

225823

MCCARTHY, SWEENEY & HARKAWAY, P.C.

SUITE 600

2175 K STREET, N.W.
WASHINGTON, D.C. 20037

(202) 775-5560

FAX (202)-775-5574



ANDREW P. GOLDSTEIN
apg@mshpc.com

ENTERED
Office of Proceedings
OCT 5 2009
Part of
Public Record

October 5, 2009

Anne K. Quinlan, Esq.
Acting Secretary
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

By Hand Delivery

Re: STB Docket No. AB-551 (Sub-No. 1X)
Knox & Kane Railroad Company – Abandonment Exemption –
In Clarion, Forest, Elk and McKean Counties, Pennsylvania

FEE RECEIVED
OCT - 5 2009
SURFACE
TRANSPORTATION BOARD

Dear Secretary Quinlan:

Enclosed for filing is a Verified Notice of Abandonment Exemption in the above-captioned case. Also enclosed is a check in the amount of \$3,700.00 as filing fee for the same.

Sincerely,

Andrew P. Goldstein

Andrew P. Goldstein
Attorney for
Knox & Kane Railroad Company

FILED

OCT - 5 2009

**SURFACE
TRANSPORTATION BOARD**

ORIGINAL

225823



BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Docket No. AB-551 (Sub-No. 1X)

KNOX & KANE RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN CLARION, FOREST, ELK AND McKEAN COUNTIES,
PENNSYLVANIA

FEE RECEIVED

OCT - 5 2009

**SURFACE
TRANSPORTATION BOARD**

VERIFIED NOTICE OF ABANDONMENT EXEMPTION

FILED

OCT - 5 2009

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

OCT 5 2009

Part of
Public Record

Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, PC
2175 K Street, N.W., Suite 600
Washington, D.C. 20037-1828
(202) 775-5560

Attorney for
Knox & Kane Railroad Company

Dated: October 5, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB Docket No. AB-551 (Sub-No. 1X)

KNOX & KANE RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN CLARION, FOREST, ELK AND McKEAN COUNTIES,
PENNSYLVANIA

VERIFIED NOTICE OF ABANDONMENT EXEMPTION

Knox and Kane Railroad Company (“Knox and Kane”) submits this verified Notice of Exemption (“Notice of Exemption”) pursuant to 49 C.F.R. 1152, Subpart F – Exempt Abandonments and Discontinuances of Service and Trackage Rights – for Knox and Kane to abandon its rail line from Milepost 95.3 to Milepost 165.2, a total distance of 69.9 miles located in the above-listed Counties of Pennsylvania (hereinafter referred to as the “Line”).

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment is proposed to be consummated on or after December 6, 2009, which is at least 50 days after the filing of this Notice of Exemption.

Certification: 49 C.F.R. § 1152.50(b)

Knox and Kane certifies that no local or overhead traffic has moved over the Line for at least two years; and that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line either is pending with this Board or any U.S. District Court or has been decided in favor of a complainant within the same two-year period. *See Exhibit A.*

Additional Information Required: 49 C.F.R. § 1152.22(a)(1) to (4), (7), (8), and e(4)

(a) General.

(a)(1) Name. The Railroad's exact name is Knox and Kane Railroad Company.

(a)(2) Jurisdiction. Knox and Kane is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) Relief Sought. Knox and Kane seeks to use the class exemption at 49 C.F.R § 1152.50, to abandonment its line of railroad located between Milepost 95.3, at North Clarion Junction, PA and Milepost 165.2, at Mt. Jewett, PA a total distance of 69.9 miles. The Line is located in Clarion, Forest, Elk, and McKean Counties, Pennsylvania. There are no agencies or terminal stations located on the line.

(a)(4) Map. A map showing the location of the Line in conjunction with other rail lines, highways, and major roads in the area is attached hereto as Exhibit B and hereby made a part hereof.

(a)(7) Contact. The representative to whom correspondence regarding this abandonment should be sent is:

Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, PC
2175 K Street, N.W., Suite 600
Washington DC 20037-1828
(202) 775-5560
(202) 775-5574

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 16254, 16235, 16233, 16260, 16239, 16347, 16735, 16734, and 16740.

(e)(4) Rural and Community Impact. The Line was constructed in several stages between 1881 and 1883 by Pittsburgh and Western Railroad, the Pittsburgh Bradford and Buffalo Railroad and the New York, Lake Erie, and Western Railroad. The Line was eventually consolidated under the Pennsylvania and Western Railroad and, in 1902, was purchased by the

Baltimore and Ohio Railroad. The Baltimore and Ohio Railroad operated the Line as part of the Northern Subdivision until 1982, when the newly formed Knox and Kane Railroad assumed operation.

The Line is owned by Knox and Kane and does not consist of any reversionary property.

The abandonment of the Line will have no adverse effect on shippers. There has been no local business for at least two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during that period. There is no new industry location foreseen that could produce rail traffic sufficient to justify rehabilitation of the Line and cover ongoing operational expense. There is no overhead traffic.

The properties proposed for abandonment are appropriate for other public purposes which vary depending on the immediate vicinity of the specific portion of the Line. Highest and best uses may include, but are not limited to, transfer of interests to adjacent property owners, recreational, or use by local government. Knox and Kane does not believe the site is suitable for mass transportation or utility use because the area is currently adequately serviced by existing roads and utility lines. Based on information in the possession of Knox and Kane, the Line does not contain federally granted rights-of-way. Any documentation in the possession of Knox and Kane will be made available promptly to those requesting it.

Certificates of Notice: 49 C.F.R. § 1152.50(d)(1), 1105.11, and 1105.12

Attached hereto as Exhibits C-E and hereby made a part hereof are Certificates of Notice, Service, and Publication pursuant to the requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11, and 1105.12. As stated in the attached certification, service and the notice requirements of 49 C.F.R. § 1152.50(d)(1) (notice to certain government agencies) were met at least 10 days prior to the filing of this Notice of Exemption. See Exhibit C. The notice requirements of 49 C.F.R. §

1105.12 (newspaper publication) were met prior to the filing of this Notice of Exemption. *See* Exhibit D. Finally, a copy of the Transmittal letter of Knox and Kane's Combined Environmental and Historic Report, delivered in accordance with 49 C.F.R. § 1105.11 (service of environmental and historic report), were met at least twenty (20) days prior to the filing of this Notice of Exemption. *See* Exhibit E.

Statement Concerning Federally-Granted Right-of-Way: 49 C.F.R. § 1152.50(d)(1)

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

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

The Combined Environmental and Historic Report, containing the information required by 49 C.F.R. §§ 1105.7(e) (contents of environmental report) and 1105.8 (contents of historic report), is attached hereto and hereby made a part hereof. *See* Exhibit F. Pursuant to 49 C.F.R. § 1104.3, the original and ten (10) copies were sent to Victoria Rutson, Section of Environmental Analysis ("SEA"), on July 15, 2009.

Labor Protection

The abandonment encompasses the entire Knox & Kane line. Accordingly, no labor protective conditions are appropriate. Should the Board deem labor protective conditions to be necessary, applicant will be bound by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 ICC 91 (1979).

Respectfully Submitted,

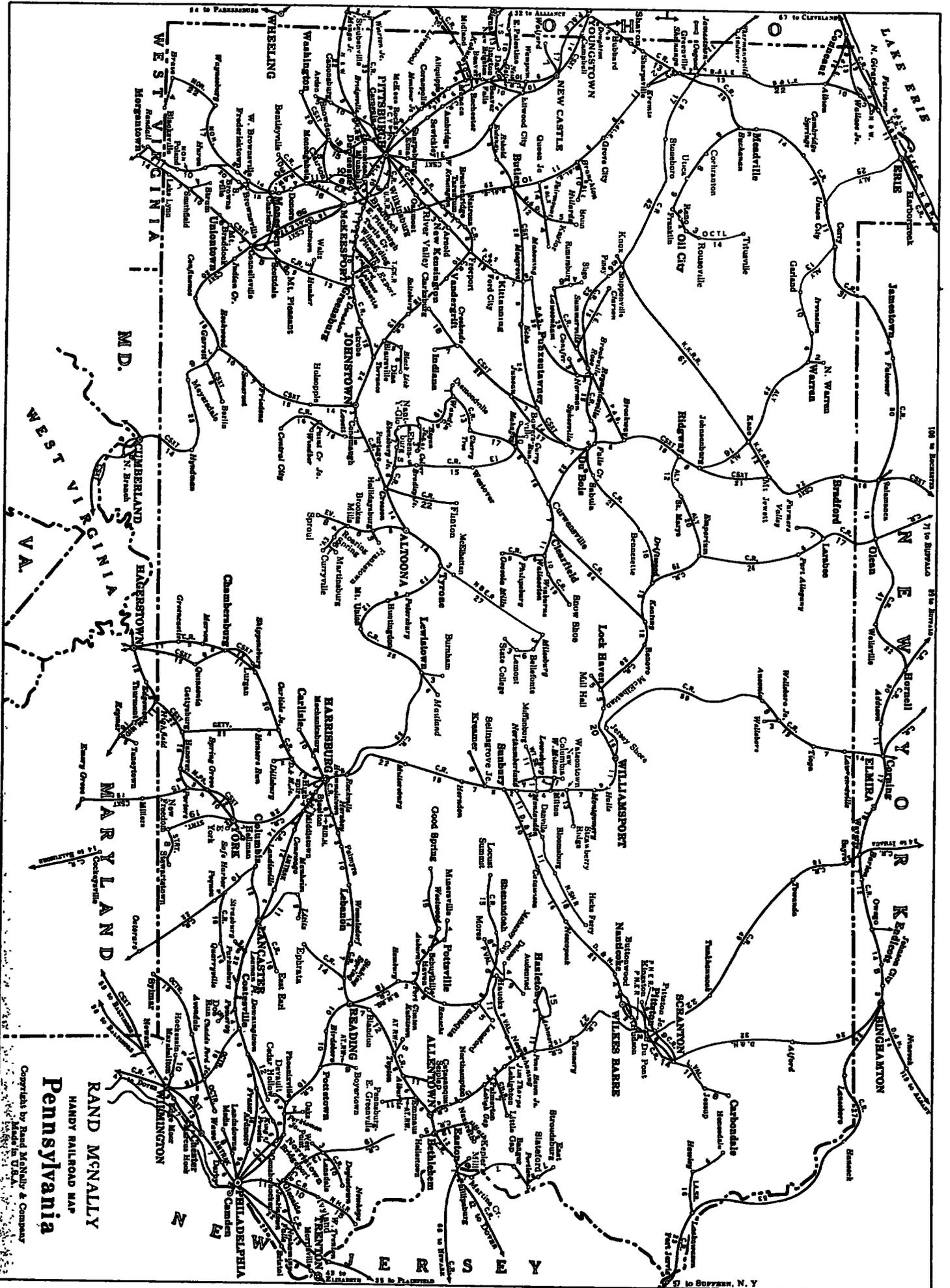
Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, PC
2175 K Street, N.W., Suite 600
Washington, D.C. 20037-1828
(202) 775-5560

Attorney for
Knox & Kane Railroad Company

EXHIBIT B

MAP

[See Attached]



RAND McNALLY
Pennsylvania
 HANDY RAILROAD MAP

Copyright by Rand McNally & Company
 Made in U.S.A.

EXHIBIT C

**CERTIFICATE OF SERVICE
OF NOTICE OF THE PROPOSED ABANDONMENT**

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment was mailed via first class mail on August 6, 2009, which is at least ten (10) days prior to the filing of this Notice of Exemption, to the following parties:

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Headquarters, Military Surface Deployment & Distribution Command
Transportation Engineering Agency
Attention: SDTE-SA
(Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

Mr. Rick Potts, Division Chief
National Park Service
Rivers, Trails and Conservation Assistance Program
1201 Eye Street, NW (Org Code 2220)
Washington, D.C. 20005

U.S. Department of the Interior
National Park Service
1849 C Street, NW
Washington, D.C. 20240

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Yates Building
201 14th Street, S.W.
Washington, D.C. 20250

Dated: 10/5/09

Andrew P. Goldstein

Andrew P. Goldstein

EXHIBIT D

CERTIFICATE OF PUBLICATION

Pursuant to 49 C.F.R. § 1105.12, the undersigned hereby certifies that notice of the proposed abandonment was advertised in the Forest Press (Forest County, PA), Clarion News (Clarion County, PA), The Derrick (Venango County, PA), the Kane Republican (McKean Counties, PA), and the Ridgway Record (Elk County, PA). *See attached.*

Dated: 10/5/09

Andrew P. Goldstein

Andrew P. Goldstein

PROOF OF PUBLICATION

Copy of Notice of Publication

PROOF OF PUBLICATION OF NOTICE IN

THE FOREST PRESS

**STATE OF PENNSYLVANIA
COUNTY OF FOREST, SS:**

I, Michael D. Sample, being duly sworn say that I am the Publisher of The Forest Press, owned and published by The Forest Press, of the County and State aforesaid, and that The Forest Press, a newspaper of general circulation published in Tionesta, PA, in Forest County; that its said place of business was established in 1867; since which time The Forest Press has been regularly issued in said county and that the printed notice of publication attached hereto is exactly the same as was printed and published in the regular editions and issues of the said Forest Press on the following dates, viz

And the 12th day of August, A.D. 2009

Affiant deposes that he is an officer duly authorized by The Forest Press, of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

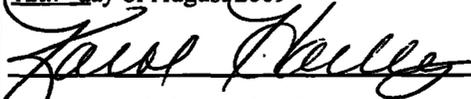


Publisher

The Forest Press.

Sworn to and subscribed before me this

(12th day of August, 2009



My commission expires February 5, 2013

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Karol G. Hartley, Notary Public
City of Titusville, Crawford County
My Commission Expires Feb. 5, 2013
Member, Pennsylvania Association of Notaries

Andrew P Goldstein
2175 K St NW Suite 600
Washington DC 20037

THE FOREST PRESS

For publishing the notice of publication attached hereto on the above stated dates	\$ 70.00
Affidavit of same	\$ 5.00
Total	\$ 75.00

The Forest Press, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid notice and publication costs and certifies that the same have been duly paid.

The Forest Press, a newspaper of general circulation.

Forest Press Notice of Publication

STB Docket No. AB-551 (Sub-No. 1X)

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Knox and Kane Railroad Company ("Knox and Kane") gives notice that on or shortly after August 17, 2009, it intends to file with the Surface Transportation Board (the "Board"), Washington, DC 20423, a notice of exemption under 49 C.F.R. § 1152, Subpart F - Exempt Abandonments permitting the abandonment of the 69.9-mile rail line located between Milepost 95.3, at North Clarion Junction, PA, and Milepost 165.2, at Mt. Jewett, PA, in Clarion, Forest, Elk, and McKean Counties, Pennsylvania. The rail line traverses through United States Postal Service Zip Codes 16254, 16235, 16233, 16260, 16239, 16347, 16735, 16734, and 16740. The proceeding will be docketed as No. AB-551 (Sub-No. 1X).

The Board's Section on Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use can also be filed with the Board. An original and 10 copies of any pleading raises matters other than environmental issues (such as trails use, public use, or offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW, Washington, DC 20423-0001. [See 49 C.F.R. § 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the application's representative: Andrew P. Goldstein, 2175 K. Street, N.W., Suite 600, Washington, DC 20037, 202-775-5560.

