

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

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

October 31, 2024 308868

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20024

ENTERED
Office of Proceedings
October 31, 2024
Part of
Public Record

Re: **Docket No. AB 1240 (Sub-No. 1X)**
Southwest Pennsylvania Railroad Company —
Abandonment Exemption —
In Fayette County, Pennsylvania

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is a **Verified Notice of Exemption of Southwest Pennsylvania Railroad Company Pursuant to 49 C.F.R. § 1152.50**. Payment of the applicable filing fee has been tendered electronically via Pay.gov.

A combined Environmental/Historic Report addressing the proposed abandonment is filed with this Notice in this docket.

If you have any questions regarding this filing, please contact me at either thealey@fletcher-sippel.com or (708) 209-9599. Thank you for your assistance on this matter.

Respectfully submitted,

Thomas J. Healey

Thomas J. Healey
Attorney for Southwest Pennsylvania
Railroad Company

TJH:th
Enclosure

FILED
October 31, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
October 31, 2024
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

**VERIFIED NOTICE OF EXEMPTION OF
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Thomas J. Litwiler
Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR SOUTHWEST
PENNSYLVANIA RAILROAD COMPANY**

Dated: October 31, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

**VERIFIED NOTICE OF EXEMPTION OF
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
PURSUANT TO 49 C.F.R. § 1152.50**

Southwest Pennsylvania Railroad Company (“SWP”) hereby submits this Notice of Exemption pursuant to 49 C.F.R. part 1152, subpart F, to abandon an approximately 1.87-mile portion of railroad line (the “Line”) located near Uniontown, Fayette County, Pennsylvania.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), SWP submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

SWP is a Class III common carrier by rail operating in the Commonwealth of Pennsylvania.

The complete name and address of SWP is:

Southwest Pennsylvania Railroad Company
Building 1, Suite 100
519 Cedar Way
Oakmont, PA 15139
412-426-2000

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board’s class exemption procedures for the abandonment of out-of-service rail lines (49 C.F.R. part 1152, subpart F), SWP seeks authority to abandon an

approximately 1.87-mile segment of rail line located near Uniontown, Fayette County, Pennsylvania, extending:

1. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles; and
2. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line proposed to be abandoned is attached hereto as Exhibit A. Due to the proximity of a rail line that SWP also operates that is parallel to the Line across most of its length, the adjacent line, not subject to abandonment, is also shown on the map.

SWP's Representative: 49 C.F.R. § 1152.22(a)(7)

SWP's representative to whom correspondence regarding this abandonment should be sent is:

Thomas J. Healey
Fletcher & Sippel LLC
29 N. Wacker Drive, Suite 800
Chicago, IL 60606-3208
312-252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The Line traverses United States Postal Service ZIP Code 15401.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certification and verification attached hereto as Exhibit B, SWP has certified that no local revenue traffic has moved over the Line for at least two years, that

overhead traffic (to the extent any has existed) can be rerouted over other lines, that no formal complaint has been filed by a user of rail service (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the Line, and that no such complaint is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

SWP will not consummate the proposed abandonment any earlier than December 20, 2024, 50 days from the date that this notice is filed with the Board.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)

SWP seeks Board authorization to abandon the Line to facilitate finalization of negotiations with a group interested in establishing a trail on the Line's right-of-way. Following the filing of the present abandonment notice, SWP intends to finalize such negotiations. SWP understands the trail sponsor would deploy the right-of-way, including three existing small bridges, as part of a trail linking parts of the environs of Uniontown, Fayette County, Pennsylvania. Assuming that a trails use agreement can be successfully negotiated, SWP will concur in the group's anticipated request for a Notice of Interim Trail Use pursuant to 49 C.F.R. § 1152.29

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The appropriate level of labor protection for the abandonment proposed herein is that set forth in *Oregon Short Line R.R. – Abandonment – Goshen*, 360 I.C.C. 91 (1979). SWP does not believe that any employees will be adversely affected by the proposed abandonment.

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

A certificate that the notice requirements of 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental/Historic Report prepared in compliance with the requirements and specifications of 49 C.F.R. §§ 1105.7 and 1105.8 is attached hereto as Exhibit D. That report concludes that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

Respectfully submitted,

By: /s/ *Thomas J. Healey*

Thomas J. Litwiler
Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEYS FOR SOUTHWEST
PENNSYLVANIA RAILROAD COMPANY**

Dated October 31, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

EXHIBIT A
MAP

Southwest Pennsylvania Railroad Company
-- Abandonment Exemption --
In Fayette County, Pennsylvania
STB Docket AB-1240 (Sub-No. 1X)



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

EXHIBIT B
CERTIFICATION AND VERIFICATION

DOCKET NO. AB 1240 (SUB-NO. 1X)
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN FAYETTE COUNTY, PA

VERIFICATION AND CERTIFICATION

I, John P. Ashbridge, declare and verify under penalty of perjury that the information set forth in the foregoing abandonment notice of exemption (the “Notice”) is true and correct.

