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May 16, 2024

Karen Stevens
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: Allegheny Valley Railroad Company
– Abandonment Exemption –
In Allegheny County, PA
Surface Transportation Board Finance Docket AB 1233 (Sub-No. 2X)

Dear Ms. Stevens:

Please see the enclosed environmental comment submitted herein on behalf of Pop-Up Metro, LLC ("Pop-Up Metro"). Please enter this letter into the environmental docket of this proceeding.

Sincerely,

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

Justin J. Marks
Counsel to Pop-Up Metro, LLC

cc: Parties on the Service List
Enclosure



Pop-Up Metro, LLC

Henry Posner, III
Chairman

535 Smithfield Street, Suite 960
Pittsburgh, Pennsylvania 15222 USA

May 15, 2024

Karen Stevens
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423-0001

Re: Environmental Filing, Docket No. AB-1233 (Sub-No. 2X)

Dear Ms. Stevens:

Pop-Up Metro, LLC ("Pop-Up Metro") respectfully requests that the Office of Environmental Analysis ("OEA") consider this late filed comment in Docket No. AB 1233 (Sub-No. 2X) related to the Allegheny Valley Railroad Company's ("AVR") abandonment of 3.6 miles of rail line known as the "Brilliant Branch."

On April 12, 2024, Pop-Up Metro filed with the Board a Petition for the issuance of a notice of interim trail use/ rail banking ("NITU") to develop the right-of-way for zero-emission light-rail transit and trail use. Simultaneously, the Redevelopment Authority of Allegheny County ("RAAC") also filed a Petition for NITU. As is AVR's right, AVR selected RAAC to negotiate a trail use agreement over Pop-Up Metro.

Pop-Up Metro has repeatedly attempted to engage with Allegheny County in order to develop a rail transit with trail corridor on the Brilliant Branch. Pop-Up Metro believes that a zero-emission transit option on the Brilliant Branch would have a more positive impact on the environment than a trail alone because of the inherent benefits of transit to provide an alternative to motor vehicles. Allegheny County's refusal to consider the environmental benefits of transit on the Brilliant Branch has been repeated again with its silence in this docket. According to the Draft Environmental Assessment ("Draft EA") served April 8, 2024, AVR requested comments from the Southwestern Pennsylvania Commission ("SPC") and Allegheny County related to land use impacts and transportation system impacts of the proposed abandonment by letter dated, December 7, 2023 and again by letter dated February 23, 2024. *Draft EA* at 3. However, neither Allegheny County nor SPC provided comment, much less considered the positive benefits of transit with trail use for the Brilliant Branch.

Pop-Up Metro is not surprised by the silence from both Allegheny County and the SPC because Pop-Up Metro has received nothing but silence – aside from one initial conversation – from the former Chief Executive of Allegheny County, who is now the current head of the SPC. He has chosen to bury Pop-Up Metro's communications with himself and his predecessor in the transaction, Allegheny Rivertrail Park, about the proposed transit and trail option. *See Pop-Up Metro, LLC Petition for Trail Use* at Exhibit C.

Pop-Up Metro believes a transit with trail option should have been evaluated as part of Allegheny County and SPC's environmental review of this abandonment because the proposed trail-only option would likely forever foreclose a combined transit & trail option. Allegheny County and SPC's decision to ignore the transit with trail option deprives this region of the positive impacts of transit on land use, energy use, air quality, and safety.

For the above reasons, Pop-Up Metro respectfully requests that OEA and the Board consider this comment, keeping in mind that AVR has been in full compliance with the Board's regulations and Pop-Up Metro appreciates AVR's patience as Pop-Up Metro advocates for a transit with trail option on the Brilliant Branch.

Pop-Up Metro is providing this environmental comment as a courtesy to all parties of record. If you have any questions related to this filing, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Henry Posner III', with a long horizontal flourish extending to the right.

Henry Posner III
Pop-Up Metro, LLC