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OEA

SERVICE DATE – APRIL 29, 2024

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 1233 (Sub-No. 2X)

**The Allegheny Valley Railroad Company – Abandonment Exemption –
in Allegheny County, Pa.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Allegheny Valley Railroad Company (AVR) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Allegheny County, Pennsylvania. The rail line proposed for abandonment is comprised of three connected sections. The first section extends approximately 2.3 miles, beginning at milepost 0.7 north of a wye connecting to Norfolk Southern Railway Company, in East Liberty, in the City of Pittsburgh and ends at approximate milepost 3.0, in the City of Pittsburgh. The second section, the Brilliant Branch-West Leg Wye extends approximately 0.5 miles beginning at approximate milepost 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ends at approximate milepost 0.5 in the Township of O'Hara. The third section, a portion of AVR's Allegheny Branch Connection, in the City of Pittsburgh, extends approximately 0.8 miles beginning at approximate milepost 1.8 and ends approximately 528 feet west of its connection with AVR's Allegheny Branch at approximate milepost 2.6. Together the three sections contain approximately 3.6 miles of rail line proposed for abandonment (the Line).

The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on April 8, 2024 for public review and comment. In the Draft EA, OEA recommended two environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

On April 23, 2024, the Pennsylvania Department of Environmental Protection (PDEP) submitted a comment on the Draft EA requesting modifications to condition #2 in the Draft EA. PDEP stated that its previous comment regarding potential permitting under the Pennsylvania

Dam Safety and Encroachments Act and the Pennsylvania Code extends to smaller watercourses and wetlands. Thus, PDEP suggested that condition #2 be modified to include smaller watercourses and wetlands and to require AVR to comply with all applicable permitting requirements. Accordingly, OEA is recommending modifying condition # 2 to require AVR to consult with PDEP regarding potential impacts to any watercourse or wetland, including the Allegheny River, and to comply with all reasonable, applicable permitting requirements.

Modifications to the Draft EA

Upon further review, OEA believes that condition #2 in the Draft EA should be modified to include the word “salvage” before the word “activities” as it was inadvertently omitted.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the conditions recommended in the Draft EA, as modified by the recommendations in this document, should be imposed upon any decision granting abandonment authority.¹ The conditions are:

1. Prior to commencement of any abandonment-related salvage activities, Allegheny Valley Railroad Company shall consult with the U.S. Army Corps of Engineers regarding potential impacts to water of the United States, including wetlands, and shall comply with its reasonable requirements.
2. Prior to commencement of any abandonment-related salvage activities, Allegheny Vally Railroad Company shall consult with the Pennsylvania Department of Environmental Protection regarding potential impacts to any watercourse or wetland, including the Allegheny River, and shall comply with all reasonable, applicable permitting requirements.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.