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229568

KEITH G. O'BRIEN

(202) 663-7852 (Direct Dial)
E-Mail: kobrien@bakerandmiller.com

May 20, 2011

ENTERED
Office of Proceedings

MAY 20 2011

Part of
Public Record

BY HAND DELIVERY

Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: *Stewartstown Railroad Company – Adverse Abandonment – In York
County, PA, STB Docket No. AB-1071*
EXPEDITED CONSIDERATION REQUESTED

Dear Ms. Brown:

On or about June 15, 2011, the Estate of George M. Hart (“Estate”) expects to file a formal application for a third-party (or “adverse”) abandonment of the entire 7.4-mile rail line of the Stewartstown Railroad Company (“SRC”), located in York County, PA.

Late Thursday afternoon May 19, 2011, the Estate received a copy of a filing made by SRC¹ requesting the STB to grant an extension of time to respond to the Estate’s First Discovery Requests, which discovery the Estate served on SRC’s counsel on May 9, 2011 by electronic and overnight delivery.² The Estate offered in its transmittal letter to counsel for SRC that it would endeavor to resolve any discovery related issues promptly and informally. Nevertheless, in the 8 day period since the filing of the discovery and the filing of SRC’s extension of time request, SRC made no attempt to contact the Estate concerning any envisioned timing or other problems with the discovery requests. In fact SRC waited until May 17, 2011 to file its extension request with the Board, immediately

¹ A copy of SRC’s filing is attached as Exhibit A.

² A copy of the discovery request is attached as Exhibit B.

prior to its counsel leaving the country for a period of 8 days.

As the basis for its extension request, SRC claims additional time is necessary because the discovery requests are claimed to be extensive and unusual, the issues presented are novel, responding will require significant historical research, SRC was not served a copy of the Estate's May 5, 2011 Environmental & Historic Report (E&H),³ and counsel for SRC will be out of the country from May 18th through May 25, 2011. However, counsel for SRC made no attempts to resolve any of these issues prior to leaving the country or submitting its filing to the Board. The reasons do not justify granting an extension request. The Estate's discovery requests were routine and sought the standard information one would need to file an adverse abandonment application. The requests afforded SRC 21 days to respond, despite the regulations only requiring that a party be afforded at least 15 days to respond. The additional time was given in an effort to accommodate SRC and allow a reasonable time for expected response to discovery.

Although there is an ample basis to reject SRC's extension request, under the circumstances, the Estate is willing to agree to the Board extending the deadline for responding to discovery requests until June 15, 2011, contingent upon the Board granting the Estate a waiver of the 30-day filing requirement set forth in 49 CFR 1152.20 (b)2. Such a waiver is necessary because the Estate has proceeded in accordance with applicable regulations under 49 C.F.R. §§ 1152.20(a)(4) and (b)(3) with publication of its notice of intent in the Central Pennsylvania Business Journal weekly beginning, May 20, 2011, for three consecutive weeks. Additionally, the Estate served its notice of intent May 20, 2011 on the Board and the agencies as required under 49 C.F.R. §1152.20(a)(2). Without such a waiver, the Estate would be required to file its application for adverse abandonment on or before June 17, 2011 and without the information gathered through the discovery requests, such an application would not include essential information that should be forthcoming in response to discovery. A waiver of the 30-day filing requirement would not prejudice any party in view of the fact that the line is moribund and there are no active freight shippers that would be affected.

Estate accordingly requests that should the Board grant SRC an extension of time in responding to the Estate's discovery that the Board also grant the Estate a waiver of the 30-day filing requirement set forth in 49 CFR 1152.20 (b)2. The Estate will commit to filing its application within 10 days of receiving a complete response to discovery directed to SRC on May 9, 2011.

If there are any questions please contact either Keith G. O'Brien or Robert A. Wimbish at the law firm of Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by facsimile at (202) 663-7849; by e-mail at

³ A copy of the E&H was in fact mailed to Stewartstown counsel on May 5, 2011 at the same time 23 required environmental parties were served in accordance with 49 CFR 1105.7(b). We have since received responses from two agencies and promptly forwarded the responses to the Board. Additionally, we have not received any packages returned from the post office.

Cynthia T. Brown
May 20, 2011
Page 3 of 3

kobrien@bakerandmiller.com or rwimbish@bakerandmiller.com, or by telephone at
(202) 663-7820.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Keith G. O'Brien", written over the typed name.