Further, I certify that I am qualified and authorized to verify this Notice, and certify as follows:

1. Southwest Pennsylvania Railroad Company (“SWP”) seeks authority to abandon an approximately 1.87-mile segment of rail line located near Uniontown, Fayette County, Pennsylvania, extending:

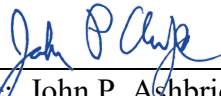
a. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles; and

b. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles (the “Line”) near Uniontown, all of which is located within Fayette County, Pennsylvania.

2. SWP has handled no local traffic over the Line for at least two years, and any overhead traffic can be rerouted over other rail lines; and

3. No formal complaint filed by a user of rail service (or a state or local government entity acting on behalf of such user) regarding SWP’s cessation of service over the Line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the past two years.

Dated: October 31, 2024



Name: John P. Ashbridge
Title: President & CEO
Southwest Pennsylvania Railroad Company
Building 1, Suite 100
519 Cedar Way
Oakmont, PA 15139

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

EXHIBIT C
CERTIFICATE OF COMPLIANCE

DOCKET NO. AB 1240 (SUB-NO. 1X)
SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN FAYETTE COUNTY, PA

CERTIFICATE OF SERVICE AND PUBLICATION

I, Thomas J. Healey, an attorney for Southwest Pennsylvania Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB 1240 (Sub-No. 1X), *Southwest Pennsylvania Railroad Company - Abandonment Exemption - In Fayette County, PA*:

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(1) have been satisfied, to wit: On October 18, 2024, written notice of the proposed abandonment of rail service was mailed to the (a) United States Department of Defense, Military Surface Deployment and Distribution Command Transportation Engineering Agency ATTN: SDTE-SA (Railroads for National Defense); (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Park Service, Rivers, Trails and Conservation Assistance Program; (d) the Pennsylvania Public Utility Commission, and (e) Pennsylvania Department of Transportation. A sample of the language used in such letters is appended to this certificate.

(2) A newspaper notice was published on October 20, 2024 in the Herald-Standard of Uniontown, PA, a newspaper of general circulation in Fayette County, Pennsylvania. Proof of publication is appended to this certificate.

(3) Pursuant to 49 C.F.R. § 1105.11, as required by 49 C.F.R. § 1152.50(d)(2), a draft copy of the appended Environmental/Historic Report with appropriate cover letter was served on all parties reflected on the service list for that Report on October 11, 2024.

Thomas J. Healey

Thomas J. Healey
Attorney for Southwest Pennsylvania
Railroad Company

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

October 18, 2024

SEE ATTACHED SERVICE LIST

Re: **Docket No. AB-1240 (Sub-No. 1X)**
Southwest Pennsylvania Railroad Company -- Abandonment
Exemption -- In Fayette County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Southwest Pennsylvania Railroad Company ("SWP") shall, on or after October 31, 2024, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 1.87 miles of railroad line (the "Line") located near the City of Uniontown in Fayette County, Pennsylvania, extending in two connected segments: one segment extending from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles, and the other segment from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles. The Line runs through U.S. Postal Zip Code 15401. A map of the Line is attached for your reference. The filing will bear Docket No. AB-1240 (Sub-No. 1X).

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this Line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in SWP's possession, the Line does not contain any federally granted rights-of-way. Any documentation in SWP's possession will be made available promptly to those requesting it.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

October 18, 2024

pg. 2

If you have any questions about the Notice that Southwest Pennsylvania Railroad Company plans to file, please review the applicable regulations or contact me or the Surface Transportation Board, 395 E Street, SW Washington, DC 20423-0001; TEL: (202) 245-0230.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/tjh

Attachment

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

October 18, 2024

pg. 3

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Pennsylvania Department of Transportation
Bureau of Rail, Freight, Ports and Waterways
Keystone Building
400 North Street, Fifth Floor
Harrisburg, PA 17120

Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225-5006

National Park Service
Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, SW
Washington, DC 20250-0003

Southwest Pennsylvania Railroad Company
-- Abandonment Exemption --
In Fayette County, Pennsylvania
STB Docket AB-1240 (Sub-No. 1X)



HERALD-Standard

8 East Church Street
Uniontown, PA 15401-0848
Phones: 724-439-7510 (Classified) 724-425-7210 (Billing)

PUBLIC NOTICE ADVERTISING NOTICE

Account Number:

Proof Date: 10-29-24

Ad Number: 10381

FLETCHER & SIPPEL LLC
29 NORTH WACKER DR.
SUITE 800
CHICAGO, IL 60606

PROOF CHARGE IS \$5.00 FOR AFFIDAVIT, \$8.50 FOR CLERICAL FEE

FOR YOUR RECORDS ONLY

ACCOUNT #	DESCRIPTION	LINES	TIMES	PROOF	TOTAL CHARGES
	NOTICE OF INTENT TO ABANDON RAIL SERVI	45	1	.00	.00
10-20-24	DATES APPEARED				

PROOF OF PUBLICATION

The **HERALD-Standard**
a daily newspaper of general circulation, published by Central Pennsylvania Newspapers, LLC.,
a Pennsylvania corporation, 8 East Church Street, Uniontown, Fayette County, Pennsylvania, was
established in 1907, and has been issued regularly, except legal holidays since said date.

