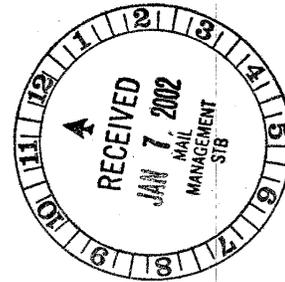


CHARLES H. MONTANGE

ATTORNEY AT LAW
426 NW 162ND STREET
SEATTLE, WASHINGTON 98177

(206) 546-1936
FAX: (206) 546-3739



4 January 2002

Hon. Vernon Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

204305

Re: 1411 Corp. -- / Exemption -- in Lancaster
County, PA, AB 581X, consolidated with AB 529X;
Sahd OFA; Sahd Petition for Leave to File

Dear Mr. Williams:

204306

Enclosed please find for filing the original and ten copies of an opposition to Sahd Salvage's latest reply to a reply in this proceeding. Please note that the verified statement annexed to this opposition is a fax version. Counsel will submit the original under separate cover.

Please date stamp and return the additional copy in the enclosed self-addressed, stamped envelope so I may verify receipt. Thank you for your assistance in this matter.

Very truly,


Charles H. Montange
for Shawnee Run Greenway

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Office of the Secretary

JAN 07 2002

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Public Record

Encls.

cc. counsel (w/encls)

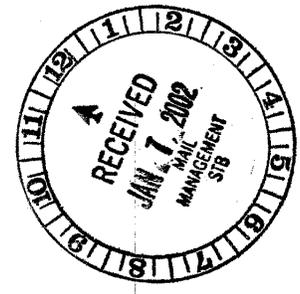
RS

Before the Surface Transportation Board

1411 Corporation --)
Abandonment Exemption --) AB-581X (consolidated
in Lancaster County, PA) with AB-529X)

204 305

204 306



Opposition to Sahd's
Petition to Submit a Verified Statement
to Correct Misstatement of Fact in the Opposition to Sahd's
Petition for Clarification on behalf of Shawnee Run Greenway

Shawnee Run Greenway hereby opposes Sahd Salvage Center, Inc.'s (Sahd's) petition for leave to file a verified statement in opposition to Shawnee Run Greenway's Opposition to Sahd's Petition for Clarification.

Sahd's latest is simply a reply to a reply, in contravention of this Board's rules. 49 C.F.R. § 1104.13(c). It may not be allowed.

In any event, Sahd's proposed verified statement (by a Lawrence P. Gemmell) is itself a misstatement. As indicated in the attached verified statement by Michael Stark, Mr. Gemmell did not make the statements to Mr. Stark which Mr. Gemmell claims that he did. This Board ought not to allow a reply to a reply in contravention of 49 C.F.R. § 1104.13(c) when the reply seeks to provide incorrect information.

Sahd in its cover pleading suggests that the Gemmell statement somehow shows that, contrary to what Sahd representatives told the State of Pennsylvania, Sahd has not conducted any environmental surveys of the M&H rail line. This claim is surprising for a number of reasons. First, Gemmell's statement does not say that. Gemmell simply claims he told

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Public Record

Stark he, Gemmell, did not perform a Phase I or II analysis of the line. Second, Sahd earlier professed an interest to purchase the line of many years standing, and touted Sahd's earlier purchase contract for the line -- a contract which Sahd long ago allowed to lapse. Certainly Sahd had notice, time and motivation to do whatever Sahd felt prudent in terms of environmental analysis for many long years. Third, as indicated by Mr. Stark in his verified statement, Mr. Sahd himself indicated to Mr. Stark that he (Mr. Sahd) had caused environmental analysis to be performed. That corroborates Mr. Sahd's claim to Pennsylvania DEP on which Shawnee Run Greenway relied in its earlier filing.

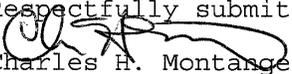
Certainly no one heretofore has ever represented to Shawnee Run Greenway that Sahd Salvage failed to conduct environmental studies of the M&H line. See attached Stark V.S. Certainly no one has explained why Sahd needs more analysis.

