

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
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THOMAS J. HEALEY

(312) 252-1505

thealey@fletcher-sippel.com

308016

ENTERED

Office of Proceedings

February 23, 2024

Part of
Public Record

Phone: (312) 252-1500

Fax: (312) 252-2400

www.fletcher-sippel.com

February 23, 2024

VIA ELECTRONIC FILING

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

Re: **Docket No. AB 1233 (Sub-No. 2X)**
Allegheny Valley Railroad Company — Abandonment Exemption —
In Allegheny County, Pennsylvania

Dear Ms. Brown:

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

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

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

Respectfully submitted,

Thomas J. Healey

Thomas J. Healey
Attorney for Allegheny Valley
Railroad Company

FILED
February 23, 2024
SURFACE
TRANSPORTATION BOARD

TJH:th
Enclosure

FEE RECEIVED
February 23, 2024
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233 (SUB-NO. 2X)

ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA

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

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

**ATTORNEYS FOR ALLEGHENY VALLEY
RAILROAD COMPANY**

Dated: February 23, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233 (SUB-NO. 2X)

ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA

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

Allegheny Valley Railroad Company (“AVR”) hereby submits this Notice of Exemption pursuant to 49 C.F.R. part 1152, subpart F, to abandon an approximately 3.6-mile portion of a railroad line known generally as the “Brilliant Branch” located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania.

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

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

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

The complete name and address of AVR is:

Allegheny Valley Railroad Company
Building 1, Suite 100
519 Cedar Way
Oakmont, PA 15139

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

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

approximately 3.6-mile segment of rail line known generally as the “Brilliant Branch” located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Mile Post 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the “Line”).

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line proposed to be abandoned is attached hereto as Exhibit A.

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

AVR’s representative to whom correspondence regarding this abandonment should be sent is:

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

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

The Line traverses a portion of United States Postal Service ZIP Codes 15206, 15208, and 15215.

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

Per the certification and verification attached hereto as Exhibit B, AVR has certified that no local revenue traffic has moved over the Line for at least two years, that overhead traffic (to the extent any has existed) can be rerouted over other lines, and that no formal complaint has been filed by a user of rail service (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the line proposed for abandonment, and that no such complaint is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

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

AVR will not consummate the proposed abandonment any earlier than April 13, 2024, 50 days from the date that this notice is filed with the Board.

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

AVR seeks Board authorization to abandon the Line to facilitate an interim trail use arrangement with the Redevelopment Authority of Allegheny County (“RAAC”), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law. Following the filing of the present abandonment notice, AVR understands that RAAC will file a petition for issuance of a notice of interim trail use, with the intent that RAAC will assume interim trails sponsorship for the Line and deploy the right-of-way, including a bridge (spanning the Allegheny River) and several viaducts, as part of a pedestrian trail linking parts of Pittsburgh with Aspinwall, Pennsylvania. AVR has been an active participant in and party to the trails use arrangements with RAAC, and will concur in RAAC’s request for an NITU.

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

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

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

A certificate that the notice requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.¹

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

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

AVR anticipates that a Section 106 historic preservation condition will be imposed in this proceeding. AVR notes that it is the practice of the Office of Environmental Analysis to include, for clarity, explanatory language with any recommended environmental or

¹ After proper solicitation of input for the draft Environmental/Historic Report (the “Report”) was requested from the appropriate parties, the draft Report was served on those parties by January 31, 2024, pursuant to 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c). However, due to counsel’s oversight, the Board’s suggested cover letter for provision of the draft Report (49 C.F.R. § 1105.11) was not included with the transmission of the draft Report. Today, AVR re-served the Report accompanied by the suggested cover letter. Because AVR has a written agreement to convey its interests in the Line to RAAC for trails purposes, and because the Board’s action in issuing an NITU is ministerial, any environmental or historic conditions placed upon AVR’s abandonment authority would not apply unless and until AVR sought to consummate that authority. See *Goos v. Interstate Commerce Commission*, 911 F.2d 1283, 1295 (8th Cir. 1990) and discussion, *infra*. In these circumstances, AVR respectfully requests that the Board waive, pursuant to 49 C.F.R. § 1105.7(g), the requirement for provision of the cover letter as necessary to allow the requested exemption to become effective fifty days after the date of this filing (April 13, 2024).

historic conditions that “if an interim rail use agreement is reached for the Line (or a portion thereof), compliance with the proposed 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.” *Eastern Idaho Railroad, L.L.C. – Abandonment Exemption – IN Bonneville County, Idaho*, Docket No. AB-1252 (Sub-No. 1X) (STB served June 5, 2020), slip op. at 3, 5 n.3; *see also, e.g., Great Redwood Trail Agency – Abandonment Exemption – In Mendocino, Trinity, and Humboldt Counties, Cal.*, Docket No. AB-1305X (STB served Octo. 24, 2022), slip op. at 5, 7 n.7. Given the arrangements with RAAC for interim trail use on the Line, such a notation would be appropriate here.

Respectfully submitted,

By: /s/ *Thomas J. Healey*

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

**ATTORNEYS FOR ALLEGHENY VALLEY
RAILROAD COMPANY**

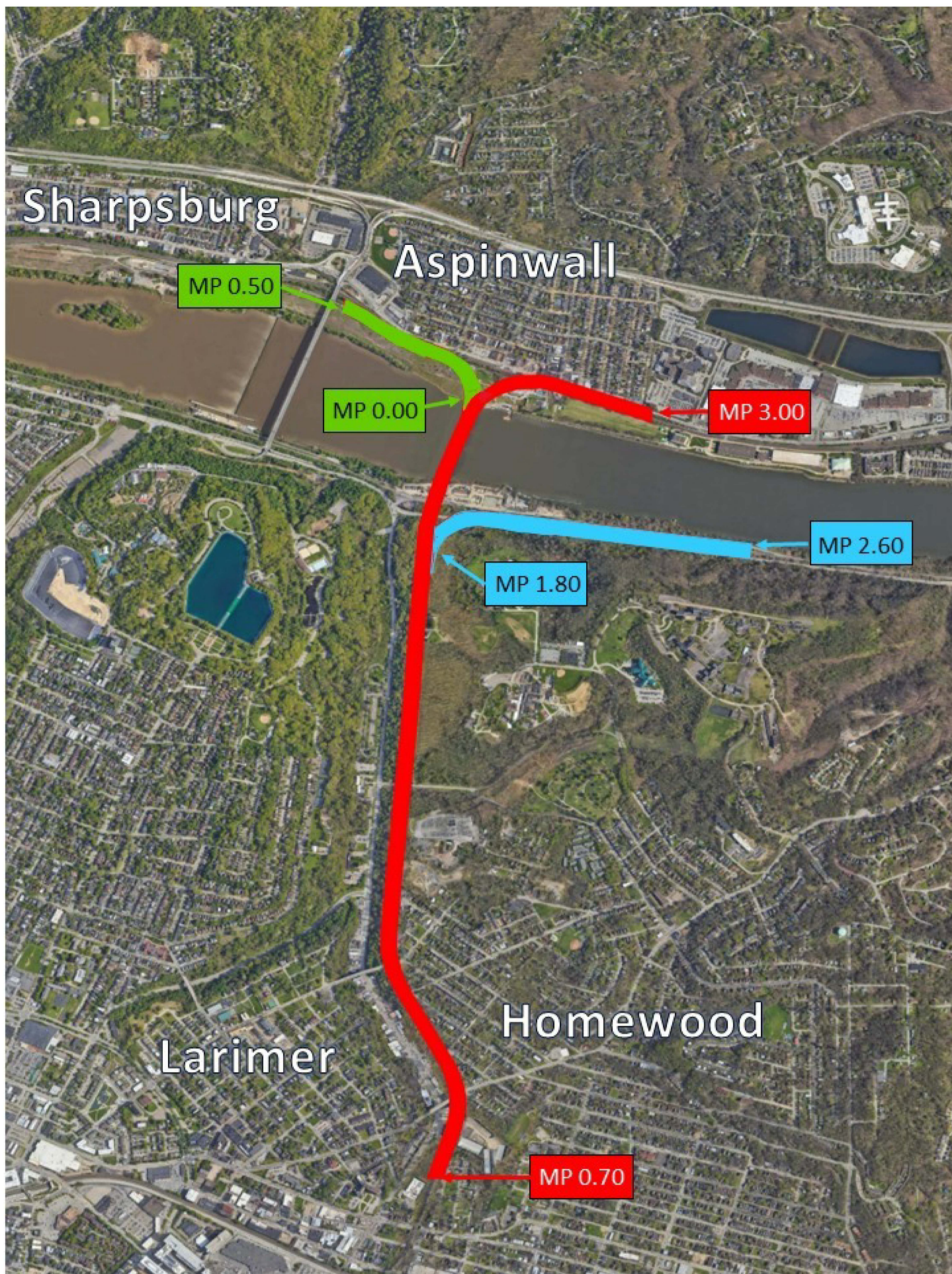
Dated: February 23, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA

EXHIBIT A

MAP



BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA

EXHIBIT B

**VERIFICATION AND CERTIFICATION
OF JOHN ASHBRIDGE**

DOCKET NO. AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PA

VERIFICATION AND CERTIFICATION

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

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

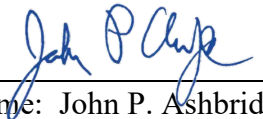
1. Allegheny Valley Railroad Company (“AVR”) seeks to abandon common carrier service over approximately 3.6 miles of railroad extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Mile Post 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the “Line”) in Pittsburgh and Aspinwall, all of which is located within Allegheny County, Pennsylvania.

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

3. No formal complaint filed by a user of rail service (or a state or local government

entity acting on behalf of such user) regarding AVR's cessation of service over the Line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the past two years.