Keith G. O'Brien
Counsel for Estate of George M.
Hart

cc: Rachel D. Campbell, Director of Office of Proceedings
Parties of Record
Alex E. Snyder

Barley Snyder LLC
ATTORNEYS AT LAW

100 East Market Street
P.O. Box 15012
York, PA 17405-7012
Tel 717.846.8888 Fax 717.843.8492
www.barley.com

Exhibit A

Alex E. Snyder, Esquire
Direct Dial Number: 717-852-4975
E-mail: asnyder@barley.com

May 17, 2011

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001



Re: Stewartstown Railroad Company –
Adverse Abandonment – York County, PA,
STB Docket No. AB – 1071

Dear Ms. Brown:

I enclose on behalf of Stewartstown Railroad Company for consideration of the Board a request for extension of time to respond to the first discovery requests of the Estate of George M. Hart.

Thank you for your attention to this matter.

Sincerely,


Alex E. Snyder

AES/mfm:3222667_1 DOC

Enclosure

cc: Keith G. O'Brien, Esq.
James J. Gillotti, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB – 1071

STEWARTSTOWN RAILROAD COMPANY
ADVERSE ABANDONMENT
YORK COUNTY, PA

ORDER GRANTING REQUEST FOR EXTENSION OF TIME

In consideration of the request of Stewartstown Railroad Company for an extension until July 1, 2011, to file its response to the First Discovery Requests of the Estate of George M. Hart, said request is hereby granted.

Surface Transportation Board

Date: _____

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB – 1071

STEWARTSTOWN RAILROAD COMPANY
ADVERSE ABANDONMENT
YORK COUNTY, PA

**REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO
FIRST DISCOVERY REQUESTS
OF THE ESTATE OF GEORGE M. HART**

STEWARTSTOWN RAILROAD COMPANY
P. O. Box 155
Stewartstown, PA 17363

Replicant

Alex E. Snyder, Esquire
Barley Snyder LLC
100 East Market Street
P. O. Box 15012
York, PA 17405-7012

Attorney for Replicant

May 17, 2011

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C.



STB Docket No. AB – 1071

STEWARTSTOWN RAILROAD COMPANY
ADVERSE ABANDONMENT
YORK COUNTY, PA

**REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO
FIRST DISCOVERY REQUESTS
OF THE ESTATE OF GEORGE M. HART**

Pursuant to Surface Transportation Board regulations at 49 CFR 1104.7 (b) Stewartstown Railroad respectfully requests an extension until July 1, 2011 to file its response to the Estate of George M. Hart 's ("Estate") First Discovery Requests served on Stewartstown Railroad's counsel May 9, 2011.

The discovery requests are extensive and unusual in nature and the time frame in which to respond as allotted in the aforementioned request is insufficient to both research the information and to determine what may be released in compliance with the applicable Surface Transportation Board regulations.

The issues presented by the proposed adverse abandonment with regard to an attempt by the Estate (an entity with absolutely no interest in rail transportation matters) to satisfy a debt are novel and complicated and require significant research into historical records of the Stewartstown Railroad.

Furthermore, it has come to the attention of Stewartstown Railroad counsel that a 130 page Environmental Materials filing has appeared on the Board's website with a filing date of May 6, 2011. Stewartstown Railroad counsel was never served with this filing and has not yet

had the opportunity to review it and to determine its relevance to the First Discovery Requests filed on May 9, 2011.

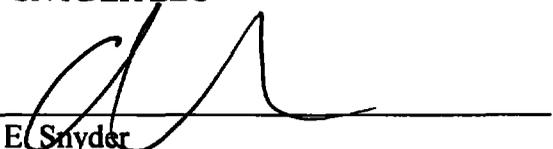
Additionally, counsel for the Stewartstown Railroad will be out of the country from May 18 through May 25, 2011.

Wherefore, Stewartstown Railroad Company respectfully requests that the Board grant this request for an extension of time in respond to the Estate's First Discovery Request dated May 9, 2011.

