

FILED

FEB 05 2008

**SURFACE
TRANSPORTATION BOARD**

John A. Vuono
William A. Gray
*Mark T. Vuono**
Dennis J. Kusturiss
Louise R. Schrage
Les A. Goldstrom, Jr.

**Also Admitted in Florida*

Law Offices

VUONO & GRAY, LLC

310 Grant Street

Suite 2310

Pittsburgh, PA 15219-2383

February 4, 2008



Telephone
412-471-1800

Facsimile
412-471-4477

Re: Union Railroad Company
--Abandonment Exemption--
Docket No. AB-183 (Sub-No. 4X)

221 540

Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption
Docket No. AB-290 (Sub No. 301X)

221 537

[Both in Allegheny County, Pennsylvania]
Our File 5253-1

Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Suite 1260
Washington, DC 20423-0001

FEDERAL EXPRESS

FEE RECEIVED

FEB 5 2008

ENTERED
Office of Proceedings

FEB 05 2008

Dear Ms. Quinlan:

**SURFACE
TRANSPORTATION BOARD**

Part of
Public Record

We enclose for filing in the above docketed proceedings, the signed original (unbound) and ten (10) bound copies of the following documents:

1. Joint Petition of Union Railroad Company ("URR") and Norfolk Southern Railway Company ("NSR") for Exemption from the Application of 49 U.S.C. §10903 Pursuant to 49 U.S.C. §10502 and the Special Rules at 49 C.F.R. §1152.60; and
2. Combined Environmental and Historic Report pursuant to 49 C.F.R. §§1105.7 and 1105.8.

Page Two
February 4, 2008

In accordance with 49 C.F.R. §1152.60(c) of the Special Rules, there is attached to the Joint Petition as Appendix 8 a draft *Federal Register* notice and there is enclosed a copy of the draft notice as data contained on computer diskette compatible with the Board's current word processing capabilities.

Since the Joint Petition involves two directly related proceedings involving the same rail line, we are also enclosing separate checks issued by URR, each in the sum of \$5,400 to cover the filing fee for each proceeding.

We want to bring to the attention of the Board that the Petition incorporates a request for expedited action. As set forth in more detail in the Petition, the proposed exemptions will permit the implementation of the final link in the completion of the Great Allegheny Passage, the 335-mile network of hiking and biking trails which will connect Washington, DC and the City of Pittsburgh. The year 2008 is the 250th anniversary of the Pittsburgh's founding. One of the major events planned to celebrate the anniversary is a ceremony scheduled for early summer to commemorate the completion of the Great Allegheny Passage and the official opening of the hiking and biking trail system. It is for these reasons, that we are requesting expedited action.

Please direct any comments or requests for additional information concerning this matter to the undersigned.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Sincerely yours,

VUONO & GRAY, LLC

A handwritten signature in cursive script that reads "John A. Vuono/cw".

John A. Vuono

CW/60129

Enclosures

ORIGINAL

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FEE RECEIVED

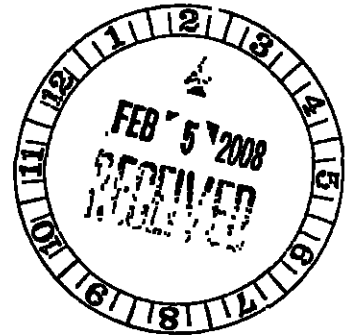
FEB 5 2008

TRANSPORTATION BOARD

DOCKET NO. AB-183 (Sub-No. 4X)

UNION RAILROAD COMPANY

- ABANDONMENT EXEMPTION -



DOCKET NO. AB-290 (Sub-No. 301X)

NORFOLK SOUTHERN RAILWAY COMPANY

- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION -

[BOTH IN ALLEGHENY COUNTY, PENNSYLVANIA]

**JOINT PETITION OF UNION RAILROAD COMPANY AND
NORFOLK SOUTHERN RAILWAY COMPANY FOR EXEMPTION
FROM THE APPLICATION OF 49 U.S.C. §10903 PURSUANT TO 49 U.S.C. §10502
AND THE SPECIAL RULES AT 49 C.F.R. §1152.60**

**AND
REQUEST FOR EXPEDITED ACTION**

FILED

**ENTERED
Office of Proceedings**

FEB 15 2008

**Part of
Public Record**

**Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191
Telephone: 757-533-4890
Facsimile: 757-533-4872
E-Mail: greg.summy@nscorp.com**

**Attorney for
Norfolk Southern Railway Company**

**John A. Vuono, Esq.
Richard R. Wilson, Esq.
Vuono & Gray, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
Telephone: 412-471-1800
Facsimile: 412-471-4477
E-Mail: jvuono@vuonogray.com**

**Attorneys for
Union Railroad Company**

FEB 05 2008

**SURFACE
TRANSPORTATION BOARD**

Date: February 4, 2008

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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-183 (Sub-No. 4X)

**UNION RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --**

DOCKET NO. AB-290 (Sub-No. 301X)

**NORFOLK SOUTHERN RAILWAY COMPANY
-- DISCONTINUANCE OF TRackage RIGHTS EXEMPTION --**

[BOTH IN ALLEGHENY COUNTY, PENNSYLVANIA]

**JOINT PETITION OF UNION RAILROAD COMPANY AND
NORFOLK SOUTHERN RAILWAY COMPANY FOR EXEMPTION
FROM THE APPLICATION OF 49 U.S.C. §10903 PURSUANT TO 49 U.S.C. §10502
AND THE SPECIAL RULES AT 49 C.F.R. §1152.60
AND
REQUEST FOR EXPEDITED ACTION**

Union Railroad Company ("URR") and Norfolk Southern Railway Company ("NSR") (jointly, "Petitioners") file this Joint Petition with the Surface Transportation Board ("STB") for exemption from the application of 49 U.S.C. §10903 pursuant to 49 U.S.C. §10502 and the Special Rules at 49 C.F.R. §1152.60 and the other applicable STB regulations in order to permit:

- (1) NSR to discontinue trackage rights over the URR line between South Duquesne and McKeesport, Allegheny County, PA which includes the Riverton Railroad Bridge which crosses the Monongahela River, as more fully described herein ("the Rail Line"); and
- (2) URR to discontinue service and abandon the Rail Line.

I. BACKGROUND AND SUMMARY OF PROPOSAL

The proposed exemptions applicable to the Rail Line are directly related to and are an essential step in the development of the Great Allegheny Passage which is the designation for the 335 mile network of hiking and biking trails which will ultimately connect Washington, DC and the City of Pittsburgh.

The Rail Line is 1.34 miles in length and is an integral part of the Great Allegheny Passage and is one of the final components of the trails. The proposed exemption to terminate NSR's trackage rights and URR's discontinuance of service and abandonment of the Rail Line are being sought to permit the development of the Riverton Bridge and adjacent property on either end of the bridge for recreational trail purposes. The Rail Line is a key segment in a regional recreational trail project being developed along the Monongahela River Valley which has the support of local governmental officials, the City of Pittsburgh and Allegheny County. There is attached as Appendix 1 a schematic map captioned "Steel Valley Trail Map" which depicts the current status of the Monongahela River Valley segment of the trail project.

URR is a wholly-owned indirect subsidiary of United States Steel Corporation ("USS"), a non-carrier.¹ USS, URR and representatives of Allegheny County, the Pennsylvania county in which the entire line is located, have engaged in negotiations which resulted in the proposal by which USS will cause URR to transfer to Allegheny County title to the Rail Line. As part of the

¹ USS, owns all of the issued and outstanding stock of Transtar, Inc. ("Transtar") which is a non-carrier holding company. Transtar in turn owns all of the issued and outstanding stock of seven common carrier railroads, including URR and McKeesport Connecting Railroad Company, (collectively, "the Transtar Railroads") The common control of the Transtar Railroads by USS (formerly USX Corporation) through Transtar is the subject of the following STB exemption proceedings: *Transtar Holdings, L.P.—Corporate Family Exemption—Transtar, Inc.*, STB Finance Docket No. 32411, served December 29, 1993; *USX Corporation—Control Exemption—Transtar, Inc.*, STB Finance Docket No. 33942, served November 30, 2000, *United States Steel Corporation—Acquisition of Control Exemption—Delray Connecting Railroad Company*, STB Finance Docket No. 34311, served February 19, 2003, *Transtar, Inc.—Continuance in Control Exemption—Delray Connecting Railroad Company*, STB Finance Docket No. 34767, served November 1, 2005, *United States Steel Corporation—Acquisition of Control Exemption—Texas & Northern Railway Company*, STB Finance Docket No. 35027, served May 25, 2007, and *Transtar, Inc.—Control Exemption—Texas & Northern Railway Company*, STB Finance Docket No. 35070, served August 8, 2007.

process, USS has worked closely with the various non-profit organizations, including Allegheny Trail Alliance and the Steel Valley Trail Council, which are the local rails-to-trails organizations involved in order to complete the project to reach the City of Pittsburgh in time for the 2008 celebration of Pittsburgh's 250th anniversary. (See Press Release attached as Appendix 2).

It is anticipated that, upon approval of the proposed exemptions, the parties will promptly consummate the transactions necessary to implement the conversion of the Rail Line for incorporation into the Great Allegheny Passage. As a consequence, the Riverton Bridge and all of its appurtenant structures will be preserved and there will be no major alteration or demolition of this structure. Accordingly, there will be no adverse historical or environmental impacts as a result of the proposed transaction.

As set forth in detail in Section III, relatively little traffic has moved over the Rail Line which connects the industrial center of McKeesport which is served by the McKeesport Connecting Railroad Company ("MKC") which is also a wholly-owned indirect subsidiary of USS. The only service over the Rail Line is for a single shipper, Camp-Hill Corporation ("Camp-Hill"), of McKeesport, PA. MKC currently maintains a separate interchange connection with CSX Transportation, Inc. ("CSX") which will be unaffected by the proposed abandonment and discontinuation of service. If this Petition for Exemption is granted, rail service will continue to be available to Camp-Hill by virtue of the MKC and CSX connection and there also will be available alternative truck transportation.

There has been no overhead traffic on the Rail Line during the past two years.

NSR, as the successor in interest to Consolidated Rail Corporation ("Conrail"), has trackage rights to operate over the Rail Line. As discussed in more detail in Section III, neither

NSR nor its predecessor have utilized the trackage rights during at least the last fifteen (15) years and NSR has agreed to terminate its trackage rights over the Rail Line.

II. GOVERNING LAW AND REGULATIONS

This proposal involves the discontinuance by NSR of its trackage rights over the Rail Line and the discontinuance of service and abandonment of the Rail Line by URR. In the absence of an exemption, the transaction would require prior STB approval pursuant to 49 U.S.C. §10903.

However, in accordance with 49 U.S.C. §10502(a), the STB must exempt a transaction whenever it finds that the application of its jurisdiction:

“(1) is not necessary to carry out the transportation policy of section 10101 of this title; and

“(2) either --

“(A) the transaction or service is of limited scope; or

“(B) the application in whole or in part of the provision is not needed to protect shippers from the abuse of market power.”

Pursuant to these statutory provisions, the STB has promulgated detailed regulations concerning exempt abandonments and discontinuances of service and trackage rights. This Petition is filed pursuant to the Special Rules applicable to petition's for abandonments and discontinuances of service or trackage rights and the other applicable STB regulations.

Petitioners believe that the facts and circumstances set forth herein, including the waivers executed by the only two shippers involved in the traffic over the Rail Line, strongly support and justify the use of the Notice of Exemption procedures set forth at 49 C.F.R. §1152.50.

However, out of an abundance of caution and in order to avoid any delays if the Notice of

Exemption procedures were found by the STB to be inapplicable, this matter is being submitted as a Petition pursuant to the Special Rules.

As set forth in detail in Section III, Petitioners submit that the facts and circumstances involved herein meet the applicable statutory requirements and the Special Rules and strongly support the granting of this Petition.

III. ESSENTIAL FACTS

The following is the information required by the Special Rules at 49 C.F.R. §1152.60 to be included in petitions for abandonments and discontinuances of service and trackage rights filed pursuant to 49 U.S.C. §10502 exemption procedure and certain other relevant information.

1. Names of Parties, Legal Counsel and Contact Information

1.1 Parties.

Union Railroad Company
1200 Penn Avenue
Suite 300
Pittsburgh, PA 15222
Telephone: 412-433-7090

Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-2191
Telephone: 757-533-4890

1.2 Legal Counsel.

(A) URR:

John A. Vuono, Esq
Richard R. Wilson, Esq.
Vuono & Gray, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
Telephone: 412-471-1800
Facsimile: 412-471-4477
E-Mail: jvuono@vuonogray.com

(B) NSR:

Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191
Telephone: 757-533-4890
Facsimile: 757-533-4872
E-Mail: greg.summy@nscorp.com

2. Description of the Rail Line.

The Rail Line that is the subject of this Petition is owned by URR and comprises approximately 1.34 miles of track between South Duquesne, PA and McKeesport, PA and includes the Riverton Railroad Bridge which crosses the Monongahela River at Monongahela Milepost 14.3. The Rail Line is located entirely in Allegheny County, PA and traverses U. S. Postal Service zip codes 15110 and 15132.

The following is the exact description of the Rail Line:

From McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1.

There are attached as Appendices 3 and 4 a map of the Rail Line prepared in accordance with the requirements of 49 C.F.R. §1152.22(a)(4) and an aerial photograph of the Rail Line, respectively.

3. States in Which the Rail Line is Located.

The entire Rail Line is located within the Commonwealth of Pennsylvania.

4. History and Current Status of URR and the Rail Line.

URR is a Class III common carrier railroad which has been in business for over 100 years. URR began as part of the Lake Erie to Pittsburgh Mills rail line in 1896 and originally extended from East Pittsburgh to Hays, a distance of approximately six miles. The URR later

expanded to include 13 branches with an aggregate length of 14 miles, serving the steel mills along the Monongahela River Valley which were eventually consolidated under the ownership and operation of USX Corporation, the predecessor to USS. The Riverton Bridge was constructed by the Pennsylvania Railroad Company to connect its Monongahela line to the former USS plant in McKeesport and the MKC which served the USS plant complex.

In 1976, this line was designated in the Final System Plan of the United States Railway Association ("USRA") for sale to the URR and was acquired by URR at that time. Prior to that, URR had operated over the Riverton Bridge on trackage rights granted by Penn Central Transportation Company. As part of the transaction in which URR acquired the Riverton Bridge, trackage rights were granted to Conrail. As discussed in more detail below, NSR subsequently succeeded to Conrail's trackage rights.

URR presently has rail operations within the Commonwealth of Pennsylvania between North Bessemer, PA and Clairton, PA with a branch to Mifflin Junction and along the southbank of the Monongahela River between Duquesne and Homestead. URR interchanges with NSR, CSX, the Bessemer & Lake Erie Railroad and Wheeling & Lake Erie Railway.

5. NSR Trackage Rights Over the Rail Line.

NSR, a Class I railroad, joins in this Petition to the extent that the Petition seeks to discontinue NSR's trackage rights over the Rail Line. The STB should be aware that neither NSR nor its predecessor, Conrail, have utilized these trackage rights for at least the past 15 years.

The trackage rights were granted incident to the conveyance of the Rail Line from Penn Central Transportation Company, the predecessor to Conrail, to URR in connection with the Final System Plan of the USRA under Project PA 13-2252 in 1976

The grant of trackage rights was ultimately formalized in an agreement between URR and Conrail on October 14, 1980, a copy of which is attached as Appendix 5 ("the Agreement"). NSR succeeded to the rights of Conrail under the Agreement as the result of the NSR/CSX/Conrail merger proceeding.²

Paragraph 8 of Part C of the Agreement provides that if either party desires to abandon or dispose of any facilities owned by it subject to joint use under the Agreement (URR), the latter party may not abandon the facilities without first giving the using party (NSR) a right of first refusal to purchase such facilities, which right must be exercised within sixty (60) days after notice by the owning party to the using party of its desire to abandon the facilities. In the event the using party does not elect to purchase, the owning party has the right to dispose of the facilities and if regulatory approval is required for the abandonment or sale, the using party will cooperate with the owning party in securing such approval.

By letter dated February 23, 2007, legal counsel for URR provided notice to NSR of URR's proposed abandonment of the Rail Line in accordance with the above-referenced paragraph of the Agreement. NSR did not exercise its option within the sixty (60) day period and has advised URR that in accordance with paragraph 8 of Part C of the Agreement, it will cooperate with URR in securing abandonment approval and will join in this Petition.

6. Present Use of the Rail Line.

The Rail Line, including the Riverton Bridge, were constructed by the Pennsylvania Railroad Company to connect its Monongahela Line to the former USS National Works at McKeesport and to interchange with MKC which served the USS plant complex.

² *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company-Control and Operating Leases/Agreements-Conrail, Inc. and Consolidated Rail Corporation, STB Finance Docket No. 33388*

Operations at the USS facilities at McKeesport were terminated more than 25 years ago. At present, only one rail customer in McKeesport, Camp-Hill, is served by operations over the Rail Line. It operates the so-called ERW mill that was formerly a part of the USS National Works. Camp-Hill is an outside processor for USS and processes coils from the USS Irvin and Gary Works into pipe used by the water and gas transmission pipeline industry by a process known as electric resistance welding ("ERW").

