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VIA FEDERAL EXPRESS

Christa L. Dean, Esq.
Attorney Advisor
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20006

Re: **Docket No. AB-876X**
R.J. Corman Equipment Company, LLC -- Abandonment
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Docket No. AB-875X
R.J. Corman Railroad Company/Bardstown Line -- Discontinuance
Exemption -- In Johnson, Magoffin and Breathitt Counties, Kentucky

Dear Ms. Dean:

Petitioner R.J. Corman Equipment Company, LLC ("Corman") hereby submits these comments on the environmental assessment ("EA") issued by the Section of Environmental Analysis ("SEA") in the above-captioned dockets on November 5, 2004. Corman seeks to comment only on the first recommended environmental condition on the proposed abandonment, relating to the National Geodetic Survey ("NGS").

Noting that NGS has identified 14 geodetic station markers that may be affected by abandonment, the EA recommends a condition that "Corman shall notify NGS at least 90 days prior to salvage activities in order to plan for their relocation." EA at 7. This is one of two standard formulations that the SEA uses to address geodetic markers. See also, e.g., The Burlington Northern and Santa Fe Railway Company -- Abandonment Exemption -- In Matagorda and Wharton Counties, TX, Docket No. AB-6 (Sub-No. 426X) (STB served October 4, 2004) at 3. The other standard formulation provides that "if there are any planned activities which would disturb or destroy these markers, [railroad] should contact NGS not less than 90 days in advance of such activities in order to plan for their relocation." E.g., Soo Line Railroad Company -- Abandonment Exemption -- In Ramsey and Benson Counties, ND, Docket No. AB-57 (Sub-No. 54X) (STB served October 29, 2004) at 3; The Burlington Northern and Santa Fe Railway Company -- Abandonment Exemption -- In Chase, Morris, Marion and Dickinson Counties, KS, Docket No. AB-6 (Sub-No. 425X) (STB served October 4, 2004) at 4.

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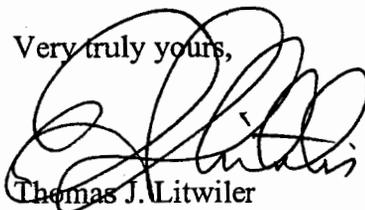
Corman requests that the second formulation -- rather than the first formulation recommended in the EA -- be imposed as an environmental condition in this proceeding. The second formulation tracks NGS's actual comments,¹ and appropriately requires the railroad to consult further with NGS when and if geodetic station markers are discovered that would be impacted by salvage. Taken literally, the broader first formulation would require the railroad to re-consult with NGS prior to any salvage, presumably with the same result as the railroad's initial consultation -- the provision by NGS of a list of potential geodetic markers in the area.

We also do not believe that NGS intended that railroads be required to go looking for each of the geodetic station markers identified in its comments. Those markers may or may not be within the right-of-way of the rail line, and at times they cannot be located ("recovered," in NGS parlance) even by experienced surveyors. In some cases they may no longer exist. Some of the markers identified in this abandonment, for example, could not be found by the U.S. Geological Survey as long ago as 1962. See NGS Data Sheet attached hereto.

Using the information provided by NGS, however, railroads should be expected to watch for geodetic station markers during salvage and to consult with NGS when markers that would be disturbed by salvage are found. Corman requests that the NGS environmental condition imposed in this proceeding be appropriately formulated to reflect that obligation.

Two copies of this letter are enclosed for the Board's use. I certify that a copy also has been served by facsimile and first class mail on NGS, using the contact information in NGS's June 2, 2004 comment letter. Thank your for your assistance on this matter.

Very truly yours,



Thomas J. Litwiler
Attorney for R.J. Corman Equipment
Company, LLC

TJL:tl

Attachment

cc: Mr. Frank C. Maida, NGS

¹ See June 4, 2004 NGS letter included as Appendix N-1 to Corman's Environmental/Historic Report (Corman Petition for Exemption at 57).

The NGS Data Sheet

See file dsdata.txt for more information about the datasheet.