The attached advertisement, which is exactly as printed and published,
appeared in the regular issue

Central Pennsylvania Newspapers, LLC./Herald Standard

By

Sharon K Wallach

STATE OF PENNSYLVANIA,
COUNTY OF FAYETTE,

} SS:

Before me, a Notary Public in and for such county and state, personally appeared
Sharon Wallach, who being duly sworn according to law says that she is
Regional Advertising Manager of Central Pennsylvania Newspapers, LLC./Herald-
Standard that neither affiant nor said corporation is interested in the subject matter of the
attached advertisement; and that all of the allegations of the foregoing statement including those
as to the time, place and character of publication are true.

Sworn to and subscribed before me this
29th day of October 2024

Commonwealth of Pennsylvania - Notary, Seal
Amanda M. Kisko, Notary Public
Fayette County
My commission expires June 3, 2026
Commission number 1420437
Member, Pennsylvania Association of Notaries

By

Amanda M. Kisko

Central Pennsylvania Newspapers, LLC.

8 East Church Street

UNIONTOWN, PA. 15401-0848

HERALD-Standard

8 East Church Street
Uniontown, PA 15401-0848
Phones: 724-439-7510 (Classified) 724-425-7210 (Billing)

Proof Date: 10-29-24

Ad Number: 10381

PUBLIC NOTICE ADVERTISING PROOF

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Southwest Pennsylvania Railroad Company gives notice that on or after October 31, 2024, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of approximately 1.87 miles of rail line (the "Line") near Uniontown, in Fayette County, PA, extending from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles, and from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles, for a total distance of approximately 1.87 miles. The rail line to be abandoned traverses through ZIP Code 15401. The proceeding will be docketed as No. AB 1240 (Sub-No. 1X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0300.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board either via e-filing on the Board's website, www.stb.gov, or in writing addressed to Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001 [See 49 CFR 1104.1(a), (e) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12 (a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Thomas J. Healey, 29 N. Wacker Dr., Suite 800, Chicago, IL 60606, (312) 252-1500.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

EXHIBIT D
ENVIRONMENTAL/HISTORIC REPORT

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

ENVIRONMENTAL/HISTORIC REPORT

Southwest Pennsylvania Railroad Company (“SWP”) submits this combined Environmental and Historic Report (the “Report”) in compliance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence and photographs are appended. As explained herein, the proposed abandonment would not significantly impact the quality of the human environment or affect the conservation of energy resources.

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives.

SWP intends to file a notice of exemption with the Surface Transportation Board (“STB”) to abandon approximately 1.87 miles of rail line (the “Line”) near Uniontown, in Fayette County, PA, extending:

- a. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles; and
- b. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles.

The two segments of the Line connect at Redstone Jct. The Line is stub-ended at North Gallatin Avenue Extension, Oliver Road and the North Union Township/City of Uniontown border, and

connect near Washington Street with an adjacent SWP rail line which extends through Uniontown and is not proposed for abandonment. Portions of the trackage on the Line near Oliver Road and near North Gallatin Avenue Extension have previously been removed.

There has been no freight traffic handled on the Line in over two years. Upon abandonment, and if appropriate agreements can be reached, SWP anticipates the right-of-way will be preserved for public recreational use. SWP intends to salvage most of the remaining rail, spikes, tie plates and ties, although some track may be left in place as non-regulated industrial track (pursuant to 49 U.S.C. § 10906) that could be accessed from SWP's adjacent rail line. The abandonment notice of exemption will be filed pursuant to 49 C.F.R. Part 1152, Subpart F. SWP believes that the only reasonable alternative to the proposed abandonment is retention of the subject railroad property as a federally-regulated, but dormant, freight railroad line.

A map showing the Line is attached hereto as Appendix A.

2. Transportation System. SWP does not anticipate that existing regional or local transportation systems or patterns will be significantly affected by the proposed abandonment, but has requested input from Fayette County and the Pennsylvania Department of Transportation. Appendix B. No replies have been received. Since the Line has no active customers and has not been utilized for rail traffic in over two years, abandonment would not result in the diversion of traffic to other modes.

3. Land Use.

(i) SWP does not believe that the proposed abandonment would be inconsistent with regional and/or local land use plans, and has solicited comments from Fayette County. Appendix B. No response has been received.

