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ENTERED
Office of Proceedings
August 13, 2021
Part of
Public Record

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August 13, 2021

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Kiski Junction Railroad, Inc. – Abandonment Exemption –
in Armstrong and Westmorland Counties, PA
Surface Transportation Board Docket No. AB 1317X

Dear Ms. Brown:

Enclosed for filing in the above referenced docket is a Notice for Exemption for the Kiski Junction Railroad, Inc. to abandon a line of railroad. The filing fee has been paid via pay.gov. If there are any questions related to this filing, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Justin J. Marks'.

Justin J. Marks
Counsel to Kiski Junction Railroad Company,
Inc.

Enclosure

FEE RECEIVED
August 13, 2021
SURFACE
TRANSPORTATION BOARD

FILED
August 13, 2021
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1317X

KISKI JUNCTION RAILROAD, INC.
- ABANDONMENT EXEMPTION -
IN ARMSTRONG AND WESTMORELAND COUNTIES, PA

NOTICE OF EXEMPTION

Eric M. Hocky
Clark Hill PLC
Two Commerce Square
2001 Market St.
Suite 2620
Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Kiski Junction Railroad, Inc.

Dated: August 13, 2021

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1317X

KISKI JUNCTION RAILROAD, INC.
- ABANDONMENT EXEMPTION –
IN ARMSTRONG AND WESTMORELAND COUNTIES, PA

NOTICE OF EXEMPTION

Kiski Junction Railroad, Inc. (“KJRR”) is filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, seeking exemption authority for its abandonment of the following two segments of rail line (together, the “Subject Line”):

1. Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
2. Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

There are no stations on the Subject Line. A map of the Subject Line is attached as Exhibit A.

No local service has been provided since approximately August of 2018, and there is no overhead traffic on the Subject Line. At this time, following abandonment, KJRR plans to salvage the rail line and understands that a local trail group is interested in acquiring the Subject Line for interim trail use and rail banking under the National Trails Act.

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such

requirements, KJRR hereby provides the following information in support of its request for an abandonment exemption:

- 1) The exact name of the Applicant is Kiski Junction Railroad, Inc.
- 2) KJRR is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- 3) The relief sought by KJRR is an exemption for the abandonment of two line segments: (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.
- 4) A map of the Subject Line is attached hereto as Exhibit A.
- 5) The representative of KJRR to whom correspondence should be sent is: Eric M. Hocky, Clark Hill, PLC, Two Commerce Square, 2001 Market St., Suite 2620, Philadelphia, PA 19103; (215) 640-8523; or Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916.
- 6) The Subject Line traverses through United States Postal Service ZIP Code 15656, 15682, 15690, and 16226.
- 7) KJRR understands that the Subject Line may be suitable for trail use or other public purposes.
- 8) KJRR proposes to consummate the abandonment on or after October 2, 2021.
- 9) KJRR certifies that:
 - a) No local traffic has moved over the Subject Line since approximately August 2018.
Because the Subject Line is not a “through line,” there is no overhead traffic.
 - b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the

Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.

- 10) Although no employees of KJRR will be affected by the proposed abandonment, KJRR recognizes that its abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Line Railroad Co.- Abandonment -- Goshen*, 360 I.C.C. 91 (1979).
- 11) KJRR filed an Environmental / Historic Report (“EHR”) with the Board, and served the agencies identified in 49 C.F.R. §1105.7(b) and the Pennsylvania State Historical Preservation Office, on July 21, 2021, more than twenty days prior to this filing.
- 12) KJRR certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in the Valley News Dispatch on June 23, 2021. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit B.
- 13) KJRR certifies that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated July 22, 2021, sent to the required governmental agencies is attached hereto as Exhibit C.

For the reasons set forth above, the Board should find that KJRR proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



Eric M. Hocky
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Suite 2620
Philadelphia, PA 19103
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ehocky@clarkhill.com

Justin J. Marks
Clark Hill PLC
1001 Pennsylvania Ave. N.W.
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Washington, DC 20004
(202) 772-0916
jmarks@clarkhill.com

Counsel for Kiski Junction Railroad, Inc.

Dated: August 13, 2021

VERIFICATION

I hereby verify on behalf of Kiski Junction Railroad, Inc., under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on August 13, 2021.

/s/ J. Clifford Forrest
J. Clifford Forrest, President

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exemption was served on the persons shown on the attached list by email or first class mail, postage prepaid.

