

# FRANKLIN & MARSHALL

October 9, 2008

Mr. Dan Gillis  
TRRAAC  
1770 Wicklawn Drive  
Lancaster, PA 17603

Re: **October 7, 2008 TRRAAC Meeting -  
1987 DER Preliminary Assessment Report**

Dear Mr. Gillis:

This correspondence is necessitated by the very meaningful misrepresentations made by TRRAAC and its consultants at its October 7, 2008 meeting ("Meeting") regarding the Norfolk Southern rail yard relocation project ("Project"). While TRRAAC continues to give lip service to the notion that it generally supports the Project, the misrepresentations made by TRRAAC and its representatives at the Meeting clearly establish that TRRAAC's true goal is to stop the Project by any and all means, including material misrepresentations.

At the Meeting, William Cluck, counsel for TRRAAC, made specific reference to a 1987 Pennsylvania Department of Environmental Resources ("DER") Preliminary Assessment Report for the Lancaster Brickyard Dump - PA #1901 ("Report"). Mr. Cluck represented to attendees of the meeting and the press that the Report specifically deals with the proposed rail yard site and that the Report establishes that there was dumping at the proposed rail yard site by the College post 1980. These statements could not be farther from the truth.

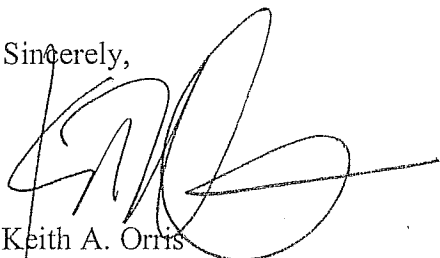
Even a cursory view of the Report quickly establishes that the property that is the subject of the Report is not the same property as the property proposed as the site for the relocated rail yard. The Lancaster County Solid Waste Management Authority ("Authority"), not Franklin & Marshall College, owns the property that is the proposed site for the new rail yard ("Authority Property"). The text of the Report states on two separate occasions that the College is the owner of the property that is the subject of the Report ("College Property"). In addition, Section 5 of the Report contains a detailed map that clearly shows that the College Property is located to the south of the railroad tracks. The new rail yard site owned by the Authority is located to the north of the railroad tracks. The text of the Report further states on three separate occasions that the College Property is located south of the railroad tracks. Consequently, either by reading the text of the Report or reviewing the figures contained in the Report, an individual can easily determine that the property which is the subject of the Report is not the property that is the proposed location for the new rail yard.

Consequently, the Report prepared by the DER is not an evaluation or assessment of the proposed rail yard site. It is an assessment of the College Property - a separate and distinct property. In turn, the DER's site observations and statements contained in the Report do not establish that any disposal activities occurred on the proposed rail yard site after 1980. The statements and representations made by TRRAAC and its attorney regarding the Report were blatant misrepresentations of the content of the Report. At best these misrepresentations indicate that TRRAAC did not carefully review the Report and make a reasonable effort to understand its content. At worst, TRRAAC's misrepresentations suggest an intentional effort to distort facts regarding the Project in hopes of falsely creating concerns about the Project and inciting opposition to the Project. Either way, it is unfair to Project partners, neighbors and the general public that TRRAAC would make such representations in a public meeting that are clearly false and materially misleading.

Since TRRAAC chose to make these statements at a public meeting and to speak directly to the press on this specific issue, the Project partners request a public retraction and public apology from TRRAAC regarding these material misrepresentations. TRRAAC's decision to engage in this tactic of misinformation is especially interesting since TRRAAC's counsel was quoted in the Intelligencer Journal as questioning why the Project partners "failed to disclose to DEP" this information. At this point, it would seem that TRRAAC has an obligation to publicly disclose that it materially misrepresented the content of the Report and to publicly apologize for suggesting that the Project partners had any obligation to reference the Report since it relates to a separate and distinct property.

We look forward to receiving and reading your apology in the near future.

Sincerely,



Keith A. Orris  
Vice President for Administrative Services  
& External Affairs

cc: Kathleen Horvath, Pennsylvania Department of Environmental Protection  
Eric G. Madden, PennDot  
Greg Vaughn, PennDot  
Deborah Suci Smith, FHWA  
James Warner, Executive Director,  
Lancaster County Solid Waste Management Authority  
Tom Beeman, Lancaster General  
Jan Bergen, Lancaster General  
Rick Crawford, Norfolk Southern Railway Company  
Rudy Husband, Norfolk Southern  
Joel Bolstein, Esquire

Manheim Township Board of Commissioners  
Lancaster Township Board of Supervisors  
East Hempfield Board of Supervisors  
The Honorable J. Richard Gray, Mayor, City of Lancaster  
The Honorable Lousie B. Williams, President, Lancaster City Council  
The Honorable Arlen Specter, Senator, U.S. Senate  
The Honorable Robert P. Casey, Jr., Senator, U.S. Senate  
The Honorable Joe Pitts, Congressman, U.S. House of Representatives  
The Honorable Edward G. Rendel, Governor, State of Pennsylvania  
The Honorable Gibson E. Armstrong, Senator, Pennsylvania State Senate  
The Honorable Michael W. Brubaker, Senator, Pennsylvania State Senate  
The Honorable P. Michael Sturla, Representative, Pennsylvania House of Representatives  
The Honorable John C. Bear, Representative, Pennsylvania House of Representatives  
The Honorable Katie True, Representative, Pennsylvania House of Representatives  
Bob Desmarais, Old School Lane Hills Neighborhood Association  
Michael W. Davis, Esquire  
Ned Wehler, ARM Group  
Richard Cross, Gannett Fleming  
Gary R. Brown, RT Environmental Services  
William J. Cluck, Esquire  
Jack Buckwalter, Lancaster Newspapers  
Ray Shaw, Editor, Intelligencer Journal  
Ernert J. Schreiber, Editor, Lancaster New Era  
Jack Brubaker, Lancaster New Era  
Michael Yoder, Intelligencer Journal  
Gil Smart, Sunday News  
Marv Adams, Editor, Sunday News