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May 29, 2008

VIA ELECTRONIC FILING

Ms. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W
Washington, DC 20024

Re: **Finance Docket No. 35143**
R.J. Corman Railroad Company/Pennsylvania Lines Inc. --
Acquisition and Operation Exemption -- Line of
Norfolk Southern Railway Company

Dear Secretary Quinlan:

Attached for filing in the above-captioned proceeding are an original and ten copies of the **Petition for Waiver of Notice Requirements**, dated May 29, 2008.

Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,



Ronald A. Lane
Attorney for R.J. Corman Railroad Company/
Pennsylvania Lines Inc.

RAL:tjl

Attachment

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35143

R. J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC.
-- ACQUISITION AND OPERATION EXEMPTION --
LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

REQUEST FOR WAIVER OF NOTICE REQUIREMENTS

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**ATTORNEYS FOR R.J. CORMAN RAILROAD
COMPANY/PENNSYLVANIA LINES INC.**

Dated: May 29, 2008

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35143

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES INC.
– ACQUISITION AND OPERATIONS EXEMPTION –
LINE OF NORFOLK SOUTHERN RAILWAY COMPANY

REQUEST FOR WAIVER OF NOTICE REQUIREMENTS

Petitioner R.J. Corman Railroad Company/Pennsylvania Lines Inc. (“RJCP”) hereby requests that the Board waive the requirements of 49 C.F.R. § 1150.41(e) with respect to its Verified Notice of Exemption in this proceeding. Section 1150.41(e) requires railroads to provide 60 days advance notice of a transaction to employees working on the line in question and the national offices of their collective bargaining representatives.

As detailed in the Verified Notice of Exemption, the railbanked line at issue here, extending between Milepost 64.5 near Winburne, Pennsylvania and Milepost 45.5 near Gullintown, Pennsylvania, was the subject of a prior abandonment proceeding, and a Certificate of Interim Trail Use or Abandonment (“CITU”) was issued and remains in place for the line. *Conrail Abandonment of the Snow Shoe Industrial Track in Centre and Clearfield Counties, PA*, Docket No. AB-167 (Sub-No. 1004N) (ICC served November 5, 1993). Track materials on the line have been removed, and no rail operations have been conducted for at least 15 years. No railroad workers have been employed on the line for at least the same period of time. Any Consolidated Rail Corporation employees who were affected by the prior discontinuance of rail service were protected under the relevant provisions of the Northeast Rail Service Act of 1981. *See Conrail Abandonments Under NERSA*, 365 I.C.C. 472, 481-482 (1981).

The purpose of the notice requirements at 49 C.F.R. § 1150.42(e) is to ensure that rail labor unions and employees who would be affected by the transfer of a line are given sufficient notice of the transaction before consummation. *See Acq. of R. Lines Under 49 U.S.C. 10901 & 10902 – Advance Notice*, 2 S.T.B. 592 (1997). However, where there are no employees working on the line, there are no employees who could be adversely affected by a transfer. In that situation, the Board has held that there is no need to post advance notice in a hypothetical workplace or to notify any labor unions. *Reading Blue Mountain & Northern Railroad Company – Operation Exemption – Locust Valley Line*, Finance Docket No. 34785 (STB served January 10, 2006).

Posting and serving notice of this transaction, involving acquisition of residual CITU rights in a railbanked line, would not serve any purpose. Accordingly, RJCP requests the Board waive the 60-day notice requirement in 49 C.F.R. §1150.41(e) with respect to its Verified Notice of Exemption in this proceeding.

Respectfully submitted,

By: 

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COMPANY/PENNSYLVANIA LINES INC.**

Dated. May 29, 2008