Pennsylvania Department of Transportation Bureau of Rail Freight, Ports and Waterways 555 Walnut St. #8 Harrisburg, PA 17101 RA-PDPASRP@pa.gov	National Park Service Northeast Region 1234 Market Street 20th Floor Philadelphia, PA 19107
Pennsylvania Department of Environmental Protection Northwest Regional Office 230 Chestnut Street Meadville, PA 16335 RA-epcontactus@pa.gov lboughton@pa.gov	National Park Service 1849 C Street, NW Washington, DC 20240
Mr. Jim Miller, Regional Director Pennsylvania Department of Environmental Protection Southwest Regional Office 400 Waterfront Drive Pittsburgh, PA 15222 jamesmill@pa.gov khalloran@pa.gov	Chairman Sean Kertes, Westmoreland County Commissioner Board of Commissioners 2 N Main St Ste 101 Greensburg, PA 15601 skertes@co.westmoreland.pa.us
Chairman Don Myers, Armstrong County Commissioner Aaron Poole, Chief Administrator Courthouse Administration Building 450 East Market Street, Suite 200 Kittanning, PA 16201 aspoole@co.armstrong.pa.us	Natural Resources Conservation Service USDA Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250

U.S. Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029	Ms. Denise Coleman, State Conservationist Natural Resources Conservation Service USDA 359 East Park Drive, Suite 2 Harrisburg, PA 17111 Denise.Coleman@pa.usda.gov
U.S. Fish and Wildlife Service Northeast Region 5 Office of the Regional Director 300 Westgate Center Drive Hadley, Massachusetts 01035-9589 Northeast@fws.gov	Communications and Outreach Branch NOAA, N/NGS12 National Geodetic Survey ngs.inforcenter@noaa.gov
Pennsylvania Department of Conservation and Natural Resources 400 Market Street Harrisburg, PA 17105	Pennsylvania Game Commission Southwest Region 4820 Route 711 Bolivar, PA 15923
U.S. Army Corps of Engineers Great Lakes and Ohio River Division, Pittsburgh District Pittsburgh District Corps of Engineers William S. Moorhead Federal Building 1000 Liberty Avenue Regulatory Branch, Suite 2200 Pittsburgh, PA 15222 lrp.webinquiries@usace.army.mil	Pennsylvania Coastal Resources Management Program Ra-epcoastalzone@pa.gov
Pennsylvania State Historic Preservation Office - Eastern Region Ms. Cheryl Nagle chnagle@pa.gov	U.S. Department of the Interior - National Park Service RTCA Program 1849 C Street, NW Washington, DC 20240
Office of Chief of Forest Service U.S. Department of Agriculture 1400 Independence Ave., SW Washington, DC 20250-1111	United States Department of the Army 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

Pennsylvania Public Utility Commission Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120	
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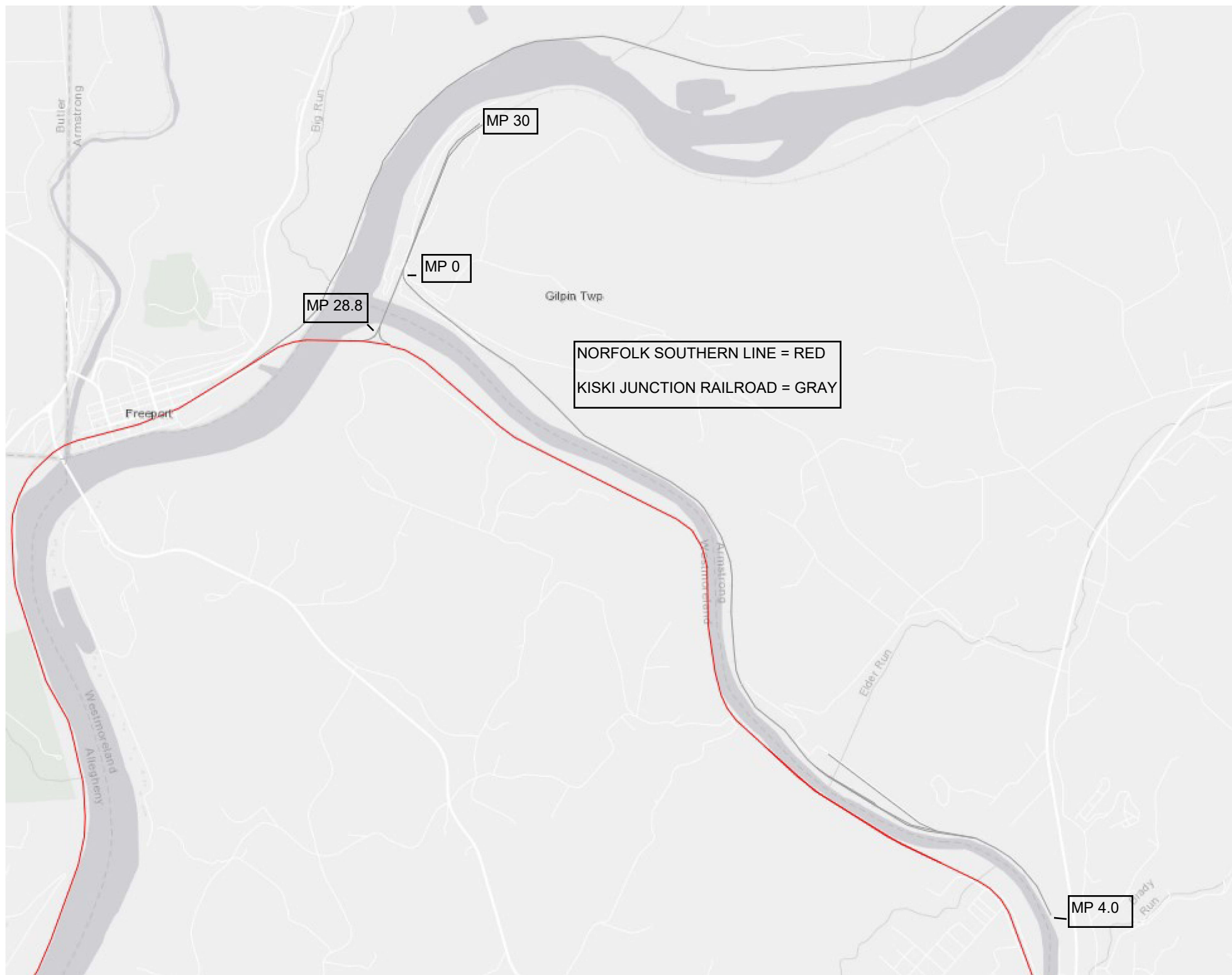
Justin J. Marks