STB Docket No. AB-551
(Sub-No. 1X)

**NOTICE OF INTENT
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RAIL SERVICE**

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The Board's Section on Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for

of described at any time and may vary by
turn opening balance account is subject to
direct deposits. The credit of \$100 will be paid
the describedly deposited into a Switch Row
holders with an existing checking account and

tsavingsbank.com



Affidavit of Publication

State of Pennsylvania,
County of Clarion, SS:

Before me, a Notary Public in and for the county aforesaid, Personally appeared Sheryl L. McCloskey who being duly sworn according to law, doth depose and say that she is a classified advertising representative of the Clarion News, a newspaper of general circulation, published at Clarion, in Clarion County; that its said place of business was established in 1840; that the notice, of which the annexed clipping from one of said newspaper is a copy, was printed and published in the regular editions and issues of said newspaper on the following date(s):

August 11, 2009

that the affiant is not interested in the subject matter of the said advertisement; and that all of the allegations of this statement as to time, place and character of publications are true.

Sheryl L. McCloskey
Signature of affiant

Sworn to and subscribed before me this 11th day of

August A. D. 2009.

Mary Louise Logue
Notary Public

MY COMMISSION EXPIRES:

NOTARIAL SEAL
Mary Louise Logue, Notary Public
Clarion, Clarion County, Pennsylvania
My Commission Expires March 4, 2011

**Proof of Publication in The Derrick
UNDER ACT NO. 587, APPROVED MAY 16, 1929**

STATE OF PENNSYLVANIA,

SS:

COUNTY OF VENANGO

Carla Sheatz, of Venango Newspapers, of the County and State aforesaid, being duly sworn, deposes and says that THE DERRICK, newspaper of general circulation published at Oil City, Pa., County and State aforesaid, was established in 1871, since which time THE DERRICK has been regularly issued in said county, and that the printed notice or publication attached hereto is exactly the same as printed in the regular edition and issue of the said THE DERRICK on the following dates., viz:

14th of August, 2009

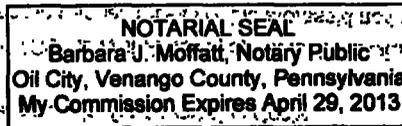
Affiant further deposes that she is authorized by VENANGO NEWSPAPERS, agent for said THE DERRICK, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statements as to time, place and character or publication are true.

COPY OF NOTICE OF PUBLICATION

Carla Sheatz

Sworn to and subscribed before me this
14th day of Aug., 2009

Barbara J. Moffatt



STATEMENT OF ADVERTISING COST

McCarthy, Sweeney & Harkaway, PC
2175 K Street Suite 600
Washington DC 20037

#1515330

The VENANGO NEWSPAPERS, Dr.
Agent for The Derrick
For publishing the notice or publication attached
hereto on the above dates

530.97

Probating same

11.00

Total

541.97

Publisher's Receipt for Advertising Costs

VENANGO NEWSPAPERS, agent for THE DERRICK, hereby acknowledges receipt of the aforesaid notice and publication costs, and certifies that the same have been duly paid.

By _____

**NOTICE OF INTENT
TO ABANDON
RAIL SERVICE**

Knox and Kane Railroad Company ("Knox and Kane") gives notice that on or shortly after August 17, 2009, it intends to file with the Surface Transportation Board (the "Board"), Washington, DC 20423, a notice of exemption under 49 C.F.R. § 1152, Subpart F - Exempt Abandonments permitting the abandonment of the 69.9-mile rail line located between Milepost 95.9, at North Clarion Junction, PA; and Milepost 165.2, at Mt. Jewett, PA, in Clarion, Forest, Elk, and McKean Counties, Pennsylvania. The rail line traverses through United States Postal Service Zip Codes 16254, 16235, 16233, 16280, 16239, 16347, 16735, 16734, and 16740. The proceeding will be docketed as No. AB-551 (Sub-No. 1X). The Board's Section on Environmental Analysis will generally prepare an Environmental Assessment ("EA") which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use can also be filed with the Board. An original and 10 copies of any pleading raises matters other than environmental issues (such as trails use, public use, or offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E Street, SW, Washington, DC 20423-0001 [See 49 C.F.R. § 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the application's representative: Andrew P. Goldstein, 2175 K

The Derrick Notice of Publication

PROOF OF PUBLICATION OF NOTICE IN THE RIDGWAY RECORD

STATE OF PENNSYLVANIA, } SS:
COUNTY OF ELK

Darlene M Coder Of The Ridgway Record, of the County and State afore-
said, being duly sworn, deposes and says that The Ridgway Record, a daily newspaper published in
Ridgway, County and State aforesaid, was established December 1, 1903, and since which date The
Ridgway Record has been regularly issued in said County, and that the printed notice or publica-
tion attached hereto is exactly the same as was printed and published in the regular editions and
issues of the said The Ridgway Record on the following dates, viz: August 12, 2009

Affiant further deposes that he, she is the Publisher of The Ridgway Record, a daily
newspaper of general circulation, to verify the foregoing statement under oath, and that neither
the affiant nor The Ridgway Record is interested in the subject matter at the aforesaid notice or
advertisement and that all allegations in the foregoing statements as to time, place and character
of publication are true.

Copy of Notice or Publication

Darlene M Coder

Sworn to and subscribed before me this 17th

day of August A.D., 20 09

My Commission expires:

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Karen R. Kihoffer, Notary Public
City of St. Marys, Elk County
My Commission Expires Aug. 27, 2012
Member, Pennsylvania Association of Notaries

Karen R. Kihoffer

STATEMENT OF ADVERTISING COSTS

Table with columns To, Dr. and monetary values: For publishing the notice or publication attached hereto on the above dates \$ 136.71, Probating same: \$ 5.00, Total: \$ 141.71

Publisher's Receipt for Advertising Costs:

hereby acknowledges receipt of the aforesaid notice and publica-
tion costs and certifies that the same have been duly paid.

By

Ridgway Record Notice of Publication

Public Notices 100 Public Notices 100

STB DOCKET No. AB-551 (Sub-No. 1X)

NOTICE OF INTENT TO ABANDON RAIL SERVICE

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The Board's Section on Environmental Analysis will generally prepare an Environmental Assessment ("EA"), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use can also be filed with the Board. An original and 10 copies of any pleading raises matters other than environmental issues (such as trails use, public use, or offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW, Washington, DC 20423-0001. [See 49 C.F.R. § 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 C.F.R. § 1104.12(a)]. Questions regarding offers of financial assistance, public use, or trails may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the application's representative: Andrew P. Goldstein, 2175 K Street, N.W., Suite 600, Washington, DC 20037, 202-775-5560.

Aug. 11, adv.

PROOF OF PUBLICATION OF NOTICE IN KANE REPUBLICAN
UNDER NEWSPAPER ADVERTISING ACT NO. 587, APPROVED MAY 16, 1929
STATE OF PENNSYLVANIA
County of McKean

Cynthia M. Hulings, ss, the undersigned deponent, of The Kane Republican, of the County and state aforesaid, being duly sworn, deposes and says that The Kane Republican, a newspaper of general circulation published at Kane, County and State aforesaid, was established September 15, 1895, since which date the Republican has been regularly issued in the said County, and that the printed notice of publication attached hereto is exactly the same as printed and published in the regular editions and issues of the said Republican on the following dates, viz.

12 days of August 2009 and _____ days of _____ 20____

Affiant further deposes that he/she is _____ of The Kane Republican, a newspaper of general circulation, and duly authorized to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice or advertisement, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Signed Cynthia M. Hulings

Copy Notice of

Publication
attached

ss. _____
Sworn to and subscribed before me this 20th

of August 2009
Karen R. Kilhoffer

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Karen R. Kilhoffer, Notary Public
City of St. Marys, Elk County
My Commission Expires Aug. 27, 2012
Member, Pennsylvania Association of Notaries

Public Notice 100 Public Notice 100

PUBLIC NOTICE
STB Docket No. AB-551 (Sub-No. 1X)
NOTICE OF INTENT TO
ABANDON RAIL SERVICE

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EXHIBIT E

CERTIFICATE OF SERVICE OF COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. §§ 1105.7(b), 1105.8, and 1105.11, the undersigned hereby certifies that a copy of the environmental and historic reports were mailed via first class mail on July 14, 2009 which is at least ten (20) days prior to the filing of this Notice of Exemption, to the parties identified below. The undersigned further certifies that the transmittal letter required by 49 C.F.R. § 1105.11, was mailed via first class mail on July 14, 2009 to all agencies listed in 49 C.F.R. § 1105.7(b).

Pennsylvania State Clearinghouse
Health & Welfare Building
7th and Forster Streets
Harrisburg, PA 17120

Forest County Commissioners
526 Elm Street – Box 4
Tionesta, PA 16353

Pennsylvania State Clearinghouse
Bureau of Rail Freight, Ports and Waterways
P.O. Box 2777
Harrisburg, PA 17105

McKean County Commissioners
500 W. Main Street
Smethport, PA 16749

Pennsylvania Department of Environmental Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105

US Environmental Protection Agency
Region 3 Regional Office
1650 Arch Street
Philadelphia, PA 19103-2029

PaDEP – Northwest Region
230 Chestnut Street
Meadville, PA 16335

US Fish & Wildlife Service
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, PA 16801-4850

Pennsylvania Department of Environmental Protection
Water Planning Office (Coastal Zone Management)
P.O. Box 2063
400 Market Street, 15th Floor
Harrisburg, PA 17105-2063

US Army Engineer District, Pittsburgh, CELRP
Room 2032
William S. Moorhead Federal building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

National Park Service
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

Clarion County – Commissioners
Clarion County Courthouse
421 Main Street
Clarion, PA 16214

U.S. Natural Resources Conservation Service
Pennsylvania State Office
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

Bureau of State Parks
P.O. Box 8551
Harrisburg, PA 17105-8551

National Geodetic Survey
1315 East-West Highway, Station 8815
Silver Spring, MD 20910

Elk County Commissioners
Elk County Courthouse Annex
300 Center Street
P.O. Box 448
Ridgway, PA 15853


Andrew P. Goldstein

EXHIBIT F

COMBINED ENVIRONMENTAL & HISTORIC REPORT

[See attached]

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-551 (Sub-No. 1X)

**KNOX AND KANE RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
COUNTIES OF CLARION, FOREST, ELK, MCKEAN
PENNSYLVANIA**

Combined Environmental and Historic Report

The Knox and Kane Railroad Company (Knox and Kane) submits this Combined Environmental and Historic Report pursuant to 49 CFR § 1105.7 (e) and 49 CFR § 1105.8 (d), respectively, for an exempt abandonment of the Knox and Kane from Milepost 95.3 to Milepost 165.2, a total distance of 69.9 miles, located in the above-listed Counties of Pennsylvania.

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

DOCKET NO. AB-551 (SUB-NO. 1X)

**KNOX AND KANE RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
COUNTIES OF CLARION, FOREST, ELK, MCKEAN
PENNSYLVANIA**

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1.0 Introduction

The Knox & Kane Railroad (the Owner), hereby submits this Combined Environmental and Historical Report in accordance with the requirements set forth in Title 49 of the Code of Federal Regulations (CFR) Parts 1105.7(e) and 1105.8(d), respectively, in association with the exempt abandonment and discontinuance of service of the Knox and Kane Railroad between mileposts 95.3 and 165.2, a total abandonment distance of 69.9 miles. The subject rail corridor (hereafter referred to as "the Line") exists in McKean, Elk, Forest and Clarion Counties, Pennsylvania. The location of the Line is depicted in Attachment 1.

The notifications sent to federal, state and local government agencies to notify them of the proposed abandonment and discontinuance of service are provided in Attachment 2. Attachment 3 provides the associated responses, as/if received.

The remainder of this report is organized to correspond with the individual paragraphs and subparts of Part 1105.7(e), which specifies the Environmental Report requirements and Part 1105.8d, which specifies the Historical Report requirements. The text from the referenced regulation is provided in italicized form immediately followed by the discussion/response in standard text.

Environmental Report

49 CFR § 1105.7 (e)

2.0 1105.7(e)(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.

The Proposed Action involves the exempt abandonment and discontinuance of service over the Knox & Kane Railroad between mileposts 95.3 and 165.2, a distance of 69.9 miles in McKean, Elk, Forest and Clarion Counties, Pennsylvania.

The abandonment of the Line will have no adverse effect on shippers. There has been no freight shipping on the Lines since the first quarter of 2006. Additionally, there has been no passenger service on the Line since prior to 2006, owing largely to the destruction of the Kinzua Bridge by tornado in 2003. No complaint regarding cessation of service has been filed, is pending or has been ruled upon during that period. There is no new

industry location foreseen within the Line vicinity that would utilize rail service to the extent that rehabilitation of the Line would be justified. After abandonment, the Knox and Kane Railroad will continue to maintain the Kane interchange with the B&P Railroad between mileposts 150.0 and 150.5, and with the Allegheny Railroad at milepost 164.7.

The Owner does not believe the site is suitable for mass transportation or utility use. The area is located within small towns and forest areas. The highest and best uses of the Line vary depending on the immediate vicinity of the specific portion of the Line. Highest and best uses may include, but are not limited to, transfer of interests to adjacent property owners, recreational, or use by local government.

A map of the Line is included as Attachment 1.

3.0 1105.7(e)(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.

The proposed action will have no effect on regional or local transportation systems or patterns. No traffic currently moves over the Line and no traffic is expected to move in the future. Therefore, there will be no diversion to other modes or systems.

4.0 1105.7(e)(3) Land use.

4.1 1105.7(e)(3)(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 existing land use plans. Describe any inconsistencies.

The Commissioners of the Counties of Clarion, Forest, Elk and McKean were contacted on March 17, 2009 (see Attachment 2). Responses received from Clarion, Forest and McKean Counties are shown in Attachment 3. No response was received from Elk County within the requested 30-day comment period. The abandonment appears to be consistent with existing land use plans.

4.2 1105.7(e)(3)(ii)

Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The Natural Resources Conservation Service (NRCS) was contacted on March 17, 2009 (see Attachment 2). No response was received from NRCS within the requested 30-day comment period. The Proposed action is not expected to impact any prime, unique, statewide or local important farmland.

4.3 1105.7(e)(3)(iii)

If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

The Line is not within a designated coastal zone.

4.4 1105.7(e)(3)(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.

The Line is not suitable for other public purposes including roads, highways, mass transportation, conservation, energy production or transmission because the Line is located within a corridor that is currently adequately serviced by existing roads and utility lines.

5.0 1105.7(e)(4) Energy.

5.1 1105.7(e)(4)(i)

Describe the effect of the proposed action on transportation of energy resources.

There will be no effect on the transportation of energy resources.

5.2 1105.7(e)(4)(ii)

Describe the effect of the proposed action on recyclable commodities.

There will be no effect on recyclable commodities.

5.3 1105.7(e)(4)(iii)

State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

There will be no effect on energy efficiency because the line is not currently nor has recently been in use..

5.4 1105.7(e)(4)(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. To minimize the production of repetitive data, the information on overall energy efficiency in §1105.7(e)(4)(iii) need not be supplied if the more detailed information in §1105.7(e)(4)(iv) is required.

There will be no rail to motor diversion as part of the proposed action.

6.0 1105.7(e)(5) Air.

6.1 1105.7(e)(5)(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 (or 10502) 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.

No increase in rail traffic, rail yard activity or truck traffic will result from the proposed action.

6.2 1105.7(e)(5)(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 a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

No increase in rail traffic, rail yard activity or truck traffic will result from the proposed action.

6.3 1105.7(e)(5)(iii)

If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) 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.