Respectfully submitted,

BARLEY SNYDER LLC

By: _____


Alex E. Snyder
100 East Market Street
P.O. Box 15012
York, PA 17405-7012
717-846-8888

Fax: 717-843-8492

E-Mail: asnyder@barley.com

PA 200987

Attorneys for Stewartstown Railroad Company

CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing Request for Extension of Time is being served by first class mail, postage prepaid at York, Pennsylvania, addressed as follows:

James J. Gillotti
Oliver, Price & Rhodes
P.O. Box 240
1212 S. Abington Road
Clarks Summit, PA 18411

Keith G. O'Brien
Robert A. Wimbish
Baker & Miller PLLC
2401 Pennsylvania Avenue., N.W.
Suite 300
Washington, DC 20037

BARLEY SNYDER LLC

By: _____

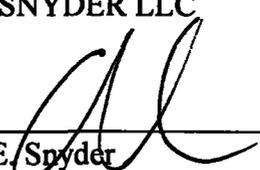

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717-846-8888
Fax: 717-843-8492
E-Mail: asnyder@barley.com
PA 200987
Attorneys for Stewartstown Railroad Company

Exhibit B

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS
2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE (202) 663-7820
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Keith G. O'Brien

Direct Dial: (202) 663-7852
E-Mail: kobrien@bakerandmilller.com

May 9, 2011

VIA E-MAIL AND OVERNIGHT DELIVERY

Alex E. Snyder
Barley Snyder LLC
100 East Market Street
York, PA 17405-7012
E-mail: asnyder@barley.com

Re: *Stewartstown Railroad Company – Adverse Abandonment – In York County, PA,*
STB Docket No. AB-1071

Dear Mr. Snyder:

I am enclosing herewith the Estate of George M. Hart's ("Estate") First Discovery Requests directed to your client, Stewartstown Railroad Company, in connection with the above-captioned proceeding. This discovery is served pursuant to the Surface Transportation Board's regulations at 49 C.F.R. § 1114.21, and related regulations.

In accordance with applicable Board regulations, complete responses to these requests are requested by no later than May 31, 2011. See 49 C.F.R. § 1114.26(a) (answers and objections to discovery may be requested not less than 15 days from service of discovery). Please feel free to contact me promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously. I can be reached by phone at (202) 663-7852 or by e-mail at kobrien@bakerandmilller.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith G. O'Brien".

Keith G. O'Brien

cc: James J. Gillotti
John W. Willever

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB-1071

**STEWARTSTOWN RAILROAD COMPANY
- ADVERSE ABANDONMENT -
IN YORK COUNTY, PA**

**FIRST DISCOVERY REQUESTS OF THE ESTATE OF GEORGE M. HART TO
STEWARTSTOWN RAILROAD COMPANY**

**Keith G. O'Brien
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20037
Phone: (202) 663-7820
Fax: (202) 663-7849**

May 9, 2011

Attorneys for Estate of George M. Hart

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**



STB DOCKET NO. AB-1071

**STEWARTSTOWN RAILROAD COMPANY
- ADVERSE ABANDONMENT -
IN YORK COUNTY, PA**

**FIRST DISCOVERY REQUESTS OF THE ESTATE OF GEORGE M. HART TO
STEWARTSTOWN RAILROAD COMPANY**

Pursuant to 49 C.F.R. § 1114.21 through 1114.31, the Estate of George M. Hart (“Estate”) hereby directs the following discovery requests to the Stewartstown Railroad Company (“SRC”). Responses should be served as soon as possible, and in no event later than May 31, 2011. SRC is requested to contact the undersigned promptly to discuss any objections or questions regarding these requests with a view to resolving any disputes or issues of interpretation informally and expeditiously, to avoid unnecessary delay to the Proceeding.

THE PARTIES

1. “SRC” means the Stewartstown Railroad Company and includes employees, agents, representatives acting on its behalf, and consultants advising it in connection with the above-referenced Proceeding before the Surface Transportation Board.
2. “Estate” means the Estate of George M. Hart.
3. “You” and “Your” means SRC.