Dated: February 22, 2024



Name: John P. Ashbridge
Title: Senior Vice President
Allegheny Valley Railroad Company
519 Cedar Way, Bldg. 1, Suite 100
Oakmont, PA 15139

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA

EXHIBIT C

**CERTIFICATE OF SERVICE AND
PUBLICATION**

DOCKET NO. AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN ALLEGHENY COUNTY, PA

CERTIFICATE OF SERVICE AND PUBLICATION

I, Thomas J. Healey, an attorney for Allegheny Valley Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB 1233 (Sub.-No. 2X), *Allegheny Valley Railroad Company - Abandonment Exemption - In Allegheny County, PA*:

(1) The advance notice requirements of 49 C.F.R. § 1152.50(d)(l) have been satisfied, to wit: On February 9, 2024, written notice of the proposed abandonment of rail service was mailed to the (a) United States Department of Defense, Military Traffic Management Command Headquarters, Military Surface Deployment and Distribution Command, Attn: SDTE-SA (Railroads for National Defense); (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Park Service, Rivers, Trails and Conservation Assistance Program; (d) the Pennsylvania Public Utility Commission, and (e) Pennsylvania Department of Transportation. A sample of the language used in such letters is appended to this certificate.

(2) A newspaper notice was published on December 7, 2023 in the Pittsburgh Post-Gazette, a newspaper of general circulation in Allegheny County, Pennsylvania. Proof of publication is appended to this certificate.

(3) A draft of the Environmental-Historic Report was served more than twenty days ago on the recipients required by 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c). Because that service did not include the cover letter described in 49 C.F.R. § 1105.11, a second service of the report to the same recipients was made earlier today that included a cover letter in conformance with 49 C.F.R. § 1105.11.

/s/ Thomas J. Healey

Thomas J. Healey
Attorney for Allegheny Valley Railroad Company

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

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

February 9, 2024

SEE ATTACHED SERVICE LIST

Re: Docket No. AB-1233 (Sub-No. 2X)
Allegheny Valley Railroad Company -- Abandonment
Exemption -- In Allegheny County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Allegheny Valley Railroad Company shall, on or after February 19, 2024, file a Notice of Exemption with the Surface Transportation Board for approval to abandon approximately 3.6 miles of railroad line known generally as the "Brilliant Branch" located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the "Line"), in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Codes 15206, 15208, and 15215. A map of the subject rail line is attached for your reference. The filing will bear Docket No. AB-1233 (Sub-No. 2X).

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

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

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/tjh

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket Nos. AB-1233 (Sub-No. 2X) was mailed via first class mail on February 9, 2024 to the following parties:

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

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

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

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

Randy Moore, Chief
Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20050-1355

No. _____ Term, _____

Proof of Publication of Notice in Pittsburgh Post-Gazette

Under Act No 587, Approved May 16, 1929, PL 1784, as last amended by Act No 409 of September 29, 1951

Commonwealth of Pennsylvania, County of Allegheny, ss D. Rullo, being duly sworn, deposes and says that the Pittsburgh Post-Gazette, a newspaper of general circulation published in the City of Pittsburgh, County and Commonwealth aforesaid, was established in 1993 by the merging of the Pittsburgh Post-Gazette and Sun-Telegraph and The Pittsburgh Press and the Pittsburgh Post-Gazette and Sun-Telegraph was established in 1960 and the Pittsburgh Post-Gazette was established in 1927 by the merging of the Pittsburgh Gazette established in 1786 and the Pittsburgh Post, established in 1842, since which date the said Pittsburgh Post-Gazette has been regularly issued in said County and that a copy of said printed notice or publication is attached hereto exactly as the same was printed and published in the regular editions and issues of the said Pittsburgh Post-Gazette a newspaper of general circulation on the following dates, viz:

07 of December, 2023

Affiant further deposes that he/she is an agent for the PG Publishing Company, a corporation and publisher of the Pittsburgh Post-Gazette, that, as such agent, affiant is duly authorized to verify the foregoing statement under oath, that affiant is not interested in the subject matter of the afore said notice or publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

COPY OF NOTICE OR PUBLICATION

NOTICE OF INTENT TO
ABANDON RAIL SERVICE
Allegheny Valley Railroad
Company (AVR) gives notice
that on or after January 16,
2024, it intends to file with the
Surface Transportation Board,
Washington, DC 20423, a
notice of exemption under 49
CFR 1152 Subpart F-Exempt
Abandonments permitting the
abandonment
approximately 3.6 miles of
railroad extending from
Railroad Mile Post 0.7 in East
Liberty in the City of
Pittsburgh, crossing AVR's
Allegheny Branch and the
Allegheny River, passing
through the Borough of
Ashtabula and ending at
approximately Railroad Mile
Post 3.0 in the City of
Pittsburgh, its Brilliant
Branch-West Leg. We
beginning at approximately
Railroad Mile Post 0.0 on
AVR's Allegheny River bridge
in the Borough of Ashtabula
and ending at approximately
Railroad Mile Post 0.5, in the
Township of O'Hara; and a
portion of Allegheny Branch
Connection in the City of
Pittsburgh, beginning at
approximately Railroad Mile
Post 1.8, being at the
connection to the Brilliant
Branch and ending at
approximately Railroad
Milepost 2.8, being
approximately 528 feet
westward of its connection to
AVR's Allegheny Branch; and
together consisting
approximately 3.6 route miles
of railroad lines (collectively,
the "line") the line to be
abandoned traverses through
ZIP Codes 15206, 15208, and
15215. The proceeding will be
doctored as No. AB 1233
Sub-No. 290. The Board's
Office of Environmental
Analysis (OEA) will generally
prepare an Environmental
Assessment (EA) which will
normally be available 25 days
after the filing of the notice of
exemption. Comments on
environmental and energy
matters should be filed no
later than 15 days after the EA
becomes available to the
public and will be addressed in
a Board decision. Interested
persons may obtain a copy of
the EA or make inquiries
regarding environmental
matters by writing to the
Office of Environmental
Analysis,
Surface Transportation Board,
Washington, DC 20423 or by
calling the office at
202-245-0295. Appropriate
offers of financial assistance to
commence 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 title use,
public use, and offers of
financial assistance) must be
filed directly with the Board's
Office of the Secretary 395 E
Street, SW, Washington, DC
20423 (See 49 CFR 1104.11a)
and 1104.3(a), and one copy
must be served on applicant's
representative (See 49 CFR
1104.12). AVR currently
intends to transfer the line to
the Redevelopment Authority
of Allegheny County (RAAC),
a body corporate and politic
created and existing pursuant
to the Pennsylvania Urban
Redevelopment Law for use
as part of a public recreational
trail. Questions regarding
offers of financial assistance,
public use or trails use may be
directed to the Board's Office
of Public Assistance,
Governmental Affairs, and
Compliance at 202-245-0238.
Copies of any comments or
requests for conditions should
be served on the applicant's
representative, Fletcher &
Sippel LLC, Attention: Thomas
J. Hasky, 29 N. Wacker Dr.,
Suite 800, Chicago, IL 60606,
(312) 252-1500.



PG Publishing Company
Sworn to and subscribed before me this day of:
December 7, 2023



Commonwealth of Pennsylvania - Notary Seal
Amy McCay, Notary Public
Allegheny County
My commission expires January 24, 2026
Commission number 1323004
Member, Pennsylvania Association of Notaries

STATEMENT OF ADVERTISING COSTS

Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, IL 60606

To PG Publishing Company
Total ----- \$1,020.00

Publisher's Receipt for Advertising Costs

PG PUBLISHING COMPANY, publisher of the Pittsburgh Post-Gazette, a newspaper of general circulation, hereby acknowledges receipt of the aforesaid advertising and publication costs and certifies that the same have been fully paid.

Office
2201 Sweeney Drive
Clinton, PA 15026
legaladvertising@post-gazette.com
Phone 412-263-1440

PG Publishing Company, a Corporation, Publisher of
Pittsburgh Post-Gazette, a Newspaper of General Circulation

By _____

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

Attorney For

BEFORE THE
SURFACE TRANSPORTATION BOARD

AB 1233 (SUB-NO. 2X)
ALLEGHENY VALLEY RAILROAD COMPANY
— ABANDONMENT EXEMPTION —
IN ALLEGHENY COUNTY, PENNSYLVANIA

EXHIBIT D

**ENVIRONMENTAL AND HISTORIC
REPORT**

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

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

February 23, 2024

SEE ATTACHED SERVICE LIST

**Re: Allegheny Valley Railroad Company – Abandonment Exemption –
in Allegheny County, PA, Docket No. AB 1233 (Sub-No. 2X)**

At the end of January 2024, I served you with a copy of a draft Environmental-Historic Report regarding the referenced rail line abandonment. At the time of transmitting the Report, due to a communications error, no cover letter was included with the Report. Because the regulations of the Surface Transportation Board (STB) (at 49 C.F.R. § 1105.11) require inclusion of this cover letter when transmitting a copy of the Report, I am re-serving a copy of the Report on you now, accompanied by this cover letter. Please note that because the previously-provided pictures of the structures on the line are only relevant to the State Historic Preservation Officer's review of this matter, I have not included those photographs to the other recipients in the appended Report. However, if you would like an additional set of photographs of the structures, please let me know and they will be provided.

Later today, we are filing with the STB a notice of exemption on behalf of Allegheny Valley Railroad Company (AVR) seeking authority to abandon an approximately 3.6-mile AVR rail line generally known as the "Brilliant Branch" located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania. The line extends from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch. Attached is the Report describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the Docket No. AB 1233 (Sub-No. 2X). Because the

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

February 23, 2024

p. 2

applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to the undersigned) would be appreciated within 3 weeks.

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

Please let me know if you have any questions.

