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Columbia v. Surface Transp Bd

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IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-2599

BOROUGH OF COLUMBIA; SHAWNEE RUN
GREENWAY, INC.

Petitioners,

v.

SURFACE TRANSPORTATION BOARD; UNITED
STATES OF AMERICA,

Respondents,

FRANK SAHD SALVAGE,

Intervenor Respondent.

Appeal from the Surface Transportation Board
1411 Corp. — Abandonment Exemption — in Lancaster County, PA
STB Docket Nos. AB-529X & AB-581X

Argued: April 10, 2003

Before: BARRY and ROSENN, Circuit Judges, POLLAK, District Judge*

(Opinion Filed August 26, 2003)

ORDER AMENDING OPINION

The slip opinion in the above case is hereby amended as follows:

*Honorable Louis H. Pollak, District Judge for the United States District Court for the Eastern District of Pennsylvania, sitting by designation.

1. On page 26, in the third full paragraph, line 8, change “includes” to “included.”
2. On page 27, in the first full paragraph, insert a comma after “April 12, 2001.”
3. On page 27, note 1, line 1, change “states” to “stated.”
4. On page 28, line 6, change “is” to “was.”
5. On page 30, in the first full paragraph, delete the ellipsis at the beginning of the quotation.
6. On page 30, in the second full paragraph, line 2, change “was” to “is.”
7. On page 31, in the first full paragraph, line 2, insert a comma after “2001” and change “owns” to “owned.”
8. On page 31, in the second full paragraph, line 4, change “desires” to “desired.”
9. On page 31, in the last full paragraph, remove the quotation marks in lines 2 and 3.
10. On page 31, in the last paragraph, line 3, insert “or” before “a need for” and on line 4 insert “or proof” before “that there is sufficient.” Delete also the comma at the end of line 4.
11. On page 32, in the second full paragraph, lines 4 and 5, delete “is to” and substitute “should.”
12. On page 33, the first full paragraph, delete the quotation marks at the end of the block quotation.

BY THE COURT:

/s/ Max Rosenn
Circuit Judge

Dated: September 3, 2003