Dated: August 13, 2021

NOTICE OF EXEMPTION

EXHIBIT A

MAP



NOTICE OF EXEMPTION

EXHIBIT B

NEWSPAPER NOTICE



TRIB TOTAL MEDIA LEGAL ADVERTISING

Proof of Publication of Notice in The Valley News Dispatch

Under the Act of July 9, 1976, P.L. 877, No. 160

Commonwealth of Pennsylvania }
County of Allegheny } SS:

Patty Klingensmith, Classified Advertising Manager of Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with place of business in Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper in general circulation in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz:

LEGAL# 182130, RE: ABANDON RAIL SERVICES NOTICE ; 23RD DAY OF JUNE, 2021.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., publisher of the Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Patty Klingensmith

Regional Multi-Media Advertising Manager,
Trib Total Media, Inc.

Sworn to and subscribed before me this
23RD day of JUNE, 2021

JoAnn M. Callahan
Notary Public

Commonwealth of Pennsylvania - Notary Seal
JoAnn M. Callahan, Notary Public
Westmoreland County
My commission expires July 1, 2024
Commission number 1243230
Member, Pennsylvania Association of Notaries

Statement of Advertising Costs

JUSTIN J. MARKS
CLARK HILL
1001 PENNSYLVANIA AVENUE N.W.
SUITE 1300 SOUTH
WASHINGTON, DC 20004

To Trib Total Media, Inc..
For Publishing the notice or advertisement attached
hereto on the above stated dates \$356.50
Probating Same \$ 0
Total \$ 356.50*

Publisher's Receipt for

The Trib Total Media, Inc., publisher of the
acknowledges a receipt of the aforesaid advertising and
fully paid.

Trib Total Media Inc., Publisher
of the Tribune-Review, a Daily Newspaper.

By *Justin J. Marks*

NOTICE OF INTENT TO ABANDON RAIL SERVICE
Kiski Junction Railroad gives notice that on or about July 13, 2021, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to permit the abandonment of two segments of railroad line totaling 5.2 miles: (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA, traversing through United States Postal Service ZIP Codes 15656, 15682, 15690, 16226. The proceeding will be docketed as No. AB 1317X.
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 (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0245.
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. An original and 10 copies of 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's Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916; jmarks@clarkhill.com.
182130(6-23-21)

NOTICE OF EXEMPTION

EXHIBIT C

10-DAY NOTICE LETTERS

Justin J. Marks
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F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
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Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

July 22, 2021

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: Kiski Junction Railroad – Abandonment Exemption –
in Armstrong and Westmorland Counties, PA
Surface Transportation Board Docket No. AB 1317X

To Whom it May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Kiski Junction Railroad ("KJRR") intends to file a notice for exemption for KJRR to abandon rail service over the line of railroad described below, by filing a verified notice of exemption pursuant to the provisions of 49 C.F.R. Part 1152 Subpart F. KJRR expects to file the notice of exemption with the STB on or about August 10, 2021, under STB Docket No. AB 1317X.

KJRR will invoke the STB's exemption procedures to abandon service of the line of railroad between:

- (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
- (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

The Subject Line traverses through United States Postal Service ZIP Codes 15656, 15682, 15690, 16226. A map of the Subject Line is enclosed.

Based upon information in KJRR's possession, the subject line does not contain federally granted rights of way. Any documentation in KJRR's possession will be made available to those requesting it.

Sincerely,



Justin J. Marks
Counsel to Kiski Junction Railroad Company

Enclosure

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

United States Department of the Army
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

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

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

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut St. #8
Harrisburg, PA 17101