At present, URR utilizes the Rail Line to move shipments of coils from the Irvin Works of USS north of Clairton, PA to Camp-Hill via a connection with the MKC. The inbound movements consist of an average of only four carloads a day. If this Petition is granted, rail service remains available to Camp-Hill for this traffic via MKC and CSX over alternative interchanges. Truck transportation for these shipments is also available.

Some of the outbound shipments of finished pipe move over the Rail Line to a connection with NSR. These movements are sporadic and infrequent. If the Petition is granted, Camp-Hill will continue to have outbound rail service available via MKC to connections with CSX. Alternative truck transportation service is also available for the outbound shipments.

URR advises that there has been no overhead traffic on the Rail Line for the past two years.

The proposed abandonment of the Rail Line and the discontinuance of service by URR has been discussed with representatives of Camp-Hill and USS. Those parties have advised that they do not object to the proposal and waive any rights that they may have to oppose this Petition. There are attached as Appendices 6 and 7 signed statements from authorized representatives of Camp-Hill and USS, respectively, confirming their positions that they waive any rights they may have to oppose this Petition.

7. Proposed Time Schedule for Consummation.

In view of the importance of promptly transferring the Rail Line in order to promote the completion of the Great Allegheny Passage, it is anticipated that the transactions contemplated herein will be consummated at the earliest possible time following STB approval of this Petition.

In accordance with 49 C.F.R. §1152.29(e)(2), Petitioners will promptly file a Notice of Consummation with the STB to confirm that date on which they have exercised the authority granted by the STB.

8. Description of Appendices.

- | | | |
|-----|-------------------|---|
| 8.1 | <u>Appendix 1</u> | Schematic Map of Trail |
| 8.2 | <u>Appendix 2</u> | Press Release |
| 8.3 | <u>Appendix 3</u> | Map of Rail Line |
| 8.4 | <u>Appendix 4</u> | Aerial Photograph |
| 8.5 | <u>Appendix 5</u> | Agreement between URR and Conrail (predecessor to NSR) dated October 14, 1980 |
| 8.6 | <u>Appendix 6</u> | Signed Waiver of Camp-Hill |
| 8.7 | <u>Appendix 7</u> | Signed Waiver of USS |
| 8.8 | <u>Appendix 8</u> | <i>Federal Register</i> Notice |
| 8.9 | <u>Appendix 9</u> | Newspaper Notice |

IV. REQUIRED STATEMENTS

In accordance with 49 C.F.R. §1152.60(d), the parties provide the following statements:

Based on information in our possession, the Rail Line does not contain any federally granted right-of-way;

Any documentation in Petitioners' possession relating to this matter will be made available promptly to those requesting it.

V. COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Petitioners certify:

1. At least twenty (20) days prior to the filing with the STB of this Petition for Exemption, Petitioners have served a draft of this Petition on all required federal, state and local governmental agencies in accordance with 49 C.F.R. §1105.07(b); and

2. Simultaneously with the filing of this Petition, the completed Combined Environmental and Historic Report containing the information required by 49 C.F.R. §§1105.07 and 1105.08 were filed with the STB's Section of Environmental Analysis and simultaneously copies were served on all required federal, state and local governmental agencies.

As indicated in that report, Petitioners believe that the proposed transaction will not result in no significant adverse effects on the human environment or on historic resources. The responses received to date from notified federal, state and local governmental agencies are consistent with that expectation. No federal, state and local governmental agencies have requested that any conditions be imposed on the proposed abandonment and discontinuance of service transactions.

Subsequent to the filing and service of the Report, no federal, state or local governmental agencies requested that any conditions be imposed on the proposed abandonment and discontinuance of service transactions.

VI. LABOR PROTECTIVE CONDITIONS

Petitioners have no objection to the imposition of the labor protective conditions applicable to abandonment proceedings as provided for in *Oregon Short Line R Co - Abandonment-Goshen*, 360 I.C.C. 91 (ICC 1979).

VII. REQUIRED NOTICES

1. *Federal Register* Notice.

A draft *Federal Register* Notice prepared in accordance with 49 C.F.R. §1152.60(c) is attached as Appendix 8.

2. *Local Newspaper* Notice.

Petitioners certify that on or about February 4, 2008 Petitioners published in the *Pittsburgh Post-Gazette*, a newspaper of general circulation in Allegheny County, PA which is the county in which the Rail Line is located, a Newspaper notice pursuant to 49 C.F.R. §1105.12. A copy of the newspaper notice is attached as Appendix 9.

VIII. THE FACTS MEET THE STATUTORY REQUIREMENTS FOR EXEMPTION

The facts and circumstances set forth herein meet the statutory requirements for exemption contained in 49 U.S.C. §10502(a) and as set forth in Section II. Petitioners submit that the discontinuance of NSR trackage rights over the URR Rail Line and the discontinuance of service and abandonment of the Rail Line by URR are clearly warranted and do not require the approval of the STB pursuant to 49 U.S.C. §10903.

The only shipper, Camp-Hill, that is served by the Rail Line will have alternative inbound and outbound rail and truck services available. Camp-Hill and USS, the consignor on certain of the traffic moving over the Rail Line, do not oppose this Petition and have acknowledged the availability of alternative rail and truck transportation for its traffic.

The Riverton Bridge which is an integral part of the Rail Line has been in existence for many years and is subject to a number of operating limitations and weight restrictions. It clearly has a limited useful life for continued rail operations. Cessation of railroad operations over the bridge is clearly in the public interest.

Significantly, there is no viable alternative to the proposed abandonment and discontinuance of service over the Rail Line that would meet the needs of the community to use the Rail Line, including the Riverton Bridge, for recreational trail purposes and abandonment is clearly in the public interest.

In sum, the facts strongly support the statutory requirements for exemption. Detailed scrutiny of the proposed discontinuance of unused trackage rights and the abandonment of the Rail Line is clearly not necessary to carry out the rail transportation policy of 49 U.S.C. §10101. On the contrary, the STB has found in a number of abandonment cases that exemption from the approval requirements of 49 U.S.C. §10903 would further the policy of minimizing the unnecessary expenses of filing a formal application for discontinuance and abandonment and would therefore reduce regulatory barriers to exit which is consistent with the objectives of the rail transportation policy. *See*, 49 U.S.C. §10101(2) and (7). Moreover, the granting of the exemptions requested herein will not be inconsistent with the other precepts of the rail transportation policy.

The facts abundantly support the conclusions that the proposed transactions are clearly of limited scope and that regulation of the proposals is not needed to protect the single shipper involved from any abuse of market power.

IX. REQUEST FOR EXPEDITED ACTION

As discussed in more detail herein, the proposed exemptions are directly related to and are an essential step in the creation of the Great Allegheny Passage, the 335-mile network of hiking and biking trails which will connect Washington, DC and the City of Pittsburgh. The Rail Line proposed to be abandoned, including the Riverton Bridge, is the final link in the completion of the Great Allegheny Passage.

The City of Pittsburgh is celebrating in 2008 its 250th anniversary year. To honor the occasion, the City is planning a series of celebratory events throughout the year. We are advised that a major event celebrating the anniversary is a ceremony planned by the City and scheduled for early summer to commemorate the completion of the Great Allegheny Passage and the official opening of the hiking and biking trail system linking Washington and Pittsburgh.

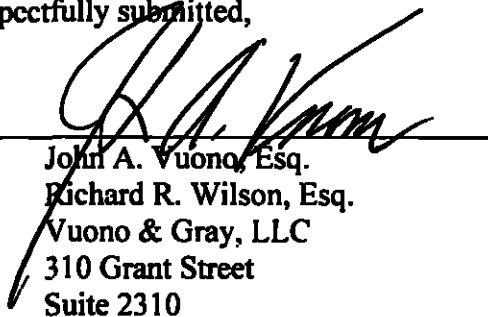
Accordingly, for these reasons it is respectfully requested that the STB expedite its disposition of this Petition which will permit the completion of the last link of the Great Allegheny Passage in time for the City of Pittsburgh's 250th anniversary celebration of this important event.

X. CONCLUSION

For the foregoing reasons, the parties respectfully request that the STB grant this Petition.

Respectfully submitted,

By: _____


John A. Vuono, Esq.
Richard R. Wilson, Esq.
Vuono & Gray, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
412-471-1800

Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191
757-533-4890

Attorney for Norfolk Southern Company

Attorneys for Union Railroad Company

OF COUNSEL:

VUONO & GRAY, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219

Date: February 4, 2008

/54564

COMMONWEALTH OF PENNSYLVANIA)
)
) ss:
COUNTY OF ALLEGHENY)

Dated: 30th day of January, 2008.

John Charnock

before me this 30th day

of January, 2008.

[Signature]
Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
 Cheryl A Collins Notary Public
 City of Pittsburgh Allegheny County
 My Commission Expires Feb 25, 2010
 Member of the Association of Notaries

VERIFICATION

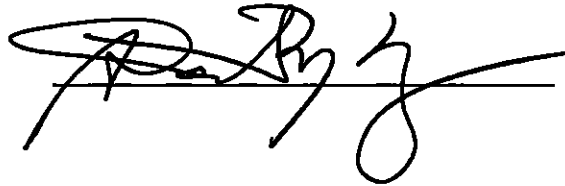
COMMONWEALTH OF VIRGINIA)

City)
COUNTY OF Norfolk)

SS:

I, Dan Mazur, Vice President of Norfolk Southern
Railway Company, declare under penalty of perjury and the laws of the United States of
America that I have read the foregoing document and that the facts contained therein are
true and correct to the best of my knowledge, information and belief. I further declare
that I am qualified and authorized to submit this Verification on behalf of Norfolk
Southern Railway Company.

Dated: 31 day of January, 2008.



Sworn to and subscribed

before me this 31 day

of January, 2008.

Diane Hogan
Notary Public

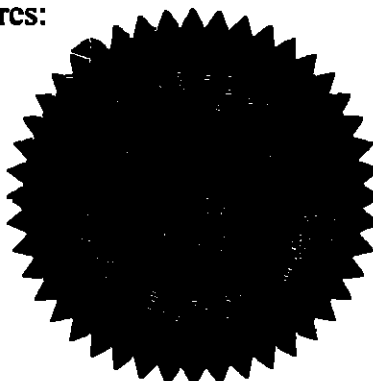
My commission expires:

State of Virginia
City of Norfolk

I, Greg Summey, certify that Dan Mazur signed the
foregoing document in my presence and that the
signature is his true signature.

Subscribed and sworn to before me on this 31 day of January, 2008,
by Diane Hogan

Diane Hogan
Notary Public



CERTIFICATE OF SERVICE

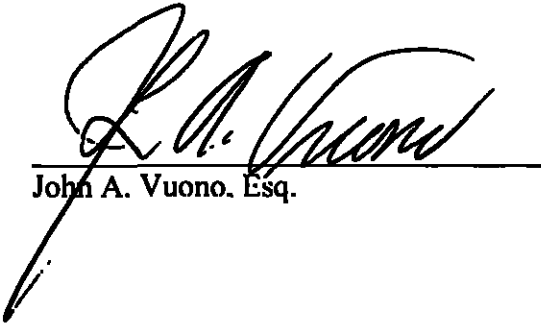
On this 4th day of February, 2008, I have served a copy of the foregoing Joint Petition, which includes in Section IV thereof the statement required by 49 C.F.R. §1152.60(d), on the following parties pursuant to 49 C.F.R. §1152.50(d) and the parties shown on the Certificate of Service attached to the Combined Environmental and Historic Report filed simultaneously herewith, by first class mail, postage prepaid:

Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Department of Defense
Surface Deployment Distribution Command
Railroads for National Defense Program
200 Stovall Street
Alexandria, VA 22332

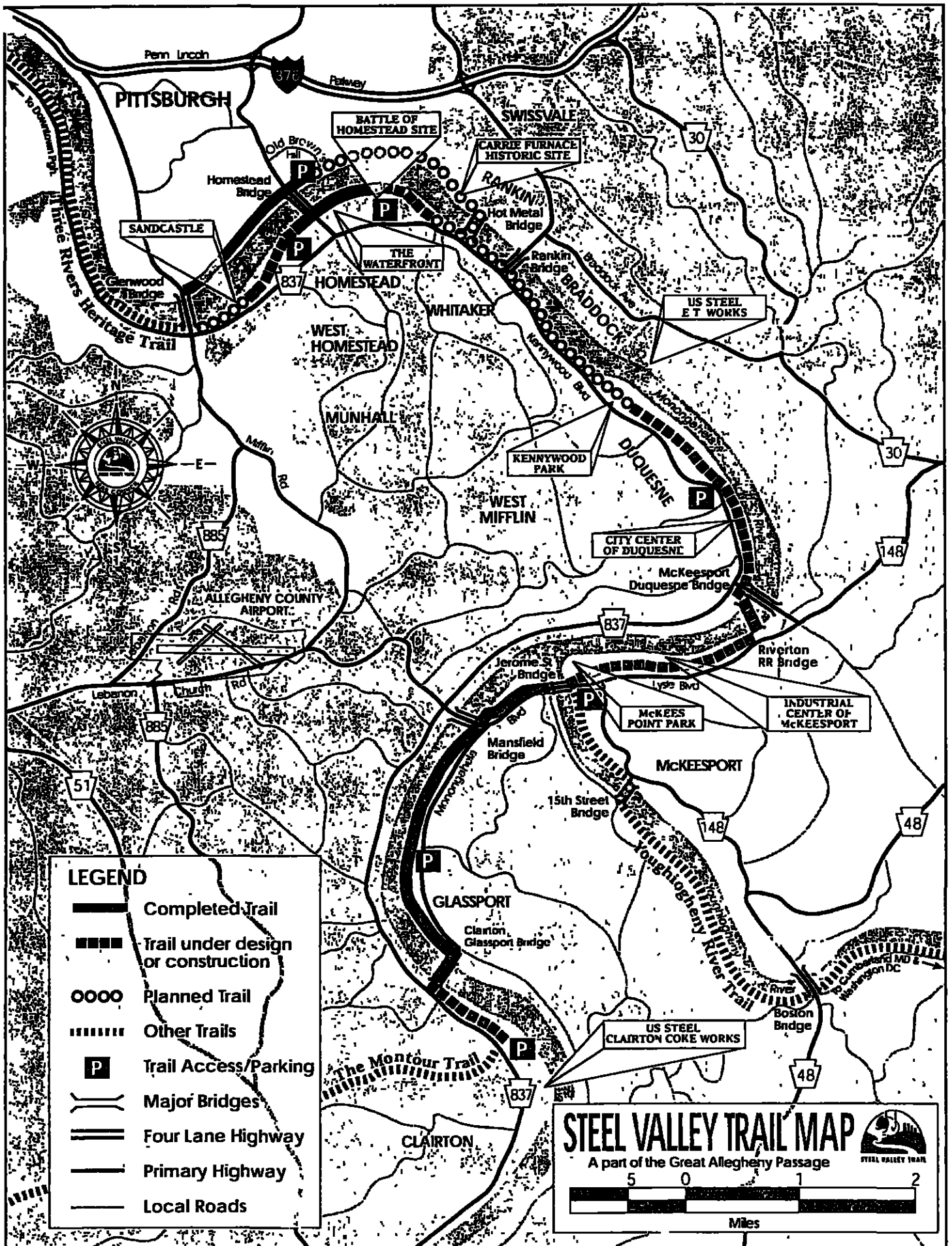
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, S.W.
Washington, DC 20024



John A. Vuono, Esq.

1



2

U.S. News

Slow but sure, bike trail nears completion

Friday, April 27, 2007

By Ann Belser, Pittsburgh Post-Gazette

John Surma, the chairman of U.S. Steel, first heard of the Great Allegheny Passage trail plan when he was biking along the Potomac River in 1983.

Mr. Surma, a Pittsburgh native, asked a bicyclist how far the trail ran. He was told the path covered about 20 miles, and then the stranger said the words Mr. Surma recalled yesterday: "Some day it's going to go all the way to Pittsburgh."

Now, 24 years later, the trail runs from Washington, D.C., to McKeesport.

Mr. Surma was on hand yesterday as Allegheny County officially took possession of a 1.5-mile portion of the trail -- one of the final pieces of the 335-mile Great Allegheny Passage, the network of hiking and biking trails that will stretch to Point State Park in Pittsburgh.

The newest trail segment runs along the route of a former natural gas pipeline on the southern bank of the Monongahela River in West Mifflin and Duquesne. The county bought the land from U S. Steel.

Mr. Surma and county Chief Executive Dan Onorato said they want to work with Linda McKenna Boxx, the president of the Allegheny Trail Alliance, and Hanna Hardy, the Steel Valley Trail Council president, to get the trail to Point State Park completed by 2008, the year of Pittsburgh's 250th anniversary.

Ms. Boxx said the last nine miles have been the toughest to acquire and complete, including this most recently added section.

