

Dan E. Gillis  
The Railroad Action and Advisory Committee  
1770 Wicklawn Drive  
Lancaster, PA 17603  
September 7, 2008

Mr. Keith A. Orris  
Vice President for Administrative Services & External Affairs  
Franklin & Marshall College  
P. O. Box 3003  
Lancaster, PA 17604-3003

Re: Norfolk Southern Rail Yard Consolidation Project

Dear Keith:

The Railroad Action and Advisory Committee ("TRRAAC") has reviewed your July 28, 2008 response to the July 9 comments submitted on TRRAAC's behalf by Gary R. Brown of RT Environmental Services, Inc., the draft Remedial Investigation Report and Cleanup Plan (including the Public Involvement Plan), and our legal counsel has reviewed public documents in the Department of Environmental Protection's Southcentral Regional Office file. The purpose of this letter is to request certain documents which have yet to be made available to TRRAAC.

Mr. Brown in his July 9 letter asked "when and where will NEPA environmental documents be publicly available." You responded: "The NEPA document, a Categorical Exclusion (CE) for this project, will be available for public review after being accepted by FHWA and PennDOT. The approved document should be available for review by fall 2008. We expect the various reports comprising the full document will be posted on our website in mid August."

As the month of August came to a close, we could not locate any of these "various reports comprising the full document" on F&M's website. In fact, we had to file a Freedom of Information Act request with FHWA and Right to Know request with PennDOT. FHWA confirmed that the public has a right to comment on the request for CE; however, PennDOT informed TRRAAC that the request for CE is not a public document. Notwithstanding this puzzling approach to notice and comment by our federal and state agencies, TRRAAC, in the spirit of openness and transparency, requests that F&M provide TRRAAC (and the public) with the request for categorical exclusion and all documents submitted by F&M to FHWA and PennDOT related to the CE.

Similarly, Gary Brown in his July 9 letter asked "what will be the procedure for submitting comments on the NEPA documents and how long with the public comment be open?" You responded: "FHWA has no requirement to solicit public comment on CE Documents, nor is this a requirement of the NEPA regulations for a CE document. An opportunity to comment is provided as part of the PIP." This is not entirely accurate. The PIP describes the opportunity for

the public to comment on the Remedial Investigation and Cleanup Plan. The PIP does not provide notice and opportunity to comment on the CE documents.

The PIP is part of the Remedial Investigation and Cleanup Plan. The DEP informs TRRAAC that they do not consider any of the criteria for CE under NEPA. If the request for CE and the CE documents are not required to be made available to the public and there is no FHWA requirement to solicit public comment, and if DEP does not consider such public comments, then this so-called "opportunity to comment" referred to in your letter is specious.

**TRRAAC requests F&M make publicly available all CE related documents and provide an opportunity for TRRAAC and the public to review and comment before any final decisions by FHWA.**

TRRAAC's request finds support in federal law. Federal regulations describe NEPA as our nation's "basic national charter for protection of the environment." 40 C.F.R. 1500.1(a). Public scrutiny is essential to implementing NEPA. According to federal regulations, "NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 C.F.R. 1500.1(b).

Moreover, according to F&M's website, "The environmental studies of noise, vibration, air quality and health risk show no impact to the Old School Lane Hills and Barrcrest neighborhoods. Real estate professionals who have reviewed the Project make it clear that there are two primary factors that impact property values; zoning and owner maintenance."

Clearly, F&M must have copies of these "environmental studies" that purportedly show no impact to the Old School Lane Hills and Barrcrest neighborhoods. Why have they yet to be made publicly available? TRRAAC also requests F&M make public the "real estate professionals who have reviewed the Project" and copies of any reports or analysis they have prepared on the Project.

In addition, based upon our review of the Remedial Investigation report and DEP files, it is apparent the following documents have yet to be made available to the public:

1. September 2002 Environmental Due Diligence Investigation prepared by ARM Group.
2. February 6, 2006 Step 1 Work Plan prepared by ARM Group.
3. Appendix E purportedly contains laboratory analysis of the asbestos samples taken earlier this year. Only a summary of the results was included. Please provide the laboratory's analysis of those samples.

We are submitting our comments on the PIP under separate letter directly to DEP.

We look forward to your timely response to our requests for documentation.

Sincerely,

The Railroad Action and Advisory Committee (TRRAAC)

A handwritten signature in black ink that reads "Dan E. Gillis". The signature is written in a cursive style with a large initial 'D'.

Dan E. Gillis

CC: Gary R. Brown  
William J. Cluck, Esq.  
F&M College Board of Trustees  
Kathy Horvath, PADEP  
Manheim Township Board of Commissioners & Township Manager  
East Hempfield Township Board of Supervisors & Township Manager  
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Rudy Husband, Norfolk Southern Corporation