The proposed action will not result in the transportation of ozone depleting materials.

7.0 1105.7(e)(6) Noise.

7.1 1105.7(e)(6)(i)

If any of the thresholds identified in Section 5.1 are surpassed, state whether the proposed action will cause:

An incremental increase in noise levels of three decibels Ldn or more; or

The proposed action will not result in any increase in noise levels.

7.2 1105.7(e)(6)(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 project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The proposed action will not result in any increase in noise levels.

8.0 1105.7(e)(7) Safety.

8.1 1105.7(e)(7)(i)

Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The proposed action will not result in any negative impacts to public health or safety.

8.2 1105.7(e)(7)(ii)

If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The proposed action will not result in the transportation of hazardous materials.

8.3 1105.7(e)(7)(iii)

If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites or hazardous materials spills along the Line.

9.0 1105.7(e)(8) Biological resources.

9.1 1105.7(e)(8)(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.

The U.S. Fish and Wildlife Service was contacted March 17, 2009 (see Attachment 2). The response is shown in Attachment 3. The response indicates that no federally listed species are known or likely to exist within the project area.

9.2 1105.7(e)(8)(ii)

State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The Natural Park Service and the Bureau of State Parks were contacted March 17, 2009 (see Attachment 2). No response was received from either the Natural Park Service or the Bureau of State Parks within the requested 30-day comment period. The proposed action is not expected to negatively impact any National or State parks or forests. A portion of the Line exists within the Allegheny National Forest. However, abandonment of the Line would tend to have a positive impact on the Allegheny Forest due to the absence of rail traffic.

10.0 1105.7(e)(9) Water.

10.1 1105.7(e)(9)(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. Describe any inconsistencies.

The Pennsylvania Department of Environmental Protection (DEP) was contacted March 17, 2009 (see Attachment 2). The DEP response is shown in Attachment 3. The proposed action is compliant with applicable federal, state and local water requirements.

10.2 1105.7(e)(9)(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 for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

The U.S. Army Corp of Engineers (COE) was contacted March 17, 2009 (see Attachment 2). The COE response is included in Attachment 3. The proposed action is unlikely to impact significant wetlands or other waters of the United States.

10.3 1105.7(e)(9)(iii)

State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

The U.S. Environmental Protection Agency (EPA) was contacted March 17, 2009 (see Attachment 2). No response was received from the EPA within the requested 30-day comment period. The proposed action will not require a Section 402 Permit.

11.0 1105.7(e)(10) Proposed Mitigation.

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

Surficial staining was observed in the Marienville maintenance shed and roundhouse as well as in the Kane Yard. The staining is likely a result of incidental releases of oil/grease during routine maintenance of railroad equipment.

In the Village of Nansen an engine fuel tank was ruptured causing the release of an unknown amount of fuel. The Owner, if required, will evaluate this release to determine the appropriate actions necessary to meet PADEP and U.S. EPA requirements.

12.0 1105.7(e)(11) Additional Information for Rail Constructions.

The following additional information should be included for rail construction proposals (including connecting track construction):

The proposed action does not include Rail Construction

Histrocial Report

49 CFR § 1105.8 (d)

13.0 1105.8(d)(1)

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;

Attachment 1 provides the location and configuration of the entire Line (Figure 1) on a large scale USGS topographic map. Attachment 1 also provides more detailed USGS topographic maps that provide the locations and approximate dimensions of railroad structures in Marienville (Figure 2) and Lucinda (Figure 3) as well as several steel and wood trestles that are more than 50 years old.

14.0 1105.8(d)(2)

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.

The right-of-way varies up to a maximum width of 60-feet along track areas and additional various widths in siding areas. The Clarion Junction area also contains approximately twenty acres within the turnaround area.

The Line exists between the town of Clarion in Clarion County, Pennsylvania to a point just north of Mount Jewett in McKean County, Pennsylvania. The Line is primarily present in rural areas but also travels through small towns. The Line was constructed to be as level as possible and thus follows a winding path within the moderately hilly topography though which it exists.

15.0 1105.8(d)(3)

Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Photographs of the structures are provided in Attachment 4.

16.0 1105.8(d)(4)

The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The actual construction dates of the buildings are not known. However, the Lucinda and Marienville stations have each been historically restored within the past decade. The Knox and Kane offices were historically a feed/grain mill but were completely gutted and retrofitted as a modern office in the 1990s. The Roundhouse structure includes an older concrete block section (the portion greater than 50 years old) and a newer frame and steel/wood sided section which was constructed in the 1990s.

17.0 1105.8(d)(5)

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;

The Line was constructed in several stages between 1881 and 1883 by Pittsburgh and Western Railroad, the Pittsburgh Bradford and Buffalo Railroad and the New York, Lake Erie and Western Railroad. The Line was eventually consolidated under the Pennsylvania and Western Railroad and in 1902 was purchased by the Baltimore and Ohio Railroad. The Baltimore and Ohio Railroad operated the Line as part of the Northern Subdivision until 1982, when the newly formed Knox & Kane Railroad assumed operation. The Knox & Kane Railroad operated the Line until the first quarter of 2006 when all freight and Passenger services were halted due to declining freight deteriorating track conditions.

18.0 1105.8(d)(6)

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;

Available documents include track charts, track survey drawings, and shipping information. However, none of the referenced information depict the special buildings identified as being 50 or greater years old.

19.0 1105.8(d)(7)

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 CFR 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 consultations with the State Historic Preservation Office, local historical societies or universities);

The State Historic Preservation Office (HPO) was contacted on March 17, 2009 (see Attachment 2). No Response was received from the HPO within the requested 30-day comment period. The Stations at Lucinda and Marienville may qualify for national Register of Historic Places. The Roundhouse and Knox & Kane offices in Marienville have been renovated and rebuilt to the point that they are not likely to be historically significant.

20.0 1105.8(d)(8)

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

No information regarding subsurface ground disturbance or fill is available.

21.0 1105.8(d)(9)

Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

Photos taken at numerous locations along the Line are available on request.

Attachment 1

Figure 1, Figure 2 & Figure 3

Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania

Attachment 2

Notification Letters



March 17, 2009

Certified Mail
Return Receipt Requested

Pennsylvania State Clearinghouse
Health & Welfare Building
7th and Forster Streets
Harrisburg, PA 17120

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

Please be advised that the Knox and Kane Railroad Company (Knox and Kane) plans to request authority from the Surface Transportation Board (STB) to abandon the subject rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. The Knox and Kane line traverses portions of Clarion, Forest, Elk and McKean counties, PA. A map of the proposed track abandonment is attached.

Pursuant to the STB's regulations at 49 CFR Part 1152 and 40 CFR Part 1105.7, this correspondence is to serve as notification of the proposed action and to request your assistance in identifying any potential effects of this action as may be applicable to your office as indicated below. No adverse environmental impacts are anticipated. However, if you identify any adverse environmental impacts, a description of any actions that may be proposed in order to mitigate such impacts is required to be included in the combined Environmental and Historic Report (Report) which will be submitted to the STB. Please provide a written response, as applicable, that may be included in the Report. The required notifications are as follows:

- Pennsylvania State Clearinghouse: Notification only.
- Pennsylvania Department of Environmental Protection: State whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.
- Local and/or Regional Planning Agencies (County Commissioners): State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.
- U.S. Environmental Protection Agency: State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.
- 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.
- U.S. Army Corps of Engineers: State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe any effects.
- National/State Park Services: State whether wildlife sanctuaries or refuges, National or State Parks or forests will be affected, and describe any effects.
- U.S. Natural Resources Conservation Service: State the effect of the proposed action on any prime agricultural land.

- National Geodetic Survey: Notification only.
- State Historic Preservation Office: State whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

On behalf of the Knox and Kane, I greatly appreciate your cooperation and assistance in this matter. Please send your reply within 30 days to:

David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,

David R. Layman
President - JEMCOR

DRL/jel

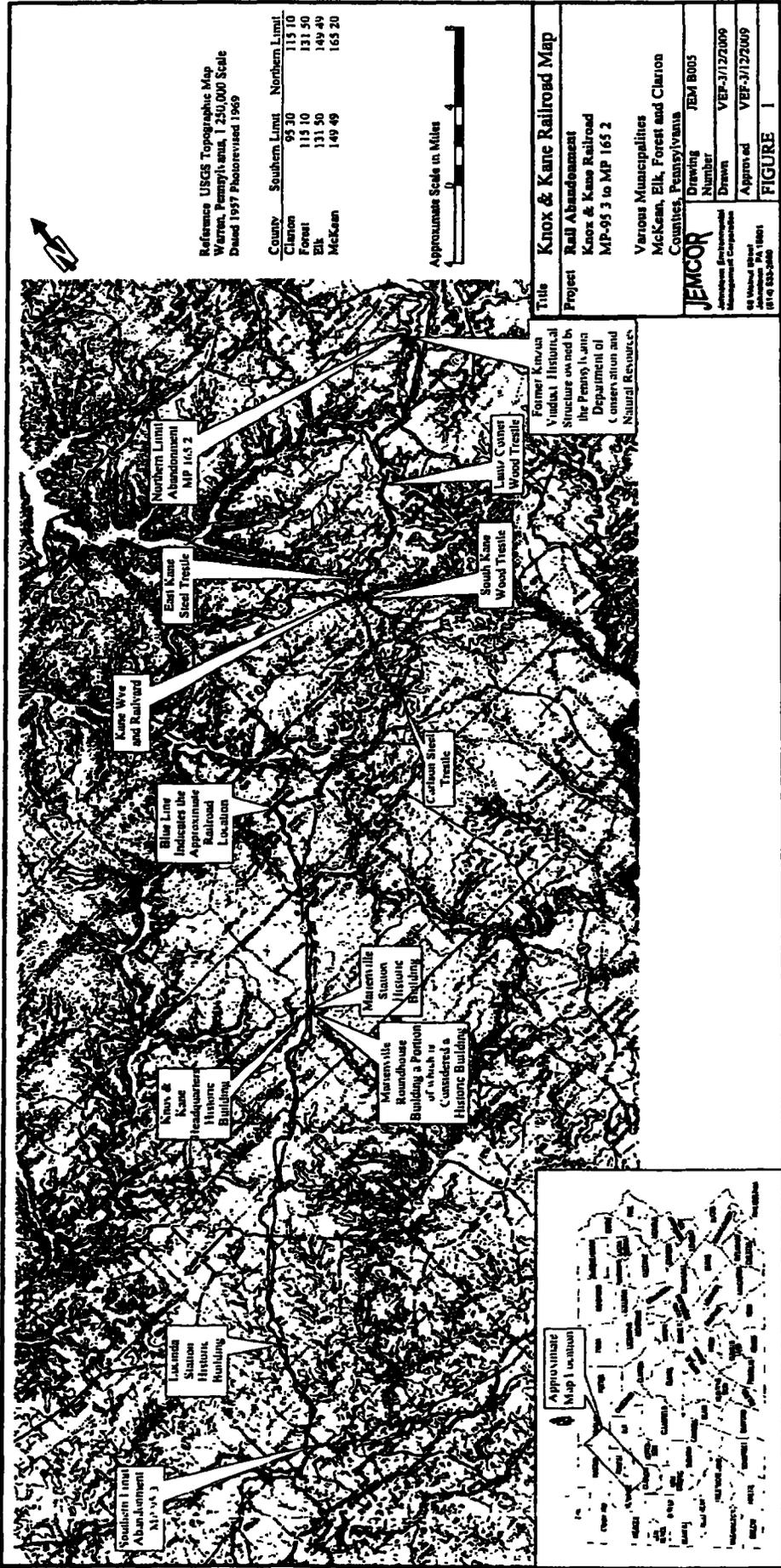
Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

<p>SENDER: COMPLETE THIS SECTION</p> <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="text-align: center;">Pennsylvania State Clearinghouse Health & Welfare Building 7th and Forster Streets Harrisburg, PA 17120</p> <p>2. Article Number (Transfer from service label)</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) E. DONOFRIO JR.</p> <p>C. Date of Delivery MAR 19 2000</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
--	--

7005 2570 0000 3850 0048

PS Form 3811, February 2004 Domestic Return Receipt 1025v5-02-M-1510





March 17, 2009

Certified Mail
Return Receipt Requested

PaDEP - Northwest Region
230 Chestnut Street
Meadville, PA 16335

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

Please be advised that the Knox and Kane Railroad Company (Knox and Kane) plans to request authority from the Surface Transportation Board (STB) to abandon the subject rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. The Knox and Kane line traverses portions of Clarion, Forest, Elk and McKean counties, PA. A map of the proposed track abandonment is attached.

Pursuant to the STB's regulations at 49 CFR Part 1152 and 40 CFR Part 1105.7, this correspondence is to serve as notification of the proposed action and to request your assistance in identifying any potential effects of this action as may be applicable to your office as indicated below. No adverse environmental impacts are anticipated. However, if you identify any adverse environmental impacts, a description of any actions that may be proposed in order to mitigate such impacts is required to be included in the combined Environmental and Historic Report (Report) which will be submitted to the STB. Please provide a written response, as applicable, that may be included in the Report. The required notifications are as follows:

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- State Historic Preservation Office: State whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

On behalf of the Knox and Kane, I greatly appreciate your cooperation and assistance in this matter. Please send your reply within 30 days to:

David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,



David R. Layman
President - JEMCOR

DRL/jel

Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

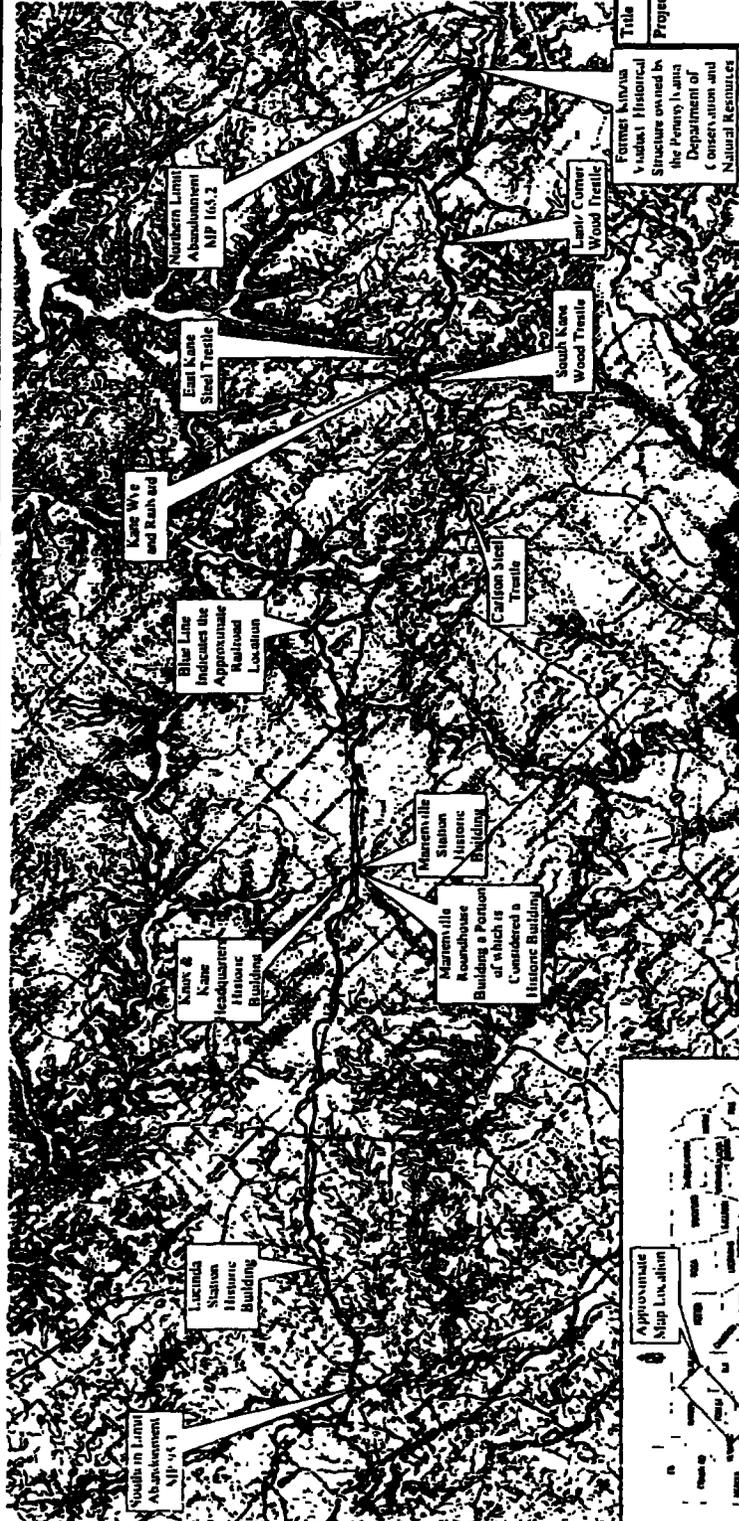
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	<p>A. Signature  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <u>3-19-09</u></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">PaDEP - Northwest Region 230 Chestnut Street Meadville, PA 16335</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7005 2570 0000 3850 0055</p>