(ii) The Natural Resource Conservation Service (“NRCS”) has been contacted. Appendix B. SWP received a comment from NRCS indicating that the abandonment will have no anticipated impact on prime agricultural land. Appendix B.

(iii) The Line does not appear to be within a designated Coastal Management Area. Accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. SWP solicited comments from the U.S. Environmental Protection Agency Region 3 (“EPA Region 3”) and Pennsylvania Department of Environmental Protection, Coastal Zone Management Program (“PCZMP”) to determine whether the proposed abandonment would have any bearing upon applicable federal, state and local water quality standards. Appendix B. SWP has received no comments from EPA Region 3 or PCZMP to date.

(iv) This abandonment is being undertaken in part to make the Line available for public recreational trail use. SWP accordingly does not believe the right-of-way would be suitable for other alternative public use under 49 U.S.C. § 10905.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No freight traffic of any kind has moved on the Line for several years.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by the proposed abandonment. No freight traffic has moved on the Line for several years.

(iii) The abandonment will not result in an increase or decrease in overall energy efficiency. No rail freight traffic currently moves to or from points on the Line, and, thus,

there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. The abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

5. Air.

(i) Not applicable. The abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line; (B) an increase in rail yard activity of at least 100%; or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Fayette County, Pennsylvania is nonattainment area under the Clean Air Act solely with respect to the 8-Hour Ozone (2008) National Ambient Air Quality Standards. In any event, abandonment of the Line will not result in traffic increases exceeding the thresholds at 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. No ozone depleting materials have been transported over the Line in several years (if ever), and no such shipments will be diverted as a result of this abandonment.

SWP has contacted and requested comments from the EPA Region 3 and Pennsylvania Department of Environmental Protection, Southwest Regional Office (“PDEP”). Appendix B. No responses have been received to date.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety.

(ii) Not applicable. No hazardous materials have been transported on the Line for at least several years, and no such shipments will be diverted as a result of abandonment. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To SWP's knowledge, there are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Line.

8. Biological Resources.

(i) The Line is located in a relatively developed area near the City of Uniontown, and is immediately paralleled for much of its length by another SWP rail line. SWP thus does not believe that any critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. SWP has requested comments from the PDEP and the U.S. Fish and Wildlife Service. Appendix B. No responses have been received to date.

(ii) SWP believes the Line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. In addition to conservation agencies, SWP has also contacted and requested comments from the National Park Service, as set forth in Appendix B. No response has been received to date.

9. Water.

(i) Any water quality effects of the proposed abandonment should be minimal, as any water crossings on the Line will be preserved in place in anticipation of conversion of the right-of-way for recreational trail use. PDEP and EPA Region 3 have been contacted. Appendix B.

(ii) SWP does not anticipate discharge of any materials into navigable waters that would require permits under Section 404 of the Clean Water Act. SWP is unaware of any manner in which the proposed abandonment would affect any designated wetlands or 100-year floodplain. The Army Corps of Engineers (the “Corps”) has been contacted. Appendix B. The Corps has not responded.

(iii) SWP does not anticipate the discharge of any pollutants in relation to its proposed abandonment. Additionally, no material will be disposed of into waterways as part of the abandonment given the intention to preserve the existing structures supporting the Line. Accordingly, SWP concludes that no permits under Section 402 of the Clean Water Act are required.

* * * * *

In addition to the agencies referenced above, SWP also has contacted and requested comments from the National Geodetic Survey. Appendix B. The Survey provided a response indicating that any geodetic marks in the area either have already been destroyed or can be destroyed as needed. Appendix B.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. **Map.** A map of the Line is attached hereto as Appendix A.

2. **Description of Line.** The line to be abandoned is located on the northeast side of Uniontown in Fayette County, Pennsylvania, and extends a total of 1.87 miles in two segments:

- a. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles; and
- b. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles.

The area around the Line is largely residential, and becomes more commercial-oriented at the southwest end of the Line as it extends toward downtown Uniontown. Portions of the Line are paralleled by Redstone Creek, and other portions are paralleled by another SWP rail line.

3. **Photographs.** Overhead and side profile images of three small bridges on the Line that are believed to be 50 years old or older are attached as Appendix C, with a map showing generally the locations of the structures attached as Appendix D.

4. **Information on Structures.** There are three small bridges, and no other structures (such as stations) on the Line. As is explained the next section, ownership of the Line has changed multiple times over the years, and SWP does not possess information on the original construction dates of the bridges, or the nature of any alterations.

