

THOMSON, RHODES & COWIE, P.C.

Attorneys At Law

Norman J. Cowie (1924-1998)
Thomas D. Thomson (1925-1999)

Dana Weber Horton*
Margaret M. Hoxk
Brad R. Komisar
John R. Whippley
Christian W. Wrabley
Jeffrey R. Bailey
Ashley L. Griffin

* Also Admitted in West Virginia
* Also Admitted in Illinois
† Also Admitted in New Jersey
and Washington

John David Rhoads
Richard E. Rush
Linton L. Moyer
John K. Heisev
David R. Johnson
Jerry R. Hogenmuller*
David M. McQuiston
William James Rogers
Glenn H. Gillette
Templeton Smith Jr
Harry W. Rosensteel
Thomas B. Anderson
Suzanne M. Oppman

**TWO CHATHAM CENTER, TENTH FLOOR
PITTSBURGH, PENNSYLVANIA 15219-3499**

Facsimile (412) 232-3498

www.trc-law.com

Writer's Direct Dial (412) 316-8653
Writer's e-mail ts@trc-law.com

November 25, 2008

In Re R J Corman Rail Line Reactivation Our File No 15598



Surface Transportation Board
395 E Street, SW
Washington, DC 20024

224057
224058
224059

Dear Sir or Madam

I am enclosing herewith an original and ten copies of our Motion for Leave to File Statement by Interested Party Out of Time and the Statement of Headwaters Charitable Trust for filing in connection with the above-referenced matter

Should you have any questions, please do not hesitate to contact me

Very truly yours,

Templeton Smith, Jr

ENTERED
Office of Proceedings

NOV 26 2008

Part of
Public Record

ENTERED
Office of Proceedings

NOV 26 2008

Part of
Public Record

TS/bjk

cc Richard Wilson
Kimberly Hummel
Ronald Lane
Kathryn H S Peti
(all w/enc)

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO AB-167-1004



CONRAIL ABANDONMENT OF THE
SNOW SHOE INDUSTRIAL TRACK
IN CENTRE AND CLEARFIELD COUNTIES, PENNSYLVANIA

FINANCE DOCKET NO 35116

R J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC ,
CONSTRUCTION AND OPERATION EXEMPTION
IN CENTRE AND CLEARFIELD COUNTIES, PENNSYLVANIA

FINANCE DOCKET NO 35143

R J CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC

ACQUISITION AND OPERATION EXEMPTION
LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

ENTERED
Office of Proceedings

NOV 26 2008

Part of
Public Record

MOTION FOR LEAVE TO FILE STATEMENT BY INTERESTED PARTY OUT OF TIME

Headwaters Charitable Trust ("HCT") by its undersigned counsel, respectfully requests leave to enter its appearance and file the attached Statement in the above-captioned proceedings. In support of this motion, Headwaters submits that it retained counsel to represent it in this proceeding in late August and that said counsel has used the intervening time to become familiar with the history of proceedings between the parties and the record in the above-three related proceedings and to attempt to restart negotiations with Resource Recovery, LLC and R J Corman Railroad Company. Permitting HCT's attached late filing will not delay the above-captioned proceedings, but will benefit the Board by providing a more complete record of the status of the property over which the recommencement of rail service is sought to be established.

Wherefore, based upon the foregoing, Headwaters Charitable Trust respectfully requests this Board to grant leave to enter its appearance and file the attached Statement in each of the above-captioned proceedings

Respectfully submitted,

THOMSON, RHODES & COWIE, P C

By 

William James Rogers, Esquire
PA 38990
Templeton Smith, Jr, Esquire
PA 26489
Email ts@trc-law.com

Firm #720
1010 Two Chatham Center
Pittsburgh, PA 15219
Phone (412) 232-3400
Fax # (412) 232-3498

Attorneys for Headwaters Charitable Trust

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within MOTION FOR LEAVE TO FILE STATEMENT BY INTERESTED PARTY OUT OF TIME has been served by first-class, U S mail, on this 25th day of November, 2008, on the following counsel of record

**Kathryn H S Pctt
Ballard Spahr Andrews & Ingersoll, LLP
One Utah Center, Suite 800
201 South Main Street
Salt Lake City, UT 84111-2221**

**Ronald A Lane, Esquire
Thomas Litwiler, Esquire
Myles Tobin, Esquire
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 920
Chicago, IL 60606-2832**

**Kimberly A Hummel, Chief Counsel
Department of Conservation and Natural Resources
Rachel Carson State Office Building, 7th Floor
400 Market Street
P O Box 8767
Harrisburg, PA 17105**

**Richard R Wilson, Esquire
Richard R Wilson, P C
127 Lexington Avenue, Suite 100
Altoona, PA 16601**

A handwritten signature in black ink, appearing to read "Kathryn H S Pctt", is written over a horizontal line.