Reference: USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1937 Photographed 1969

County	Southern Limit	Northern Limit
Clarton	95 30	115 10
Forest	115 10	131 50
Elk	131 50	149 49
McKean	149 49	165 20

Approximate Scale in Miles



Title Knox & Kane Railroad Map

Project Rail Abandonment
Knox & Kane Railroad
MP-95.3 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clarton
Counties, Pennsylvania

JEMCOR
Johnson Environmental
Municipal Corporation
83 Walnut Street
Johnstown, PA 15801
(412) 538-8800

Drawings JEM B005
Number VEP-3/12/009
Drawn VEP-3/12/009
Approved VEP-3/12/009

FIGURE 1



March 17, 2009

Certified Mail
Return Receipt Requested

Clarion County - Commissioners
Clarion County Courthouse
421 Main Street
Clarion, PA 16214

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

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David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,

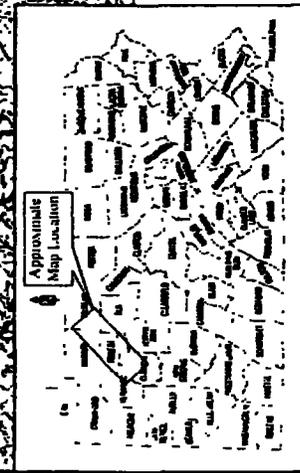
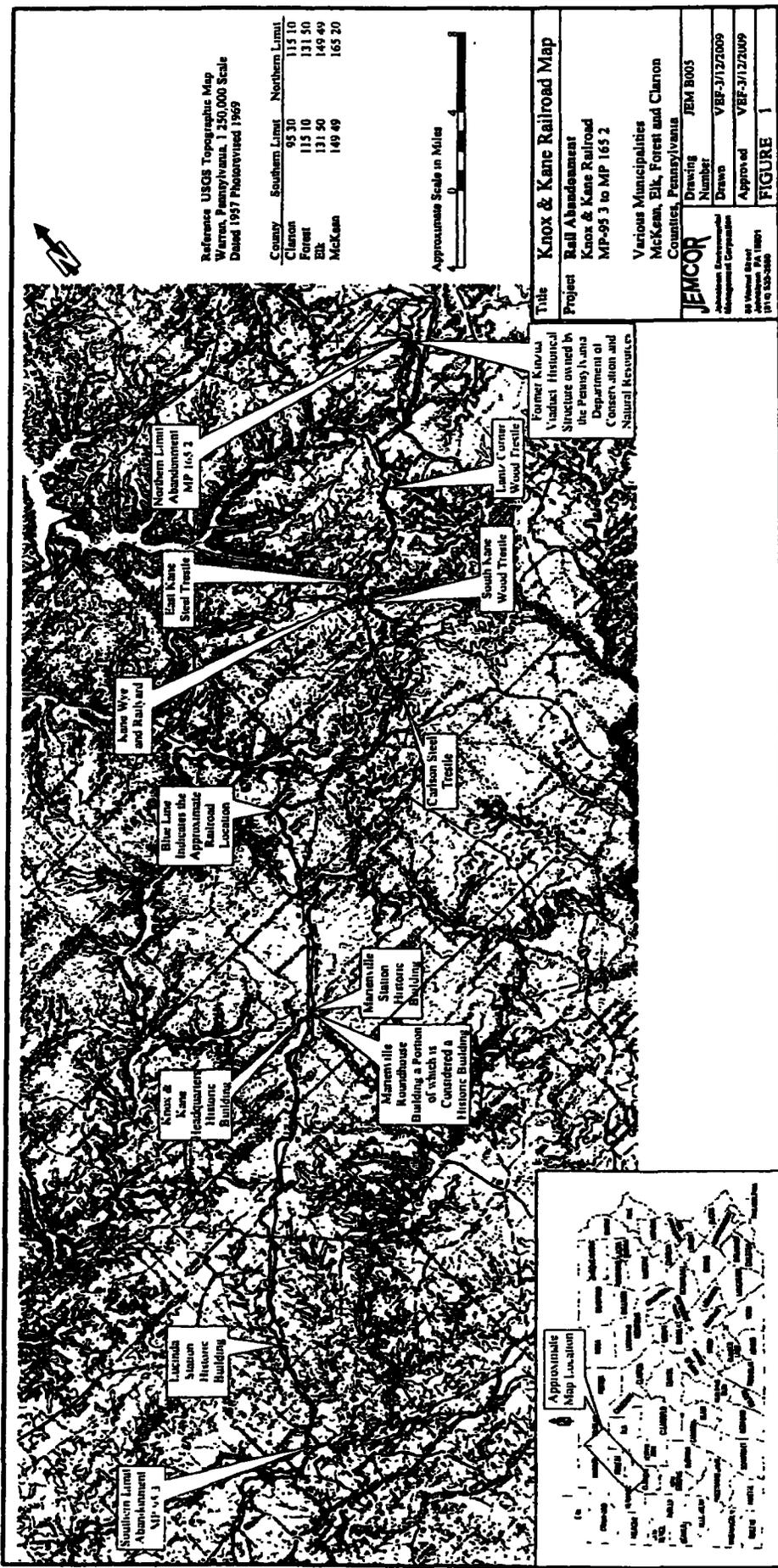
David R. Layman
President - JEMCOR

DRL/jel

Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p>Clarion County - Commissioners Clarion County Courthouse 421 Main Street Clarion, PA 16214</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 2570 0000 3850 0062</p>



This Knox & Kane Railroad Map
 Project Rail Abandonment
 Knox & Kane Railroad
 MP-95.3 to MP 165.2

Various Municipalities
 McKean, Elk, Forest and Clarion
 Counties, Pennsylvania

JEMCOR
 Johnson Environmental
 Management Corporation
 25 Walnut Street
 Johnstown, PA 15801
 814 538-5868

Drawing Number JEM 8005
 Drawn VBF-3/12/009
 Approved VBF-3/12/009

FIGURE 1



March 17, 2009

Certified Mail
Return Receipt Requested

Forest County Commissioners
526 Elm Street - Box 4
Tionesta, PA 16353

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

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Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

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David R. Layman
President - JEMCOR

DRL/jel

Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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---	--

2. Article Number
(Transfer from service label)

7005 2570 0000 3850 0079



March 17, 2009

Certified Mail
Return Receipt Requested

Elk County Commissioners
Elk County Courthouse Annex
300 Center Street
P.O. Box 448
Ridgway, PA 15853

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

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Very truly yours,



David R. Layman
President - JEMCOR

DRL/jel

Attachments

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Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p style="text-align: center;">Elk County Commissioners Elk County Courthouse Annex 300 Center Street P.O. Box 448 Ridgway, PA 15853</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

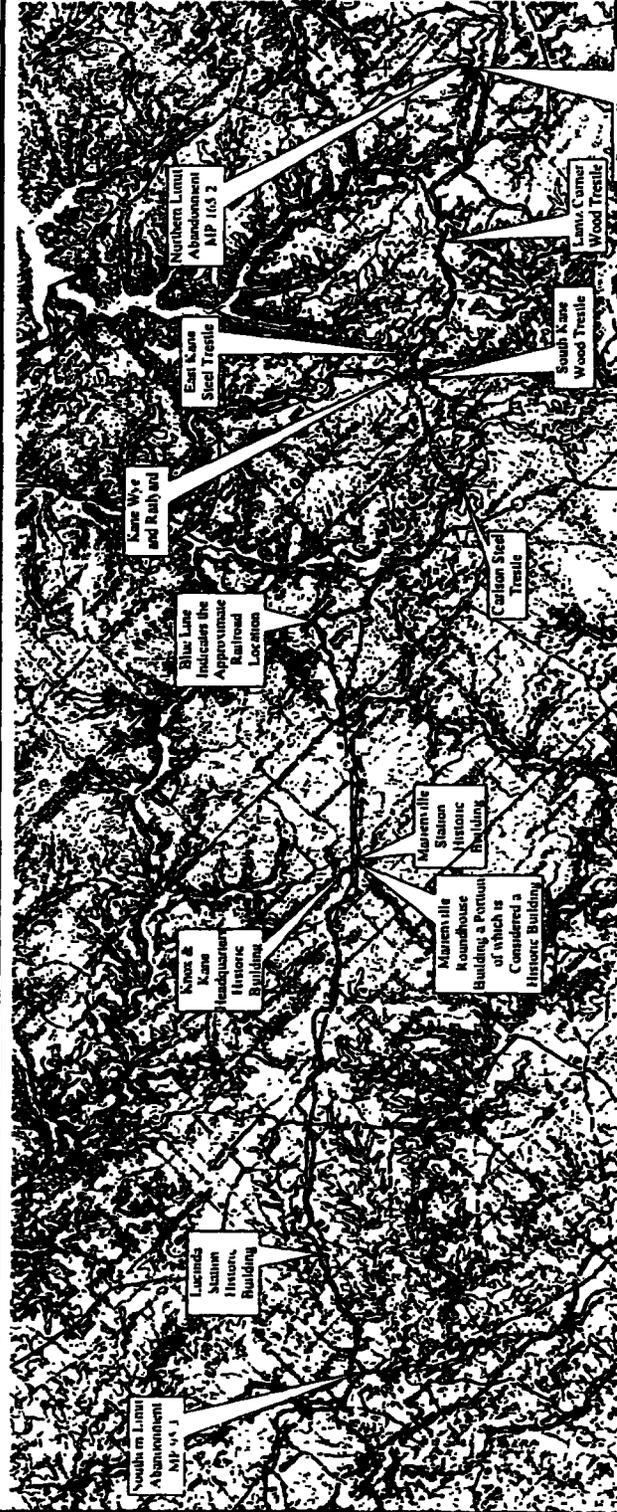
2. Article Number
(Transfer from service label)

7005 2570 0000 3850 0086

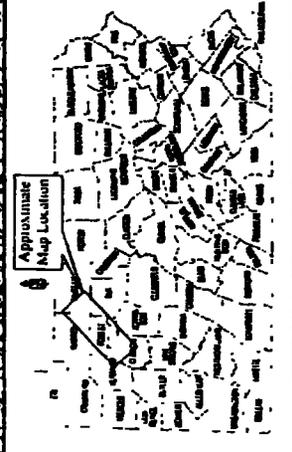


Reference USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photograph used 1969

County	Southern Limit	Northern Limit
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Forest	115 10	131 50
Elk	131 50	149 49
McKean	149 49	165 20



Former Kinzua
Viaduct. Historical
Structure owned by
the Pennsylvania
Department of
Conservation and
Natural Resources



Title Knox & Kane Railroad Map

Project Rail Abandonment
Knox & Kane Railroad
MP-95 3 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clanton
Counties, Pennsylvania

JEMCOR
Junction Environmental
Management Corporation
84 Walnut Street
Johnstown, Pa. 16091
(610) 538-8888

Drawing Number JEM 8005
Drawn VBF-3/12/009
Approved VBF-3/12/009

FIGURE 1



March 17, 2009

Certified Mail
Return Receipt Requested

Mckean County Commissioners
500 W. Main Street
Smethport, PA 16749

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

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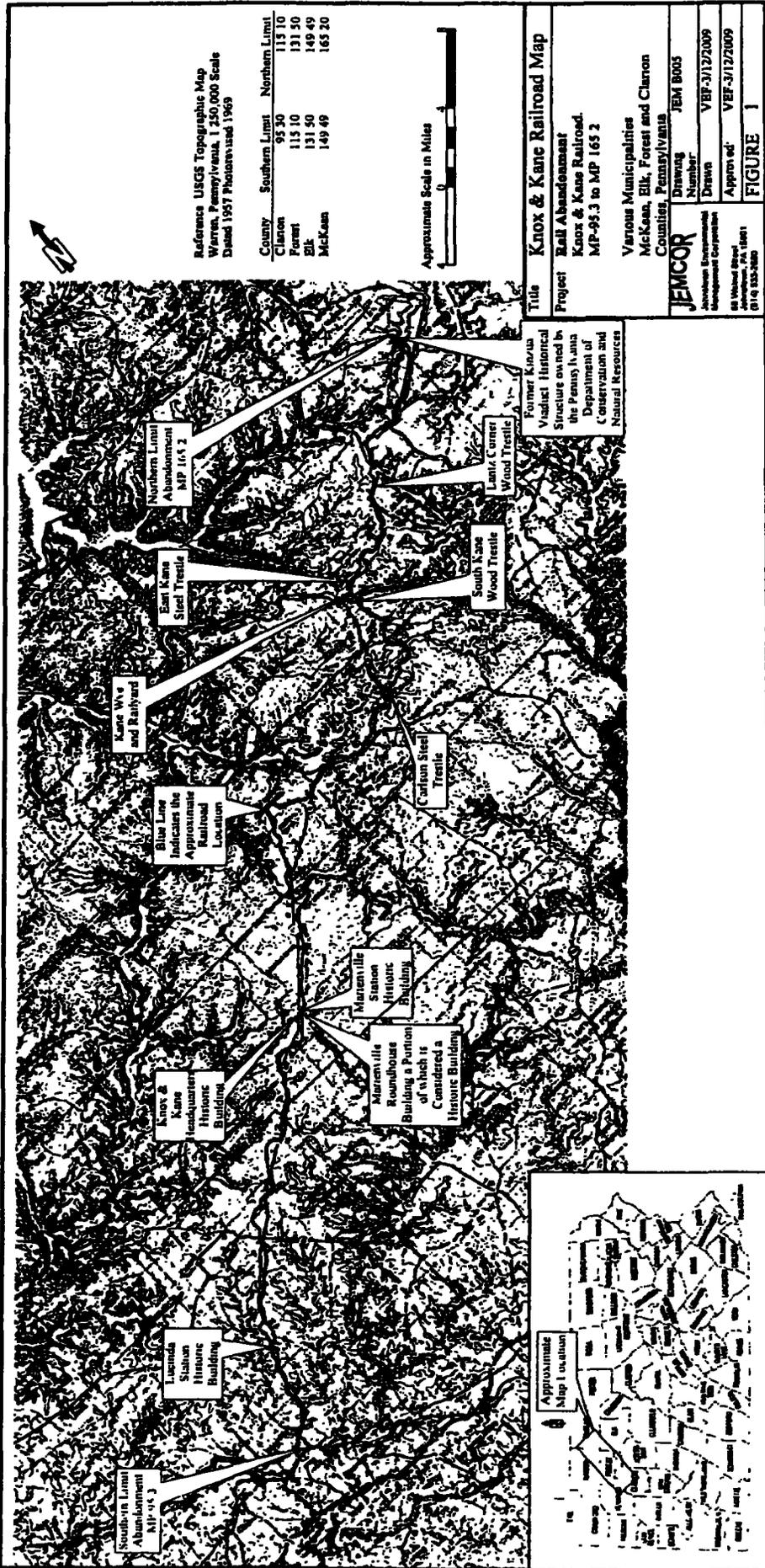
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<p>1. Article Addressed to:</p> <p style="text-align: center;">Mckean County Commissioners 500 W. Main Street Smethport, PA 16749</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <hr/> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <hr/> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p style="text-align: center;">7005 2570 0000 3850 0093</p>