DEFINITIONS

1. "AB-1071" means STB Docket No. AB-1071, Stewartstown Railroad Company – Adverse Abandonment – In York County, PA.
2. "Board" or "STB" means the Surface Transportation Board and, if applicable, its predecessor agency, the Interstate Commerce Commission.
3. "Describe" when used in relation to a discussion, meeting or other communication means to identify the participants, the date or time period when the communication took place, the location of the participants at the time of the communication and a detailed summary of the content of the communications.
4. "Estate" means Estate of George M. Hart
5. "Document" means any writing or other compilation of information, whether printed, typed, handwritten, recorded, or produced or reproduced by any other process, including: intra-company communications; electronic mail; correspondence; telegrams; memoranda; contracts; instruments; studies; projections; forecasts; summaries; notes, or records of conversations or interviews; minutes, summaries, notes, or records of conferences or meetings; records or reports of negotiations; diaries; calendars; photographs; maps; tape recordings; computer tapes; computer disks; other computer storage devices; computer programs; computer printouts; models; statistical statements; graphs; charts; diagrams; plans; drawings; brochures; pamphlets; news articles; reports; advertisements; circulars; trade letters; press releases; invoices; receipts; financial statements; accounting records; and workpapers and worksheets. Further the term "document" includes:
 - a. both basic records and summaries of such records (including computer runs);and

- b. both original versions and copies that differ in any respect from the original version, including notes.

6. "Identify,"

- a. when used in relation to an individual, means to state the name, address, and business telephone number of the individual, the job title or position and the employer of the individual at the time of the activity inquired of, and the last-known position and employer of the individual;
- b. when used in relation to a corporation, partnership, or other entity, means to state the name of the entity and the address and telephone number of its principal place of business and its location relative to the track owned by SRC;
- c. when used in relation to a document means to:
 - i. state the type of document (*e.g.*, letter, memorandum, report, chart);
 - ii. identify the author, each addressee, and each recipient; and
 - iii. state the number of pages, title, and date of the document;
- d. when used in relation to an oral communication or statement means to:
 - i. identify the person making the communication or statement and the person, persons, or entity to whom the communication or statement was made;
 - ii. state the date and place of the communication or statement;
 - iii. describe in detail the contents of the communication or statement; and
 - iv. identify all documents that refer to, relate to or evidence the communication or statement;
- e. when used in any other context means to describe or explain in detail.

7. "Including" means including without limitation.
8. "Line" means all or any portion of the approximately 7.4 miles of rail line owned by SRC which is the subject of the above-captioned abandonment Proceeding before the Board, and which lines extend between the following approximate mileposts: milepost 0.0 at New Freedom, PA, and milepost 7.4 at Stewartstown, PA.
9. "Person" means an individual, company, partnership, or other entity of any kind.
10. "Provide" (except where the word is used with respect to providing service or equipment) or "describe" means to supply a complete narrative response.
11. "Produce" means to make available to the undersigned attorneys for copying and viewing.
12. "Relate to" or "relates to" a subject means making a statement about, referring to, or discussing the subject, including, as to actions, any decision to take, not take, defer, or defer decision, and including, as to any condition or state of affairs, its absence or potential existence.
13. "Reply filing or Reply" means Reply in Partial Opposition to Petition for Waiver and Exemption filed herein by SRC on November 22, 2010.
14. "Request" means interrogatory, request for admission or request for production of documents or things.
15. "Shipper" means a consignor, a consignee, receiver or other user of rail transportation services.
16. "Studies, analyses and reports" include studies, analyses, and reports in whatever form, including letters, memoranda, tabulations, and computer printouts of data selected from a database.

17. "This Proceeding" means STB Docket No. AB-1071, Stewartstown Railroad Company – Adverse Abandonment – In York County, PA.

18. "SRC" means the Stewartstown Railroad Company and includes employees, agents, representatives acting on its behalf, and consultants advising it in connection with the above-referenced Proceeding before the Surface Transportation Board.

INSTRUCTIONS

1. Any delay in production of requested documents or answers to Requests is certain to prejudice the Estate's ability to present evidence to the Board concerning the proposed adverse abandonment. Accordingly, answers and responsive documents should be produced to the undersigned counsel at Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037, not later than May 31, 2011. Serial production of relevant documents and narrative responses during that period is encouraged and requested. Objections, if any, should be made as soon as possible, and not later than fifteen (15) days after the date of service of the requests.
2. You should contact Keith G. O'Brien at (202) 663-7852 immediately to discuss any objections or questions with a view to resolving any dispute or issues of interpretation informally and expeditiously.
3. Unless otherwise specified, these Requests cover the period beginning April 1, 2008, and ending with the date of the response.
4. If You object to any Request or any part thereof, please state the reasons for such objection, including all information forming the basis for such objection.
5. If You have information that would permit a partial answer to any Request, but