Very truly yours,

Thomas J. Healey

Thomas J. Healey

TJH/th

Enclosures

Service List
February 23, 2024 Environmental-Historic Report

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

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

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

Allegheny County
County Executive Rich Fitzgerald
101 County Courthouse
436 Grant Street
Pittsburgh, PA 15219

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

U.S. Fish and Wildlife Service
Pennsylvania Ecological Services Field Office
110 Radnor Road
Suite 101
State College, PA 16801-7987

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

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

U.S. Department of Agriculture
Natural Resource Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282
rroe@noaa.gov

Rich Fitzgerald
Allegheny County Chief Executive
Southwestern Pennsylvania Commission
2 Chatham Center
Suite 500 112
Washington Place
Pittsburgh, PA 15219

Pennsylvania Department of Community and Economic Development
Community Planning
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North St.
Harrisburg, PA 17120
<https://share.phmc.pa.gov/>

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233 (SUB-NO. 2X)

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

ENVIRONMENTAL/HISTORIC REPORT

Allegheny Valley Railroad Company (“AVR”) submits this combined Environmental and Historic Report (the “Report”) in compliance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence, photographs and certifications are appended. As explained herein, the proposed abandonment would not significantly impact the quality of the human environment or affect the conservation of energy resources.¹

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

1. Proposed Action and Alternatives.

AVR intends to file a notice of exemption with the Surface Transportation Board (“STB”) to abandon an approximately 3.6-mile segment of a railroad known generally as the “Brilliant Branch” located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg

¹ See generally 49 C.F.R. § 1105.5(a) (2017) (incorporating “significant” standard of 40 C.F.R. § 1508.27).

Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the "Line"). The Line has not seen local service since 2015, when the remaining customer permanently closed. Since 2015, AVR has on occasion used the Line as a detour route when other routes are temporarily unavailable or for railcar storage. In 2019, after replacing a 1,250 foot timber trestle with steel on a separate AVR line to establish a reliable route to access the Allegheny Valley Line, the Brilliant Branch is redundant and without customers. AVR now desires to end common carrier service on and preserve the right of way for public recreational use, under an intended interim trails use arrangement, pursuant to a written contract that AVR signed with the Redevelopment Authority of Allegheny County ("RAAC"), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law. AVR intends to provide Amtrak an easement to turn its passenger equipment on the southerly 1,962 feet of the Line, and AVR will salvage the remaining rail and ties. The abandonment notice of exemption will be filed pursuant to 49 C.F.R. Part 1152, Subpart F. No alternatives to the proposed abandonment appear reasonable, since the Line has been inactive to local traffic for at least 2 years, and there is no foreseeable prospect that a need for freight rail service would re-emerge. AVR believes that the only reasonable alternative is retention of the subject railroad property as a federally-regulated, but dormant, freight railroad line.

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

2. Transportation System. AVR does not anticipate that existing regional or local transportation systems or patterns will be significantly affected by the proposed abandonment, but has requested input from Allegheny County and the Southwestern Pennsylvania Commission. Appendix B. No replies have been received. Since the Line has no active customers and is no longer needed to serve any customers, abandonment would not result in the diversion of traffic to other modes.

3. Land Use.

(i) AVR does not believe that the proposed abandonment would be inconsistent with regional and/or local land use plans, and has solicited comments from the Southwestern Planning Commission. Appendix B. No response has been received. The National Geodetic Survey (“NOAA”) has also been contacted, but has not yet responded. Appendix B.

(ii) The Natural Resource Conservation Service (“NRCS”) has been contacted. Appendix B. AVR received a comment from NRCS indicating no anticipated impact. Appendix B.

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

(iv) This abandonment is being undertaken in part to make the Line available for public recreational use consistent with 49 U.S.C. § 10905.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by the proposed abandonment.

(iii) The abandonment will not result in an increase or decrease in overall energy efficiency. No rail freight traffic currently moves to or from points on the Line, and, thus, there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

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

5. Air.

(i) Not applicable. The Line has no active customers and is not needed to serve any active customers. The abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line; (B) an increase in rail yard activity of at least 100%; or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) AVR believes that Allegheny County, Pennsylvania is, at least in part, a Class I or Nonattainment Area for fine particulate matter, sulfur dioxide, and 8-hour ozone

under the Clean Air Act. In any event, abandonment of the Line will not result in traffic increases exceeding the thresholds at 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. AVR has contacted and requested comments from the U.S. Environmental Protection Agency Region 3 and Pennsylvania Department of Environmental Protection, Southwest Regional Office (“PDEP”). Appendix B. No responses have been received to date.

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

7. Safety.

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

(ii) Not applicable. The proposed abandonment will have no effect on the transportation of hazardous materials.

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

8. Biological Resources.

(i) No critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, and AVR does not believe that any endangered or threatened species are present in the area or would be adversely affected. AVR has requested comments from the PDEP and the U.S. Fish and Wildlife Service. Appendix B. No responses have been received to date.

(ii) Similarly, AVR has no reason to believe that any wildlife sanctuaries or refuges will be affected, based on its review of Appendix A and absent any further comment from conservation agencies. AVR has also contacted and requested comments from the National Park Service, as set forth in Appendix B. No response has been received to date.

9. Water.

(i) EPA Region 3 has been contacted. Appendix B. PDEP has also been contacted. Appendix B.

(ii) The Army Corps of Engineers (the “Corps”) has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. Appendix B. The Corps has not responded. In addition, AVR is unaware of the proposed abandonment affecting any 100-year floodplain.

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

* * * * *

In addition to the agencies referenced above, AVR also has contacted and requested comments from the Pennsylvania Department of Transportation. Appendix B. To date no response has been received.

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

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

2. Description of Line. The relevant segment of the Brilliant Branch is approximately 3.6 miles of railroad in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the "Line"). The south end of the Line ends before a wye connecting to Norfolk Southern Railway Company ("NSR"). AVR intends to leave the bridges and viaducts located on the Line intact, and, upon closing on an existing interim trail use arrangement with the Redevelopment Authority of Allegheny County ("RAAC"), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law (post-abandonment authorization). Following authorization, AVR plans to transfer the Line, including the bridges and viaducts, to RAAC for use as part of a public pathway for recreational use along the subject railroad corridor.

3. Photographs. Overhead and side profile images of the bridges and viaducts are attached as Appendix C, with a map showing generally the milepost locations of the various structures attached as Appendix D.

4. Information on Structures. There are several structures which are 50 years or older on the Line. The Brilliant Bridge at Milepost 2.59 over the Allegheny River (the “Bridge”) is comprised of three curved-chord through truss spans, one deck truss span, and 16 deck girder spans. This Bridge was constructed with two tracks. The longest span measures approximately 396 feet. Steel and stone supports bring the northern end of the Line to ground once forming a wye with the Conemaugh Main Line. Many of the structures on the Line are stone arch bridges that once supported four tracks. Additionally, the Bridge is approached from the south via a three-arch stone viaduct over Leech Farm Road at Milepost 1.72. Further south is the Silver Lake Viaduct at Milepost 0.86, a seven-arch stone structure. Both structures are collectively referred to herein as the “Viaducts”. There are five additional structures. The first bridge and associated ramp, located at Milepost 2.73 and MP 2.87, is an out of service steel span crossing over an NSR main line and ramp descending to grade. The second, at Milepost 2.40, is a 66 foot, through plate girder ballast deck bridge over Allegheny River Boulevard. The third bridge, on the Allegheny Branch Connection at Milepost 1.94, is a 180 foot, through plate girder ballast deck bridge over Allegheny River Boulevard. The remaining structure is a 59 foot through plate girder ballast deck bridge over Lincoln Avenue at 0.90. This bridge is located just north of the Silver Lake Viaduct.

5. History of Operations. From 1902 to 1904, the Pennsylvania Railroad constructed the Line to act as a bypass around the city of Pittsburgh, PA. The Line was historically operated by the Pennsylvania Railroad Company, Penn Central Transportation Company, and Consolidated Rail Corporation, prior to acquisition by AVR. *Allegheny Valley Railroad Company -- Acquisition and Operation Exemption – Certain Lines of Consolidated Rail Corporation*, FD 32783 (ICC served Nov. 17, 1995). No local traffic has moved on the Line for at least two years.

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

7. Historic Criteria. AVR has contacted and given notice of the proposed abandonment to the Pennsylvania State Historic Preservation Office (“PSHPO”), and, in doing so, identified the Bridge, Viaducts and other structures, and provided photographs of them. Appendix E. In response, the PSHPO requested further information regarding AVR’s post-abandonment plans, which AVR promptly provided to the PSHPO, and to which the PSHPO confirmed no further information was required. Appendix E. To be clear, AVR has no plans whatsoever to remove or alter the Bridge, Viaducts or other structures, except for the salvage of track materials, and expects that the various structures will be retained by RAAC under an interim trails use arrangement as important infrastructure supporting interim recreational use of the Line. As such, AVR believes that no historic properties will be affected by AVR’s plans for the Line.

8. Ground Disturbances. AVR is confident that significant subsurface ground disturbance occurred during construction of the Line. Based on available information, AVR does not believe that there are archaeological resources in the area. Access to the Line is generally good.