March 17, 2009

Certified Mail
Return Receipt Requested

U S Environmental Protection Agency
Region 3 Regional Office
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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Joseph Kovalchick

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<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>United States Environmental Protection Agency</u> <input type="checkbox"/> Agent Addressee</p> <p>B. Received by <u>Printed Name</u> C. Date of Delivery <u>MAR 23 2009</u></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">USEPA Region 3 Regional Office 1650 Arch Street Philadelphia, PA 19103-2029</p> <p><i>H. Williams CACO</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p style="text-align: center;">7005 2570 0000 3850 0109</p>	



March 17, 2009

Certified Mail
Return Receipt Requested

U S Fish and Wildlife
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, PA 16801-4850

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

Please be advised that the Knox and Kane Railroad Company (Knox and Kane) plans to request authority from the Surface Transportation Board (STB) to abandon the subject rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. The Knox and Kane line traverses portions of Clarion, Forest, Elk and McKean counties, PA. A map of the proposed track abandonment is attached.

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- National Geodetic Survey: Notification only.
- State Historic Preservation Office: State whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

On behalf of the Knox and Kane, I greatly appreciate your cooperation and assistance in this matter. Please send your reply within 30 days to:

David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,



David R. Layman
President - JEMCOR

DRL/jel

Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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1. Article Addressed to:	<p>B. Received by (<i>Printed Name</i>) C. Date of Delivery</p> <p><i>Diane B. Theis</i> <i>3/18/09</i></p>
U S Fish and Wildlife: Pennsylvania Field Office 315 South Allen Street, Suite 322 State College, PA 16801-4850	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No
2. Article Number (Transfer from service label)	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
PS Form 3811, February 2004	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes

7005 2570 0000 3850 0116

Domestic Return Receipt

102595-02-M-1540



March 17, 2009

Certified Mail
Return Receipt Requested

US Army Engineer District, Pittsburgh, CELRP
Room 2032,
William S. Moorhead Fed. Bldg.
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

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Very truly yours,



David R. Layman
President - JEMCOR

DRL/jel

Attachments

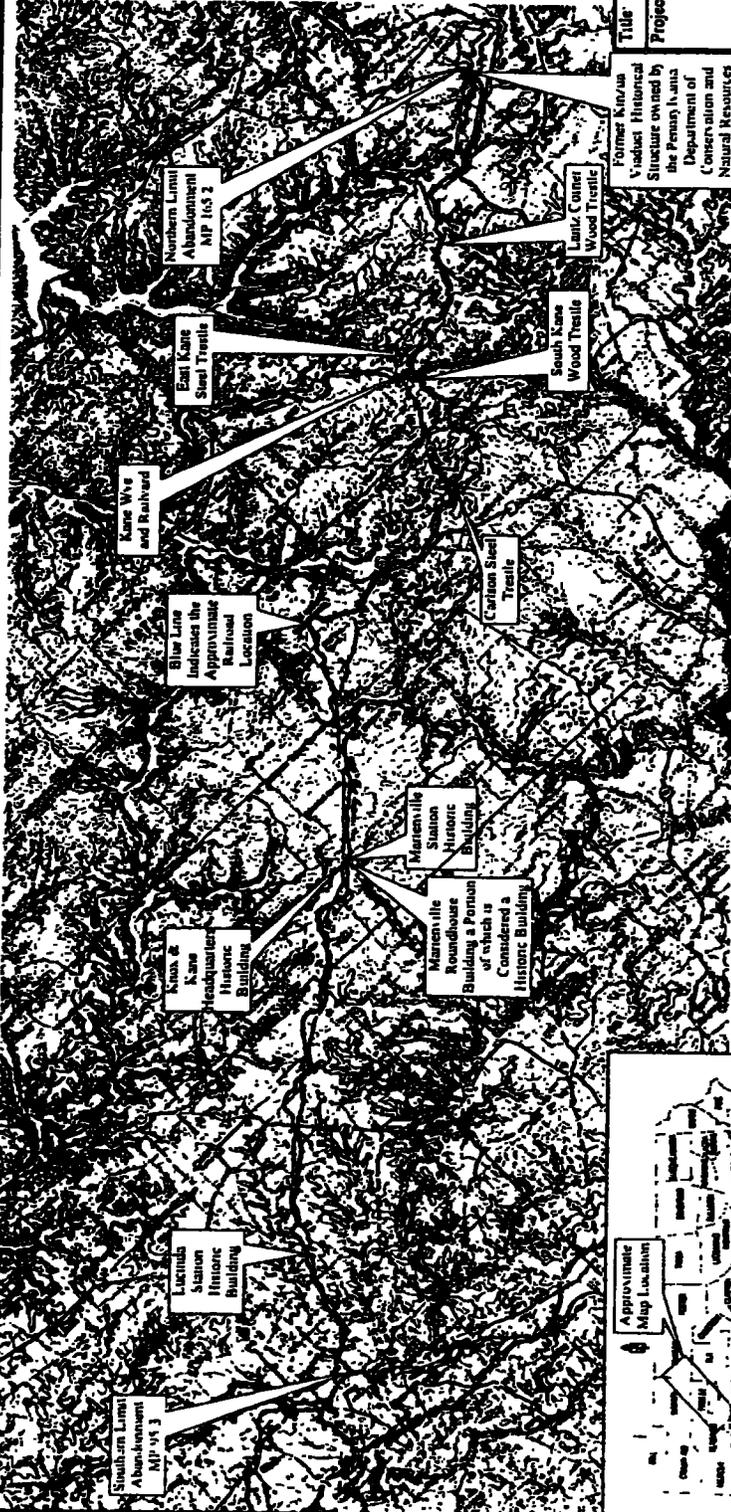
cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p>US Army Engineer District, Pittsburgh, CELRPRoom 2032, William S. Moorhead Fed. Bldg. 1000 Liberty Avenue Pittsburgh, PA 15222-4186</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7005 2570 0000 3850 0123</p>



Reference: USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photorevised 1969

County	Southern Limit	Northern Limit
Clanton	95 30	115 10
Forest	115 10	131 30
Elk	131 30	149 49
McKean	149 49	165 20



Title Knox & Kane Railroad Map

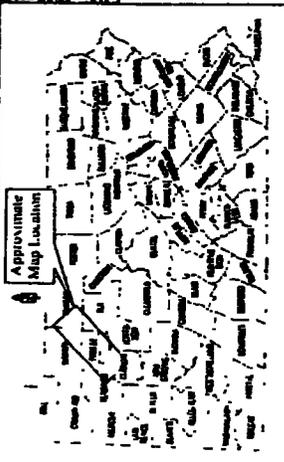
Project Rail Abandonment
Knox & Kane Railroad
MP-95.3 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clarion
Counties, Pennsylvania

JEMCOR
Johnson Environmental
Management Corporation
68 Woodland Street
Johnstown, PA 15101
(717) 784-3000

Drawing Number: JEM 8003
Drawn: VBF-3/12/2009
Approved: VBF-3/12/2009

FIGURE 1





March 17, 2009

Certified Mail
Return Receipt Requested

National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,

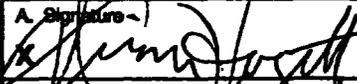


David R. Layman
President - JEMCOR

DRL/jel

Attachments

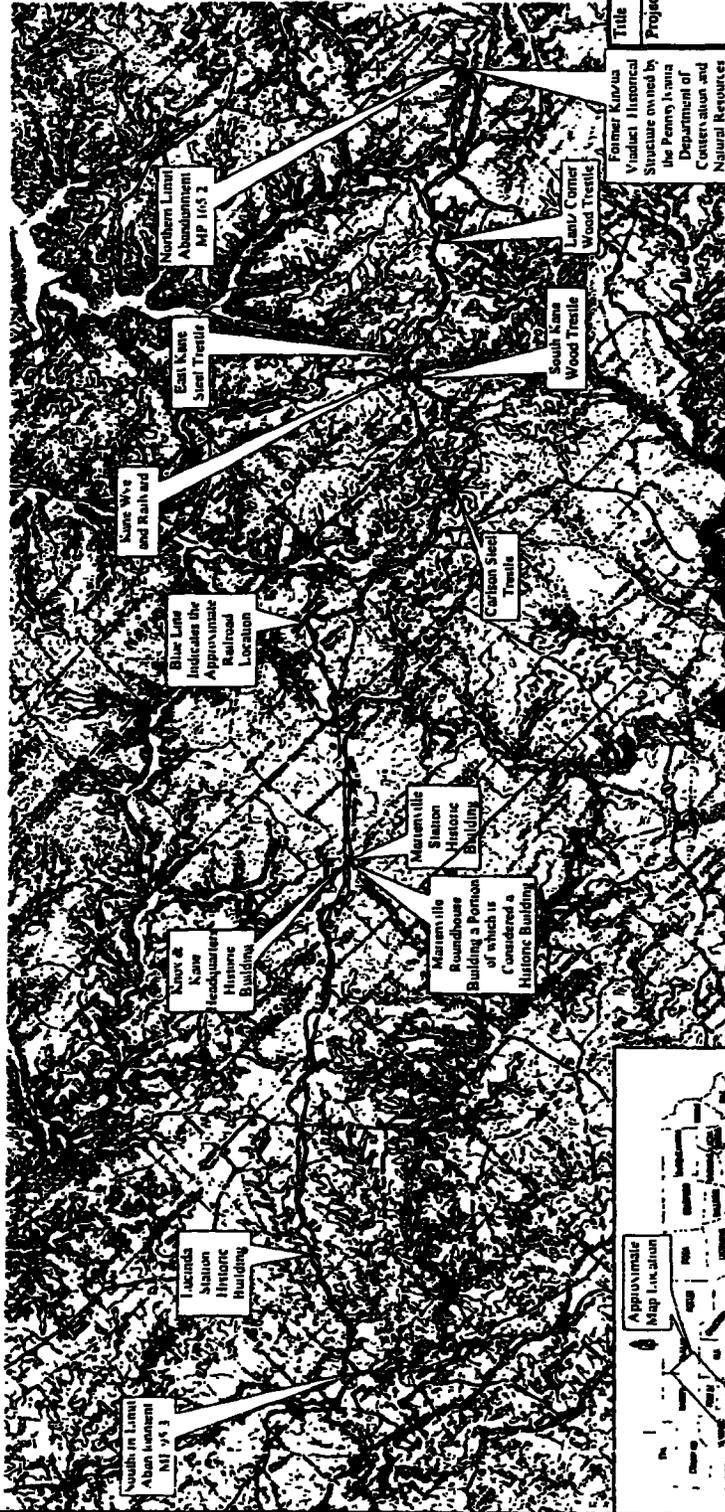
cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p style="text-align: center;">National Park Service: Northeast Region U.S. Custom House 200 Chestnut St., Fifth Floor Philadelphia, PA 19106</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p style="text-align: center;"></p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center;">7004 1160 0003 5231 4964</p>



Reference USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photorevised 1969

County	Southern Limit	Northern Limit
Clarion	93.30	115.10
Forest	115.10	131.50
Elk	131.50	149.49
McKean	149.49	165.20



Title Knox & Kane Railroad Map

Project Rail Abandonment
Knox & Kane Railroad
MP-95.3 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clarion
Counties, Pennsylvania

JEMCOR
Johnson Environmental
Management Corporation
28 Walnut Street
P.O. Box 100
Elk, PA 16009

Drawing Number JEM 0005
Drawn VBF-3/12/2009
Approved VBF-3/12/2009

FIGURE 1



March 17, 2009

Certified Mail
Return Receipt Requested

Bureau of State Parks
PO Box 8551
Harrisburg, PA 17105-8551

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

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68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

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Very truly yours,

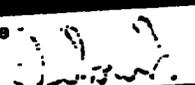


David R. Layman
President - JEMCOR

DRL/jel

Attachments

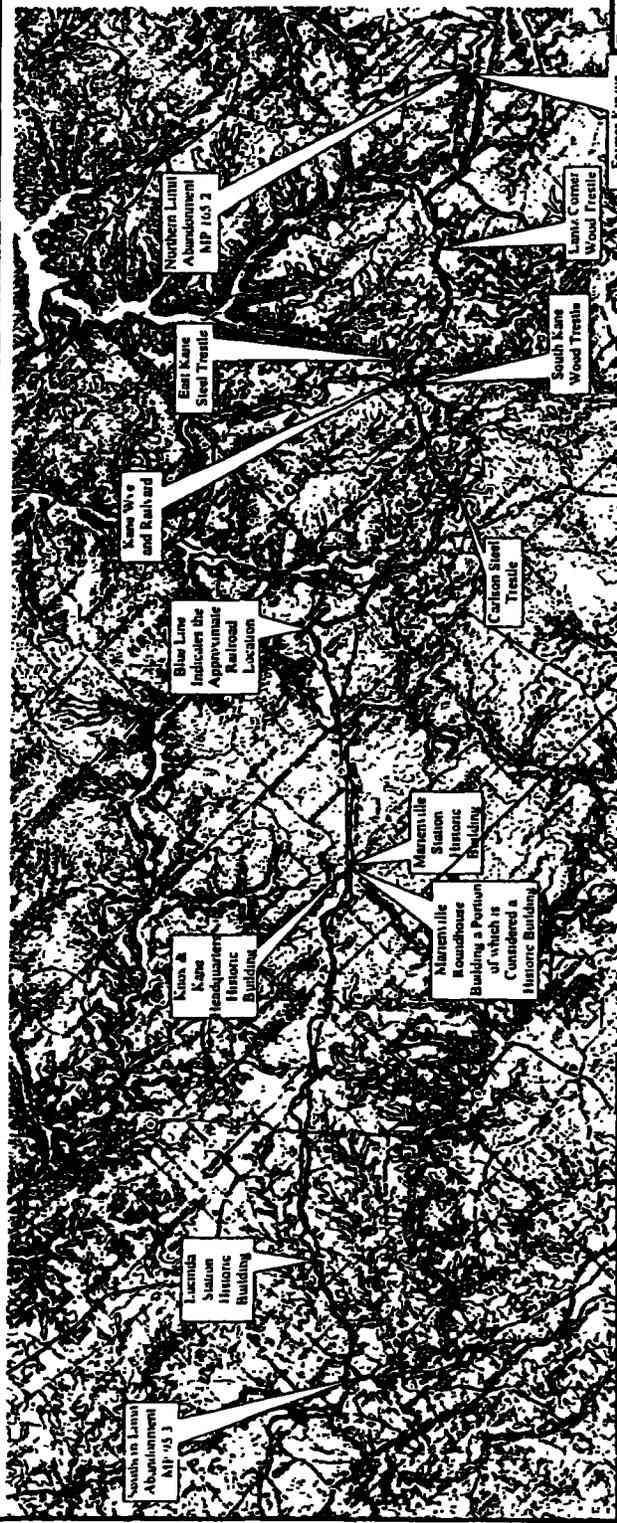
cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p style="text-align: center;">Bureau of State Parks PO Box 8551 Harrisburg, PA 17105-8551</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center;">7004 1160 0003 5231 4971</p>	