You would have to conduct a special study to obtain information necessary to provide a more complete response to that Request, and if the burden of conducting such special study would be greater for You than for Estate:

- a. state that fact;
 - b. provide the partial answer that may be made with information available to You;
 - c. identify such business records, or any compilation, abstract, or summary based thereon, as will permit Estate to derive or ascertain a more complete answer; and
 - d. as provided in 49 C.F.R. § 1114.26(b), produce such business records, or any compilation, abstract, or summary based thereon, as will permit Estate to derive or ascertain a more complete answer.
6. If any information or document is withheld on the ground that it is privileged or otherwise not discoverable,
- a. identify the information or document (in the manner provided in Definition 6, *supra*); and
 - b. state the basis for the claim that it is privileged or otherwise not discoverable.
7. References to railroads, shippers, and other companies include: parent companies; subsidiaries; controlled, affiliated, and predecessor firms; divisions; subdivisions; components; units; instrumentalities; partnerships; and joint ventures.
8. Unless otherwise specified, all uses of the conjunctive include the disjunctive and vice versa, and words in the singular include the plural and vice versa.
9. If You know or later learn that a response to any Request is incorrect, You are

under a duty seasonably to correct that response.

10. Pursuant to 49 CFR § 1114.29, You are under a duty seasonably to supplement Your responses with respect to any question.

DISCOVERY REQUESTS

Request No. 1. Produce the most recent estimate of the value of all SRC assets, including current cash on hand.

Request No. 2. Produce the most recent estimate of the net liquidation value of the track and track material owned by SRC.

Request No. 3. Describe the current condition of the SRC rail line. In particular:

- (a) Does all of SRC's rail line meet or exceed current FRA Class I safety standards?
- (b) If not, what portions of SRC's rail line (identified by milepost boundaries) are in FRA Class I condition or better, and what portions of SRC's rail line (identified by milepost boundaries) require repair or rehabilitation to meet minimum Class I track safety standards?

Request No. 4. Provide all track inspection reports, track maintenance reports, track repair estimates, and any other documents in SRC's possession that discuss the condition of SRC's rail line since January 1, 2008.

Request No. 5. Beginning with calendar year 2008 through this year, provide SRC's track maintenance budget and actual track maintenance expenditures, including the amounts expended in each calendar year, the type of work performed and/or expected to

be performed, and the location (according to milepost boundaries) of the maintenance performed.

Request No. 6. Identify what remedial actions, if any, SRC believes are necessary to return the entirety its rail line to FRA Class I operating condition, and identify how much SRC estimates it would cost to return the entire line to FRA Class I operating condition.

Request No. 7. In its Reply (at page 10), SRC lists five business entities (hereinafter, “shippers”) to which “Stewartstown has previously provided freight service.” For each of these shippers:

- (a) provide its mailing address and local business phone number;
- (b) the individual acting on behalf of each shipper to whom correspondence relating to this Proceeding should be addressed; and
- (c) the commodity(ies) previously shipped by rail by these shippers via SRC.

Request No. 8. In connection with Request No. 7, describe SRC’s contact with each of the shippers, and discuss the extent to which each of these shippers or any prospective shipper has committed to using rail service in the event that SRC’s line were to be reactivated. In so doing:

- (a) identify any prospective freight shipper that has been in contact with SRC that has not previously made use of SRC service;
- (b) identify the commodity(ies) that each shipper or contacted prospective shipper would ship;
- (c) the volumes (in annual carloads) that each shipper or contacted prospective shipper would ship; and

(d) the circumstances under which that shipper or contacted prospective shipper would agree and would commit to shipping via SRC's rail line.

Request No. 9. Identify formal or informal inquiries, requests, and/or applications for federal, state, local, or other public assistance (such as loans or grants) to restore SRC to operation and/or to retire existing debt. In particular, since April 1, 2008, has SRC made any request, application, or inquiry concerning its eligibility for receiving federal, state, or local grants or loans to be used to fund the reactivation of service on SRC's lines?

Request No. 10. In connection with Request No. 9, what have been the outcomes of SRC's efforts to obtain – or to be considered eligible to receive – federal, state, or local assistance? In particular:

- (a) Has SRC been deemed eligible for grants or loans for which SRC has either expressed an interest, inquired about, or applied for, and if not, why not?
- (b) If deemed eligible, has SRC been awarded any such financial assistance, and, if so, how many dollars has SRC been granted or loaned?
- (c) If awarded grants or loans, for what purpose were such funds awarded or loaned?

