

Vice President

RJ Corman Railroad Company

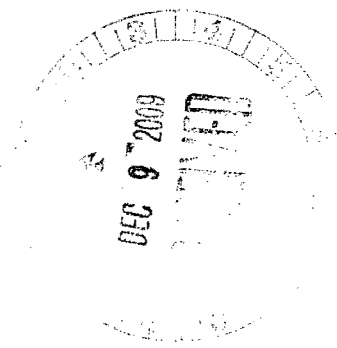
cc: K. Starner, Skelly and Loy, Inc.



**RJ Gorman
Railroad Group**

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