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Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photorevised 1969

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Title Knox & Kane Railroad Map

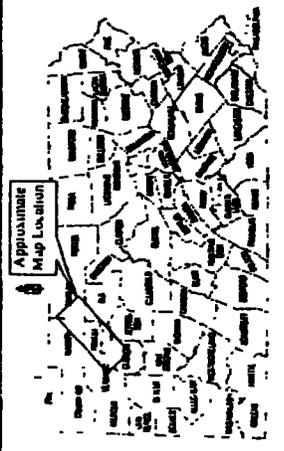
Project Rail Abandonment
Knox & Kane Railroad
MP-93 to MP 165.2

Various Municipalities
McKean, Elk, Forest and Clarion
Counties, Pennsylvania

JEMCOR	Drawing Number	JEM 8005
Management Corporation	Drawn	VEP-J/12/2009
20 Walnut Street P.O. Box 200 Elk, PA 16015	Approved	VEP-J/12/2009

FIGURE 1

Farmer Knous Vindict Historical Structures owned by the Penn State Department of Conservation and Natural Resources





PO BOX 126 68 WALNUT STREET
JOHNSTOWN PA 15907-0126
Phone (814) 533-2680 Fax (814) 533-2691

C:\WP\JEMCOR Files\RAK LR Conservation

March 17, 2009

Certified Mail
Return Receipt Requested

U.S. Natural Resources Conservation Service
Pennsylvania State Office
One Credit Union Place, Suite 340
Harrisburg, PA 17110-2993

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DRL/jel

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cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

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<p>1. Article Addressed to:</p> <p style="text-align:center">US Natural Resources Conservation Service Pennsylvania State Office One Credit Union Place, Suite 340 Harrisburg, PA 17110-2993</p>	<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7004 1160 0003 5231 5008</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	



March 17, 2009

Certified Mail
Return Receipt Requested

National Geodetic Survey
1315 East-West Highway, Station 8815
Silver Spring, MD 20910

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Dear Sir/Madam:

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Pursuant to the STB's regulations at 49 CFR Part 1152 and 40 CFR Part 1105.7, this correspondence is to serve as notification of the proposed action and to request your assistance in identifying any potential effects of this action as may be applicable to your office as indicated below. No adverse environmental impacts are anticipated. However, if you identify any adverse environmental impacts, a description of any actions that may be proposed in order to mitigate such impacts is required to be included in the combined Environmental and Historic Report (Report) which will be submitted to the STB. Please provide a written response, as applicable, that may be included in the Report. The required notifications are as follows:

- Pennsylvania State Clearinghouse: Notification only.
- Pennsylvania Department of Environmental Protection: State whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.
- Local and/or Regional Planning Agencies (County Commissioners): State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.
- U.S. Environmental Protection Agency: State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.
- 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.
- U.S. Army Corps of Engineers: State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe any effects.
- National/State Park Services: State whether wildlife sanctuaries or refuges, National or State Parks or forests will be affected, and describe any effects.
- U.S. Natural Resources Conservation Service: State the effect of the proposed action on any prime agricultural land.

- National Geodetic Survey: Notification only.
- State Historic Preservation Office: State whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

On behalf of the Knox and Kane, I greatly appreciate your cooperation and assistance in this matter. Please send your reply within 30 days to:

David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,

David R. Layman
President - JEMCOR

DRL/jel

Attachments

cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <i>X Judge Rosenman</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>JUDGE ROSENMAN</i> C. Date of Delivery <i>03/20/09</i></p>
<p>1. Article Addressed to:</p> <p style="text-align: center;">National Geodetic Survey 1315 East-West Highway Station 8815 Silver Spring, MD 20910</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

2. Article Number
(Transfer from service label)

7004 1160 0003 5231 4988



March 17, 2009

Certified Mail
Return Receipt Requested

Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, Second Floor
400 North Street
Harrisburg, PA 17120-0093

Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

Please be advised that the Knox and Kane Railroad Company (Knox and Kane) plans to request authority from the Surface Transportation Board (STB) to abandon the subject rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. The Knox and Kane line traverses portions of Clarion, Forest, Elk and McKean counties, PA. A map of the proposed track abandonment is attached.

Pursuant to the STB's regulations at 49 CFR Part 1152 and 40 CFR Part 1105.7, this correspondence is to serve as notification of the proposed action and to request your assistance in identifying any potential effects of this action as may be applicable to your office as indicated below. No adverse environmental impacts are anticipated. However, if you identify any adverse environmental impacts, a description of any actions that may be proposed in order to mitigate such impacts is required to be included in the combined Environmental and Historic Report (Report) which will be submitted to the STB. Please provide a written response, as applicable, that may be included in the Report. The required notifications are as follows:

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- 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.
- U.S. Army Corps of Engineers: State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe any effects.
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- National Geodetic Survey: Notification only.
- State Historic Preservation Office: State whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

On behalf of the Knox and Kane, I greatly appreciate your cooperation and assistance in this matter. Please send your reply within 30 days to:

David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street PO Box 126
Johnstown, PA 15907-0126

If you have any questions or require further information, please contact my office at (814) 533-2680.

Very truly yours,



David R. Layman
President - JEMCOR

DRL/jel

Attachments

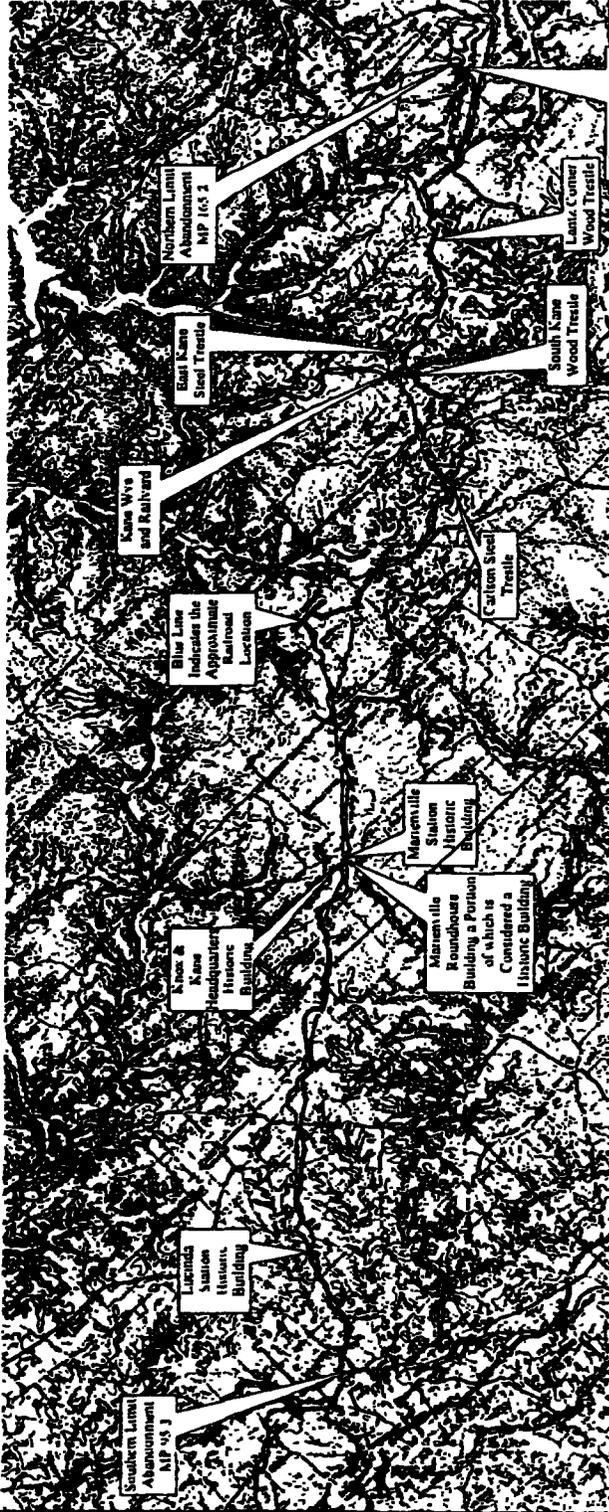
cc w/attach: Andrew Goldstein, Esq.
Joseph Kovalchick

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery MAR 19 2008</p>
<p>1. Article Addressed to:</p> <p>PA Historical and Museum Comm. Bureau for Historic Preservation Commonwealth Keystone Building, Second Floor - 400 North Street Harrisburg, PA 17120-0093</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p>7004 1160 0003 5231 4995</p>

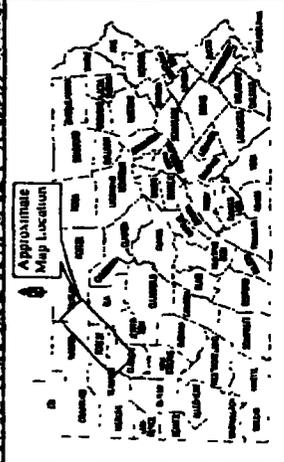


Reference USGS Topographic Map
Warren, Pennsylvania, 1:250,000 Scale
Dated 1957 Photorevised 1969

County	Southern Limit	Northern Limit
Clarion	95 30	115 10
Forest	115 10	131 50
Elk	131 50	149 49
McKean	149 49	165 30



Former Kinross
Viaduct Historical
Structure owned by
the Pennsylvania
Department of
Conservation and
Natural Resources



Title	Knox & Kane Railroad Map
Project	Rail Abandonment Knox & Kane Railroad MP-95.3 to MP 165.2
	Various Municipalities McKean, Elk, Forest and Clarion Counties, Pennsylvania
JEMCOR	Drawing Number JEM 8005
Approved	VEP-3/12/009
Approved	VEP-3/12/009
	FIGURE 1

Attachment 3

Responses to Notifications



www.dot.state.pa.us

August 4, 2009

Surface Transportation Board
Section of Environmental Analysis
395 E Streets, SW
Washington, DC 20423-0001

Re: Knox & Kane Railroad Abandonment in Clarion, Forest, Elk,
and McKean Counties, Pennsylvania (STB Docket No. AB-551
(Sub-No. 1X))

Dear Sir or Madam:

The PennDOT Bureau of Rail Freight, Ports and Waterways is in receipt of a July 14, 2009, letter from Mr. Andrew P. Goldstein, Attorney for Knox & Kane Railroad (KKRR), requesting that the Pennsylvania Department of Transportation (Department) review the combined Environmental & Historic Report (Report) enclosed with their letter and forward any comments to the Surface Transportation Board's Section of Environmental Analysis (SEA). The Report was prepared in connection with KKRR's proposed abandonment (see above referenced STB docket) of its 69.90 mile rail line located between Milepost 95.3, at North Clarion Junction, PA, and Milepost 165.2, at Mt. Jewett, PA, within Clarion, Forest, Elk, and McKean Counties, PA.

The Report was forwarded to PennDOT Engineering Districts 1-0, 2-0, and 10-0, which have jurisdiction for the counties in which the line of railroad being proposed for abandonment is situated. In addition, the Report was also reviewed by PennDOT's Bureau of Design (Environmental Quality Assurance Division (EQAD) and Design Services Division) and Bureau of Highway Safety & Traffic Engineering, as well as by the Planning Deputate's Program Center.

The Department does not have jurisdiction over the management and protection of environmental resources that may be affected by this project; however, any Federal agency providing project funding may require compliance with the National Environmental Policy Act of 1969. In addition, if any work is to be performed within Department right-of-way in Clarion County or access to state roads, such as driveways or construction entrances, is needed in said county, the Department requests that Mr. David P. Tomaswick, P.E., Acting District Permit Engineer, PennDOT Engineering District 10-0, be contacted at 724-357-2831 for more information regarding the necessary permits.

Should you have any questions or if we may be of any further assistance to you regarding this matter, please contact Tom Stettler of my staff at (717) 772-2637 or e-mail tstettler@state.pa.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah L. Gulick".

Sarah L. Gulick
Acting Director
Bureau of Rail Freight, Ports & Waterways

8200/SLG/THS

cc: Andrew P. Goldstein, Esq., McCarthy, Sweeney & Harkaway, P.C.
Gary Fawver, P.E., Bureau of Design, 7th Flr., CKB
Gina M. D'Alfonso, Office of Chief Counsel, 9th Flr., CKB
William G. Petit, P.E., District 1-0
Kevin R. Kline, P.E., District 2-0
Thomas H. Baltz, P.E., District 10-0
Mark Chappel, 7th Floor Keystone Bldg.
Dave Bachman, 6th Floor Keystone Bldg.
Bob Raves, 6th Floor Keystone Bldg.
BRFPW File

S:\Bureau of Rail Freight\Planning\Staff Folders\Tom\STB Abandonment&Sale Notices\Comments for Environmental Reports\KKRRabandonment ClarionForestElkMcKean Counties AB551(1X) PennDOT Comments on ER to STB.doc



pennsylvania

DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

BUREAU OF STATE PARKS

July 31, 2009

Andrew P. Goldstein, Esq.
Attorney for Knox and Kane Railroad
McCarthy, Sweeney & Harkaway, P.C.
Suite 600, 2175 K Street, N.W.
Washington, D.C. 20037

Dear Mr. Goldstein:

In reference to your letter dated July 14th, 2009: **Re: STB Docket No. AB-551 (Sub-No. 1X), Knox & Kane Railroad – Abandonment Exemption – Clarion, Forest, Elk and McKean Counties, Pennsylvania**, the Pennsylvania Bureau of State Parks welcomes the opportunity to comment on the potential abandonment of this corridor. As you may be aware, approximately 0.55 miles of the railroad corridor traverses the Kinzua Bridge State Park in McKean County and once served as a major gateway for visitors to the park eager to catch a glimpse of the engineering marvel known as the Kinzua Viaduct.

Abandonment of the railroad corridor within Kinzua Bridge State Park is favored for the benefit of the visitors to the park. The abandonment will allow unimpaired access to either side of the Viaduct. This would enhance the development of the visitor center that is planned for the park, which will be located next to the railroad corridor.

The potential abandonment of this corridor presents exciting new opportunities for the communities along the entire 69.9-mile corridor. To realize its true and full potential, the Bureau of State Parks encourages and fully supports the railbanking of this corridor under the National Trails System Act. By railbanking this line, the 69.9-mile corridor will be conserved via a public recreational facility and be preserved in perpetuity until such time the corridor is needed for any future transportation needs in the area. The abandonment and subsequent railbanking of the corridor will enhance the visitor experience at the park by allowing uninhibited access for programming and the development of a new visitor center.

