

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

(312) 252-1505
thealey@fletcher-sippel.com

April 17, 2024

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VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
April 17, 2024
Part of
Public Record

Re: **AB-1233 (Sub-No 2X)**
Allegheny Valley Railroad Company – Abandonment
Exemption – In Allegheny County, Pennsylvania

Dear Ms. Brown:

Allegheny Valley Railroad Company (“AVR”) is in receipt of the letter filed by the National Railroad Passenger Corporation (“Amtrak”) in this docket on April 9, 2024. The “condition” that Amtrak purports to seek on AVR’s abandonment exemption is unnecessary and inappropriate, and should be rejected.

AVR and Amtrak have a substantially negotiated agreement that AVR believes will be finalized soon to permit Amtrak’s post-abandonment use of approximately 1,962’ of AVR’s track (the “Track”) at the southern end of the proposed abandonment to turn empty equipment. While AVR is not an Amtrak host railroad and has no obligation to do so, AVR has allowed Amtrak to use the Track for this limited purpose – without written agreement and without compensation or indemnity of any kind to AVR – as an accommodation to Amtrak and to Norfolk Southern Railway Company (“NSR”), a valued AVR business partner. AVR has sought since 2015 to enter an agreement with Amtrak to govern Amtrak’s usage of the Track, and it would be fundamentally unfair to allow Amtrak to leverage the Board’s processes to advantage Amtrak’s bargaining position now in those nearly-completed private negotiations with AVR.

Imposition of the condition that Amtrak seeks would require at least partial revocation of the abandonment class exemption in this proceeding. However, Amtrak has not sought any revocation, much less addressed the relevant criteria for revocation. Further, Amtrak cites no precedent that permits or contemplates using an abandonment condition as forced

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leverage to extend post-abandonment property rights to a party where none exist today, and AVR is aware of none.

The Board should allow the parties' private negotiations to conclude without the compulsion of a Board-imposed abandonment condition. Amtrak's request for a condition should be denied.

Respectfully submitted

/s/ *Thomas J. Healey*

Thomas J. Healey
Attorney for Allegheny Valley
Railroad Company

TJH/tjl

cc: Eleanor D. Acheson, Esq.
Benjamin C. Dunlap, Jr., Esq.
Justin J. Marks, Esq.