5. **History of Operations.**

The segment of the Line from North Gallatin Avenue Extension to the North Union Township/City of Uniontown border was constructed by the South-West Pennsylvania Railway

Company in 1874-1876 as part of a route from Connellsville, Pennsylvania to Uniontown and eventually to Fairchance, Pennsylvania. The South-West Pennsylvania Railway Company was an affiliate of The Pennsylvania Railroad Company (“PRR”), and was merged into PRR on March 31, 1906. On February 1, 1968, PRR merged with the New York Central Railroad Company to form Penn Central Transportation Company (“PC”). After PC’s bankruptcy, the segment was not designated for conveyance to the Consolidated Rail Corporation by the USRA Final System Plan, and instead was acquired in 1976 by The Baltimore & Ohio Railroad Company, a predecessor of CSX Transportation, Inc. (“CSXT”). The portion of the segment from North Gallatin Avenue Extension north to Connellsville was abandoned at that time. The segment was acquired from CSXT by Fay Penn Industrial Development Corporation (later Laurel Hill Development Corporation) in 1996, at which time SWP began operating the segment. SWP acquired the segment from Laurel Hill in 2012. The portion of the segment south of the North Union Township/City of Uniontown border through downtown Uniontown was abandoned in 2017.

The segment of the Line from Redstone Jct. to Oliver Road, generally known as the “Redstone Branch” was constructed by the Pittsburgh, Virginia & Charleston Railway Company (“PV&C”) in 1882 as the terminus of route from Brownsville, Pennsylvania to Uniontown. PV&C was an affiliate of PRR, and was merged into PRR on April 1, 1905. From there, the history of the Redstone Branch segment parallels that of the first segment discussed above.

No local traffic has moved on the Line for at least two years.

6. Engineering Documents. SWP will provide copies of any engineering documents in its possession.

7. Historic Criteria. SWP has contacted and given notice of the proposed abandonment to the Pennsylvania State Historic Preservation Office (“PSHPO”), and is identifying

the bridges on the Line and providing photographs of them to PSHPO with this Report. Appendix E. The PSHPO responded and indicated that it no concerns with the impacts of the abandonment. Appendix E. SWP has no plans to remove or alter the bridges, and expects that they will be retained intact as part of the conversion of the right-of-way to a recreational trail. As such, SWP believes that no historic properties will be affected by SWP's proposed abandonment of the Line.

8. Ground Disturbances. SWP believes that significant subsurface ground disturbance occurred during construction of the Line nearly 150 years ago. The PSHPO inquired about ground disturbances, and SWP responded. Appendix E. Based on available information, SWP does not believe that there are archeological resources in the area. Access to the Line is generally good at the ends of each segment, and fair in the middle.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

APPENDIX A

MAP OF RAIL LINE

Southwest Pennsylvania Railroad Company
-- Abandonment Exemption --
In Fayette County, Pennsylvania
STB Docket AB-1240 (Sub-No. 1X)



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

APPENDIX B

CORRESPONDENCE

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

September 19, 2024

SEE ATTACHED SERVICE LIST

Re: **Docket No. AB-1240 (Sub-No. 1X)**
Southwest Pennsylvania Railroad Company -
Abandonment Exemption -
In Fayette County, Pennsylvania

Dear Sir/Madam,

On or after October 29, 2024, Southwest Pennsylvania Railroad Company ("SWP") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 1.87 miles of rail line (the "Lines") near Uniontown in North Union Township, Fayette County, Pennsylvania, in two segments, extending:

1. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles;
2. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles.

The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. Upon abandonment, SWP currently anticipates removing rail and ties from the Lines, but otherwise leaving the right-of-way in place for conversion to a recreational trail. A map showing the location of the Lines is enclosed for your reference.

In accordance with the STB's environmental regulations, 49 C.F.R. § 1105, SWP is advising you of the proposed abandonment so that you may assist us in identifying

any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;
10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Any written comments should reference Docket No. AB-1240 (Sub-No. 1X) and be sent to the undersigned as counsel for SWP.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before SWP's notice of exemption is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1505. Thank you for your assistance.

Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Southwest Pennsylvania
Railroad Company

TJH/th
Enclosure



Service List
Southwest Pennsylvania Railroad Company
AB-1240, Sub-No. 1X
September 19, 2024
Environmental Solicitation Addresses

Pennsylvania Department of Transportation
Keystone Building
400 North St., Fifth Floor
Harrisburg, PA 17120

Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Pennsylvania Department of Environmental Protection
Coastal Zone Management Program
P.O. Box 2063
400 Market Street
15th Floor
Harrisburg, PA 17105-2063

Scott Dunn, Chairman
Fayette County Commissioners
61 East Main Street
Uniontown, PA 15401

U.S. Environmental Protection Agency
Region 3
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2029

U.S. Fish and Wildlife Service
110 Radnor Road
Suite 101
State College, PA 16801-7987

U.S. Army Corps of Engineers
Pittsburgh District
2200 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

National Park Service
Northeast Regional Office
1234 Market Street
Philadelphia, PA 19107

U.S. Department of Agriculture
Natural Resource Conservation Service
1359 Connellsville Road
Suite 10
Lemont Furnace, PA 15456

National Geodetic Survey
<mailto:RRAE@noaa.gov>

Subject: FW: docket No. AB-1240 (Sub-No.1X) SW PA Railroad Company - Abandonment
Exemption in Fayette County