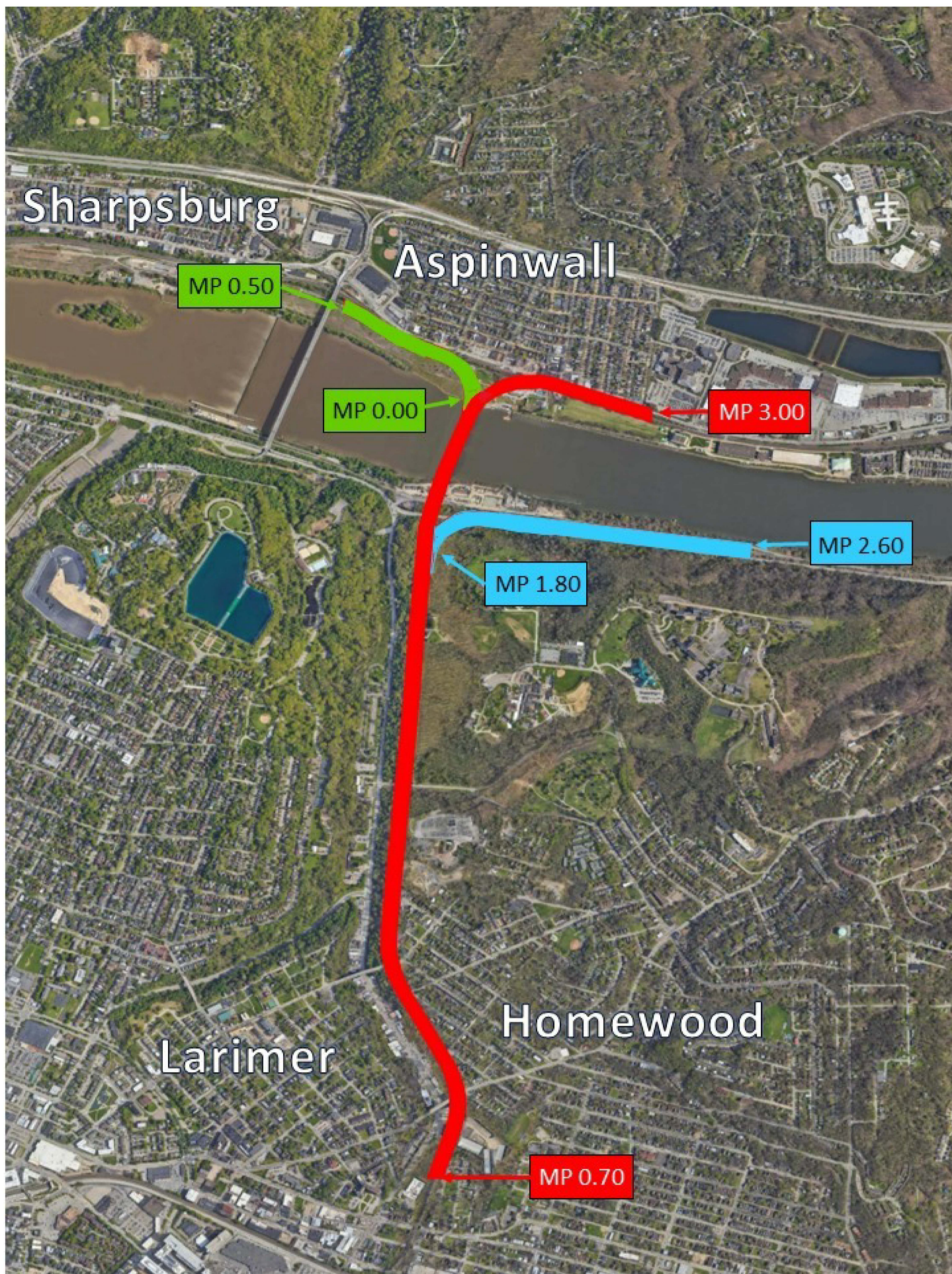
**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1233 (SUB-NO. 2X)

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

APPENDIX A

MAP OF RAIL LINE



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1233 (SUB-NO. 2X)

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

**APPENDIX B

CORRESPONDENCE**

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
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Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

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

December 7, 2023

(See attached service list)

Re: **Docket No. AB-1233 (Sub-No. 2X)**
Allegheny Valley Railroad Company
– Abandonment Exemption –
In Allegheny County, Pennsylvania

Dear Sir/Madam:

On or after January 16, 2024, Allegheny Valley Railroad Company ("AVR") intends to file with the Surface Transportation Board ("STB") a notice of exemption for the abandonment of approximately 3.6 miles of rail line in Allegheny County, Pennsylvania, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye, beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (the "Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

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

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

December 7, 2023

p. 2

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

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

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Any written comments should reference AB-1233 (Sub-No. 2X) and be sent to the undersigned, as counsel for AVR.

AVR currently intends to transfer the Line to the Redevelopment Authority of Allegheny County ("RAAC"), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law, for use as part of a public recreational trail.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

December 7, 2023

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

Very truly yours,

Thomas J. Healey

Thomas J. Healey

Attorney for Allegheny Valley Railroad
Company

TJH/th

Enclosure

Service List
December 7, 2023 Environmental Solicitation Letter

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

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

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

Allegheny County
County Executive Rich Fitzgerald
101 County Courthouse
436 Grant Street
Pittsburgh, PA 15219

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

U.S. Fish and Wildlife Service
Pennsylvania Ecological Services Field Office
110 Radnor Road
Suite 101
State College, PA 16801-7987

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

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

U.S. Department of Agriculture
Natural Resource Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282
rroe@noaa.gov

Rich Fitzgerald
Allegheny County Chief Executive
Southwestern Pennsylvania Commission
2 Chatham Center
Suite 500 112
Washington Place
Pittsburgh, PA 15219

Pennsylvania Department of Community and Economic Development
Community Planning
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225



January 25, 2024

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

Subject: Docket No. AB-1233 (Sub-No. 2X) Allegheny Valley RR Company Abandonment Exemption, Allegheny County, PA

Dear Mr. Healey:

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

We also reviewed the project with respect to the Farmland Protection Policy Act (FPPA). The purpose of the Act is to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses. Since the project falls entirely within the Pittsburgh Urban Area according to the TIGERweb Web Map Services (WMS), an official site of the United States Census Bureau, it is not subject to the FPPA.

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

Sincerely,

Yuri Plowden
State Soil Scientist, NRCS, Harrisburg, PA

Cc: Denise Coleman, State Conservationist, Harrisburg, PA
Dan Ludwig, State Resource Conservationist, Harrisburg, PA
Marcie Dunn, State GIS Specialist, Harrisburg, PA

Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Voice: 717-237-2100 | Fax: 855-813-2861
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1233 (SUB-NO. 2X)

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

APPENDIX C

PHOTOGRAPHS

Brilliant Bridge 1a



Brilliant Bridge 2b



Viaduct over Leech Farm Road 1a



Viaduct over Leech Farm Road 1b



Silver Lake Viaduct (2a)



Silver Lake Viaduct 2b



image silver lake viaduct



984 Washington Blvd

Pittsburgh, Pennsylvania



Google Street View

Aug 2023

[See more dates](#)

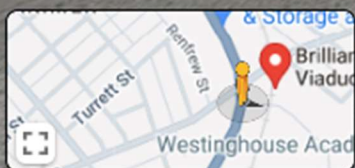


image silver lake viaduct



12 Silver Lake Dr

Pittsburgh, Pennsylvania

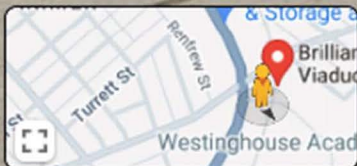


Google Street View

Sep 2022

[See more dates](#)

Self-storage



Milepost 0.90, 59 foot through plate girder ballast deck bridge over Lincoln Avenue (Brilliant Branch)



Milepost 0.90, 59 foot through plate girder ballast deck bridge over Lincoln Avenue (Brilliant Branch)



image silver lake viaduct



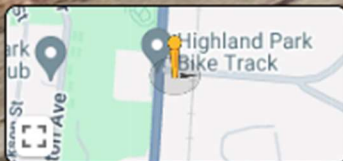
35 Leech Farm Rd
Pittsburgh, Pennsylvania



Google Street View

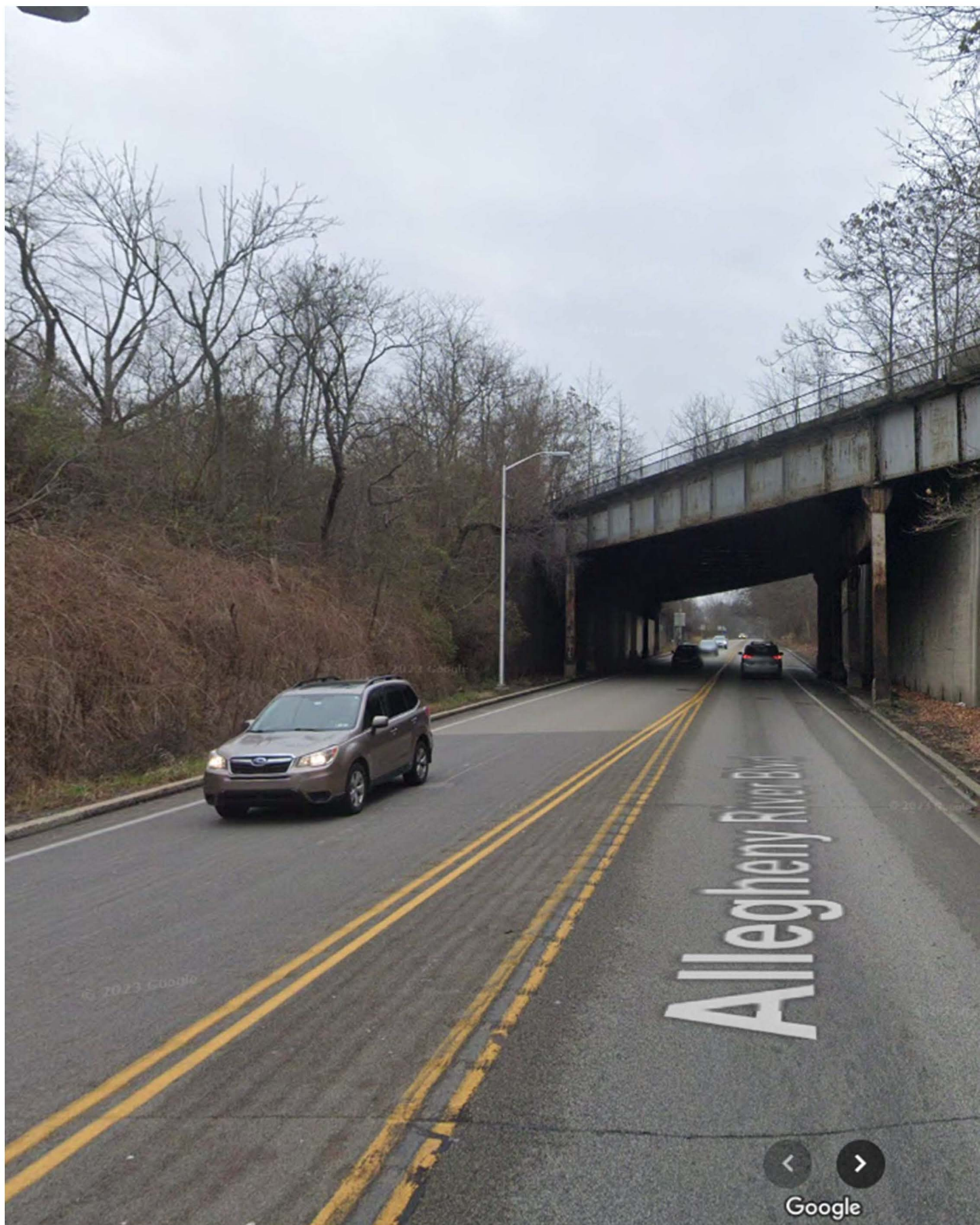
Aug 2023

[See more dates](#)