"We've encountered difficult land acquisitions that took years of negotiation," she said about other sections of the trail. "All of that seems easy compared to what we are facing in the Mon Valley."

Another trail segment they've still not purchased runs along the Sandcastle property in West Homestead and is owned by Kennywood Entertainment Co.

Andrew R. Quinn, director of community relations for the waterpark, said there are a couple of "pinch points" where the company has not figured out how to run the trail. One is over a culvert that has collapsed, leaving a hole in the parking lot. The other is near a bridge abutment.



Post-Gazette

He pledged those problems would be resolved so that the trail would run uninterrupted past Sandcastle by next year.

Ms. Boxx said other uncompleted sections, through the Regional Industrial Development Corp. sites in McKeesport and Duquesne, are on hold until the trail council determines the alignment of the trail.

Mr. Onorato said he thinks it's great that a major manufacturing concern such as U.S. Steel has joined with the county to develop the last sections of the trail.

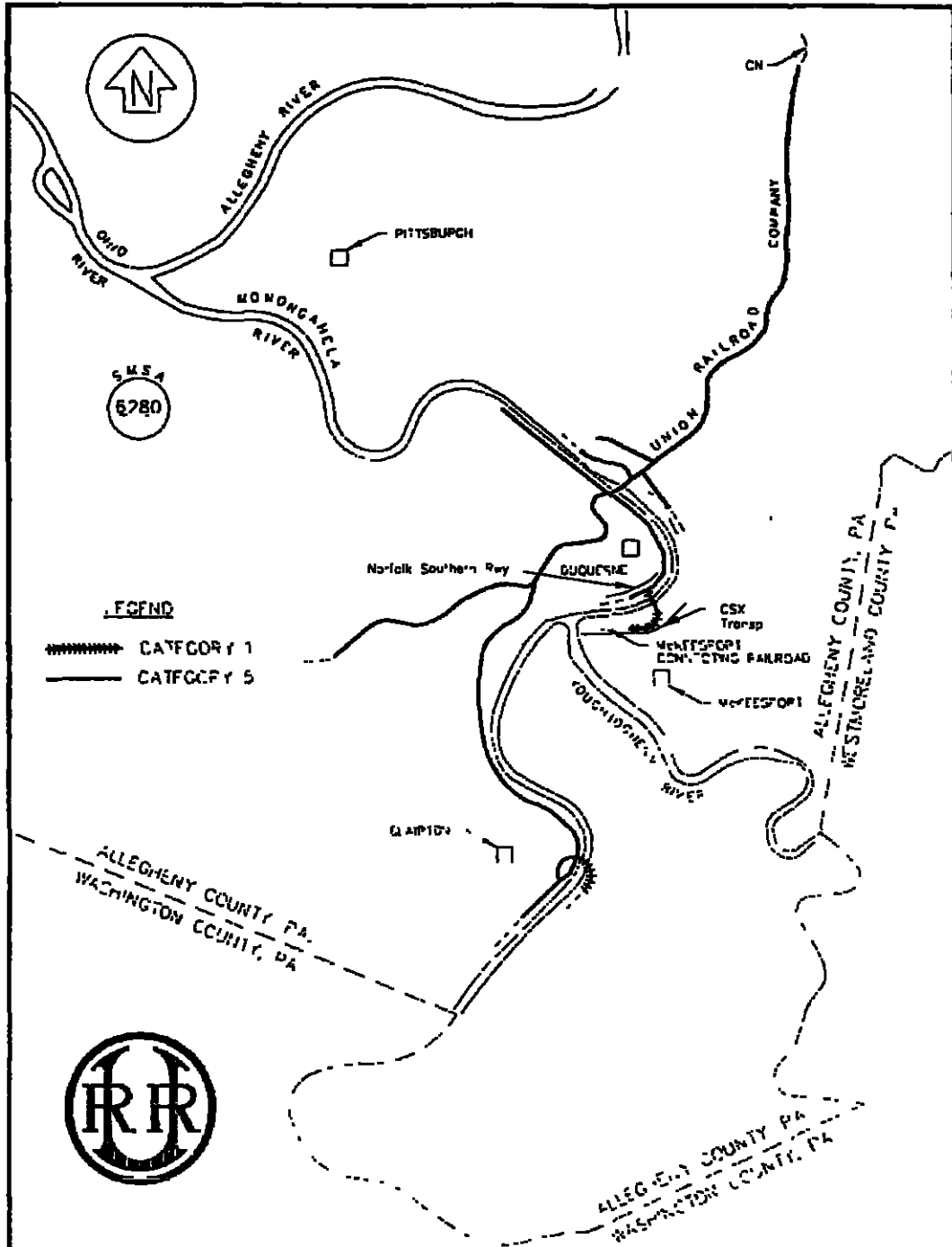
"You can have trails and you can have manufacturing. It's not one or the other; we want them both," he said.

(Ann Belser can be reached at abelser@post-gazette.com or 412-263-1699)

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3



UNION RAILROAD COMPANY

SCALE 3/8" = 1 MILE

S.M.S.A. 6280

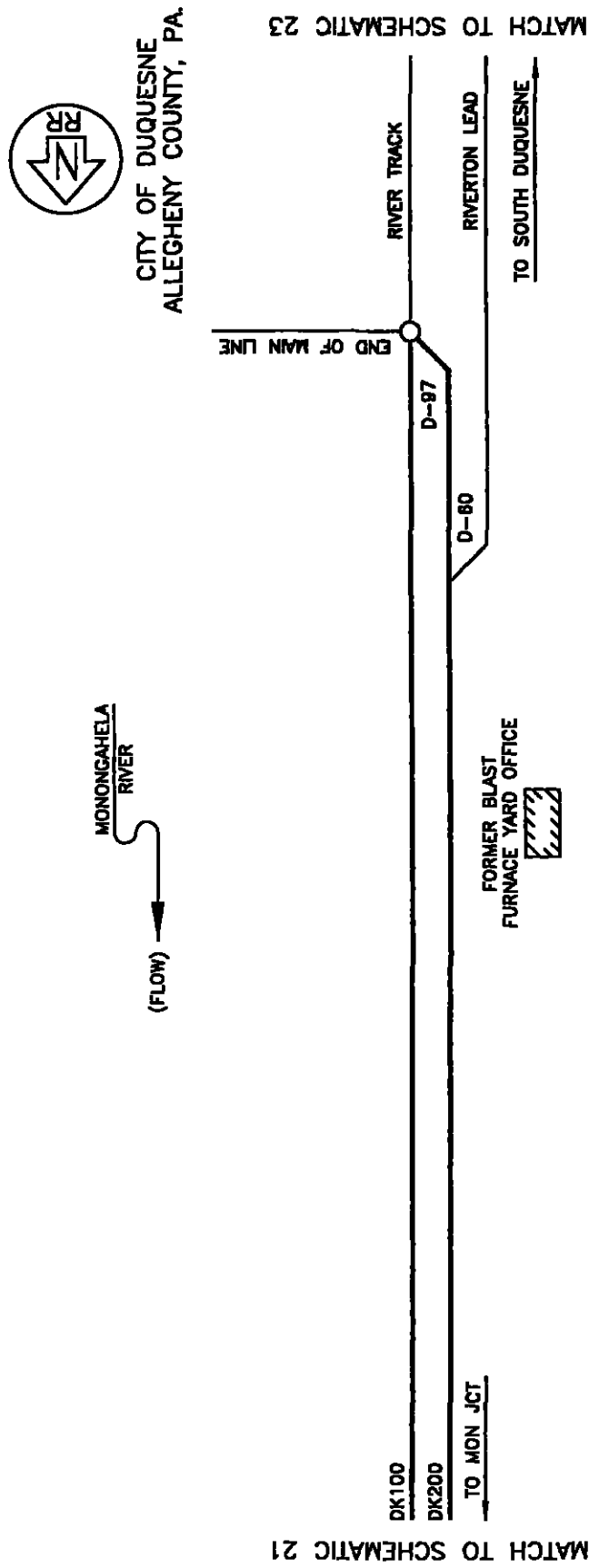
MONROEVILLE, PA.

DATE June 2007

ENGINEERING SERVICES

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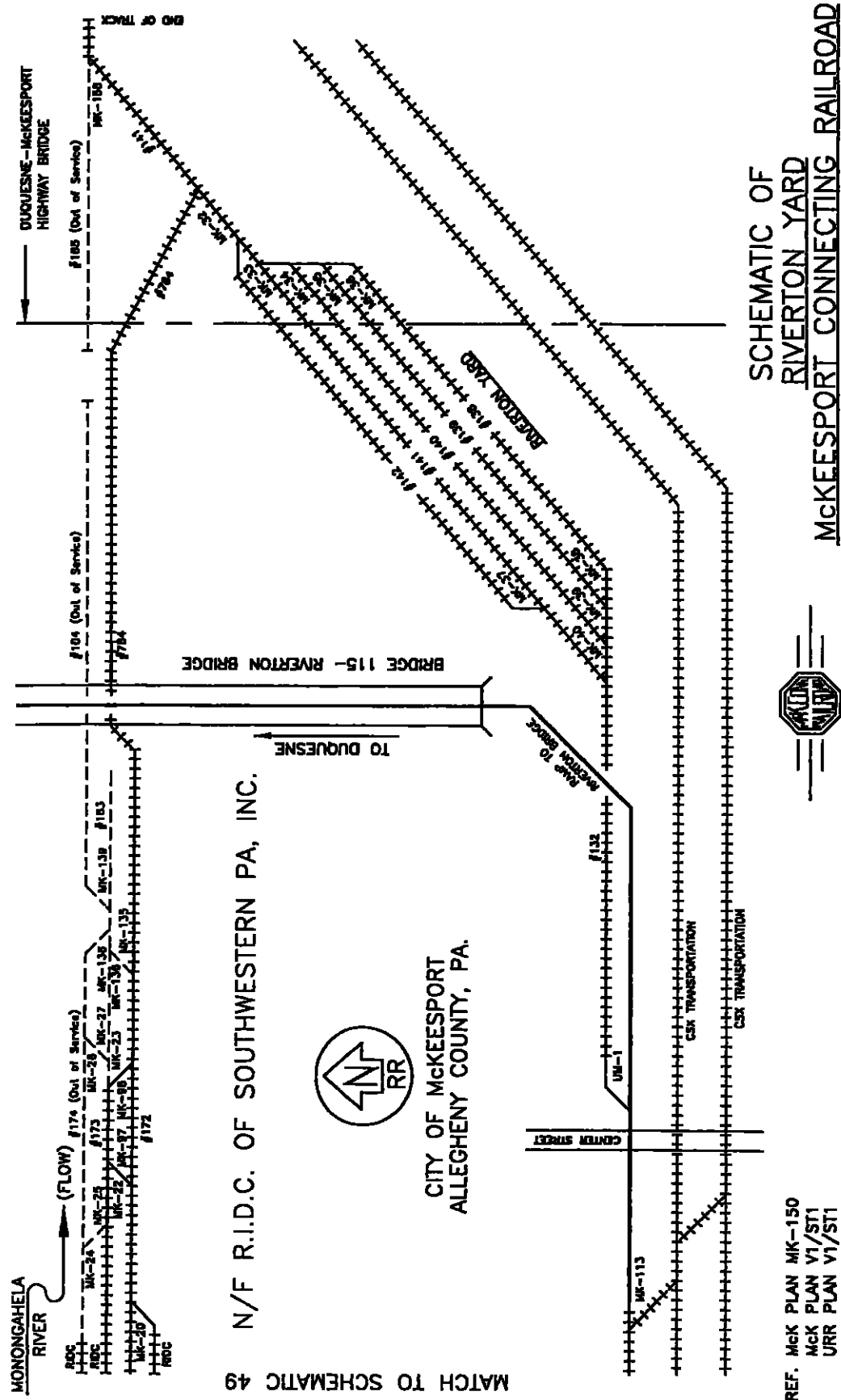
Effective 2/01/01



FORMERLY USS
NOW RIDC

SCHEMATIC OF
DUQUESNE - PART II
DUQUESNE BRANCH

REF. V1/ST11.1



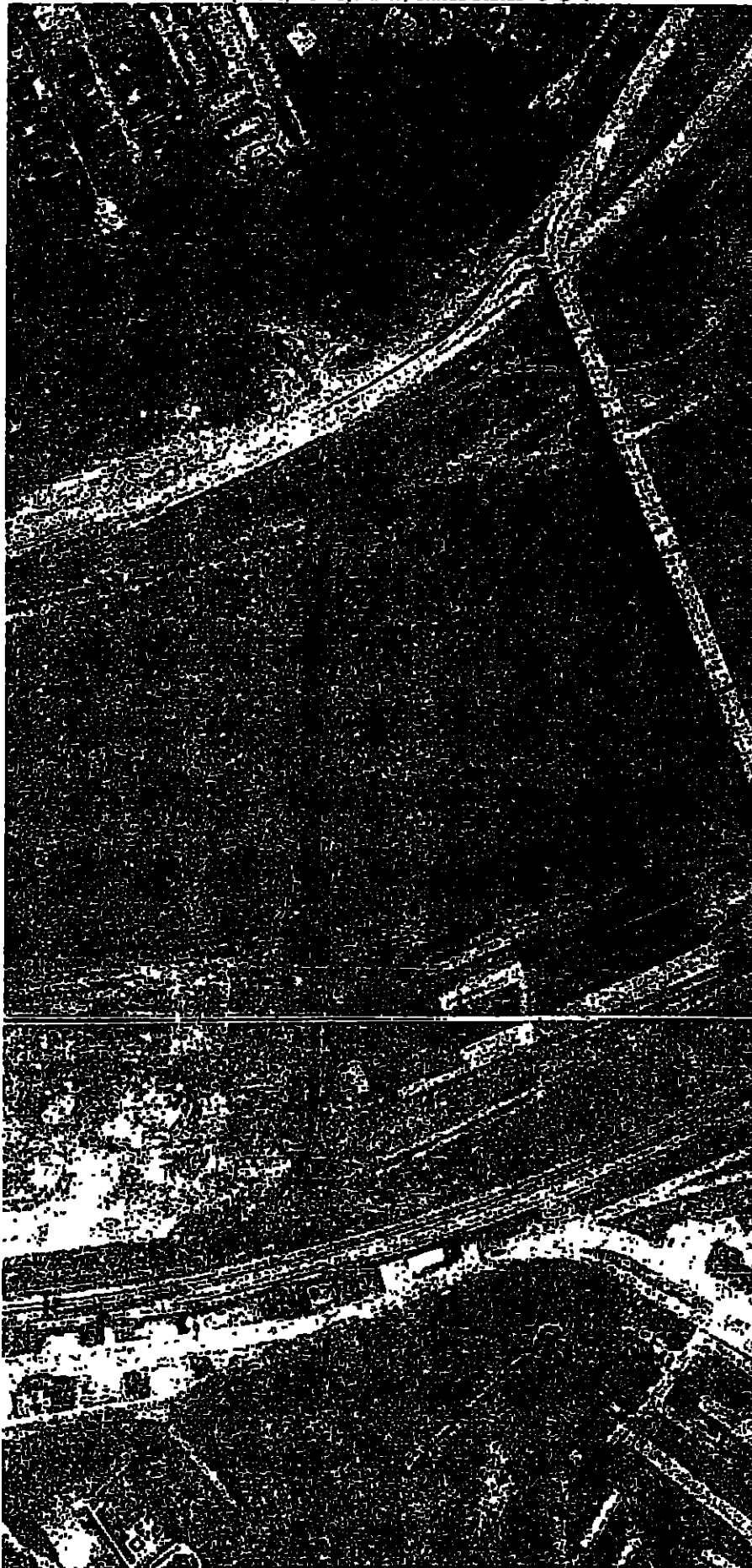
SCHEMATIC OF
RIVERTON YARD
MCKEESPORT CONNECTING RAILROAD



REF. MCK PLAN MK-150
MCK PLAN V1/ST1
URR PLAN V1/ST1

4

USGS Duquesne, Pennsylvania, United States 3 Apr 1943



5

AGREEMENT
Between
Union Railroad Company
and
Consolidated Rail Corporation
Relating to USRA Project PA-13
And Service to McKeesport, Pennsylvania

THIS AGREEMENT made this 14th day of October, 1980,
by and between UNION RAILROAD COMPANY (URR) and CONSOLIDATED RAIL
CORPORATION (CRC),

WITNESSETH:

WHEREAS, pursuant to letter agreements of March 25, 1907
and April 1, 1907, the parties hereto, and/or their respective
predecessors, shared the use of railroad yard facilities known as
the "Coke Yard" in Duquesne, of which tracks 1-3 are now owned by
CRC and tracks 4-7 are now owned by URR, all such tracks being
available without charge to either party for the interchange of
cars; and

WHEREAS, pursuant to an agreement dated February 13, 1930,
as supplemented March 23, 1966 and April 15, 1966, between certain
predecessors of CRC, McKeesport Connecting Railroad Company (MKC)
et al, MKC has rights to operate in CRC's Riverton Yard in McKees-
port (Riverton), Pa.; and

WHEREAS, pursuant to the Regional Rail Reorganization Act
of 1973, CRC assumed, as of April 1, 1976, the rights and obligations
in futuro, of its predecessor companies in and to certain agree-
ments, including the instruments hereinbefore recited; and

WHEREAS, prior to the effective date of this agreement,
URR and Penn Central Transportation Company (PC), a predecessor of
CRC hereunder, were parties to an agreement dated November 17, 1965
whereby PC leased certain tracks in Duquesne and McKeesport, Pa.
to URR for its exclusive use and granted URR trackage rights as
therein defined over PC's lines of railroad and facilities between
Duquesne and McKeesport; and

WHEREAS, the Final System Plan of the United States Rail-
way Association, under Project PA-13, as amended by supplemental
designation approved February 19, 1976, designates the trackage,

rights of way and facilities identified in the preceding paragraph for transfer to URR, and designates certain related trackage and rights of way for transfer to CRC, including Coke Yard Tracks 1, 2 and 3 and Riverton Yard (excepting Track 13 and a portion of Track 12), with CRC and URR to agree on arrangements for the use of such related trackage; and

WHEREAS, the conveyances of rail properties required by the Final System Plan as modified and as above described were made in part on April 1, 1976, and corrective deeds, likewise effective as of April 1, 1976, were approved by the Special Court on September 1, 1978 and have been delivered to the parties, the properties so conveyed being identified on Exhibit A hereto; and

WHEREAS, CRC and URR have been since April 1, 1976 and are presently conducting operations over the facilities involved by virtue of an agreement set forth in telegrams dated March 29, 1976 and March 30, 1976, and desire to enter into this Agreement to formalize the terms and conditions for such operations;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows:

PART A. GRANT OF TRACKAGE RIGHTS TO CRC.