Attachments: SWPA_RR_abandonment_NRCSsigned.pdf

From: Plowden, Yuri - FPAC-NRCS, PA <yuri.plowden@usda.gov>
Sent: Wednesday, September 25, 2024 3:24 PM
To: Thomas J. Healey
Cc: Ludwig, Daniel - FPAC-NRCS, PA; Lee, Jack - FPAC-NRCS, PA; Werner, Jeffrey - FPAC-NRCS, PA; Crespo, Zenik - FPAC-NRCS, PA
Subject: docket No. AB-1240 (Sub-No.1X) SW PA Railroad Company - Abandonment Exemption in Fayette County

Dear Mr. Healey,

Your request for an environmental review was forwarded to me. Attached, please find the results of my review. At this time, the project does not appear to have any impact on any NRCS areas of interest like our easements or dams, and it is not subject to the Farmland Protection Policy Act since it falls within an urban area. If you have any questions, please do not hesitate to contact me.

Sincerely,

Yuri Plowden
State Soil Scientist, NRCS Harrisburg, PA
359 East Park Drive, Suite 2
Harrisburg, PA 17111
717-237-2207 (office)
717-514-8303 (cell)
yuri.plowden@usda.gov



This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.



September 25, 2024

Thomas J. Healey
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606-3208
(312)252-1505
thealey@fletcher-sippel.com

Subject: docket No. AB-1240 (Sub-No.1X) SW PA Railroad Company – Abandonment
Exemption in Fayette County

Dear Mr. Bealey:

Thank you for the opportunity to review the project map for the Environmental Report for the above referenced project in Fayette County, PA. After completing a review of the project's potential to impact federal actions where NRCS has control or responsibility, no potential for impact has been found for our easements and dams.

This project falls within the Uniontown, PA Urban Area according to the US Census Bureau. As such, this project is not subject to provisions of the Farmland Protection Policy Act as per part 523.10 B. Lands Not Subject to Provisions of FPPA, 2. Lands identified as "urbanized area" (UA) on Census Bureau maps. Source used for this review is the TIGERweb Web Map Services (WMS), an official site of the United States Census Bureau.

If you have additional questions or concerns, please feel free to contact me at (717)-237- 2207 or e-mail to yuri.plowden@usda.gov.

Sincerely,

YURI PLOWDEN

Digitally signed by YURI

PLOWDEN

Date: 2024.09.25 16:18:19 -04'00'

Yuri Plowden
State Soil Scientist, NRCS, Harrisburg, PA

Cc: Dan Ludwig, State Resource Conservationist, Harrisburg, PA
Jack Lee, District Conservationist, Lemont Furnace, PA
Jeff Werner, Assistant State Conservationist for Field Operations, Clarion, PA
Zenik Crespo, Area Resource Conservationist, Clarion, PA

Attachment: original request

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Voice: 717-237-2100 | Fax: 855-813-2861
An Equal Opportunity Provider and Employer

Helping People Help the Land

USDA is an equal opportunity provider and employer.

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

October 11, 2024

SEE ATTACHED SERVICE LIST

Re: Docket No. AB 1240 (Sub-No. 1X)
Southwest Pennsylvania Railroad Company – Abandonment
Exemption – In Fayette County, Pennsylvania

On or after October 31, 2024, we are filing with the Surface Transportation Board a notice of exemption seeking authority to abandon approximately 1.87 miles of rail line (the “Line”) near Uniontown, in Fayette County, PA, extending from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles, and from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles. Enclosed is an Environmental/Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to Docket No. AB 1240 (Sub-No. 1X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. My contact information is contained at the top of the first page of this letter.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

October 11, 2024

p. 2

Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/th

Enclosure

Service List
Southwest Pennsylvania Railroad Company
AB-1240, Sub-No. 1X
October 11, 2024
Environmental and Historic Report Addresses

Pennsylvania Department of Transportation
Keystone Building
400 North St., Fifth Floor
Harrisburg, PA 17120

Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Pennsylvania Department of Environmental Protection
Coastal Zone Management Program
P.O. Box 2063
400 Market Street
15th Floor
Harrisburg, PA 17105-2063

Scott Dunn, Chairman
Fayette County Commissioners
61 East Main Street
Uniontown, PA 15401

U.S. Environmental Protection Agency
Region 3
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2029

U.S. Fish and Wildlife Service
110 Radnor Road
Suite 101
State College, PA 16801-7987

U.S. Army Corps of Engineers
Pittsburgh District
2200 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

National Park Service
Northeast Regional Office
1234 Market Street
Philadelphia, PA 19107

Yuri Plowden (USDA)
State Soil Scientist, NRCS Harrisburg, PA
359 East Park Dr., Suite 2
Harrisburg, PA 17111

National Geodetic Survey
<mailto:RRAE@noaa.gov>

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
And online submission through web portal

From: Deborah Brooks - NOAA Federal <Deborah.Brooks@noaa.gov>
Sent: Wednesday, October 30, 2024 2:19 PM
To: Emily K. Gurney
Subject: RE: Southwest Pennsylvania Railroad Co. Abandonment Exemption - Fayette County, PA

Good Afternoon Ms. Gurney,

Embedded below is the response extracted from NGS Regional Advisor's reply to your railroad abandonment request.