Milepost 1.94 is a 180 foot, through plate girder ballast deck bridge Allegheny River
Boulevard (Allegheny Branch Connection)



Milepost 1.94 is a 180 foot, through plate girder ballast deck bridge Allegheny River
Boulevard (Allegheny Branch Connection)



Milepost 2.40 - 66 foot, through plate girder ballast deck bridge over Allegheny River
Boulevard (Brilliant Branch)



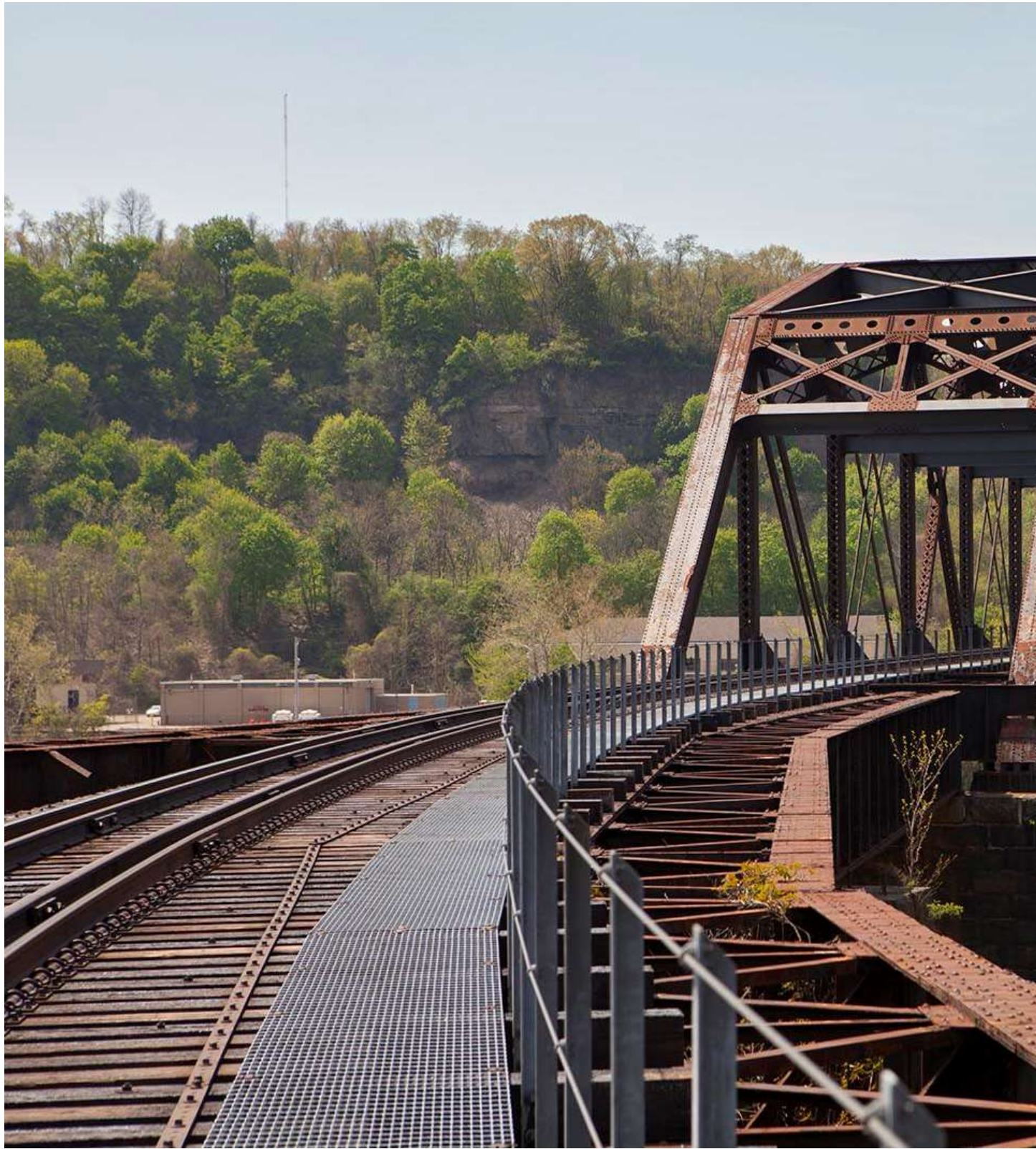
Legheny River Blvd



Google

Milepost 2.40 - 66 foot, through plate girder ballast deck bridge over Allegheny River
Boulevard (Brilliant Branch)







Milepost 2.73 - Inactive overhead steel / stone bridge over Norfolk Southern Conemaugh
Line and River Avenue (Brilliant Branch East Leg Wye)



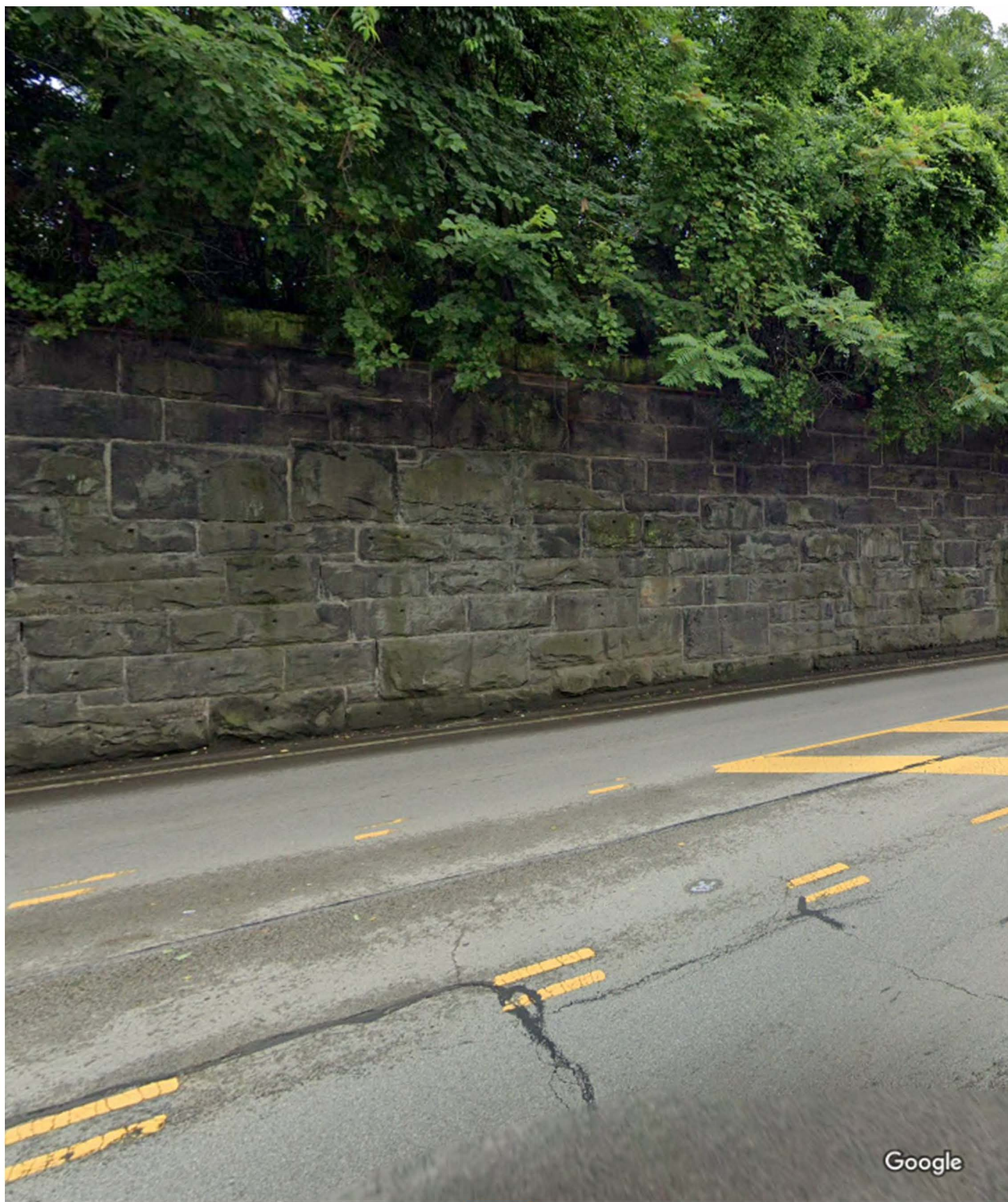
Milepost 2.73 - Inactive overhead steel / stone bridge over Norfolk Southern Conemaugh
Line and River Avenue (Brilliant Branch East Leg Wye)



Milepost 2.87 – Stone and Earth Ramp (Brilliant Branch East Leg Wye)



Milepost 2.87 – Stone and Earth Ramp (Brilliant Branch East Leg Wye)



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1233 (SUB-NO. 2X)