1. Rights Granted. Pursuant to the Final System Plan, URR grants CRC the right to operate its locomotives, cars and trains with its crews over the right-of-way, bridge and tracks of URR between South Duquesne and McKeesport (Riverton), Pa. shown in red on print of Plan No. U-7488, dated March 23, 1976, last revised February 27, 1980 entitled "Plan Showing Rail Properties Acquired by Union Railroad Company and Trackage Rights Exchanged Between Union Railroad Company and Consolidated Rail Corporation under Project PA-13 of Final System Plan of U. S. Railway Association, Duquesne and McKeesport, Pa., Modified Designation" attached hereto and made a part hereof as Exhibit A. Such right-of-way, bridge and tracks are referred to hereinafter as the "Bridge Route."

2. Supervision. URR shall have control and supervision of the Bridge Route and the facilities thereon and of all operations over such Bridge Route and facilities. CRC shall operate its

locomotives, cars or trains over the Bridge Route only with employees qualified therefor and subject to URR's reasonable operating rules, orders and requirements.

3. Priority of Trains. Trains of both URR and CRC shall be authorized to operate over the Bridge Route without discrimination or preference; provided, however, that trains of hot ingots and the empty return movement thereof may be accorded priority over other traffic.

4. Bridge Restrictions. The following restrictions with respect to train make-up, gross loading, and speed shall apply to all movements over the bridge forming a portion of the Bridge Route:

- a. No load shall be imposed upon any span of the bridge or any part of any span which exceeds the restriction imposed by Coopers E-60 load rating:
- b. The following equipment may be moved, subject to all requirements of the applicable Union Railroad Company Rule Book, without special permission:
 - 24 foot cars - 144,000 pound gross weight maximum
 - 30 foot cars - 180,000 pound gross weight maximum
 - 35 foot cars - 210,000 pound gross weight maximum
 - 40 foot cars - 240,000 pound gross weight maximum
 - 45 foot or longer cars - 263,000 pound gross weight maximum
- c. Only 0-4-4-0 Type Locomotives shall be permitted. Locomotives may not be coupled together. If more than one locomotive is required in a train, locomotives must be separated by no less than eight cars.
- d. Trains may not exceed 10 miles per hour over the bridge or its approaches.
- e. Permission to handle equipment exceeding the limits specified above must be obtained from the Office of the Assistant Superintendent of URR.

5. Maintenance. URR shall maintain, repair and renew the Bridge Route and shall make any additions and betterments thereto or retirements therefrom as, in its judgment, are necessary or desirable, and such additions and betterments shall thereupon become a part of the Bridge Route. Said Bridge Route shall be kept in

a state of reasonable repair and suitable for a combined requirements of the parties hereto; provided, however, that CRC shall not, by reason of any defect therein or failure or neglect in the maintenance thereof, have or make against URR any claim or demand for any loss, damage, injury or death whatsoever arising from such defect, failure or neglect. CRC shall not have any claim or assert any rights against URR in the event the Bridge Route shall become impassable.

6. Clearing Wrecks. URR shall have the right and duty, following any wreck occurring on the Bridge Route involving the locomotives, cars or trains of either or both of the parties hereto, to proceed promptly with the clearance of the wreck, irrespective of the liability as between the parties for the cost thereof, as hereinafter provided. The cost of clearing wrecks upon the trackage and of replacing and restoring any of the trackage which may be damaged in any wreck shall be borne by the party or parties liable for the damage in connection with such work as provided in Section C.3 hereof.

7. Rental and Other Charges. Charges for the trackage rights granted to CRC under Part A of this Agreement shall be determined as follows:

a. CRC shall pay to URR an annual fee on the effective date of this Agreement and each anniversary date thereafter equal to four percent (4%) of the costs attributable to URR's capital investment in the Bridge Route. Initially, such capital investment shall be the price paid by URR pursuant to the Final System Plan for the Bridge Route. On each anniversary date of this Agreement there shall be added to such capital investment the value of any additions and/or betterments, and there shall be deducted from said capital investment the value of any retirements, disposals or eliminations relating to such facilities.

b. All maintenance and repair expenses attributable to the Bridge Route incurred after the effective date of this Agreement, shall be apportioned between URR and CRC in proportion to the cars handled (excluding locomotives and cabooses) by or for the account of each party over said Bridge Route on a monthly basis, subject to the provisions of Section C 4. hereof.

PART B. TRACK CONNECTION AND YARD FACILITIES.

1. Connection. CRC grants URR the right to make a track connection (marked "A" and colored in brown on exhibit A), in Duquesne, Pa., between the south end of the Coke Yard Track No. 1 and the bridge lead (McKeesport main) track. URR shall install, own and maintain the turnout from the bridge lead track and the connecting track to the point of the URR-CRC property line. CRC shall install, own and maintain the turnout from No. 1 Coke Yard track and the connecting track to the point of the URR-CRC property line. URR shall reimburse CRC for its cost of installation, maintenance and renewal of such facility.

2. Coke Yard. Each party grants to the other party the right to operate its locomotives, cars and trains, to interchange and to conduct switching operations on or over tracks owned by it in the Coke Yard in Duquesne, Pa., identified on Exhibit A, without charge therefor. Control and supervision of yard movements shall be as agreed to by local supervisory forces. Each party shall, at its own expense, maintain, repair and renew the tracks owned by it in such yard and keep same in a state of reasonable repair and suitable for the combined requirements of the parties hereto; provided, however, that neither party shall, by reason of defect therein or failure or neglect in the maintenance thereof, have or make any claim or demand against the other for any loss, damage, injury or death whatsoever arising from such defect, failure or neglect. Neither party shall have any claim or assert any rights against the other in the event any track in said yard becomes impassable or operations thereover are interrupted.

3. Riverton Yard. CRC grants URR the right to operate its locomotives, cars and trains, to interchange and to conduct switching operations on or over all CRC owned tracks in Riverton Yard in McKeesport (Riverton), Pa. (colored in blue on Exhibit A) subject to existing rights of the McKeesport Connecting Railroad Company and the following terms and conditions:

a. Control and supervision of switching or other movements to, from and within Riverton Yard shall be the responsibility of

the McKeesport Connecting Railroad Company or as otherwise agreed to by local supervisory forces of CRC, URR and said McKeesport Connecting Railroad Company.

b. CRC shall maintain, repair and renew such tracks and facilities in said Riverton Yard as appropriate to meet the combined reasonable requirements of parties having right to such facilities and keep same in a state of reasonable repair suitable for such requirements; provided, however, that URR shall not, by reason of any defect therein or failure or neglect in the maintenance thereof, have or make against CRC any claim or demand for any loss, damage, injury or death whatsoever arising from such defect, failure or neglect. URR shall not have any claim or assert any rights against CRC in the event any track in Riverton Yard shall become impassable or operations thereover are interrupted.

c. URR shall pay to CRC an annual fee on each anniversary date of this Agreement equal to four percent (4%) of the costs attributable to CRC's capital investment in Riverton Yard. Initially, such capital investment shall be the reasonably allocable price paid by CRC pursuant to the Final System Plan for Riverton Yard. On each anniversary date of this Agreement, there shall be added to such capital investment the value of any additions and/or betterments and there shall be deducted from said capital investment the value of any retirements, disposals or eliminations relating to such yard.

d. All maintenance and repair expenses attributable to Riverton Yard incurred after the effective date of this Agreement, shall be apportioned between URR and CRC in proportion to the cars handled (excluding loaded or empty ingot cars and locomotives and cabooses) by or for the account of each party over said Bridge Route on a monthly basis, subject to the provisions of Section C 4. hereof.

4. Clearing wrecks. If any engine, car or other equipment operated or handled by either party hereto shall be wrecked or derailed on trackage subject to this Part B, the same shall be picked up or re-railed by the party operating or handling the same irrespective of the liability as between the parties for the cost thereof, as hereinafter provided. Bad order cars may be set out on any available track by either party and shall be repaired and picked

up by the carrier responsible therefor with all reasonable dispatch. The cost of clearing wrecks upon the trackage and of replacing or restoring any of the trackage which may be damaged in any wreck shall be borne by the party or parties liable for the damage in connection with such work as provided in Section C. 3 hereof.

PART C. GENERAL PROVISIONS.

1. Application. The provisions of this Part C. shall be applicable to all grants of rights, facilities and operations under this Agreement.

2. Compliance with Laws and Regulations. The parties hereto agree that they will comply with the applicable provisions of Federal and State laws and regulations respecting the conditions, inspection or safety of locomotives and cars when said locomotives or cars are operated by each of them or for their account over the facilities subject to this Agreement, and each party agrees that it will maintain or cause to be maintained tracks owned by it and subject to this Agreement in accordance with any applicable Federal or State laws and regulations. Each party further agrees to indemnify and save the other party harmless from any and all fines, penalties and liabilities imposed upon such other party under any laws, rules and regulations of any public authority or by any court having jurisdiction in the premises when attributable to the failure of the first party to comply with such obligations.

3. Liability.

a. Whenever any loss of, damage to, or destruction of any property whatsoever, or injury to or death of any person or persons whomsoever, occurs with the trains, locomotives, cars or equipment of only one party hereto being involved, that party shall assume all liability therefor, and all cost and expense in connection therewith, and shall indemnify, defend and save the other party harmless from any such liability, cost and expense.

b. Whenever any loss of, damage to, or destruction of any property whatsoever, or injury to or death of any person or persons whomsoever, occurs with the trains, locomotives, cars or equipment of both parties hereto being involved, each party agrees to assume all

liability for loss or or damage to said trains, locomotives, cars or equipment operated by it (including lading) and for injury to or death of its sole employees and persons in its care and custody, and the parties further agree that injury to or death of any other person or persons whomsoever and loss, damage or destruction of all other property (including the facilities over which rights are granted herein) so occurring, shall be borne equally by them.

c. Whenever any loss of, damage to, or destruction of any property whatsoever, or injury to or death of any person or persons whomsoever, occurs with the trains, locomotives, cars or equipment of one of the parties hereto and the trains, locomotives, cars or equipment of a railroad not a party to this Agreement being involved, as between the parties hereto, the party hereto so involved, shall assume all liability therefor, and all cost and expense in connection therewith, and shall indemnify, defend and save the other party hereto harmless from any such liability, cost and expense.

d. Liability with respect to the employees or equipment of either party, when engaged or used in maintaining facilities subject to Parts A. or B. of this Agreement, shall be assigned or apportioned in the same manner as provided in this Agreement for maintenance expenses of the facilities involved.

e. The foregoing provisions of sub-paragraphs (a), (b), (c) and (d) shall apply regardless of considerations of fault or negligence.

f. In every case of death or injury suffered by an employee of either party hereto, when compensation to such employee or employee's dependent is required to be paid under any Workmen's Compensation, occupational disease, employers' liability or other law and either of said parties, under the provisions of this Agreement, is required to pay such compensation, if such compensation is required to be paid in installments over a period of time, such party shall not be released from paying any such future installments by reason of the expiration or other termination of this Agreement prior to any of the respective dates upon which any such future installments are to be paid.

4. Rendition and Payment of Bills.

a. Bills rendered pursuant to the provisions of this Agreement, other than those provided for in paragraph 7 a. of Part A and paragraph 3 c. of Part B hereof, shall include direct labor and material costs, together with the surcharges, overhead percentages and equipment rentals in effect at the time any work is performed, as specified in the then current Rules Covering Preparation of Joint Facility and Other Bills Between Carriers and the Schedule of Equipment Rental and other Rental Rates for Use Between Carriers, promulgated by the General Managers' Association of Chicago or its successor organization.

b. Following the end of each calendar year, the apportionments of maintenance and repair expenses provided for in paragraphs 7 b. of Part A and 3 d. of Part B hereof shall be recomputed on an annual rather than a monthly basis and adjusted billing shall be issued based on such annual computations.

c. All payments called for under this Agreement shall be made within thirty (30) days after receipt of bills therefor. No payments shall be withheld because of any dispute as to the correctness of items in the bills rendered, but any discrepancies reconciled between parties hereto shall be adjusted in the accounts of a subsequent month. The records of each party hereto, insofar as they pertain to matters covered by this Agreement, shall be open at all reasonable times to inspection by the other party hereto.

5. Arbitration.

a. If at any time a question shall arise, touching the construction of any part of this Agreement, or as to any practical business question growing out of the same (excepting, however, any question of interpretation of the Final System Plan), or concerning the observance or performance of any of the covenants or conditions herein contained, the parties hereto agree to submit such difference or dispute to competent and disinterested arbitrators, one of whom shall be appointed by the using party and the other by the owner; and if the two arbitrators so chosen cannot agree, they shall

select a third arbitrator, and their decision, or that of a majority of them, shall be final and conclusive between the parties hereto. In case either of the said parties shall fail or refuse to appoint an arbitrator as aforesaid for a period of twenty (20) days after written notice given by the other party to make such appointment, then and in that event the arbitrator appointed by such other party shall appoint a like competent and disinterested arbitrator for the party failing to make an appointment, and the said two arbitrators so appointed, shall select a third arbitrator, and the three so chosen shall hear and decide such difference or dispute, and their decision, or that of a majority of them, shall be final and conclusive upon the parties hereto. In the event that the said arbitrators shall be unable to agree upon a third arbitrator within thirty (30) days of the appointment of the second arbitrator, such third arbitrator shall be appointed, upon the application of either party hereto, upon the reasonable notice to the other party, by a Judge of the United States District Court for the Western District of Pennsylvania. Any application to such Judge as aforesaid shall be made and heard in the manner provided by law for the making and hearing of motions in said Court. If any arbitrator shall decline or fail to act, the party or Judge by whom he was chosen or appointed, as the case may be, shall appoint another to act in his place.

b. Until the arbitrators shall make their award upon questions submitted to them, the business, settlements and payments to be transacted and made under this Agreement shall continue to be transacted and made in the manner and form existing prior to the time such questions arose.

6. Term; Option to Renew; Cancellation.

a. This Agreement shall be for an initial term of thirty (30) years beginning on the effective date hereof.

b. Upon completion of the initial term of this Agreement, each using party shall have the right to renew the rights granted to it under this Agreement on a year-to-year basis by giving written notice of such renewal to the owner at least 3 months before expiration of the term then effective. Upon the first such renewal, if

exercised, the parties shall, in good faith, negotiate the terms and conditions under which the rights are exercised, and shall adjust them as may be reasonable and equitable in the light of any changed circumstances arising during the initial term. If the parties cannot agree on particular terms and conditions in such renegotiation, such terms and conditions shall be submitted to arbitration under Section C. 5 of this Agreement.

c. Notwithstanding the foregoing provisions of this Section C. 6, CRC may elect to surrender its rights under Part A. of this Agreement at any time by giving three months' notice of such election in writing to URR. Upon the expiration of such notice period and upon the effectiveness of any regulatory order that may be required by law to permit CRC to terminate its operations or service under such rights, Part A. of this Agreement shall be terminated; provided, that any claims arising from said Part A. shall survive the termination thereof and the arbitration provisions of this Agreement shall remain applicable with respect to any such claims.

7. Default. Notwithstanding any other provision hereof, in the event of any substantial failure on the part of either party to perform its obligations under this Agreement and its continuance in such default for a period of sixty (60) days, the other party shall have the right, at its option, after first giving thirty (30) days' written notice thereof by certified mail, and notwithstanding any waiver by such other party of any prior breach, to terminate the use of its facilities by the party failing to perform; and in the exercise of such right, the terminating party shall not impair its rights under this Agreement, provided, however, that the default of the party failing to perform with respect to matters as to which it shall, in good faith, have sought arbitration hereunder, shall not, until thirty (30) days further default after the final decision of the arbitrators, be cause for forfeiture of its rights under this Agreement.