The Pennsylvania Bureau of State Parks supports the abandonment of the Knox & Kane Railroad and encourages all parties to consider railbanking the corridor for interim recreational use to benefit the region. Thank you for the opportunity to comment on this action.

Sincerely,



John W. Norbeck
Director

conserve sustain enjoy

P.O. Box 8551, Harrisburg, PA 17105-8551 | Phone 717-787-6640 | Fax 717-787-8817





Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

July 30, 2009

Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, P.C.
2175 K Street, NW, Suite 600
Washington, DC 20037

TO EXPEDITE REVIEW USE
OHP REFERENCE NUMBER

Re: ER 09-1114-042-B
STB Docket No. AB-551(Sub-No. 1X) Proposed Abandonment of
the Knox and Kane Railroad, Clarion, Forest, Elk and McKean Counties
Pennsylvania

Dear Mr. Goldstein:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

Because your request does not include sufficient information, we are unable to proceed with our review until the following additional information is submitted.

1. Please supply a contextual history for the Knox and Kane Railroad. Who did this line serve? What did it carry – freight and/or passengers? What period did it operate in?
2. Please supply additional photographs and history of the related stations, round house and other railroad related resources.
3. Please inform us of the ownership, and future use of the stations, roundhouse turntable and railroad line?

In our opinion no archaeological resources will be affected by this project.

Page 2
A. Goldstein
Aug. 30, 2009

If you need further information regarding historic structures please consult with Susan Zacher at (717) 783-9920.

Sincerely,

A handwritten signature in cursive script that reads "Susan Zacher for". The signature is written in black ink and is positioned above the typed name of the signatory.

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

DCM/smz

McKean County Planning Commission

17137 Route 6
Smethport, PA 16749
Phone: (814) 887-2348
Fax: (814) 887-3234



July 28, 2009

Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Ref: Docket No. AB-551 (Sub-No. 1X)

Dear Sir or Madam:

We have received information pertaining to the Knox and Kane Railroad Company submitting a Combined Environmental and Historic Report pursuant to 49 CFR § 1105.7 (e) and 49 CFR § 1105.8 (d) for an exempt abandonment of 69.9 miles of rail line. After reviewing the document we offer the following comments:

- 3.0 1105.7(e)(2) Transportation System – States that the proposed action will have no effect on regional or local transportation systems or patterns. This is true in the sense that no rail traffic currently moves over the Line. However, McKean County (partnering with Clarion, Forest and Elk counties) has filed a grant application in April, 2009 with the PA Department of Conservation and Natural Resources to provide funds for a rail trail feasibility study for the entire corridor. The study will identify types of uses for the trail, ownership options, maintenance considerations, and operation/maintenance scenarios. It will include a conceptual trail plan and implementation strategies. As part of the study, the rail line from Kane (McKean County) to the Kinzua Bridge would be looked at to see if it would be feasible to revitalize a tourist excursion train on that section of track.

The corridor is also identified in the Regional Greenway Plan currently being prepared by North Central PA Regional Planning and Development Commission. The preservation of this corridor is an opportunity to provide a new trail system, connecting four counties, which could increase tourism and have a positive economic impact on the entire region. Therefore, there could be an effect on the regional and local transportation system by providing another option or mode (trail) of travel to the area.

- 4.0 1105.7(e)(3) Land Use

4.1 1105.7(3)(3)(i) – We understand that the owner of the Knox and Kane line intends to take the proper steps to railbank the corridor. As long as the abandonment proceedings include a Notice of Interim Trail Use (NITU) in the Surface Transportation Board's decision, the action will be consistent with the McKean County Comprehensive Plan, 2007.

July 27, 2009

Page 2

McKean County is very interested in the future of this rail corridor. The County Comprehensive Plan, 2007, under the Transportation Strategy, states as a specific project, that a region-wide land bank program be established for retaining rail right-of-way for priority and feasible future transportation uses, including rail-freight, passenger rail, or rail-trail. Under the Public Infrastructure Strategy, the Plan states as a project, that trail systems and networks should be expanded and promoted locally and regionally as tourism destinations. Lastly, under the Economic Development Strategy, it is recommended to reactivate the tourist train from Kane to the Kinzua Bridge State Park. Although a lofty goal, it is recognized that this was a significant tourism asset for McKean County.

- 4.4 1105.7(e)(3)(iv) – States that the line is not suitable for other public purposes, however, we feel that it could be used as a rail trail system connecting four counties, as well as, possibly operating a tourist train from Kane to Kinzua Bridge State Park. This should be included as an alternative use when the Board reviews the abandonment request.
- 9.2 1105.7(e)(8)(2) – When the corridor is railbanked it could be proposed for trail use. And the section of the line from Kane to Kinzua Bridge State Park will be studied to determine if it would be feasible to reactivate a tourist train to the State Park. This could have a positive impact on the State Park visitation numbers and the economy of the region.

Thank you for the opportunity to review the document. If we may be of further assistance, please feel free to contact our office.

Sincerely,

Deborah L. Lunden

Deborah L. Lunden,
Director

CC Andrew P. Goldstein ✓
Attorney for Knox and Kane Railroad



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481
July 27, 2009

Northwest Regional Office

814-332-6816
Fax: 814-332-6125

Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

Re: Docket No. AB-551
Knox and Kane Railroad
Clarion, Forest, Elk, McKean Counties

Dear Surface Transportation Board:

The Department of Environmental Protection (DEP) has reviewed the information provided by Attorney Andrew P. Goldstein, in his July 14, 2009, letter to me.

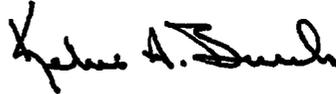
DEP previously provided comments on the proposed project in a letter dated April 16, 2009. DEP understands that Knox and Kane Railroad only seeks approval to abandon the railroad at this time. DEP was informed that the only immediate proposed activity, after abandonment, involves removal of the steel rail, and that ties, ballast, and other existing facilities (bridges, culverts, out-buildings) will remain in place for the time being.

DEP recommends that prior to beginning any reclamation, demolition, or storage of materials along the corridor, the following contacts be made:

<u>Storage or disposal of rail, ballast, ties</u>	Contact Todd Carlson, P.E., Regional Manager, Waste Management Program, 814-332-6848. Storage or disposal of these materials may require DEP approval.
<u>Buildings and other structures</u>	Contact John Guth, Regional Manager, Air Quality Program, 814-332-6940. Demolition of existing buildings may require DEP approval.
<u>Bridges, culverts, wetland, streams</u>	Contact John Holden, P.E., Regional Manager, Watershed Management Program, 814-332-6984. Any work along the rail corridor that impacts these existing structures or resources, may require DEP's approval.

Thank you for the opportunity to comment. If you have any questions, please contact Staci Gustafson, Assistant Regional Director, at 814-332-6816.

Sincerely,



Kelvin A. Burch
Regional Director

cc: Andrew P. Goldstein
Clarion County Conservation District Office
Forest County Conservation District Office
Elk County Conservation District Office
McKean County Conservation District Office
Staci Gustafson
Todd Carlson
John Guth
John Holden
File

KAB:JAH:jb:ll:sp



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
July 22, 2009

Water Planning Office

717-772-5622

Andrew P. Goldstein
McCarthy, Sweeney & Harkaway, P.C.
2175 K Street, N.W., Suite 600
Washington, D.C. 20037

Re: DEP File No. CZ7:FPL

STB Docket No. AB-551 (Sub-No. 1X),
Knox & Kane Railroad Abandonment Exemption -
Clarion, Forest, Elk and McKean Counties, Pennsylvania.

Dear Mr. Goldstein:

The Pennsylvania Coastal Resource Management (CRM) Program has reviewed the General Information letter received in this office on July 17, 2009, concerning the proposed project listed above that is located in Clarion, Forest, Elk and McKean Counties, Pennsylvania.

We have determined that this proposed project is located outside of Pennsylvania's Erie and Delaware Coastal Zones, and will not impact upon it.

Thank you for coordinating with CRM on this project.

Sincerely,

Donovan J. Houck
Environmental Planner
Coastal Resources Management Program

Enclosure



Pennsylvania Department of Environmental Protection

230 Chestnut Street
Meadville, PA 16335-3481
April 16, 2009

Northwest Regional Office

814-332-6816
Fax: 814-332-6125

Mr. David R. Layman, President
Johnstown Environmental Management Corp.
P.O. Box 126
68 Walnut Street
Johnstown, PA 15907-0126

Re: Proposed Abandonment of Knox & Kane Railroad
Counties of Clarion, Forest, Elk, and McKean
STB Docket No. AB-551 (Sub-No. 1X)

Dear Mr. Layman:

The Department of Environmental Protection (DEP) has reviewed the above project. We have the following comment which you should consider when proceeding with this project:

- * The Waste Management Program advises that all wastes generated during this project should be properly managed. Questions related to the proper handling and/or disposal of wastes, including rail ties, should be directed to the Waste Management program at 814-332-6848.

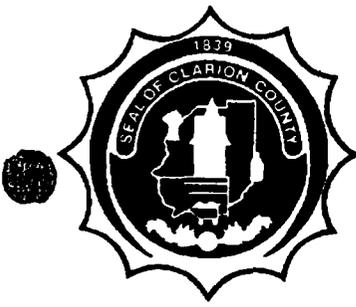
If you have any questions, or if we can be of further service, please contact me.

Sincerely,

Kelvin Burch
Regional Director

cc: WM – T. Carlson
Clarion County Conservation District
Forest County Conservation District
Elk County Conservation District
McKean County Conservation District
File

KAB:DB:ll



County of Clarion

Department of Planning and Development

Court House, 421 Main Street, Suite 38, Clarion Pennsylvania 16214
www.co.clarion.pa.us
814-226-4000 Ext. 2801 --- Fax: 814-226-5275

April 15, 2009

Johnstown Environmental Management Corporation
Attn: David R. Layman
68 Walnut Street, P.O. Box 126
Johnstown, PA. 15907-0126

RE: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean – Pennsylvania

Dear Mr. Layman:

Thank you for your letter of advisement concerning the above referenced railroad abandonment. Planning Commission members discussed this abandonment action at their monthly meeting held on April 15, 2009. The proposed abandonment action would be consistent with existing land use plans as per our Clarion County Comprehensive Plan. Our county is also planning to participate in a feasibility study with the other three above referenced counties to convert the railroad right of way into a rails to trails project. This project would also be consistent with our Clarion County Comprehensive Plan.

If you have any further questions or needs concerning this subject, please do not hesitate to contact our office. Thank you.

Sincerely,

Charles E. Williams
Chairman
Clarion County Planning Commission

Forest County Conservation District & Planning Department

County Commissioners
R. James Parrett, Chairman
Robert J. Snyder, Jr.
Basil D. Huffman
814.755.3537

Manager/Director
Douglas E. Carlson
Administrative Assistant
Donna I. Zofem

March 24, 2009

JEMCOR
PO Box 126
68 Walnut Street
Johnstown PA 15907-0126

Re: Forest County Comprehensive Plan – Proposed
Abandonment of Knox & Kane Railroad, Forest County

To Whom It May Concern,

The proposed abandonment of the Knox & Kane Railroad is consistent with the Forest County Comprehensive Land Use Plan. It particularly applies to the transportation portion and to the recreation/conservation portion. The possible future usage as a motorized ATV and/or Snowmobile trail would also apply to the economic portions of the Comprehensive Plan.

I communicate this on behalf of the Forest County Commissioners who are ultimately responsible for land use practices within Forest County. The Commissioners appoint the Conservation District & Planning Board and were instrumental in the employment of myself as the Executive Director of the Forest County Conservation District & Planning Department.

Respectfully submitted,



Douglas E. Carlson,
Executive Director FCCD&P Dept.

McKean County Planning Commission

17137 Route 6
Smethport, PA 16749
Phone: (814) 887-2348
Fax: (814) 887-3234



April 15, 2009

David R. Layman, President
JEMCOR
68 Walnut Street
P.O. Box 126
Johnstown, PA 15907-0126

RE: Proposed Abandonment of Knox and Kane Railroad
STB Docket No. AB-551 (Sub-no. 1X)

Dear Mr. Layman:

We are in receipt of the notification letter for the proposed abandonment of Knox and Kane Railroad Company rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. We understand that the line traverses portions of Clarion, Forest, Elk and McKean Counties in Pennsylvania.

McKean County is very interested in the future of this rail corridor. The County Comprehensive Plan (December 2007), under the Transportation Strategy, states as a specific project, that a region-wide land bank program be established for retaining rail rights-of-way for priority and feasible future transportation uses, including rail-freight, passenger rail, or rail-trail. Under the Public Infrastructure Strategy the Plan states as a project, that trail systems and networks should be expanded and promoted locally and regionally as tourism destinations. Lastly, under the Economic Development Strategy, it is recommended to reactivate the tourist train from Kane to the Kinzua Bridge State Park. Although a lofty goal, it is recognized that this was a significant tourism asset for McKean County.

We understand that the owner of the Knox and Kane line intends to take the proper steps to railbank the corridor. As long as the abandonment proceedings include a Notice of Interim Trail Use (NITU) in the Surface Transportation Board's decision, the action will be consistent with our County Comprehensive Plan.

McKean County, partnering with Clarion, Forest and Elk Counties, is submitting a grant application to the PA Department of Conservation and Natural Resources to provide funds for a rail trail feasibility study for the 69.9 mile corridor. The study will identify types of uses for the trail, ownership options, maintenance considerations, and operation/management scenarios. It will include a conceptual trail plan and implementation strategies. The application will be submitted by April 22, 2009. If grant funds are awarded the project will begin in early 2010 and be completed by June 2011.

April 15, 2009
Page 2

The corridor is also identified in the Regional Greenway Plan currently being prepared by North Central PA Regional Planning and Development Commission, with assistance of a consultant, for the counties of Cameron, Clearfield, Elk, Jefferson, McKean, and Potter. The preservation of this corridor is an opportunity to provide a new trail system, connecting four counties, which could increase tourism and have a positive economic impact on the entire region.

Thank you for the opportunity to comment on this proposal. If we may be of further assistance, please feel free to contact our office.

Sincerely,

Deborah L. Lunden

Deborah L. Lunden,
Director



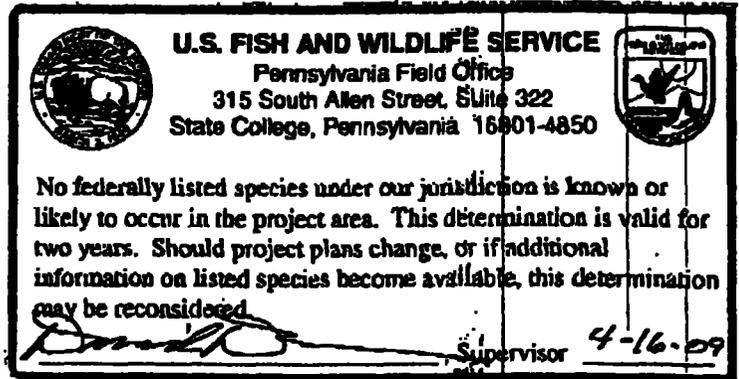
2007-0867
Lat/Long

PO BOX 126 68 WALNUT STREET
JOHNSTOWN, PA 15907-0126
Phone: (814) 533-2680 Fax: (814) 533-2691

March 17, 2009

Certified Mail
Return Receipt Requested

U S Fish and Wildlife
Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, PA 16801-4850



Re: Proposed Abandonment of Knox and Kane Railroad
Counties of Clarion, Forest, Elk, McKean - Commonwealth of Pennsylvania
STB Docket No. AB-551 (Sub-no. 1X)

Dear Sir/Madam:

Please be advised that the Knox and Kane Railroad Company (Knox and Kane) plans to request authority from the Surface Transportation Board (STB) to abandon the subject rail line from MP 95.3 to MP 165.2, a distance of 69.9 miles. The Knox and Kane line traverses portions of Clarion, Forest, Elk and McKean counties, PA. A map of the proposed track abandonment is attached.