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

APPENDIX D

MAP OF STRUCTURES

Sharpsburg

Aspinwall

Bridge MP 2.73

Bridge MP 2.59

Bridge MP 2.40

Ramp MP 2.87

Bridge MP 1.94

Viaduct MP 1.72

Homewood

Larimer

Bridge MP 0.90

Viaduct MP 0.86



**BEFORE THE
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**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

APPENDIX E

PSHPO CORRESPONDENCE

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www.fletcher-sippel.com

THOMAS J. HEALEY

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

December 7, 2023

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

Re: **Docket No. AB-1233X (Sub-No. 2X)**
Allegheny Valley Railroad Company – Abandonment
Exemption – In Allegheny County, Pennsylvania

Dear Sir/Madam:

On or after January 16, 2024, the Allegheny Valley Railroad Company (“AVR”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption for the abandonment of approximately 3.6 miles of rail line on and connected to the “Brilliant Branch” at Pittsburgh and Aspinwall, in Allegheny County, PA, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (“the Line”). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

Significant portions of the Line are located above grade. From 1902 to 1904, the Pennsylvania Railroad constructed the Line to act as a bypass around the city of Pittsburgh, PA. The Brilliant Bridge over the Allegheny River (the “Bridge”) is comprised of three curved-chord through truss spans, one deck truss span, and 16 deck girder spans. This Bridge was constructed with two tracks. The longest span measures approximately 396 feet. With the exception of the

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

December 7, 2023

p. 2

Bridge, most of the structures on the Line are stone arch bridges that once supported four tracks. Additionally, the Bridge is approached from the south via a three-arch stone viaduct over Leech Farm Road. Further south is the Silver Lake Viaduct, a massive curved, seven-arch stone structure. Both structures collectively (the "Viaducts"). The south end of the Line ends before a wye connecting to Norfolk Southern Railway Company. AVR currently intends to leave the Bridge and Viaducts intact post-abandonment, and plans to transfer the Line to the Redevelopment Authority of Allegheny County ("RAAC"), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law, for use as part of a public recreational trail. Photographs of the Bridge and Viaducts are enclosed for your consideration.

Kindly offer any written comments you may have regarding the proposed abandonment (if any) as soon as possible. Such comments should reference Docket No. AB-1233 (Sub-No. 2X) and be sent to the undersigned counsel for AVR.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before AVR's notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1505. Thank you for your assistance on this matter.

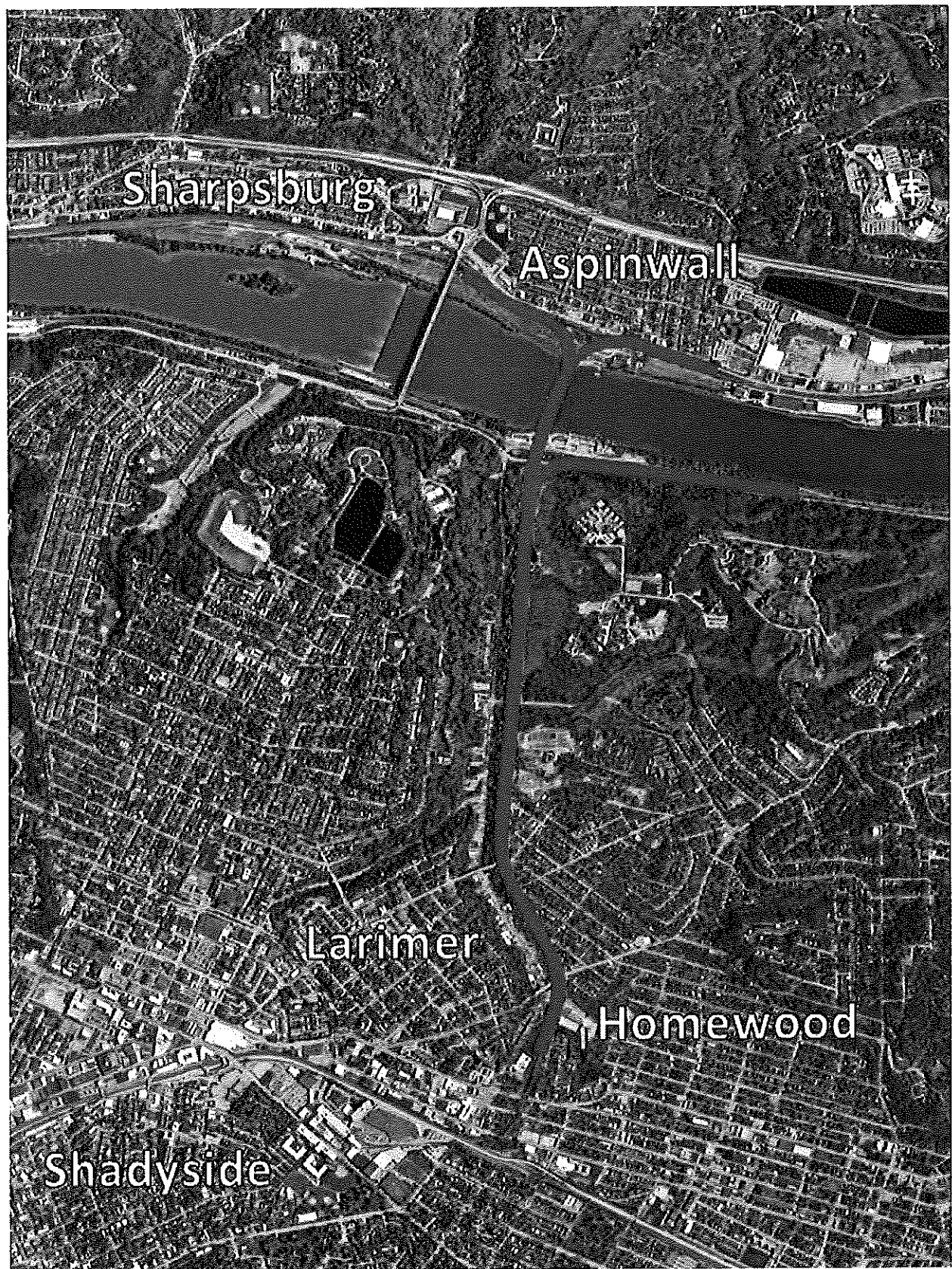
Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Allegheny Valley Railroad Company