8. Abandonment; Sale. In the event either party desires to abandon or dispose of any facilities owned by it subject to

joint use under this agreement, the owning party shall not abandon the facilities without first giving the using party the right of first refusal to purchase such facilities at a price or value not to exceed the then fair market value. Such option must be exercised by the using party within sixty (60) days after the owning party gives notice to the using party of its desire to abandon or dispose of such facilities. In the event the using party does not elect to purchase, the owning party may dispose of such facilities as it sees fit. If regulatory approval is required for such abandonment or sale, the using party will cooperate with the owning party in securing such approval.

9. Assignment. A using party shall not assign or transfer its rights under these terms and conditions without the consent in writing of the owner, but the rights given to a using party herein shall inure to the benefit of any other corporation succeeding to the ownership of substantially all the assets and business of a using party and, except as above stated, all of the obligations and covenants herein imposed, as well as all of the benefits herein conferred, shall be binding upon and inure to the benefit of the successors of both parties.

10. Effect of Waiver. Any waiver from time to time by either party as to anything herein contained shall not be deemed a waiver as to any breach of any provisions hereof subsequently occurring.

11. Effective Date; Settlement of Accounts. This Agreement shall be effective as of April 1, 1976. The parties hereby agree to settle their accounts for all charges payable from April 1, 1976 to the date of execution of this Agreement within ninety (90) days after such date of execution. Any dispute concerning such settlement of accounts shall be subject to the arbitration provisions of this Agreement.

12. Cancellation of Prior Agreement. The aforesaid Agreement dated November 17, 1965, and any supplements thereto

between URR and PC is cancelled as of the Effective Date of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed in duplicate by their respective officers thereunto duly authorized as of the day and year first above written.

UNION RAILROAD COMPANY (URR)

Attest:

By Wm S. Smith

J. M. ...

CONSOLIDATED RAIL CORPORATION (CPC)

Attest:

By Stewart M. Reed
PRESIDENT

ACCEPTED:

McKEESPORT CONNECTING RAILROAD COMPANY

Attest:

By W. C. ...

J. D. ...

6



Camp-Hill Corporation

301 Fourth Ave , P.O. Box 1181, McKeesport, PA 15132
Phone 412/675-5580 Telecopier 412/664-6099

1/29/08

Union Railroad Company
1200 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-4890

Re: Docket No. AB-183 (Sub-No. 4X)
Union Railroad Company
Abandonment Exemption

Docket No. AB-290 (Sub-No. 295X)
Norfolk Southern Railway Company
Discontinuance of Trackage Rights Exemption

[Both in Allegheny County, Pennsylvania]

Gentlemen,

Camp-Hill Corporation ("CHC") has been advised that your companies have, or will be filing with the Surface Transportation Board ("STB"), a joint petition at the above docket numbers which, if approved, will result in the termination of existing service by the Union Railroad Company ("URR") over the rail line between South Duquesne and McKeesport, PA over which service is presently provided by URR by interchange with the McKeesport Connecting Railroad Company ("MKC").

We have received a copy of the petition and discussed this matter with representatives of the URR. We understand that CHC has the right to oppose the Petition before the STB.

After reviewing this matter, our company has decided to waive, and I am authorized to provide you with this statement confirming that CHC waives, any right it may have to oppose the relief sought by the Petition before the STB. CHC understands that a copy of this letter waiving its right to participate in the above proceedings will be filed with the STB.

Respectfully,

CAMP-HILL CORPORATION

By: *Don C. Hillgren*
President

7



United States Steel Corporation
600 Grant Street Room 6100
Pittsburgh, PA 15219-2800
412 433 1129
fax 412 433 1131
email cjnavetta@uss.com

Christopher J. Navetta
Sr Vice President
Procurement, Logistics &
Diversified Businesses

January 25, 2008

Union Railroad Company
1200 Penn Avenue
Suite 300
Pittsburgh, PA 15222

Norfolk Southern Railway Company
Three Commercial Place
Norfolk, VA 23510-4890

Re: Docket No. AB-183 (Sub-No. 4X)
Union Railroad Company
Abandonment Exemption

Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
Discontinuance of Trackage Rights Exemption

[Both in Allegheny County, Pennsylvania]

Gentlemen:

United States Steel Corporation ("U. S. Steel") is the shipper in connection with certain shipments to Camp-Hill Corporation ("Camp-Hill"), which presently move over the rail line which is the subject of the Joint Petition which has or will be filed with the Surface Transportation Board ("STB") at the above docket numbers. I am the Senior Vice President - Procurement, Logistics and Diversified Businesses, for U. S. Steel. In that capacity, I have responsibility for all logistics services purchased by U. S. Steel, including, but not limited to, all rail services purchased by U. S. Steel.

We understand that Camp-Hill has confirmed with you that it waives its right to oppose the relief sought by the Petition and to participate in the proceeding before the STB.

The purpose of this letter is to confirm that U. S. Steel joins with Camp-Hill and waives any right that it may have to oppose the relief sought in the Petition and to participate in the proceeding before the STB. U. S. Steel has been instrumental in advancing the proposal to convert the involved rail line to recreational trail use as part of the Great Allegheny Passage and believes that the trail use will be in the public interest.

The undersigned is authorized by U. S. Steel to provide this statement confirming U. S. Steel's position and understands that a copy of this letter

Union Railroad Company
Norfolk Southern Railway Company
Page 2 of 2
January 25, 2008

waiving its right to participate in the above proceedings will be filed with the
STB

Sincerely yours,

UNITED STATES STEEL CORPORATION

By: 

Christopher J. Navetta
Senior Vice President - Procurement,
Logistics and Diversified Businesses

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APPENDIX 8

DRAFT FEDERAL REGISTER NOTICE

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-183 (Sub-No. 4X)

UNION RAILROAD COMPANY

– ABANDONMENT EXEMPTION –

DOCKET NO. AB-290 (Sub-No. 301X)

NORFOLK SOUTHERN RAILWAY COMPANY

– DISCONTINUANCE OF TRackage RIGHTS EXEMPTION –

[BOTH IN ALLEGHENY COUNTY, PENNSYLVANIA]

**NOTICE OF PETITION FOR EXEMPTION TO ABANDON
AND DISCONTINUE SERVICE**

On _____, 2008, Union Railroad Company (“URR”) and Norfolk Southern Railway Company (“NSR”) filed with the Surface Transportation Board, Washington, DC 20423, a Joint Petition for Exemption for NSR to discontinue trackage rights and for URR to abandon and discontinue a line of railroad between South Duquesne and McKeesport, Allegheny County, PA extending from McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1 which

traverses through U.S. Postal Service Zip Codes 15110 and 15132, a distance of 1.34 miles in Allegheny County, PA.

Based on information in our possession, the line does not contain federally granted rights-of-way.

Any documentation in the Petitioners' possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.-Abandonment-Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the Petition for Exemption.

All interested parties should be aware that following abandonment of rail service and salvage of the rail line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all

parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the Petition. The deadline for submission of comments on the EA will be generally within 30 days of its service.

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APPENDIX 9

LOCAL NEWSPAPER NOTICE

NOTICE OF PETITION FOR EXEMPTION TO ABANDON AND DISCONTINUE SERVICE

Union Railroad Company and Norfolk Southern Railway Company give notice that on or about February 4, 2008, they intend to file with the Surface Transportation Board, Washington, DC 20423, a joint petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, permitting the abandonment of and the discontinuance of service on a 1.34 mile line of railroad between South Duquesne and McKeesport, Allegheny County, PA extending from McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1 which traverses through U.S. Postal Service Zip Codes 15110 and 15132, in Allegheny County, PA. The proceedings have been docketed as Nos. AB-183 (Sub-No. 4X) and AB-290 (Sub-No. 301X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA, Surface Transportation Board, Washington, DC 20423 or by calling SEA at 202-245-0295.

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 the Secretary, 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' representatives [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 Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicants' representatives:

John A. Vuono, Esq.
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219

Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

ORIGINAL

DOCKET NO. AB-183 (Sub-No. 4X)

UNION RAILROAD COMPANY

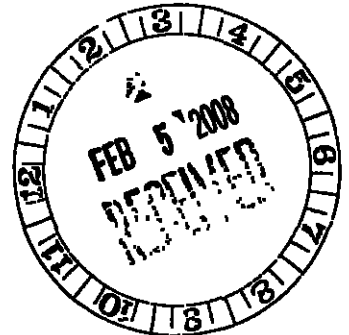
— ABANDONMENT EXEMPTION —

DOCKET NO. AB-290 (Sub-No. 301X)

NORFOLK SOUTHERN RAILWAY COMPANY

— DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION —

[BOTH IN ALLEGHENY COUNTY, PA]



COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191
Telephone: 757-533-4890
Facsimile: 757-533-4872
E-Mail: greg.summy@nscorp.com
Attorney for
Norfolk Southern Railway Company

John A. Vuono, Esq.
Richard R. Wilson, Esq.
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219
Telephone: 412-471-1800
Facsimile: 412-471-4477
E-Mail: jvuono@vuonogray.com
Attorneys for
Union Railroad Company

Date: February 4, 2008

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APPENDICES

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<u>Appendix 2</u>	Required Letter-Notices to Federal, State and Local Government Agencies
<u>Appendix 3</u>	Responses Received to date to Letter-Notices
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<u>Appendix 7</u>	Copies of correspondence with the Bureau of Historic Preservation of the Pennsylvania Historical and Museum Commission

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-183 (Sub-No. 4X)

UNION RAILROAD COMPANY

-- ABANDONMENT EXEMPTION --

DOCKET NO. AB-290 (Sub-No. 301X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- DISCONTINUANCE OF TRACKAGE RIGHTS EXEMPTION --

[BOTH IN ALLEGHENY COUNTY, PA]

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

I. INTRODUCTION

Union Railroad Company ("URR") and Norfolk Southern Railway Company ("NSR") (jointly, "Petitioners") file this Combined Environmental and Historic Report with the Surface Transportation Board ("STB") pursuant to 49 C.F.R. §1105.7 (Environmental Report) and 49 C.F.R. §1105.8 (Historic Report) in connection with the Joint Petition to be filed by Petitioners with the STB for exemption from the application of 49 U.S.C. §10903 pursuant to 49 U.S.C. §10502 and the Special Rules at 49 C.F.R. §1152.60 and the other applicable STB regulations in order to permit:

(1) NSR to discontinue trackage rights over the URR line between South Duquesne and McKeesport, Allegheny County, PA which includes the Riverton Railroad Bridge which crosses the Monongahela River, as more fully described herein ("the Rail Line"); and

(2) URR to discontinue service and abandon the Rail Line.

There are described and summarized in Section V, the appendices attached hereto including, inter alia, a USGS topographic map of the Rail Line (Appendix 1); copy of Petitioners' letters to federal, state and local government agencies providing the required notice (Appendix 2); and the responses, if any, received to Petitioners' letters to date which are keyed to the specific paragraphs of Section III (Appendix 3).

II. BACKGROUND AND OBJECTIVES OF PROPOSAL

The proposed exemptions applicable to the Rail Line are directly related to and are an essential step in the development of the Great Allegheny Passage which is the designation for the 332 mile network of hiking and biking trails which will ultimately connect Washington, DC and the City of Pittsburgh.

The Rail Line, which is 1.34 miles in length, is an integral part of the Great Allegheny Passage and is one of the final components necessary to complete the trails. The proposed exemption to terminate NSR's trackage rights and URR's discontinuance of service and abandonment of the Rail Line are being sought to permit the development of the Riverton Bridge and adjacent property on either end of the bridge for recreational trail purposes. The Rail Line is a key segment in a regional recreational trail project being developed along the Monongahela River Valley which has the support of local

governmental officials, the City of Pittsburgh and Allegheny County. There is attached as Appendix 4 a schematic map captioned "Steel Valley Trail Map" which depicts the current status of the Monongahela River Valley segment of the trail project.

URR is a wholly-owned indirect subsidiary of United States Steel Corporation ("USS"). USS, URR and representatives of Allegheny County, the Pennsylvania county in which the entire Rail Line is located, have engaged in negotiations which resulted in the proposal by which USS will cause URR to transfer to Allegheny County or its designee title to the Rail Line. As part of the process, USS has worked closely with the various non-profit organizations, including the Allegheny Trail Alliance, a coalition of seven rails-to-trails organizations, and the Steel Valley Trail Council, which are the local rails-to-trails organizations involved in order to complete the project to reach the City of Pittsburgh in time for the 2008 celebration of Pittsburgh's 250th anniversary. (See Press Release attached as Appendix 5).

It is anticipated that, upon approval of the proposed exemptions, the parties will promptly consummate the transactions necessary to implement the conversion of the Rail Line for incorporation into the Great Allegheny Passage. As a consequence, the Riverton Bridge and all of its appurtenant structures will be preserved and there will be no major alteration or demolition of this structure. Accordingly, the proposal will not result in any adverse historical or environmental impacts and is clearly in the public interest.

III. ENVIRONMENTAL REPORT

The following is the required information to be submitted pursuant to 49 C.F.R.

§1105.7(e):

(1) *PROPOSED ACTION AND ALTERNATIVES.* Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: This proposal involves the discontinuance of trackage rights over the Rail Line by NSR and the abandonment by URR of the Rail Line, a distance of approximately 1.34 miles of track between South Duquesne, PA and McKeesport, PA. The Rail Line extends over the Riverton Railroad Bridge which crosses the Monongahela River at Monongahela Milepost 14.3. The Rail Line is located entirely in Allegheny County, PA and traverses U. S. Postal Service zip codes 15110 and 15132.

The following is the exact description of the Rail Line:

From McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1.

There are attached as Appendices 1 and 6 a map of the Rail Line prepared in accordance with the requirements of 49 C.F.R. §1152.22(a)(4) and an aerial photograph of the Rail Line, respectively. The Rail Line, including the Riverton Bridge, was originally constructed by the Pennsylvania Railroad Company in 1891 to connect its Monongahela Line to the former USS National Works at McKeesport and to interchange

with the McKeesport Connecting Railroad Company ("MKC") which served the USS plant complex.

Operations at the USS facilities at McKeesport were terminated more than 25 years ago. At present, only one rail customer in McKeesport, Camp-Hill Corporation ("Camp-Hill"), is served by operations over the Rail Line. It operates the so-called ERW mill that was formerly a part of the USS National Works. Camp-Hill is an outside processor for USS and processes coils from the USS Irvin and Gary Works into pipe used by the water and gas transmission pipeline industry by a process known as electric resistance welding ("ERW").

At present, URR utilizes the Rail Line to move shipments of coils from the Irvin Works of USS north of Clairton, PA to Camp-Hill via a connection with the MKC. These inbound movements are minimal. In the years 2003 and 2004, there was an average of only four inbound carloads a day. During 2005 and 2006, the average number of inbound carloads was reduced to two a day. If this Petition is granted, other rail service remains available to Camp-Hill for this traffic via MKC and CSX Transportation, Inc. ("CSX") over alternative interchanges. Truck transportation is also available for the inbound shipments.

Some of the outbound shipments of finished pipe move over the Rail Line to a connection with NSR. These movements are sporadic and infrequent. If the Petition is granted, Camp-Hill will continue to have outbound rail service available via MKC to connections with CSX. In addition, alternative truck service is available for the outbound shipments.

There has been no overhead traffic on the Rail Line for the past two years. NSR, a Class I railroad, will join in the Petition for Exemption to the extent that the Petition seeks to discontinue NSR's trackage rights over the Rail Line. Neither NSR nor its predecessor, Conrail, have utilized these trackage rights for at least the past fifteen years.

The proposed abandonment of the Rail Line and the discontinuance of service by URR has been discussed with representatives of Camp-Hill and USS. Those parties have advised that they do not object to the proposal and waive any rights that they may have to oppose the Petition.

As described in more detail above, the proposed abandonment and discontinuance of trackage rights are being undertaken in connection with the creation of a county-wide regional recreational trail system which will eventually be an integral part of the Pittsburgh-Washington, DC trail system known as The Great Allegheny Passage. The Riverton Bridge forms a critical river crossing linkage which will enable the trail to traverse between the north and south banks of the Monongahela River in order to connect the Monongahela River Valley Trail facilities with existing trails presently extending from McKeesport via Connellsville, PA to Washington, DC.

The Riverton Bridge has been in existence for over 116 years and is subject to a number of operating limitations and weight restrictions. It clearly has a limited useful life for continued railroad operations. By abandoning the Riverton Bridge, URR will be permitted to convey the structure to Allegheny County or its designated representative for conversion to recreational trail use. The proposed abandonment will clearly be in the public interest.

There is no reasonable alternative to the abandonment. The bridge is an essential component of the regional recreational trail system and its continued use is not necessary to preserve rail service to the single shipper which is currently served by the MCK. No other industry in the area is served by the Rail Line and there is no other traffic on the line.