Again, please accept my apology for this not reaching on the original date, Oct 11, 2024, while our records show it as being successfully emailed to you.

Thanks for informing me that you had not received it.

Should you encounter any difficulty with this e-mail, please contact me directly at deborah.brooks@noaa.gov or call me at the phone number below.

If you have any questions regarding the content of the response itself, please contact Jeff Jalbrzikowski. His contact information is found at the bottom of the embedded response.

Respectfully,

Deborah Brooks
NGS Infocenter
301-832-1063



[Jeff Jalbrzikowski](#) added a comment - [11 Oct 2024 4:21 PM](#)

Hello, I am following up with my assessment of the impact to geodetic control marks in the area of the rail abandonment.

There are no marks in the area of Segment 1.

There were at one point 3 marks along Segment 2. One or more of these 3 marks may already be gone, but here are my detailed recommendations and metadata.

JW0912 can be destroyed as needed. This mark has a POSTED ortho height, which means it is suspected to be inaccurate and was not a part of the NAVD88 adjustment. This renders it useless for NSRS purposes. There were no recoveries since it was set in 1935.

JW0913 was described by NGS personnel in 1983 as being destroyed. It was said that "the station is gone and the description is inadequate" so even if it was not destroyed there was not sufficient notes to recover it. There were no recoveries by any local surveyors, only C&GS or NGS personnel.

JW0921 can be destroyed as needed. This mark was set vertically in a bridge pier, which renders it useless for Modernized NSRS purposes, as there is no approved method for GNSS ties of such a mark. There were no recoveries by any local surveyors, only C&GS or NGS personnel. Existing undated recovery photos in our database indicate the mark has been vandalized, likely loose within its setting in the pier.

The preservation of the NSRS is an important part of our Nation's infrastructure, but JW0921 is the only mark of the 3 worth attempting to preserve. Unfortunately, with the undated photo clearly showing that someone has attempted to chip the disk out of its setting, I will not recommend putting effort (aka funding) into its preservation.

This concludes my assessment. Please contact me by email reply or phone call with any further questions.

Jeff Jalbrzikowski, P.S., GISP, CFS

Appalachian Regional Advisor (KY, OH, PA, WV)

NOAA's National Geodetic Survey

<https://www.ngs.noaa.gov/ADVISORS/>

ph: 240-988-5486

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

APPENDIX C

PHOTOGRAPHS

Bridge 1



Bridge 1



Bridge 2



Bridge 2



Bridge 3



Bridge 3



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

APPENDIX D

MAP OF STRUCTURES

Southwest Pennsylvania Railroad Company
-- Abandonment Exemption --
In Fayette County, Pennsylvania
STB Docket AB-1240 (Sub-No. 1X)



BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240 (SUB-NO. 1X)

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN FAYETTE COUNTY, PENNSYLVANIA

APPENDIX E

PSHPO CORRESPONDENCE

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

September 20, 2024

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: **Docket No. AB-1240 (Sub-No. 1X)**
Southwest Pennsylvania Railroad Company – Abandonment
Exemption – In Fayette County, Pennsylvania

Dear Sir/Madam:

On or after October 29, 2024, Southwest Pennsylvania Railroad Company (“SWP”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption for the abandonment of approximately 1.87 miles of rail line (the “Line”) near Uniontown, in Fayette County, PA, extending:

1. from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles;
2. from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles,

The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

Kindly offer any written comments you may have regarding the proposed abandonment (if any) as soon as possible. Such comments should reference Docket No. AB-1240 (Sub-No. 1X) and be sent to the undersigned counsel for SWP.

In accordance with the Board’s regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before SWP’s notice of exemption is filed at the Board. If you have any questions or need

Pennsylvania State Historic Preservation Office
September 20, 2024
Page 2

additional information in the meantime, please feel free to contact me at 312-252-1505. Thank you for your assistance on this matter.

Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Southwest Pennsylvania
Railroad Company

TJH/th

Enclosures



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

October 11, 2024

SEE ATTACHED SERVICE LIST

Re: Docket No. AB 1240 (Sub-No. 1X)
Southwest Pennsylvania Railroad Company – Abandonment
Exemption – In Fayette County, Pennsylvania

On or after October 31, 2024, we are filing with the Surface Transportation Board a notice of exemption seeking authority to abandon approximately 1.87 miles of rail line (the “Line”) near Uniontown, in Fayette County, PA, extending from V.S. 874+34 at Redstone Jct. near Washington Street to V.S. 839+30 at the north side of Oliver Road, a distance of approximately 0.66 miles, and from V.S. 1926+00 on the west side of North Gallatin Avenue Extension to V.S. 1989+93 near Coal Lick Run Jct. near the North Union Township/City of Uniontown border, a distance of approximately 1.21 miles. Enclosed is an Environmental/Historic Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to Docket No. AB 1240 (Sub-No. 1X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly. My contact information is contained at the top of the first page of this letter.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

October 11, 2024

p. 2

Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/th

Enclosure

Service List
Southwest Pennsylvania Railroad Company
AB-1240, Sub-No. 1X
October 11, 2024
Environmental and Historic Report Addresses

Pennsylvania Department of Transportation
Keystone Building
400 North St., Fifth Floor
Harrisburg, PA 17120

Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Pennsylvania Department of Environmental Protection
Coastal Zone Management Program
P.O. Box 2063
400 Market Street
15th Floor
Harrisburg, PA 17105-2063

Scott Dunn, Chairman
Fayette County Commissioners
61 East Main Street
Uniontown, PA 15401

U.S. Environmental Protection Agency
Region 3
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2029

U.S. Fish and Wildlife Service
110 Radnor Road
Suite 101
State College, PA 16801-7987

U.S. Army Corps of Engineers
Pittsburgh District
2200 William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

National Park Service
Northeast Regional Office
1234 Market Street
Philadelphia, PA 19107

Yuri Plowden (USDA)
State Soil Scientist, NRCS Harrisburg, PA
359 East Park Dr., Suite 2
Harrisburg, PA 17111

National Geodetic Survey
<mailto:RRAE@noaa.gov>

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
And online submission through web portal

From: PA-SHARE <RA-phpasharednr@pa.gov>
Sent: Tuesday, October 15, 2024 8:17 AM
To: Emily K. Gurney
Subject: PA-SHARE Environmental Review Initial Submission Requires Additional Information to Complete Submission

Follow Up Flag: Follow up
Flag Status: Completed

This is an automated notification sent by the Pennsylvania State Historic Preservation Office (PA SHPO) from the Pennsylvania's Historic and Archaeological Resource Exchange (PA-SHARE). Please do not reply directly to this email as it is an unmonitored account.

Hello,

Your Submission 8S2CP98UB19E is insufficient to be reviewed by PA SHPO, as outlined below. **Further action is required to re-submit the requested information.** Please return to PA-SHARE and resubmit.

Comments by PA SHPO: Please clarify if any demolition or ground disturbance (such as installation of fencing) is associated with this abandonment.

<https://share.phmc.pa.gov/pashare/home/my-submissions/>

If you feel you have received this email in error or have questions about why you are receiving this email, please visit the PA-SHARE help page at <https://share.phmc.pa.gov/pasharehelp/> or contact the PA-SHARE Help Desk at pashare@pa.gov.

Thank you,

PA SHPO

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

October 28, 2024

Via Electronic Submission

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: **Docket No. AB-1240 (Sub-No. 1X)**
Southwest Pennsylvania Railroad Company – Abandonment
Exemption – In Fayette County, Pennsylvania
Submission - 8S2CP98UB19E

Dear Sir/Madam:

In your email of October 11, 2024, sent with respect to the referenced submission, you asked Southwest Pennsylvania Railroad Company (“SWP”) to:

Please clarify if any demolition or ground disturbance (such as installation of fencing) is associated with this abandonment.

In response, SWP responds:

No demolition is planned by SWP. The extent of salvage activities as an element of conveyance of rights in the property for trail use is a subject of negotiation with the potential trail sponsor/land rights purchaser, but any salvage would be limited to the rail, tie plates, spikes, and ties. SWP does not intend to demolish or alter any bridges, erect any fences or other structures, remove any ballast or subballast, or take other action that would result in ground disturbance.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

Pennsylvania State Historic Preservation Office

October 28, 2024

p. 2

Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/th



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

October 30, 2024

Sent Via PA-SHARE

RE: ER Project # 2024PR05082.001, Southwest Pennsylvania Railroad Abandonment.,
Surface Transportation Board, North Union Township, Fayette County

Dear Submitter,

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects, should they exist. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Sara-Ladd Manley at samanley@pa.gov.

Archaeological Resources

No Archaeological Concerns - Environmental Review - No Effect - Archaeological

Based on the information received and available in our files, in our opinion, the proposed project should have No Effect on archaeological resources. Should the scope of the project be amended to include additional ground-disturbing activity and/or should you be made aware of historic property concerns regarding archaeological resources, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning archaeological resources, please contact Sara-Ladd Manley at samanley@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Frederick". The signature is fluid and cursive, with a large initial "B" and a stylized "F".

Barbara Frederick

Environmental Review Division Manager