TJH/th

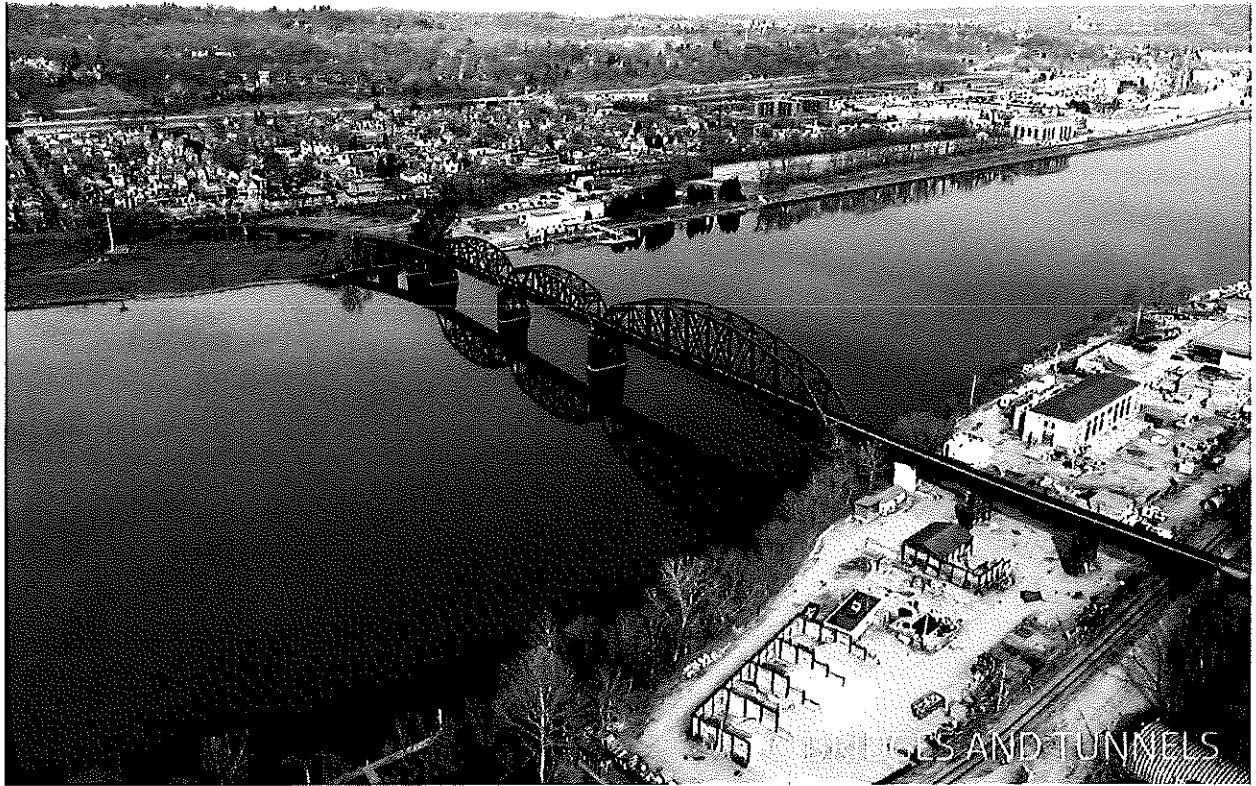
Enclosures



Brilliant Bridge 1a



Brilliant Bridge 2b



Viaduct over Leech Farm Road 1a



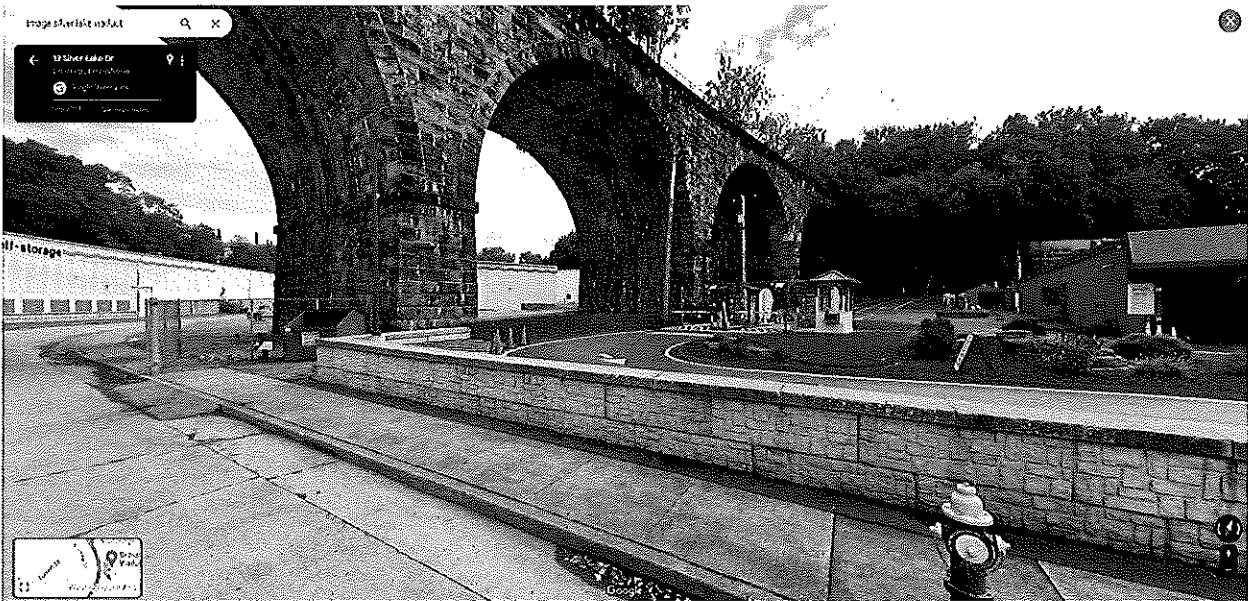
Viaduct over Leech Farm Road 1b



Silver Lake Viaduct (2a)



Silver Lake Viaduct 2b



From: PA-SHARE <RA-phpasharednr@pa.gov>
Sent: Thursday, February 1, 2024 7:42 AM
To: Emily K. Gurney
Subject: PA-SHARE Environmental Review Initial Submission Requires Additional Information to Complete Submission

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

Hello,

Your Submission YINDF6THEITE is insufficient to be reviewed by PA SHPO, as outlined below. **Further action is required to re-submit the requested information.** Please return to PA-SHARE and resubmit.

Comments by PA SHPO: Please include any available information on post-abandonment plans

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

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

Thank you,

PA SHPO

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

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

February 9, 2024

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

Re: **Docket No. AB-1233X (Sub-No.2X)**
Allegheny Valley Railroad Company – Abandonment
Exemption – In Allegheny County, Pennsylvania

Dear Sir/Madam,

With respect to the inquiry on post-abandonment plans, AVR intends to convey its right, title and interest in the land and structures, if any, to the Redevelopment Authority of Allegheny County ("RAAC") pursuant to an existing written contract. The transaction will take place after AVR's permissive abandonment authority is effective, but before that authority is consummated, consistent with the Federal Rails-To-Trails Act. After the transaction is completed, AVR has reserved the right to salvage the existing railroad tracks and track-related materials (collectively the "Track") from the deck of the various structures, except for the Track on the southerly-most 1,962 feet of the abandonment, where the Track will remain in place to accommodate non-common carrier railroad movements, including the operation of Amtrak trains, pursuant to a planned easement. AVR has no plans to make any modifications to any of the structures other than salvage of the Track. AVR understands that RAAC intends to construct a recreational trail on the deck of the structures and the entire former rail line for public use.

Kind Regards,

Thomas J. Healey

Thomas J. Healey

TJH/th

From: PA-SHARE <RA-phpasharednr@pa.gov>
Sent: Friday, February 9, 2024 12:23 PM
To: Emily K. Gurney; Thomas J. Healey
Subject: PA-SHARE Environmental Review Initial Submission Accepted by PA SHPO as 2024PR00697 Brilliant Branch Abandonment

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

Hello,

Your Initial submission YINDF6THEITE has been accepted as a new Environmental Review project. You also may have received this email if you were named as a contact on the project. Please refer to Project Number 2024PR00697, Project Name Brilliant Branch Abandonment in future correspondence. You will receive further notifications from PA-SHARE when PA SHPO has completed their review of your submission. **No further action is required at this time.**

You can access the submission at:

<https://share.phmc.pa.gov/pashare/>

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

Thank you,

PA SHPO

FLETCHER & SIPPEL LLC

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

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Fax: (312) 252-2400
www.fletcher-sippel.com

THOMAS J. HEALEY

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

January 25, 2024

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

Re: **Docket No. AB-1233X (Sub-No.2X)**
Allegheny Valley Railroad Company – Abandonment
Exemption – In Allegheny County, Pennsylvania

Dear Sir/Madam,

Back in December, 2023, we advised you that we would be commencing an abandonment of a rail line located in Allegheny County, PA. A copy of that letter is attached for your reference. In the process of preparing the first draft of the environmental/historic report that will accompany the abandonment, I realized that in my December letter I had not provided photographs of all of the bridge structures on the line. My apologies for the oversight. With this letter, I've also enclosed photographs of additional bridge structures that are located on the line.

We intend to provide you with a draft of the environmental and historic report next week. Our abandonment filing will most likely be filed with the Surface Transportation Board in February.

Please contact me if you have any questions or would like to discuss this matter further.

Kind Regards,

Thomas J. Healey

Thomas J. Healey

TJH/th

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

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THOMAS J. HEALEY

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

December 7, 2023

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

Re: **Docket No. AB-1233X (Sub-No. 2X)**
Allegheny Valley Railroad Company – Abandonment
Exemption – In Allegheny County, Pennsylvania

Dear Sir/Madam:

On or after January 16, 2024, the Allegheny Valley Railroad Company (“AVR”) intends to file with the Surface Transportation Board (“STB”) a notice of exemption for the abandonment of approximately 3.6 miles of rail line on and connected to the “Brilliant Branch” at Pittsburgh and Aspinwall, in Allegheny County, PA, extending from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR’s Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR’s Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O’Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Milepost 2.6, being approximately 528 feet westerly of its connection to AVR’s Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines (“the Line”). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), covering abandonment of rail lines over which no local traffic has moved during the previous two years. A map showing the location of the Line is enclosed for your reference.

Significant portions of the Line are located above grade. From 1902 to 1904, the Pennsylvania Railroad constructed the Line to act as a bypass around the city of Pittsburgh, PA. The Brilliant Bridge over the Allegheny River (the “Bridge”) is comprised of three curved-chord through truss spans, one deck truss span, and 16 deck girder spans. This Bridge was constructed with two tracks. The longest span measures approximately 396 feet. With the exception of the

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

December 7, 2023

p. 2

Bridge, most of the structures on the Line are stone arch bridges that once supported four tracks. Additionally, the Bridge is approached from the south via a three-arch stone viaduct over Leech Farm Road. Further south is the Silver Lake Viaduct, a massive curved, seven-arch stone structure. Both structures collectively (the "Viaducts"). The south end of the Line ends before a wye connecting to Norfolk Southern Railway Company. AVR currently intends to leave the Bridge and Viaducts intact post-abandonment, and plans to transfer the Line to the Redevelopment Authority of Allegheny County ("RAAC"), a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law, for use as part of a public recreational trail. Photographs of the Bridge and Viaducts are enclosed for your consideration.

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Very truly yours,

Thomas J. Healey

Thomas J. Healey
Attorney for Allegheny Valley Railroad Company

TJH/th

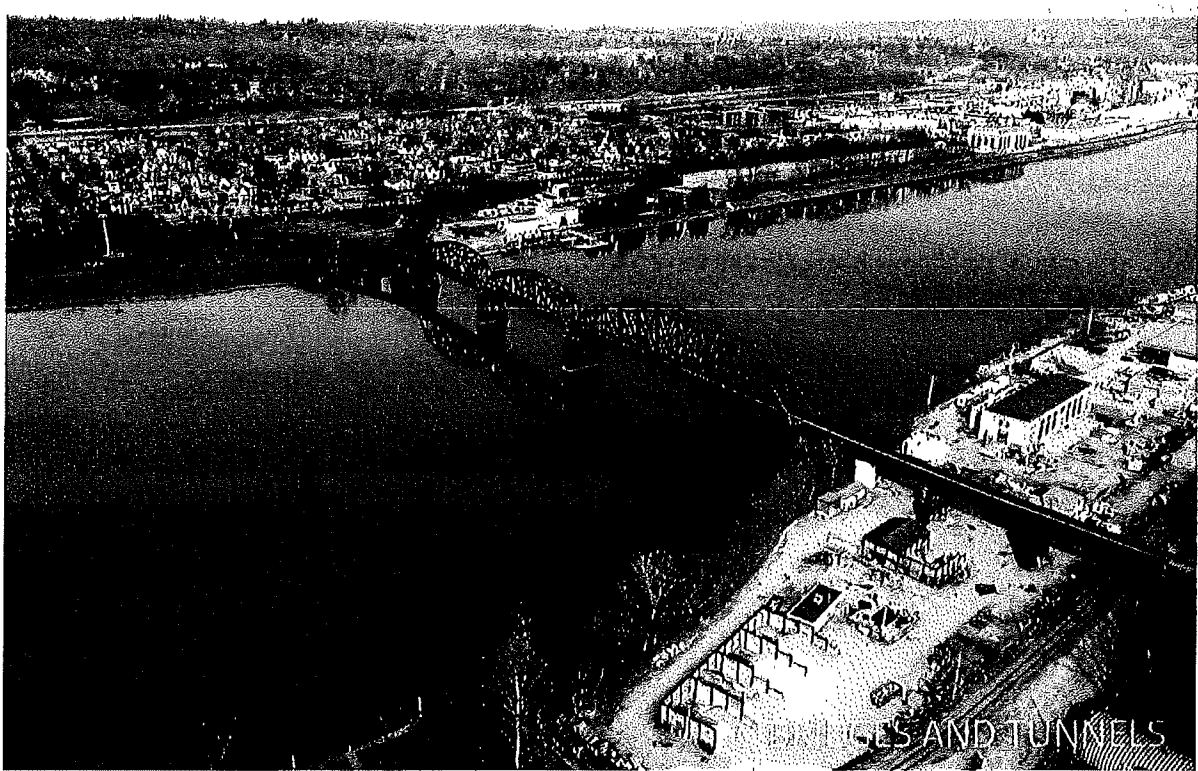
Enclosures



Brilliant Bridge 1a



Brilliant Bridge 2b



Viaduct over Leech Farm Road 1a



Viaduct over Leech Farm Road 1b



Silver Lake Viaduct (2a)