DATABASE = Sybase ,PROGRAM = datasheet, VERSION = 7.10

1 National Geodetic Survey, Retrieval Date = DECEMBER 3, 2004

GY1455 *****

GY1455 DESIGNATION - U 282
GY1455 PID - GY1455
GY1455 STATE/COUNTY- KY/JOHNSON
GY1455 USGS QUAD - IVYTON (1992)

GY1455
GY1455 *CURRENT SURVEY CONTROL

GY1455* NAD 83(1986)- 37 44 01. (N) 082 55 26. (W) SCALED
GY1455* NAVD 88 - 211.838 (meters) 695.01 (feet) ADJUSTED

GY1455
GY1455 GEOID HEIGHT- -32.32 (meters) GEOID03
GY1455 DYNAMIC HT - 211.677 (meters) 694.48 (feet) COMP
GY1455 MODELED GRAV- 979,867.9 (mgal) NAVD 88

GY1455
GY1455 VERT ORDER - SECOND CLASS 0

GY1455
GY1455.The horizontal coordinates were scaled from a topographic map and have
GY1455.an estimated accuracy of +/- 6 seconds.

GY1455
GY1455.The orthometric height was determined by differential leveling
GY1455.and adjusted by the National Geodetic Survey in June 1991.

GY1455
GY1455.The geoid height was determined by GEOID03.

GY1455
GY1455.The dynamic height is computed by dividing the NAVD 88
GY1455.geopotential number by the normal gravity value computed on the
GY1455.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
GY1455.degrees latitude (g = 980.6199 gals.).

GY1455
GY1455.The modeled gravity was interpolated from observed gravity values.

GY1455
GY1455;
GY1455;SPC KY1Z - 1,159,180. North East Units Estimated Accuracy
MT (+/- 180 meters Scaled)

GY1455
GY1455 SUPERSEDED SURVEY CONTROL

GY1455
GY1455 NGVD 29 (??/??/92) 212.033 (m) 695.64 (f) ADJ UNCH 2 0

GY1455
GY1455.Superseded values are not recommended for survey control.
GY1455.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.
GY1455.See file dsdata.txt to determine how the superseded data were derived.

GY1455
GY1455_U.S. NATIONAL GRID SPATIAL ADDRESS: 17SLB304780(NAD 83)
GY1455_MARKER: DB = BENCH MARK DISK
GY1455_SETTING: 7 = SET IN TOP OF CONCRETE MONUMENT
GY1455_STAMPING: U 282 1952 695.645
GY1455_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO
GY1455+STABILITY: SURFACE MOTION

GY1455
GY1455 HISTORY - Date Condition Report By
GY1455 HISTORY - 1952 MONUMENTED CGS
GY1455 HISTORY - 1955 GOOD NGS
GY1455 HISTORY - 1962 MARK NOT FOUND USGS

GY1455
GY1455 STATION DESCRIPTION

GY1455

GY1455'DESCRIBED BY NATIONAL GEODETIC SURVEY 1955

GY1455'0.7 MI SW FROM RICEVILLE.

GY1455'0.7 MILE SOUTHWEST ALONG THE CHESAPEAKE AND OHIO RAILROAD FROM
GY1455'THE STATION AT RICEVILLE, 0.15 MILE NORTHEAST OF MILE POST D 10,
GY1455'160.5 FEET NORTH OF NORTHEAST CORNER OF LONG FORK BAPTIST CHURCH,
GY1455'127 FEET SOUTH OF SOUTHWEST END OF RAILROAD TRESTLE NO. 96,
GY1455'76 FEET SOUTHEAST OF CENTER OF A DIM ROAD CROSSING, 70.5 FEET
GY1455'SOUTHEAST OF SOUTHEAST RAIL, 28 FEET WEST OF CENTER LINE OF
GY1455'DIM ROAD SOUTH, 1.5 FEET NORTH OF WHITE WITNESS POST, ABOUT
GY1455'5 1/2 FEET BELOW LEVEL OF TRACK AND SET IN THE TOP OF A
GY1455'CONCRETE POST PROJECTING 2 INCHES.

GY1455

GY1455

STATION RECOVERY (1962)

GY1455

GY1455'RECOVERY NOTE BY US GEOLOGICAL SURVEY 1962

GY1455'MARK NOT FOUND.

*** retrieval complete.

Elapsed Time = 00:00:00