



Paul Iverson <paul.iverson1@gmail.com>

RTKL Request - Newtown Line Trail Demarcation Records; SEPTA File No. CD3383

OpenRecordsOfficer <OpenRecordsOfficer@septa.org>

Fri, Mar 4, 2011 at 2:31 PM

To: Paul Iverson <paul.iverson1@gmail.com>

Cc: General Counsel <GeneralCounsel@septa.org>, "Comati, Byron S" <BComati@septa.org>, "Burnfield, Richard G" <RBurnfield@septa.org>

Dear Mr. Iverson:

This is in response to your follow-up request (on behalf of PA-TEC) under the Pennsylvania Right-to-Know Law (RTKL) with respect to obtaining copies of various records used by SEPTA General Manager Joseph Casey in forming the basis for his statements/decisions set forth in his letter to you dated February 10, 2011. The subject thereof concerned signage you proposed to be installed by SEPTA along that part of the out-of-service Newtown Branch rail line which is currently being used (under lease to Montgomery County) as the Pennypack Trail in Abington Township.

Please be advised that I have discussed your RTKL request with both GM Casey and Byron Comati (Director, Strategic Planning & Analysis), who assisted in the drafting of the subject letter. It is my understanding that there are no records of any e-mails, meeting notes, logs of phone conversations, blog postings, memos, written correspondence or cost analysis (between 11/2/10 - 2/10/11 or any other time) that pertained to the statements set forth in Mr. Casey's letter regarding your proposed signage. The benefit of your proposed signage was deemed non-existent, since SEPTA's rights to the out-of-service Newtown Branch right-of-way (ROW) are clearly protected as matters of real estate/railroad law, as well as the individual lease with the County. The same would apply to any other recreational trails presently being used by municipalities over SEPTA out-of-service railroad ROW's. Therefore, any expense incurred by the Authority (no matter how small) in the fabrication, installation and maintenance of signage for the sole purpose of demarcating SEPTA's otherwise well established legal ownership rights in the ROW, cannot be financially justified. As such, it was believed that your proposed signage is unwarranted and unnecessary under the circumstances.

Based on the foregoing, SEPTA possesses no public records whatsoever responsive to your RTKL request.

C. Neil Petersen, Esquire
Deputy Counsel, Corporate

SEPTA Open Records Officer
Legal Division-5th Floor
1234 Market Street
Philadelphia, PA 19107-3780

From: Paul Iverson [mailto:paul.iverson1@gmail.com]
Sent: Friday, February 25, 2011 4:25 PM
To: OpenRecordsOfficer
Subject: RTK Request - Newtown Line Trail Demarcation Records

Pursuant to section 102 of the Commonwealth of Pennsylvania's right-to-know law, I am requesting copies of all records in the forms of, but not limited to, email records, meeting notes, logs of phone conversations, blog postings, memos, written correspondence on the subject of installing signage along the segment of the out-of-service Fox Chase-Newtown railroad line in Abington Township, which is now known as the "Pennypack Trail". My request shall include records related to specific statements made in a letter I received from SEPTA General Manager Joseph Casey. Specifically, I request a copy of all records, as stated above, for the following as mentioned in Mr. Casey's February 10, 2011 letter to me (see attached):

1. Cost of sign fabrication
2. Cost of sign installation
3. Cost of sign maintenance
4. List of all benefits as compiled by SEPTA staff.

The search of records will include the time period between November 2, 2010 and February 10, 2011.

Electronic records will be e-mailed to: paul.iverson1@gmail.com

Paper records shall be mailed to:
Paul Iverson
PA-TEC
PO Box 76
Southampton, PA 18966

Thank you,

Paul Iverson
PA-TEC
PO Box 76
Southampton, PA 18966
(215)620-0763



Chairman

Pasquale T. Deon, Sr.

Vice Chairman

James C. Schwartzman

Thomas E. Babcock
Joseph E. Brion
Beverly Coleman
Rina Cutler
Thomas Jay Ellis
Stewart J. Greenleaf
Kevin L. Johnson
Daniel J. Kubik
Charles H. Martin
Frank G. McCartney
Michael J. O'Donoghue
Denise J. Smyler
Herman M. Wooden

General Manager

Joseph M. Casey

February 10, 2011

Mr. Paul Iverson
Vice President
PA-TEC
P.O. Box 76
Southampton, PA 18966

Dear Mr. Iverson:

Thank you for your letter of November 2, 2010 regarding your concerns over SEPTA's policy towards preserving the right-of-way for future trails.

SEPTA takes the position that the right-of-ways which are owned by the Authority, could return to service should appropriate support and planning efforts recognize a need. SEPTA's agreements clearly state that the Authority has such rights as property owner. In addition, financial considerations and capital resources need to be clearly identified for rail restoration.

SEPTA will consider trail conversions when municipalities and stakeholder groups are interested in taking advantage of an unused rail bed. Indeed, SEPTA recognizes that it is often advantageous to have a municipality or stakeholder group undertake maintenance of a right-of-way through a leasing agreement, as this preserves the long-term physical integrity of the asset.

As for identifying SEPTA as owner of the property with signage, the cost for sign fabrication, installation and maintenance, outweighs any apparent benefit.

Thank you for your interest in this SEPTA issue.

Sincerely,

A handwritten signature in black ink, which appears to read "Joseph M. Casey". The signature is written in a cursive style and is positioned above the printed name and title.

Joseph M. Casey
General Manager



November 2, 2010

Joseph Casey
General Manager
SEPTA
1234 Market Street
Philadelphia, PA 19107-3780

RE: Rails to Trails on inactive SEPTA Railroad lines

Mr. Casey:

I would like to thank Mr. Byron Comati for discussing concerns that PA-TEC has with existing and proposed conversions of out-of-service SEPTA railroad lines to recreational trails. Mr. Comati provided me with very informative answers to the questions and concerns that I had.

PA-TEC would be satisfied with SEPTA's sincerity in preserving the right-of-way for future mass transportation purposes, on all existing and future rails to trails conversions if the following criteria were met, as recommended by the National Transportation Research Board's Synthesis 374 "Preserving Freight and Passenger Rail Corridors and Service":

- Placement of conspicuous signage (with SEPTA's logo) along the rail-trail alignment stating that an interim period of low-impact use does not proscribe future development of active passenger or freight rail activity
- Disclosure requirements for nearby real estate transactions that make clear that the land is owned by SEPTA and potential future use of the corridor for freight or passenger rail service exists.

As you may know, no passenger line in the United States has been reconverted from a rail-trail back to an active rail line. As such, I would appreciate assurances from the authority that these conditions can be met and enacted within a reasonable amount of time, to confirm to PA-TEC, supporting municipalities and civic groups, that present and future conversions of railroad rights-of-way are being made until such time as service restoration is warranted and possible.

Thank you for your consideration,

A handwritten signature in black ink that reads "Paul R. Iverson".

Paul Iverson
Vice President
Pennsylvania Transit Expansion Coalition (PA-TEC)