The Riverton Bridge and the approaches at either end of the bridge contain no federally granted right-of-way or reversionary property. Under the tentative agreement with Allegheny County, the approaches, as well as the bridge, will be conveyed to Allegheny County or its designated representative for public recreational trail purposes.

(2) *TRANSPORTATION SYSTEM.* Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as the result of the proposed action.

Response: Currently there is very little transportation service being provided over the Rail Line. As noted, operations at the USS facilities at McKeesport were terminated more than 25 years ago. At present, only one rail customer in McKeesport, Camp-Hill, is served by operations over the Rail Line. URR utilizes the Rail Line to move shipments of coils from the Irwin Works of USS north of Clairton to Camp-Hill via connection with the MKC. The inbound movements consist of a minimal number of carloads a day as set forth in more detail in response to Item (1) above. If the abandonment is permitted, rail service will continue to be available to Camp-Hill for this limited traffic via MKC and CSX over alternative interchanges. Truck transportation will also be available for these shipments.

In addition, certain of the outbound shipments of finished pipe from Camp-Hill move over the Rail Line to a connection with NSR. These movements are sporadic and infrequent. If the abandonment is granted, Camp-Hill will continue to have outbound rail service available via MKC to connections with CSX. Alternative truck service is also available for the outbound shipments. There has been no overhead traffic on the Rail Line for the past two years.

As noted, the proposed abandonment of the Rail Line and the discontinuance of service by URR has been discussed with representatives of Camp-Hill and USS. Those parties have advised that they do not object to the proposal and waive any rights that they may have to oppose the abandonment. McKeesport is well served by local roads and major highways and, as a result, has ample access to extensive alternate motor carrier transportation service, as well as ample access to continued rail service.

In sum, the proposed abandonment and discontinuance of service will not have any appreciable adverse effects on regional and local transportation systems and patterns and the amount of freight traffic, if any, that will be diverted to other transportation systems or modes as a result of the proposal will be negligible.

(3) *LAND USE.*

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

Response:

(i) Local and regional planning agencies within Allegheny County have been contacted and are fully supportive of this abandonment in order to facilitate the conversion of the Rail Line, including the Riverton Bridge, to recreational trail use in connection with the creation of a regional recreational trail system within Allegheny County which is consistent with their existing land use plans.

(ii) In response to our letter dated December 12, 2007, a copy of which is included in Appendix 2 attached hereto, the Natural Resources Conservation Service of the United States Department of Agriculture ("USDA") has advised that it has reviewed the project location for possible areas of concern to the USDA Natural Resources Conservation Service and has concluded that the project is entirely within an area that has historically been used for commercial purposes and no federally-designated farm lands exist in the proposed projected area. A copy of the USDA letter is attached as Appendix 3-(3)(ii).

The area involved in the proposed abandonment is exempt from the FPPA law because the involved area is considered as having already been converted to urban land use.

(iii) (Not Applicable.)

(iv) The property is clearly suitable for other public uses consistent with 49 U.S.C. §10905. Specifically, the purpose of the proposed abandonment is to convert the Rail Line and to convey the Riverton Bridge to Allegheny County or its designee for conversion to recreational trail use as part of a regional recreational trail system within the Monongahela River Valley which, as previously described, will be part of the interstate trail system between Pittsburgh and Washington, DC known as the Great Allegheny Passage. In response to our letter of December 12, 2007, a copy of which is included in Appendix 2 attached hereto, Dan Onorato, the Chief Executive of Allegheny County, has confirmed that Allegheny County supports the development of the Steel Valley Trail to complete the Great Allegheny Passage and the County is willing to assume ownership of the right-of-way, including the Riverton Bridge, for alternative public use in connection with the conversion from rails-to-trails proposal set forth herein. A copy of Mr. Onorato's letter is attached as Appendix 3-(3)(iv).

(4) ENERGY.

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response:

- (i) There will be no effect on the transportation of energy resources.
- (ii) There are no recyclable commodities handled over the Line.
- (iii) There will be no appreciable increase or decrease in overall energy efficiency as a result of the proposed action.
- (iv) The proposed action will not cause diversions from rail to motor carriage of more than 1,000 rail carloads a year. However, the proposed action could result in the diversion of approximately 750 rail carloads to motor carriage a year, if none of the alternative rail routings are used. Because the affected railroad line is very short, only 1.34 miles, in the unlikely event that all 750 rail carloads were diverted to motor carriage, it would equate to more than 50 rail carloads per mile per year. This would result in an approximate average increase of only 8 truckloads per day over a highway route (Pa. L.R. 2114) that PennDOT shows has Annual Average Daily Traffic (AADT) of 12,000 vehicles. As a result, there will be only a minimal effect, if any, on energy consumption due to this modest diversion to motor carriage.

(5) *AIR.*

(i) If the proposed action will result in either:

(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in 5(i)(A) will apply.

Response: The proposed action will not have any of the above results.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,

(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or

(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

Response: The proposed action will not result in an increase in rail traffic, rail yard activity or truck traffic of the magnitudes set forth above.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not involve the transportation of ozone depleting materials.

(6) NOISE. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more; or

(ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: (Not applicable for the reasons set forth in the response to Item 5(i)).

(7) SAFETY.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of these sites and the types of hazardous materials involved.

Response:

(i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not involve the transportation of hazardous materials.

(iii) There are no known hazardous materials waste sites or sites where hazardous materials spills have occurred on or along the subject right-of-way.

(8) BIOLOGICAL RESOURCES.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

(i) The Fish and Wildlife Service of the United States Department of the Interior has reviewed the proposed action and has concluded that except for occasional transient species, no federally listed or proposed threatened or endangered species under its jurisdiction are known to occur within the project impact area and that no biological assessment or further consultation under the Endangered Species Act is required with the Fish and Wildlife Service. A copy of the letter from the Fish and Wildlife Service confirming its position is attached as Appendix 3-(8)(i)

(ii) Petitioners are not aware of any wildlife sanctuaries or refuges, National or State parks or forests that will be affected by the proposed abandonment.

(9) WATER.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultations with the U. S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact

the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(i) In response to our letter of December 12, 2007, a copy of which is included in Appendix 2 attached hereto, the Department of Environmental Protection of the Commonwealth of Pennsylvania has advised that in connection with the Pennsylvania Coastal Resources Management (CRM) Program that it has determined that the proposed actions are located outside of Pennsylvania's Coastal Zones and will not impact upon them and therefore these actions are consistent with Pennsylvania's CRM Program. A copy of the Pennsylvania DEP letter is attached as Appendix 3-(9)(i).

(ii) We have not received a reply from the U. S. Army Corps of Engineers to our letter of December 12, 2007, a copy of which is included in Appendix 2 attached hereto. Accordingly, it is believed that the proposed action will not require any Department of the Army authorization and there are no designated wetlands or 100-year flood plains that will be affected.

(iii) It is not anticipated that there will be any requirements for Section 402 permits.

(10) *PROPOSED MITIGATION.* Describe any actions that are proposed to mitigate adverse environmental impacts, including why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts requiring mitigation.

IV. HISTORIC REPORT

The following is the required information to be submitted pursuant to 49 C.F.R. §1105.8(d) and hereby incorporates by reference the information required by 49 C.F.R. §1105.7(e)(1) set forth under Section III:

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

Response: See USGS topographic map attached as Appendix 1. There are no railroad structures that are 50 years old or older, other than the Riverton Bridge.

(2) A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

Response: The Rail Line consists of 1.34 miles of track between South Duquesne, PA and McKeesport, Pa and includes the Riverton Bridge which crosses the Monongahela River at the Monongahela Milepost 14.3. The Rail Line is located entirely in Allegheny County, PA and traverses U.S. Postal Service zip codes 15110 and 15132.

The following is the exact description of the Rail Line:

From McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1.

The approximate width of the right-of-way is 50 feet.

The topography consists of constructed embankments leading up to the Riverton Bridge which crosses the Monongahela River.

With respect to the urban and/or rural characteristics of the surrounding area, the Monongahela River Valley is an industrially developed area southeast of Pittsburgh and at one time was one of the most extensively utilized industrial steel making regions in the United States. While still utilized for various steel making purposes, sections of the Monongahela River Valley are being redeveloped and reconfigured for multiple commercial and residential uses and community recreational purposes. The proposed abandonment will permit the creation of a regional recreational trail system being developed in the Monongahela River Valley and will not only provide valuable recreational resources to the Valley communities, but will also promote historic preservation of the Riverton Bridge and the education of trail users and local residents concerning the industrial history and heritage of the Monongahela River Valley.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Response: The Pennsylvania Historical and Museum Commission has been provided with good quality photographs of the Riverton railroad bridge which is the only structure on the property that is 50 years old or older.

There are attached as Appendix 7 hereto, copies of correspondence with the Pennsylvania Historical and Museum Commission of the Pennsylvania Bureau for Historic Preservation (BHP):

- (a) Required letter-notice to BHP dated December 12, 2007 concerning the proposal;
- (b) Reply from BHP dated December 17, 2007;

(c) Response dated January 18, 2008 to BHP; and

(d) Letter from BHP dated September 4, 2007 confirming that the Riverton Bridge is not eligible for the National Register of Historic Places.

The above exchanges of correspondence confirms that we notified BHP of the proposal and that initially BHP indicated that it was probable that the Riverton Bridge may be eligible for listing on the National Register of Historic Places. However, based on our response to BHP, dated January 18, 2008, in which we pointed out that on September 4, 2007 BHP determined that the Riverton Bridge is not eligible for the National Register of Historic Places and provided a copy of that letter, it was determined that the Riverton Bridge is not eligible for the National Register of Historic Places. At the same time, we enclosed for the benefit of BHP photographs depicting the Riverton Railroad Bridge and appropriate USGS map references delineating the proposed abandonment area.

(4) The date(s) of construction of the structure(s) and the date(s) and extent of any major alterations, to the extent such information is known;

Response: The Riverton Railroad Bridge was constructed by the Pennsylvania Railroad in 1891 and subsequently repaired and reinforced in 1975 and from time to time thereafter.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as the result of the proposed action;

Response: The Rail Line, including the Riverton Bridge, was originally constructed by the Pennsylvania Railroad Company in 1891 to connect its Monongahela

Line to the former USS National Works at McKeesport and to interchange with the MKC which served the USS plant complex. Operations at the USS facilities at McKeesport were terminated more than 25 years ago. At present, only one rail customer in McKeesport, Camp-Hill, is served by operations over the Rail Line. It operates the so-called ERW mill that was formerly a part of the USS National Works. Camp-Hill is an outside processor for USS and processes coils from the USS Irvin and Gary Works into pipe used by the water and gas transmission pipeline industry.

At present, URR utilizes the Rail Line to move shipments of coils from the Irvin Works of USS north of Clairton, PA to Camp-Hill via a connection with the MKC. These inbound movements, as noted above, are minimal. If this Petition is granted, rail service remains available to Camp-Hill for this traffic via MKC and CSX over alternative interchanges. There is also available truck transportation for the inbound shipments.

Some of the outbound shipments of finished pipe move over the Rail Line to a connection with NSR. These movements are sporadic and infrequent. If the Petition is granted, Camp-Hill will continue to have outbound rail service available via MKC to connections with CSX. In addition, alternative truck service is available for the outbound shipments.

URR advises that there has been no overhead traffic on the Rail Line for the past two years. NSR, a Class I railroad, will join in the Petition for Exemption to the extent that the Petition seeks to discontinue NSR's trackage rights over the Rail Line. Neither NSR nor its predecessor, Conrail, have utilized these trackage rights for at least the past fifteen (15) years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

Response: All available documents in the possession of URR, including a complete set of the engineering drawings for the Riverton Bridge which will be useful in documenting the historical background of the Riverton Bridge, will be transferred to Allegheny County and/or its designee, simultaneously with the conveyance of the Rail Line and the Riverton Bridge.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with State Historic Preservation Office, local historical societies or universities);

Response: URR and NSR know of no historic sites or structures on the line or in the project area. Petitioners are not aware of any tracks within the scope of this transaction that merit historical comment, which have not already been addressed through plans for the preservation of the Riverton Railroad Bridge for recreational trail use, and believe that any archeological sites within the scope of the right-of-way would long ago have been disturbed during the construction of the railroad bridge and the Rail Line.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain;

Response: Petitioners do not have in their possession any readily available information to respond to this question.

(9) Within 30 days of receipt of the historical report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.*, prehistoric or native American).

Response: (No response required.)

V. SUMMARY OF APPENDICES

The following is a summary and description of the Appendices hereto, including where applicable, references to specific C.F.R. regulations:

Appendix 1 USGS Topographic Map of Rail Line (49 C.F.R. §1105.8(d)(1))

Appendix 2 Required Letter-Notices to Federal, State and Local Government Agencies (49 C.F.R. §1105.11 [Appendix])

Appendix 3 Responses Received to date to Letter-Notices (49 C.F.R. §1105.7(d))

Appendix 4 Schematic Map Captioned "Steel Valley Trail Map"

Appendix 5 Press Release of Rails-to-Trails Organizations

Appendix 6 Aerial Photograph (49 C.F.R. §1105.8(d)(3))

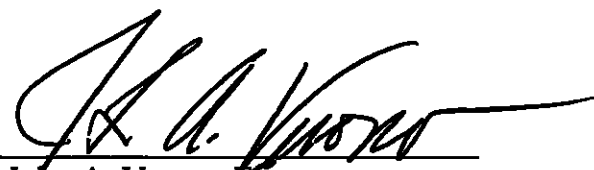
Appendix 7 Copies of correspondence with the Bureau of Historic Preservation of the Pennsylvania Historical and Museum Commission

Dated this 4th day of February, 2008.

Respectfully submitted,

UNION RAILROAD COMPANY
NORFOLK SOUTHERN
CORPORATION

By: _____


John A. Vuono, Esq.

Richard R. Wilson, Esq.

Vuono & Gray, LLC

310 Grant Street, Suite 2310

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 (Fax)

Attorneys for

Union Railroad Company

Greg E. Summy, Esq.
General Solicitor
Norfolk Southern Corp.
Three Commercial Place
Norfolk, VA 23510-2191
(757) 533-4890
(757) 533-4872 (Fax)
Attorney for Norfolk Southern Corp.

OF COUNSEL:

VUONO & GRAY, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
(412) 471-1800

/s8782

**CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Dockets No. AB-183 (Sub-No. 4X) and AB-290 (Sub-No. 301X) was served by United States Postal Service Express Mail or in the absence of a mailing address by electronic mail on February 4, 2008 on the following parties:

Pennsylvania Public Utility Commission
P. O. Box 3265
Room 104, North Office Building
North Street & Commonwealth Avenue
Harrisburg, PA 17105-3265

U. S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and
Waterways
P. O. Box 2777
Harrisburg, PA 17105

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

Mr. Dan Onorato
Allegheny County Chief Executive
Courthouse
436 Grant Street
Room 101
Pittsburgh, PA 15219

U. S. Fish & Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

Civil Works Office
U. S. Army Engineer District
Wm. S. Moorhead Federal Building
1000 Liberty Avenue, Room 1828
Pittsburgh, PA 15222-4186

U. S. National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street
5th Floor
Philadelphia, PA 19106

National Resources Conservation Service
Butler Service Center
625 Evans City Road
Butler, PA 16001-8704

State Historic Preservation Office
Pennsylvania Historical & Museum
Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

Natural Resources Conservation Service
USDA
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110