Greenway remains mystified by Sahd's behavior in this case. Sahd had an opportunity to buy the line but dropped it years ago. The line was going to be sold piecemeal. Only when Greenway emerged as a purchaser to save the line did Sahd again emerge, but at no point has Sahd advanced to anyone any plans to do anything to restore rail service on this line. To the contrary, Sahd has engaged in a disruptive and costly effort to prevent preservation of the line in the community interest for trail and rail purposes, and coincidentally in clean up of the adjacent stream. Sahd still has not presented any plans to

restore the line to service, or to use it for rail purposes. This affair concerning environmental analysis reeks of further sour grapes. By his own statements to Mr. Stark and to Pennsylvania officials, Sahd already has conducted environmental analysis of the line. Indeed, that may be the reason Sahd did not purchase the line earlier. Now Sahd belatedly wants this Board to impose terms and conditions allowing him to conduct yet more analysis and presumably to exclude portions of the line he does not want. This Board ought not to allow the line to be severed and destroyed, which Greenway has long indicated is the intent we believe motivates Sahd's efforts. At some point, this Board must recognize when its processes are being abused.

Shawnee Run Greenway remains prepared to close immediately on its contract to acquire the entire rail corridor for trail and future rail purposes compatible with the local community and with retention of this corridor under STB jurisdiction pursuant to 16 U.S.C. § 1247(d). Continued delay and obfuscation in this proceeding by Sahd increases costs not just for the Greenway, but also for M&H and 1411 Corporation. In the meantime, Greenway's equitable interest in the line is being clouded and taken without compensation. The public interest is not being served.

Respectfully submitted,


Charles H. Montange
426 NW 162d St.
Seattle, WA 98177
(206) 546-1936
for Shawnee Run Greenway

Certificate of Service

I hereby certify service of the foregoing by US Mail postage prepaid first class this ~~1st~~ day of January 2002 upon the following counsel:

Andrew Goldstein, Esq.
McCarthy, Sweeney & Harkaway P.C.
2175 K Street, N.W., Suite 600
Washington, D.C. 20037 (for M&H/1411)

Jeffery O. Moreno, Esq.
Thomson Hine & Flory
1920 N Street, N.W.
Washington, D.C. 20037 (for Sahd)


Counsel for Shawnee Run Greenway

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-529-X

**MIDDLETOWN & HUMMELSTOWN RAILROAD COMPANY
ABANDONMENT EXEMPTION IN LANCASTER COUNTY, PENNSYLVANIA**

DOCKET NO. AB-581-X

**1411 CORPORATION
ABANDONMENT EXEMPTION IN LANCASTER COUNTY, PENNSYLVANIA**

VERIFIED STATEMENT OF MICHAEL L. STARK

I, Michael L. Stark, make this verified statement, under penalties for perjury, for filing in the above-captioned proceeding.

1. At the request of council, I have examined the Verified Statement of Lawrence P. Gemmell executed on December 21, 2001, and filed in this proceeding on behalf of The Frank Sahd Salvage Center, Inc. (Sahd).
2. The Columbia Downtown Development Corporation, (CDDC) with which I am the current Greenway & Watershed Committee Chairman for, has been involved in a project to develop a Watershed Management Plan to guide environmental improvements to Shawnee Run (a stream that parallels 1.25 miles of the railroad corridor) and assist the Borough of Columbia in meeting their obligations under the EPA's Phase II storm water regulations. This project is being funded through a grant that CDDC received from the Pennsylvania Department of Environmental Protection (PADEP) in the spring of 2000. In this capacity, I did call Mr. Gemmell prior to December 13, 2001. On behalf of CDDC, I informed Mr. Lawrence P. Gemmell that we were working on Shawnee Run and as part of our research had discovered the

PADEP report relating to Sahd. Because of the PADEP report, and other statements by Mr. Sahd to me over a year ago that he had had environmental analysis conducted, I asked Mr. Gemmell whether GenChem, Inc., had conducted environmental testing/surveys on behalf of Sahd, and, if so, whether Mr. Gemmell would share the results. I understood Mr. Gemmell to refuse to confirm or to deny any testing or surveys. I further understood that he regarded that portion of his work as confidential. To the extent Mr. Gemmell claims that he "clearly and unequivocally informed" me that "no Phase I or Phase II assessment had been performed," or that he informed me "Mr. Sahd might have incorrectly used the terminology when speaking with the representatives of the PADEP" Mr. Gemmell is not correct. So far as I am aware, Sahd has had Phase I and Phase II environmental studies performed on the property as he represented to PADEP according to the inspection report of record, or else equivalent studies performed. Statements made by Jeffrey O. Moreno in his "Petition for Leave to Submit" that Sahd has "never conducted a study" are either misleading (Sahd may have contracted for a study, not do it itself) or are not established by Gemmell's erroneous verified statement, which misrepresents a conversation with me and does not purport to characterize what studies Sahd in fact has contracted to have done in respect to the property.

Verification

I, Michael Lee Stark, verify under penalty of perjury, under the laws of the United States, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement.

Executed on this 3rd day of January, 2002

Michael Lee Stark

Michael Lee Stark