Pursuant to the STB's regulations at 49 CFR Part 1152 and 40 CFR Part 1105.7, this correspondence is to serve as notification of the proposed action and to request your assistance in identifying any potential effects of this action as may be applicable to your office as indicated below. No adverse environmental impacts are anticipated. However, if you identify any adverse environmental impacts, a description of any actions that may be proposed in order to mitigate such impacts is required to be included in the combined Environmental and Historic Report (Report) which will be submitted to the STB. Please provide a written response, as applicable, that may be included in the Report. The required notifications are as follows:

- Pennsylvania State Clearinghouse: Notification only.
- Pennsylvania Department of Environmental Protection: State whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.
- Local and/or Regional Planning Agencies (County Commissioners): State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.
- U.S. Environmental Protection Agency: State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.
- 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.
- U.S. Army Corps of Engineers: State (1) whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe any effects.
- National/State Park Services: State whether wildlife sanctuaries or refuges, National or State Parks or forests will be affected, and describe any effects.
- U.S. Natural Resources Conservation Service: State the effect of the proposed action on any prime agricultural land.



**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4166**

March 20, 2009

**David R. Layman
Johnstown Environmental Management Corporation
68 Walnut Street, P.O. Box 126
Johnstown, PA 15907-0126**

**David R. Layman
JEMCOR
P.O. Box 126
68 Walnut Street
Johnstown, PA 15907-0126**

Kevin Gabig, Project Manager

We received your request on March 18, 2009 and your project; **Proposed Abandonment of Knox and Kane Railroad, Counties of Clarion, Forest, Elk, McKean, PA STB Docket No. AB-551 (Sub-no. 1X)**, has been assigned to **Kevin Gabig**, on the date of this letter. **Kevin** can be contacted at **(412) 395-7248** or via e-mail at:

Kevin.E.Gabig@usace.army.mil

Your Corps of Engineers File number is **2009-658**. Please contact **Kevin** with any questions and reference this file number in all correspondence with our office concerning this site.

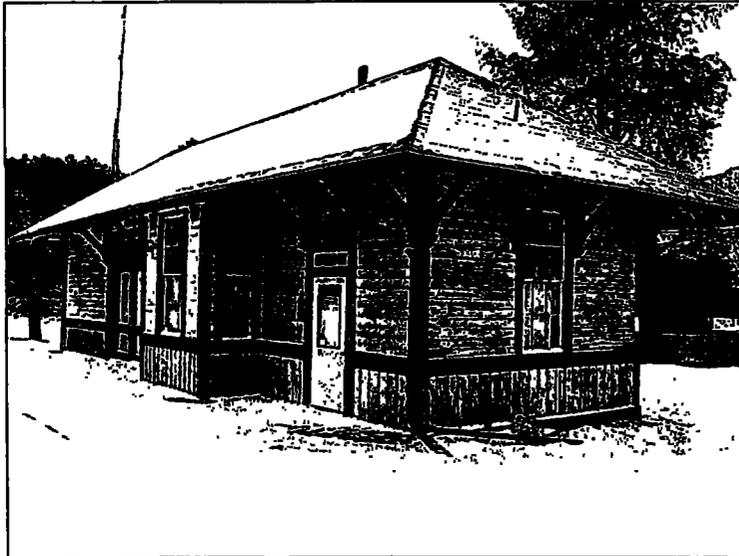
Sincerely,

**Scott A. Hans
Chief Regulatory Branch
Pittsburgh District USACE**

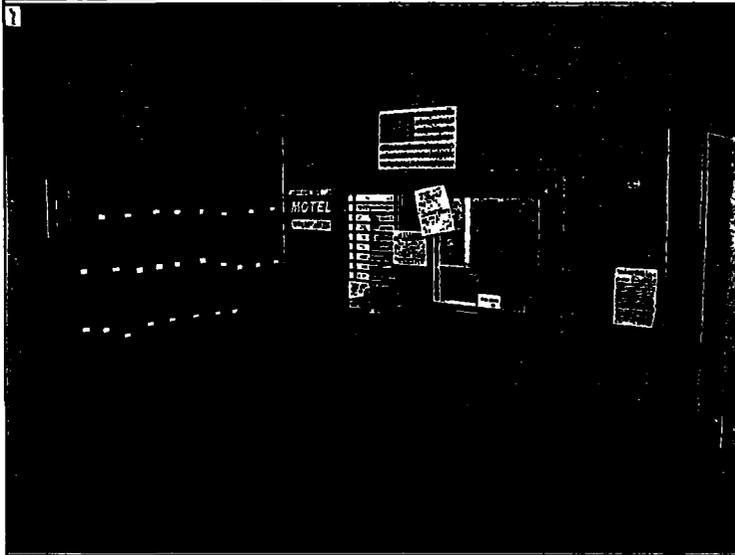
Attachment 4

Photographs

**Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania**



Exterior view of the Marienville Station

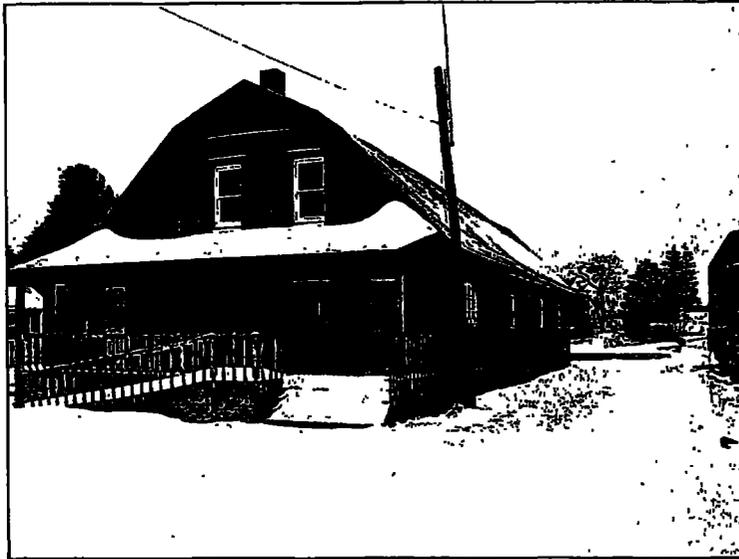


Interior view of the Marienville Station



View of area surrounding the Marienville Station

**Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania**



Exterior view of the Knox and Kane
Railroad Office Building

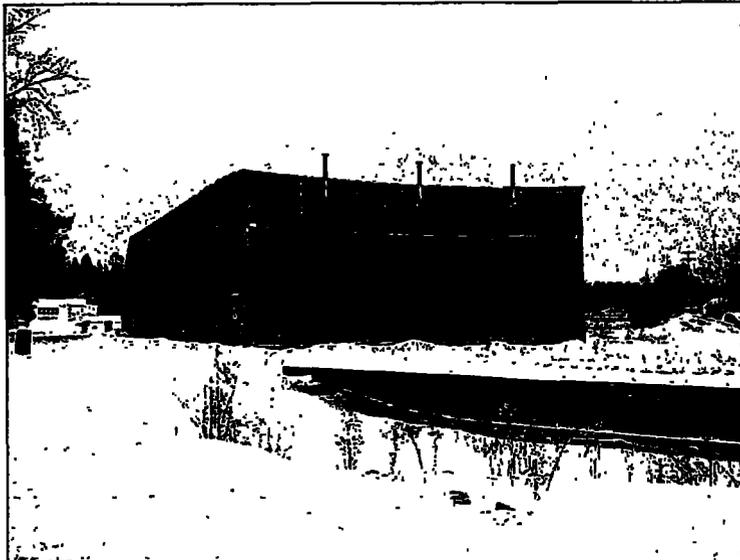


Interior view of the Knox and Kane
Railroad Office Building

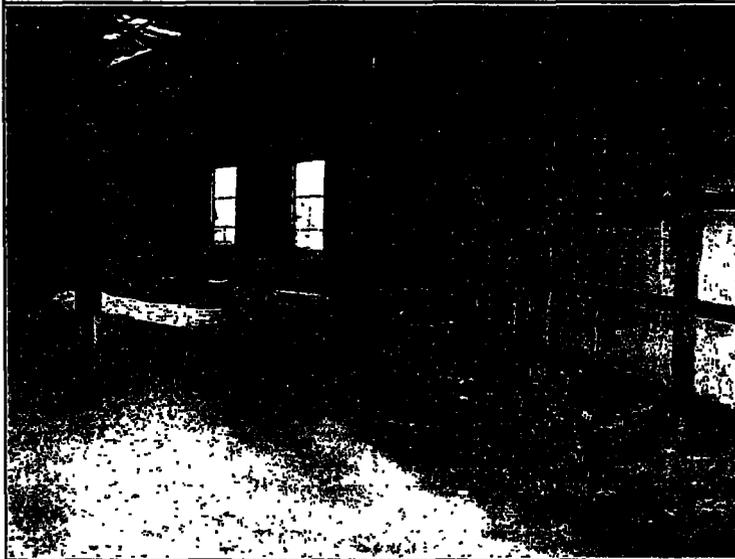


View of the area surrounding the
Knox and Kane Railroad Office
Building

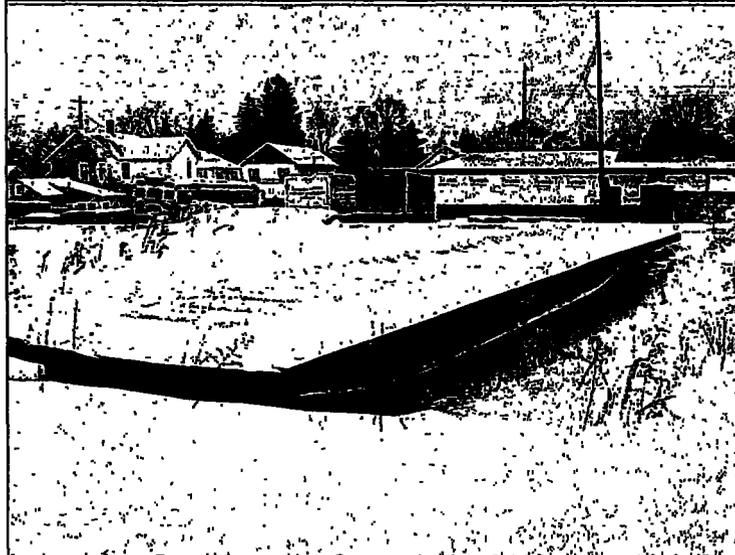
Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania



Exterior view of the Marienville Roundhouse

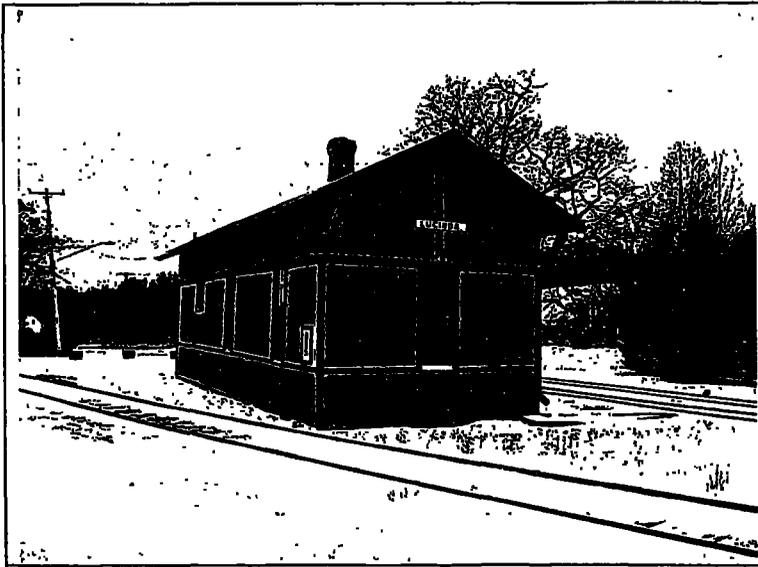


Interior view of the Marienville Roundhouse



View of area surrounding the Marienville Roundhouse

Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania



Exterior view of the Lucinda Station

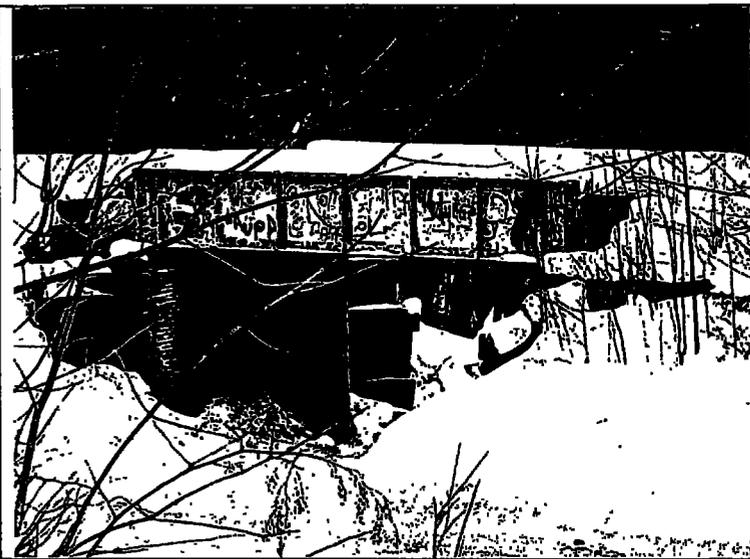


Interior view of the Lucinda Station

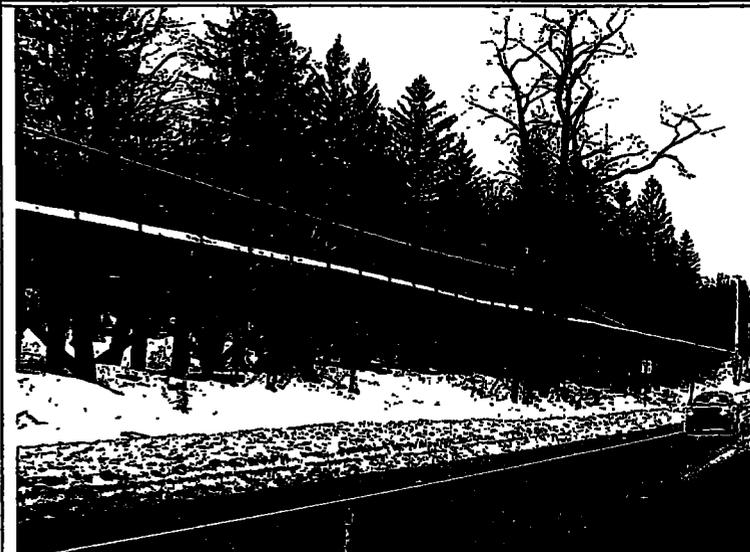


View of area surrounding the Lucinda Station

**Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties, Pennsylvania**



Carlson Steel Trestle



East Kane Wood Trestle



Lantz Corner Wood Trestle

**Rail Abandonment
Knox & Kane Railroad.
McKean, Elk, Forest and Clarion
Counties. Pennsylvania**