U. S. National Geodetic Service
National Oceanic & Atmospheric
Administration
NGS.InfoCenter@noaa.gov



John A. Vuono

/58782

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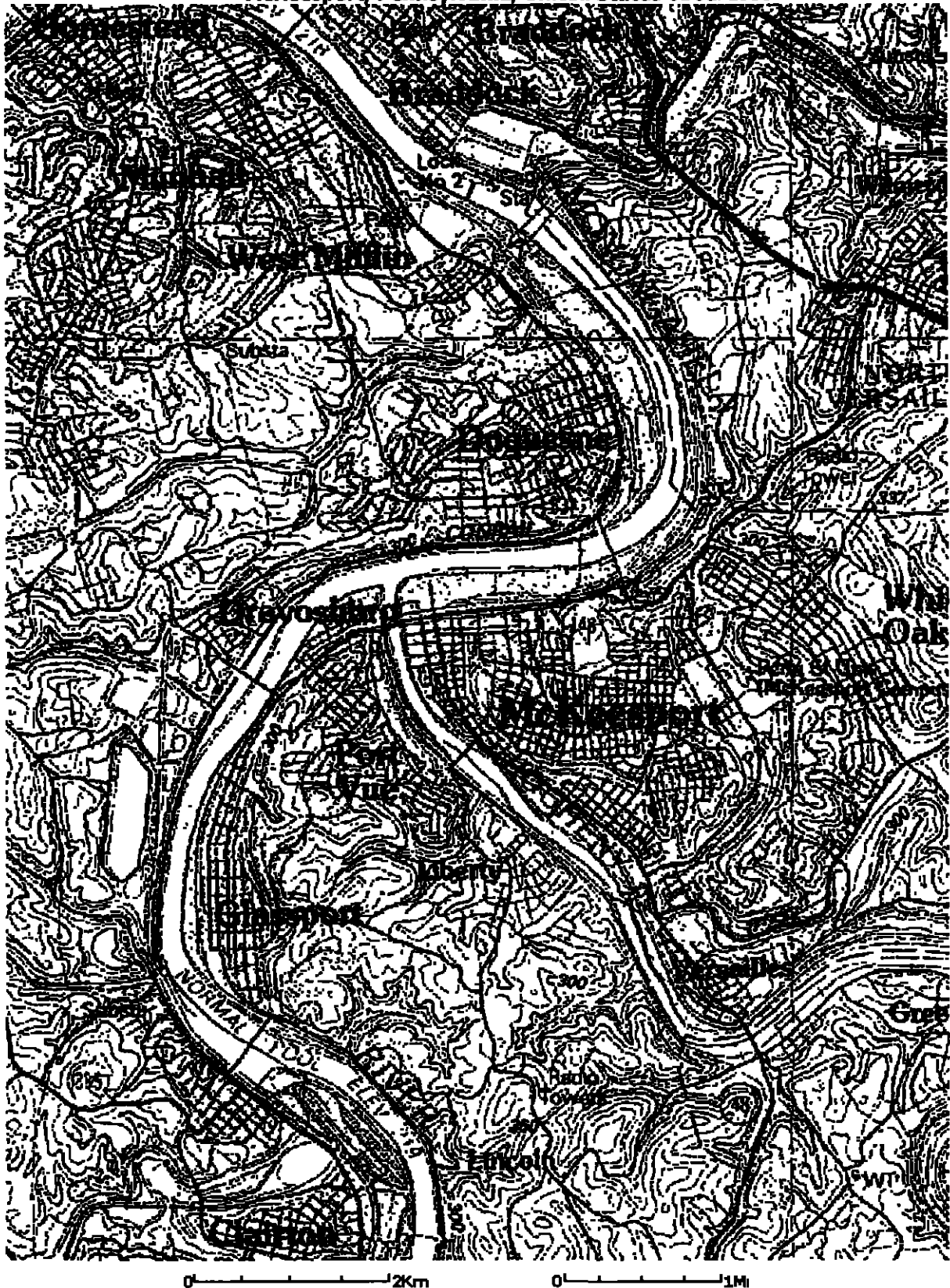
[Send To Printer](#)[Back To TerraServer](#)[Change to 11x17 Print Size](#)[Show Grid Lines](#)[Change to Landscape](#)**USGS McKeesport, Pennsylvania, United States 01 Jul 1986**

Image courtesy of the U.S. Geological Survey

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2

**UNION RAILROAD COMPANY
600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaltis
President**

412-433-4640

December 12, 2007

**Re: Docket No. AB-183 (Sub-No. 4X)
Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**Pennsylvania Public Utility Commission
P. O. Box 3265
Room 104, North Office Building
North Street & Commonwealth Avenue
Harrisburg, PA 17105-3265**

ET 859857824 US

Dear Sir or Madam:

On January 15, 2008, Union Railroad Company ("URR") expects to be filing with the Surface Transportation Board ("Board") a Joint Petition with Norfolk Southern Railway Company ("NSR") for exemption from the application of 49 U.S.C. §10903 pursuant to 49 U.S.C. 10502(a) and the applicable Board regulations in order to permit (1) NSR to discontinue trackage rights over the URR line between South Duquesne and McKeesport, Allegheny County, PA, as more fully described herein; and (2) URR to discontinue service and abandon the Rail Line.

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our Representative) would be appreciated within approximately 3 weeks or on or before January 4, 2008.

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 our Representative directly, whose name and contact information are as follows:

John A. Vuono, Esq.
Vuono & Gray, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
Telephone: 412-471-1800
Fax: 412-471-4477
EMAIL: jvuono@vuonogray.com

Thank you for your prompt attention to this matter.

UNION RAILROAD COMPANY

By: _____
John C. Pranaitis, President

**UNION RAILROAD COMPANY
600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaitis
President**

412-433-4640

December 12, 2007

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Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**U. S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103**

ET 859857815 US

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**John C. Pranaitis
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December 12, 2007

412-433-4640

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Union Railroad Company
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Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
P. O. Box 2777
Harrisburg, PA 17105**

ET 859857798 US

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[Both in Allegheny County, PA]

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

ET 859857807 US

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Norfolk Southern Railway Company
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[Both in Allegheny County, PA]

**Mr. Dan Onorato
Allegheny County Chief Executive
Courthouse
436 Grant Street, Room 101
Pittsburgh, PA 15219**

ET 859857784 US

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[Both in Allegheny County, PA]

**U. S. Fish & Wildlife Service
Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589**

ET 859857775 US

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Pittsburgh, PA 15219
Telephone: 412-471-1800
Fax: 412-471-4477
EMAIL: jvuono@vuonogray.com

Thank you for your prompt attention to this matter.

UNION RAILROAD COMPANY

By: _____
John C. Pranaitis, President

**UNION RAILROAD COMPANY
600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaltis
President**

412-433-4640

December 12, 2007

**Re: Docket No. AB-183 (Sub-No. 4X)
Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**Civil Works Office
U. S. Army Engineer District
Wm. S. Moorhead Federal Building
1000 Liberty Avenue, Room 1828
Pittsburgh, PA 15222-4186**

ET 859857767 US

Dear Sir or Madam:

On January 15, 2008, Union Railroad Company ("URR") expects to be filing with the Surface Transportation Board ("Board") a Joint Petition with Norfolk Southern Railway Company ("NSR") for exemption from the application of 49 U.S.C. §10903 pursuant to 49 U.S.C. 10502(a) and the applicable Board regulations in order to permit (1) NSR to discontinue trackage rights over the URR line between South Duquesne and McKeesport, Allegheny County, PA, as more fully described herein; and (2) URR to discontinue service and abandon the Rail Line.

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our Representative) would be appreciated within approximately 3 weeks or on or before January 4, 2008.

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 our Representative directly, whose name and contact information are as follows:

John A. Vuono, Esq.
Vuono & Gray, LLC
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--Abandonment Exemption--**

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Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**U. S. National Park Service
Northeast Region
U. S. Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106**

ET 859857740 US

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600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaltis
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412-433-4640

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Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**National Resources Conservation Service
Butler Service Center
625 Evans City Road
Butler, PA 16001-8704**

ET 859857736 US

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600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaltis
President**

412-433-4640

December 12, 2007

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Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**Natural Resources Conservation Service
USDA
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110**

ET 859857679 US

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PITTSBURGH, PA 15219**

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412-433-4640

December 12, 2007

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Union Railroad Company
--Abandonment Exemption--**

**Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**State Historic Preservation Office
Pennsylvania Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120**

ET 859857722 US

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600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219**

**John C. Pranaitis
President**

412-433-4640

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Union Railroad Company
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Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--**

[Both in Allegheny County, PA]

**U. S. National Geodetic Service
National Oceanic & Atmospheric
Administration**

**BY E-MAIL
NGS.InfoCenter@noaa.gov**

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UNION RAILROAD COMPANY

By: _____
John C. Pranaitis, President

3

United States Department of Agriculture



Natural Resources Conservation Service
One Credit Union Place, Suite 340
Harrisburg, PA 1700-2993

December 20, 2007

John A. Vuono, Esq
Vuona & Gray, LLC
310 Grant Street, Suite 2310
Pittsburg, PA 15219

Re: Docket No AB-183 (Sub No 301 x)
Allegheny County, PA

As requested in a letter dated December 12, 2007, we have reviewed the project location for possible areas of concern to the USDA Natural Resources Conservation Service.

The project is entirely within an area that has historically been used for commercial purposes, and no federally-designated farmlands exist in the proposed project area.

Contact me at (717) 237-2218; FAX (717) 237-2238; email:timothy.emenheiser@pa.usda.gov if you need more information

Timothy Emenheiser
by [signature]

Tim Emenheiser
Resource Conservationist

cc: J.W Burgess, Supervisory District Conservationist, Kittanning, PA





DAN ONORATO
CHIEF EXECUTIVE

COUNTY OF ALLEGHENY

OFFICE OF THE CHIEF EXECUTIVE

101 COURTHOUSE • 436 GRANT STREET
PITTSBURGH PA 15219
PHONE (412) 350-6500 • FAX (412) 350-6512
WWW.ALLEGHENYCOUNTY.US

January 14, 2008

Surface Transportation Board
Environmental Analysis Section
395 E Street, S.W.
Washington, D.C. 20423-0001

**Re: Union Railroad Co. Docket No. AB-183 (Sub-No. 4X)
Abandonment Exemption
Norfolk Southern Railway Co. Docket No. AB-290 (Sub-No. 301X)
Discontinuance of Trackage Rights Exemption
Cities of Duquesne and McKeesport, Pa.**

Dear Sir or Madam:

We received the above subject notice dated December 12, 2007, requesting comments.

Allegheny County supports the development of the Steel Valley Trail to complete the Great Allegheny Passage trail system between Pittsburgh, Pa, and Washington, D.C. In preliminary meetings, we have indicated our willingness to assume ownership of the portion of this abandonment necessary for developing the trail, including 1200 feet of the Riverton Bridge over the Monongahela River.

We attach, for your information, letters of support concerning this project. Please call David L. Wright, P.E., Right-of-Way Manager, Allegheny County Public Works Department, at 412-350-6645 if you have any questions or need additional information.

Sincerely,

Dan Onorato
Allegheny County Chief Executive

cc: Mr. John A. Vuono, Esq.
Mr. Jack Paulik, Regional Trail Corp.
Mr. Tom Donatelli, P.E., Allegheny County Public Works Director



This response relates only to endangered or threatened species under our jurisdiction, based on our review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential service concerns under the Fish and Wildlife Coordination Act or other authorities.

To avoid potential delays in reviewing your project, please use the above-referenced USFWS tracking number in any future correspondence regarding this project.

Please contact Pamela Shellenberger of my staff at 814-234-4090 if you have any questions or require further assistance.

Sincerely,



David Densmore
Supervisor

Enclosure

Federally Listed, Proposed, and Candidate Species in Pennsylvania

(revised August 15, 2007)

Common Name	Scientific Name	Status	Distribution (Counties and/or Watersheds)
MAMMALS			
Indiana bat	<i>Myotis sodalis</i>	E	Hibernacula: Armstrong, Beaver, Blair, Berks, Fayette, Huntingdon, Lawrence, Luzerne, Mifflin, and Somerset Co. Maternity sites: Berks, Bedford, and Blair Counties. Potential winter habitat: caves or abandoned mines. Potential summer habitat state-wide in forests or wooded areas.
BIRDS			
Piping plover	<i>Charadrius melodus</i>	E	Designated critical habitat on Presque Isle (Erie Co.). Migratory. No nesting in PA since 1950s. Only recent colonization attempts at Presque Isle.
REPTILES			
Box turtle	<i>Clemmys (Glyptemys) muhlenbergii</i>	T	Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Litch, Monroe, Montgomery, Northampton, Schuylkill, and York Co.
Eastern massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Historically found in Crawford, Mercer and Philadelphia Co. Butler, Crawford, Mercer and Venango Co. Historically found in Allegheny and Lawrence Co.
MUSSELS			
Clubshell	<i>Pleurobema clava</i>	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co. Shenango River (Mercer and Crawford Co.) Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Indiana, Lawrence, and Westmoreland Co.
Walden wadgomussel	<i>Alasmidonta heterodon</i>	E	Delaware River (Pike and Wayne Co.) Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia Co.) or Susquehanna River watershed (Lancaster Co.)
Common riffleshell	<i>Epiblasma torulosa rangiana</i>	E	French Creek and Allegheny River (and some tributaries) in Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co. Has not been found recently in streams of historical occurrence, including: Shenango River (Lawrence Co.); Conewango Creek (Warren Co.)

Common Name	Scientific Name	Status	Distribution (Counties and/or Watersheds)
MUSSELS			
(continued)			
Painted bean	<i>Villosa fabalis</i>	C	French Creek and Allegheny River (Armstrong, Clarion, Crawford, Erie, Forest, Mercer, Warren Co.); Cussewago Creek (Crawford Co.); Has not been found recently in 5 streams of historical occurrence in Armstrong, Lawrence, Mercer and Warren Co.
Sheepnose	<i>Plethobasus cyphus</i>	C	Allegheny River (Forest and Venango Co.) Has not been found recently in streams of historical occurrence, including: Allegheny River (Armstrong Co.), Beaver River (Lawrence Co.), Ohio River (Allegheny and Beaver Co.); and Monongahela River (Washington Co.)
FISH			
Shortnose sturgeon	<i>Acipenser brevirostrum</i>	E	Delaware River and other Atlantic coastal waters
PLANTS			
Northeastern bulrush	<i>Scirpus ancistrochaetus</i>	E	Adams, Bedford, Blair, Cambria, Carbon, Centre, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Lackawanna, Lebanon, Lycoming, Mifflin, Monroe, Perry, Snyder, Tioga, and Union Co.
Small-whorled pogonia	<i>Isotria medeoloides</i>	T	Historically found in Northampton Co. Centre, Chester, and Venango Co. Historically found in Berks, Greene, Monroe, Montgomery and Philadelphia Co.

E = Endangered; T = Threatened; P = Proposed for listing; C = Candidate
Shortnose sturgeon is under the jurisdiction of the National Marine Fisheries Service

Pennsylvania Field Office

~~December 10, 2007~~

RECEIVED 1228
DEC 19 2007
8th COAST GUARD DISTRICT
BRIDGEFORTH

DOWB BIRGUNG			
INFO	SECTION		
DWB	SUBJECT		
SEC	PROPERTY		
CLERK	STATUS		
BR SPEC	DATE		
BR SPEC	DATE		
BR SPEC	DATE		
COMMENTS			

REF:USFWS Project #2008-0391

Dear Mr. Wiebusch:

USFWS responds to your letter of November 20, 2007, requesting information about federally listed proposed endangered and threatened species within the area affected by the proposed Riverbend Railroad Bridge bicycle trail project located in Allegheny County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 883; Amendment 16, U.S.C. 1531 et seq.) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, based on currently available information, no biological assessment or further consultation under the Endangered Species Act is required with the Fish and Wildlife Service. Should project implementation or additional information on listed or proposed species becomes available, this determination may be reconsidered.

Please note that a field survey may reveal previously undocumented populations of one or more species of concern within a project area. Refer to the enclosed list of *Federally Listed, Proposed, and Candidate Species in Pennsylvania* to determine which species may be found in your project area and suitable habitats present. If surveys or further information reveals that a federally listed, proposed, or candidate species exists in your project area, contact the Fish and Wildlife Service immediately to discuss measures to avoid or minimize potential impacts to the species prior to initiating your project.

This determination is valid for one year from the date of this letter. If the proposed project has not been fully implemented prior to this, please access the PNDI Project Planning Environmental Review Tool on the Pennsylvania Natural Heritage Program's website (www.naturalheritage.state.pa.us) to

submit the project directly to our office for review, rather than using the online screening tool.



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

December 21, 2007

Water Planning Office

717-772-5622

John A. Vuono, Esq.
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219

Re: DEP File No. CZ7: FPL

Dear Vuono:

On December 14, 2007, the Pennsylvania Coastal Resources Management (CRM) Program received information on the following two proposed railroad actions:

Docket No. AB-183 (Sub-No. 4X), Union Railroad Company – Abandonment Exemption – Allegheny County, Pennsylvania, and

Docket No. AB-290 (Sub-No. 301X), Norfolk Southern Railway Company – Discontinuance of Trackage Rights Exemption – Allegheny County, Pennsylvania.

These actions were sent for our federal consistency review as required under 15 CFR Part 930 Subpart D - Consistency for Federally Licensed and Permit Activities. We have determined that the above actions are located outside of Pennsylvania's Coastal Zones, and will not impact upon them. Therefore, these actions are consistent with Pennsylvania's CRM Program.