Request No. 11. Identify efforts SRC has made since April 1, 2008, and/or is making to obtain private financing sufficient to repay outstanding debt and/or to raise capital to reactivate SRC's rail line, including, specifically, efforts with banks, potential investors, and similar sources of private capital.

Request No. 12. Provide information concerning specific results from efforts described in response to Request No. 11.

Request No. 13. Has SRC made any effort to obtain a loan or to secure private funding or financing of any sort that would be used in whole or in part for the specific purpose of repaying the amounts the Estate contends are owed to it by SRC? If so, what lenders or investors has SRC contacted, what is the status of such effort, and what collateral is SRC offering or considering offering as a security? If SRC has not made any such efforts, why not?

Request No. 14. In its Reply (at page 11), SRC states that, "Although the railroad has not been used for freight service in the last six years, the line has been opened for other users." Concerning this statement:

- (a) identify the "other users" of SRC's lines;
- (b) describe the use these "other users" make of SRC's lines, including the frequency of such "other use;"
- (c) identify the portion or portions of SRC's line (by milepost boundaries) that these "other users" have used since April 1, 2008; and
- (d) if these "other users" have not since April 1, 2008, made use of the entire SRC rail line, give the reason(s) why the entire SRC rail line was not used.

Request No. 15. Provide copy of SRC's current business plan (see SRC Reply at 2).

Request No. 16. Identify efforts/results of SRC's professional fundraiser (SRC Reply at 3) and amounts he/she is seeking to obtain, and that he/she has successfully raised on behalf of SRC since April 1, 2008.

Request No. 17. SRC states that in early 2010 it made an offer to "pay off the debt"

owed to the Estate “over a five year period” (SRC Reply at 3), but the Estate rejected this proposal. Notwithstanding the Estate’s rejection of the repayment plan (which proposal clearly anticipated that SRC would have funds to begin debt repayment to the Estate later in 2010), SRC has made no payments to the Estate whatsoever. Please explain why SRC has not to date made any payments to the Estate, and what SRC has done with the funds that it would have used and would have be using to repay its debt to the Estate.

Request No. 18. Identify all railroad operating equipment (such as locomotives and rolling stock) currently owned or leased by SRC, or on loan to SRC.

Request No. 19. In its Reply at page 5, SRC refers to ongoing “operating revenues.” What were SRC’s operating revenues in each of calendar years 2008-2010, and from what operations did such revenues derive?

Request No. 20. Provide the current condition of all at-grade rail-highway crossings along SRC’s line, along with any correspondence to or from the Pennsylvania Public Utilities Commission and/or the Pennsylvania Department of Transportation regarding these crossings and their upkeep.

Request No. 22. When were the railroad bridges along SRC’s line last inspected, and, at that time, in what condition were the bridges reported to be? In that regard:

- (a) Provide the most recent bridge inspection report or any similar such document reporting on the then condition of each bridge inspected.
- (b) Describe SRC’s current bridge inspection and maintenance program.
- (c) If not inspected and reported on since prior to January 1, 2008, please provide an estimate of each bridge’s current condition, the type and costs of any repairs that are expected to be necessary to restore each

such bridge to service, as well as the basis for your assessment and conclusions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Keith G. O'Brien", written over a horizontal line.

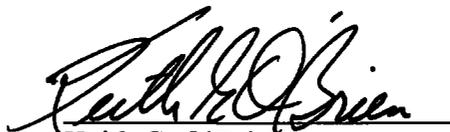
Keith G. O'Brien
Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., N.W.
Suite 300
Washington, DC 20037
Phone: (202) 663-7820
Fax: (202) 663-7849

Attorneys for Estate of George M. Hart

Date: May 9, 2011

CERTIFICATE OF SERVICE

I, Keith G. O'Brien, hereby certify that on this 9th day of May, 2011, copies of the foregoing Discovery Requests were served by electronic (e-mail) delivery and overnight delivery upon counsel for the Stewartstown Railroad Company.

A handwritten signature in black ink, appearing to read "Keith G. O'Brien", written over a horizontal line.

Keith G. O'Brien
Estate of George M. Hart