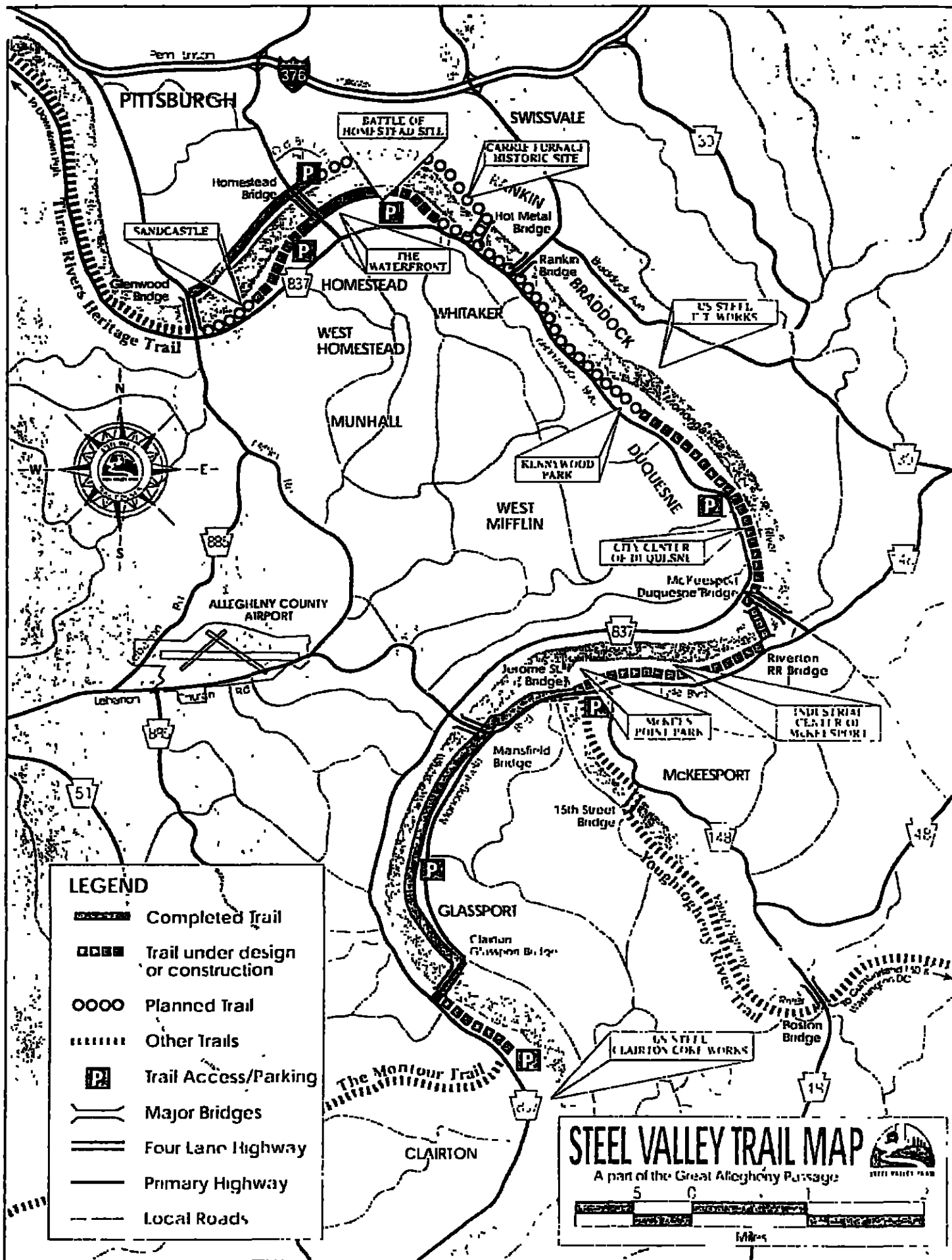
In conclusion, please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection's review or other Departmental permits.

Sincerely,

Lawrence J. Toth
Environmental Planner
Coastal Resources Management Program



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U.S. News

Slow but sure, bike trail nears completion

Friday, April 27, 2007

By Ann Belser, Pittsburgh Post-Gazette

John Surma, the chairman of U.S. Steel, first heard of the Great Allegheny Passage trail plan when he was biking along the Potomac River in 1983.

Mr. Surma, a Pittsburgh native, asked a bicyclist how far the trail ran. He was told the path covered about 20 miles, and then the stranger said the words Mr. Surma recalled yesterday: "Some day it's going to go all the way to Pittsburgh "

Now, 24 years later, the trail runs from Washington, D.C., to McKeesport.

Mr. Surma was on hand yesterday as Allegheny County officially took possession of a 1.5-mile portion of the trail -- one of the final pieces of the 335-mile Great Allegheny Passage, the network of hiking and biking trails that will stretch to Point State Park in Pittsburgh

The newest trail segment runs along the route of a former natural gas pipeline on the southern bank of the Monongahela River in West Mifflin and Duquesne. The county bought the land from U S. Steel.

Mr. Surma and county Chief Executive Dan Onorato said they want to work with Linda McKenna Boxx, the president of the Allegheny Trail Alliance, and Hanna Hardy, the Steel Valley Trail Council president, to get the trail to Point State Park completed by 2008, the year of Pittsburgh's 250th anniversary.

Ms. Boxx said the last nine miles have been the toughest to acquire and complete, including this most recently added section

"We've encountered difficult land acquisitions that took years of negotiation," she said about other sections of the trail. "All of that seems easy compared to what we are facing in the Mon Valley."

Another trail segment they've still not purchased runs along the Sandcastle property in West Homestead and is owned by Kennywood Entertainment Co

Andrew R. Quinn, director of community relations for the waterpark, said there are a couple of "pinch points" where the company has not figured out how to run the trail. One is over a culvert that has collapsed, leaving a hole in the parking lot. The other is near a bridge abutment.



Post-Gazette

He pledged those problems would be resolved so that the trail would run uninterrupted past Sandcastle by next year.

Ms. Boxx said other uncompleted sections, through the Regional Industrial Development Corp. sites in McKeesport and Duquesne, are on hold until the trail council determines the alignment of the trail.

Mr. Onorato said he thinks it's great that a major manufacturing concern such as U.S. Steel has joined with the county to develop the last sections of the trail.

"You can have trails and you can have manufacturing. It's not one or the other; we want them both," he said.

(Ann Belser can be reached at abelser@post-gazette.com or 412-263-1699.)

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6



Google
67001 1000000
Streaming 000000 1000000
70°50'47.42W 56°10'47.42N
70°50'47.42W 56°10'47.42N

7

APPENDIX 7
UNION RAILROAD COMPANY
600 GRANT STREET, SUITE 1887
PITTSBURGH, PA 15219

John C. Pranaitis
President

412-433-4640

December 12, 2007

Re: Docket No. AB-183 (Sub-No. 4X)
Union Railroad Company
--Abandonment Exemption--

Docket No. AB-290 (Sub-No. 301X)
Norfolk Southern Railway Company
--Discontinuance of Trackage Rights Exemption--

[Both in Allegheny County, PA]

State Historic Preservation Office
Pennsylvania Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

Dear Sir or Madam:

On January 15, 2008, Union Railroad Company ("URR") expects to be filing with the Surface Transportation Board ("Board") a Joint Petition with Norfolk Southern Railway Company ("NSR") for exemption from the application of 49 U.S.C. §10903 pursuant to 49 U.S.C. 10502(a) and the applicable Board regulations in order to permit (1) NSR to discontinue trackage rights over the URR line between South Duquesne and McKeesport, Allegheny County, PA, as more fully described herein; and (2) URR to discontinue service and abandon the Rail Line.

The Rail Line that is the subject of this proceeding is owned by URR and comprises approximately 1.34 miles of track between South Duquesne, PA and McKeesport, PA and includes the Riverton Railroad Bridge which crosses the Monongahela River at Monongahela Milepost 14.3. The Rail Line is located entirely in Allegheny County, PA and traverses U S Postal Service zip codes 15110 and 15132. The following is the exact description of the Rail Line:

From McKeesport Branch Station 0+00 (Duquesne Branch station 97+26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1 (the "Rail Line").

Page Two
December 12, 2007

There is attached a Combined Environmental Report and Historic Report describing the proposed action and any expected environmental and/or historic effects ("the Report"). There are seven appendices attached to the Report, including a USGS map of the Rail Line and an aerial photograph of the Rail Line as Appendices 1 and 6, respectively.

We are providing this report so that you may review the information that will form the basis for the Board'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 Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001. Telephone 202-245-0245 and refer to the above Docket Numbers.

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our Representative) would be appreciated within approximately 3 weeks or on or before January 4, 2008.

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 our Representative directly, whose name and contact information are as follows:

John A. Vuono, Esq.
Vuono & Gray, LLC
310 Grant Street
Suite 2310
Pittsburgh, PA 15219
Telephone: 412-471-1800
Fax: 412-471-4477
EMAIL: jvuono@vuonogray.com

Thank you for your prompt attention to this matter.

UNION RAILROAD COMPANY

By: _____
John C. Pranaitis, President



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

December 17, 2008

John A. Vuono, Esq
Vuono & Gray, LLC
310 Grant Street, Suite 2310
Pittsburgh, PA 15219

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re ER 08-0514-003-A
STB Docket No. AB-183(Sub-No) and STB Docket No. AB-190 (Sub-No. 301X) Proposed Discontinue Trackage Rights from McKeesport Branch Station 0+00 (Duquesne Branch Station 97-26) at the point of switch for turnout D-60, to McKeesport Branch station 70+78 at the point of switch for turnout UM-1 (the "Rail Line") and the Riverton Bridge, McKeesport and South Duquesne, Allegheny County

Dear Mr Vuono:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

The rail line and bridge that is subject to this action appears to have been part of the former Union Railroad. This same line has been determined eligible for the National Register of Historic Places just north of this action in Braddock, Turtle Creek, etc. Therefore, it is probable that the rail line and bridge reference above are also eligible for the National Register of Historic Places. However, we are unable to concur in this finding until additional information is submitted. Please see the attached form for the checked items necessary to complete our review of this project.

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

Enclosure
cc: STB
DCM/smz

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
BUREAU FOR HISTORIC PRESERVATION

INFORMATION REQUEST SHEET

(Revised 4/07)

Please submit checked items for PHMC to proceed with review.

PROJECT INITIATION

A. FUNDING/PERMITTING/LICENSING/APPROVAL PROGRAM

- ☐ 1. Contact person for federal/state/local agency, address, phone number.
- ☐ 2. Letter from federal agency initiating consultation, or a letter from federal agency authorizing an alternate agency or a consultant to initiate consultation.
- ☐ 3. Identify the Federal/State Agency and funding program or permit/license.

B. PROJECT DESCRIPTION

- ☐ 1. Narrative description of the project and related actions resulting from the project.
- ☐ 2. Proposed boundary of the project's Area of Potential Effect (APE) (remember to consider visual impacts)
- ☐ 3. Description and Justification of selection of the Area of Potential Effect
- ☐ 4. Architectural plans of existing conditions (as-built or as-found)
- ☐ 5. Preliminary architectural drawings or plans (floor plans, elevations, specifications)
- ☐ 6. Work write-ups
- ☐ 7. Plans and specifications
- ☐ 8. Site plans of existing conditions
- ☐ 9. Site plans of proposed development

C. PROJECT LOCATION

- ☒ 1. U.S.G.S. 7.5 min. series quadrangle with the **PROJECT LOCATION(S) AND LIMITS CLEARLY MARKED** using a colored pen. Please include name of the quadrangle
- ☐ 2. U.S.G.S. 7.5 min. series quadrangle with Area of Potential Effect marked (potential area of direct effect can be delineated inside area of indirect effect)
- ☐ 3. Street map (for properties in densely populated areas)
- ☐ 4. Street map showing location and historic district boundaries (if appropriate)
- ☐ 5. Street address of property
- ☐ 6. Municipality in which project is located (not mailing address location)

D. PROJECT SIZE (supply as appropriate for project)

- ☐ 1. Acreage of project area
- ☐ 2. Miles/feet of project and right-of-way width
- ☐ 3. Extent and nature of ground disturbing activities (i.e. grading, trenching, foundation excavation)

(over)

E. PHOTOGRAPHS (no Polaroids, or photocopies. Clear, high resolution digital images accepted.)

- ☐ 1. Exterior of building(s) in project area
- ☐ 2. Interior of building(s) in project area
- ☐ 3. Interior of building(s) illustrating the proposed work areas/features
- ☐ 4. Buildings, streetscape, setting of features in Area of Potential Effect (APE)
- ☒ 5. Views of project site
- ☒ 6. Other photo of bridge

PUBLIC PARTICIPATION

- ☐ 1. Measures which will be/or have been taken to identify consulting parties.
- ☐ 2. List of proposed consulting parties.
- ☐ 3. Measures which will be/or have been taken to notify and involve the public.

RESOURCE IDENTIFICATION, EVALUATION AND PROJECT EFFECT

A. CULTURAL RESOURCE IDENTIFICATION

- ☐ 1. Description of methodology used for identification and sources examined.
- ☐ 2. Plan proposed for identification of historical (including historic districts, buildings, structures, objects) and archaeological resources and proposed methodology to be used.
- ☒ 3. Pennsylvania Historic Resource form(s) for all properties 50 years or older and potentially eligible for the National Register identified in the APE. (See our website at: www.phmc.state.pa.us/bhp/inventories)
- ☐ 4. Historical background/context report/information for historic resources identified.

B. EFFECTS

- ☐ 1. How will the project affect building(s) over 50 years old?
- ☐ 2. National Register listed/eligible property(s) exists in project area. How will the project affect this historic property(s)?

C. Other: _____

Law Offices

VUONO & GRAY, LLC

*John A. Vuono
William A. Gray
Mark T. Vuono*
Dennis J. Kusturiss
Louise R. Schrage
Les A. Goldstrom, Jr.*

310 Grant Street

Suite 2310

Pittsburgh, PA 15219-2383

*Richard R. Wilson
of Counsel*

*Telephone
412-471-1800*

*Facsimile
412-471-4477*

**Also Admitted in Florida*

January 18, 2008

Re: ER 08-0514-003-A
STB Docket No AB-183(Sub No. 4X) and STB Docket No. AB-190 (Sub No.301X)
Proposed Discontinuance of Trackage Rights from McKeesport Branch Station 0+00
(Duquesne Brach Station 97+26) at the point of switch for turnout D-60, to McKeesport
Branch station 70+78 at the point of switch for turnout UM-1 (the "Rail Line") and the
Riverton Bridge, McKeesport and South Duquesne, Allegheny County
Our File 5253-1-5

Ms. Susan Zacher
Division of Archeology & Protection
Pennsylvania Historical and Museum Commission
Bureau of Historic Preservation
Commonwealth Keystone Bldg., 2d Floor
400 North Street
Harrisburg, PA 17120-0093

Dear Ms. Zacher:

We are in receipt of your letter of December 17, 2007 which indicates that since the Riverton Bridge is a part of the Union Railroad and since other portions of that line have been determined eligible for the National Register of Historic Places, it is probable that the Riverton Bridge may also be eligible for listing on the National Register of Historic Places. You have thus requested additional information concerning the status of this structure.

Further review of this matter reveals that on September 4, 2007 the Pennsylvania Museum and Historic Commission determined that due to the removal of plant facilities at the U.S. Steel National Tube Works in McKeesport, the National Tube Works historical site, which included the Riverton Bridge, was no longer eligible for listing on the National Register of Historic Places. (See Attachment 1). This letter definitively addresses the question raised in your correspondence of December 17, 2007 and establishes that the Riverton Bridge is not eligible for the National Register of Historic Places. Furthermore, since the Riverton Bridge was previously part of the U.S. Steel Tube National Works historic site, full documentation of that structure would have been undertaken in the initial application process for the U.S. Steel National Tube Works historic site, and need not be duplicated at this time.

Ms. Susan Zacher
Page Two
January 18, 2008

Notwithstanding that fact, we have enclosed for your reference several photographs available on the internet at the referenced website depicting the Riverton Railroad Bridge from the south bank of the Monongahela River and an aerial photograph of the same. (See Attachment 2). In addition, we have provided appropriate U.S.G.S. map references and indicated on that map in red the track which is the subject of this abandonment exemption.

Finally, we wish to advise you that as a result of this abandonment proceeding, U.S. Steel Corporation and the Union Railroad intend to convey the Riverton Bridge to Allegheny County and/or its designee in order to complete a critical connecting link in the Pittsburgh, Pennsylvania to Washington, DC trail network. Accordingly, the Riverton Bridge structure will be preserved and used for recreational trail purposes in the future.

If you require any further information in connection with this proceeding, please do not hesitate to contact me.

Very truly yours,

VUONO & GRAY, LLC

Richard R. Wilson, Esq.
Attorney for Union Railroad

CW/59765

Enclosures

cc: Section Environmental Analysis (w/enc.)



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

September 04, 2007

Brian G. Thompson, P.E., Acting Director
Bureau of Design, Department of Transportation
P.O. Box 2966
Harrisburg, PA 17105

RE: ER 2007-9028-003 – ATA Steel Valley Trail
Riverton Bridge a/k/a U.S. Steel National Works Bridge/Union Railroad Bridge
McKeesport, Allegheny County
National Tube Works Key# 019790

Dear Mr. Thompson:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004 and the terms and conditions of the PHMC Keystone Grant Agreement. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

It is the opinion of the BHP that the National Tube Works site, Key # 019790, no longer retains integrity of setting, feeling, association, design, and materials, therefore the BHP is rescinding its 1994 decision of eligibility. The National Tube Works is no longer eligible for the National Register of Historic Places. This decision is relevant to ER# 2007-9028-003 given that the Riverton Bridge was included in the determination of eligibility boundary for the National Tube Works. It is also the opinion of the BHP that the Riverton Bridge is not individually eligible for the National Register of Historic Places.

If you need information concerning this project, please contact Cheryl L. Nagle, Historic Preservation Specialist at 717-772-4519.

Sincerely,

Andrea MacDonald, Chief
Division of Preservation Services

ALM/cln

Cc: David Anthony, PennDOT District 11
Kara Russell, PennDOT Central Office
Roger Wiebusch, United States Coast Guard