Silver Lake Viaduct 2b



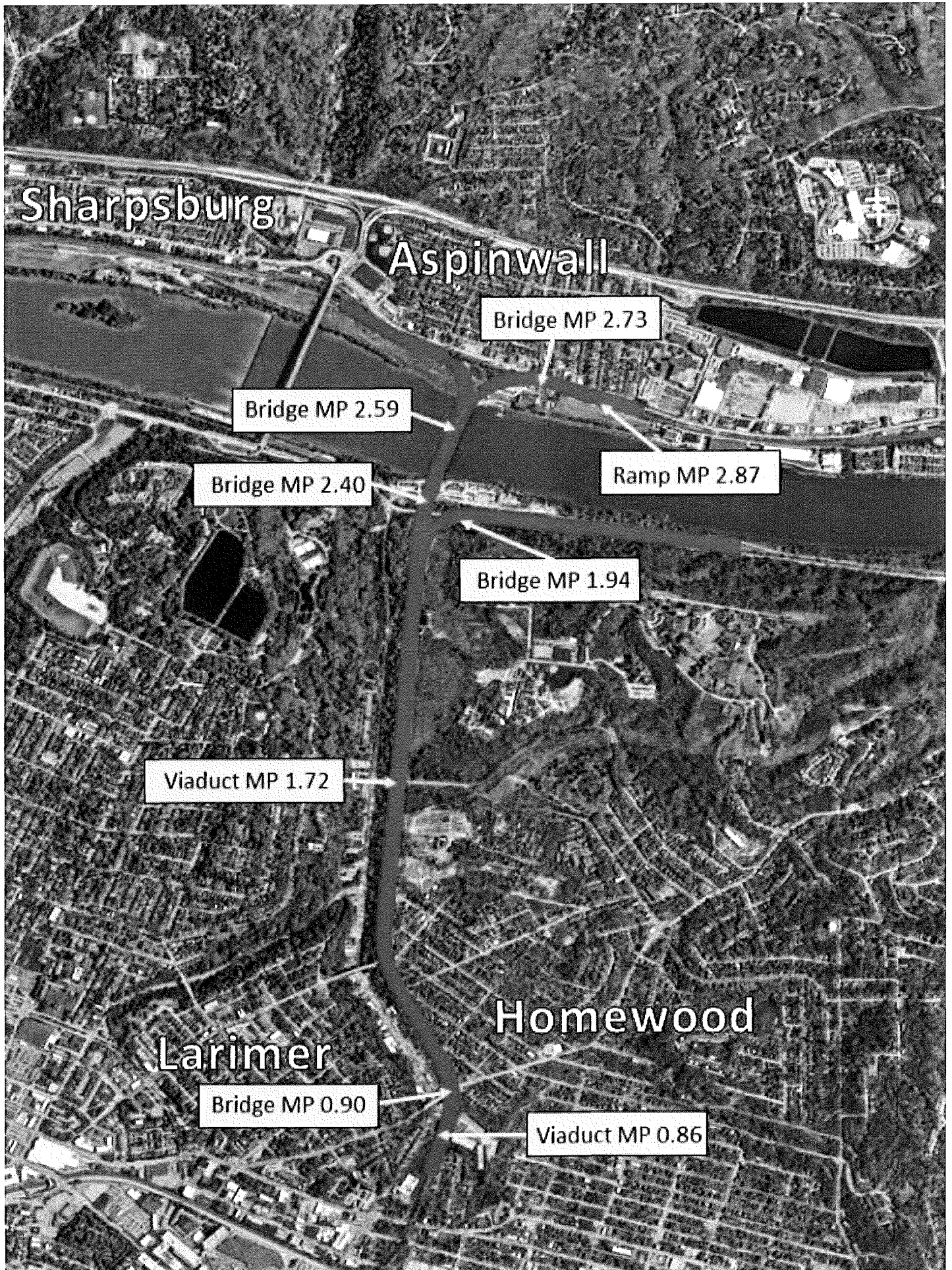


image silver lake viaduct



984 Washington Blvd

Pittsburgh, Pennsylvania



Google Street View

Aug 2023

See more dates

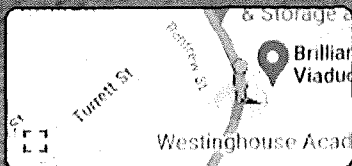


image silver lake viaduct



12 Silver Lake Dr

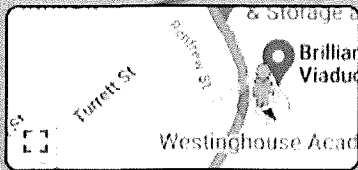
Pittsburgh, Pennsylvania



Google Street View

Sep 2022

[See more dates](#)



Milepost 0.90, 59 foot through plate girder ballast deck bridge over Lincoln Avenue (Brilliant Branch)



Milepost 0.90, 59 foot through plate girder ballast deck bridge over Lincoln Avenue (Brilliant Branch)

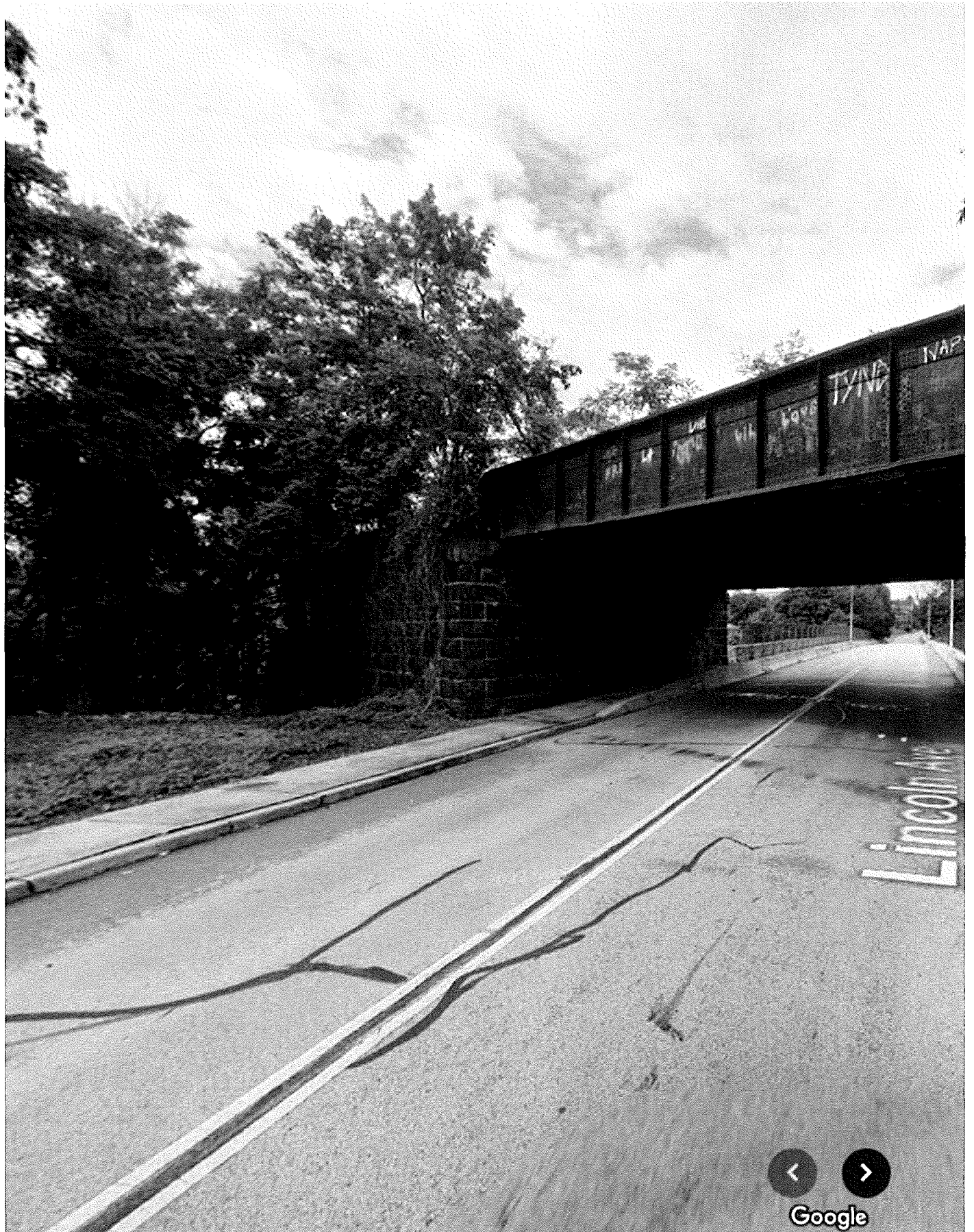


Image silver lake viaduct



35 Leech Farm Rd

Pittsburgh, Pennsylvania



Google Street View

Aug 2023

[See more dates](#)





image silver lake viaduct



35 Leech Farm Rd

Pittsburgh, Pennsylvania



Google Street View

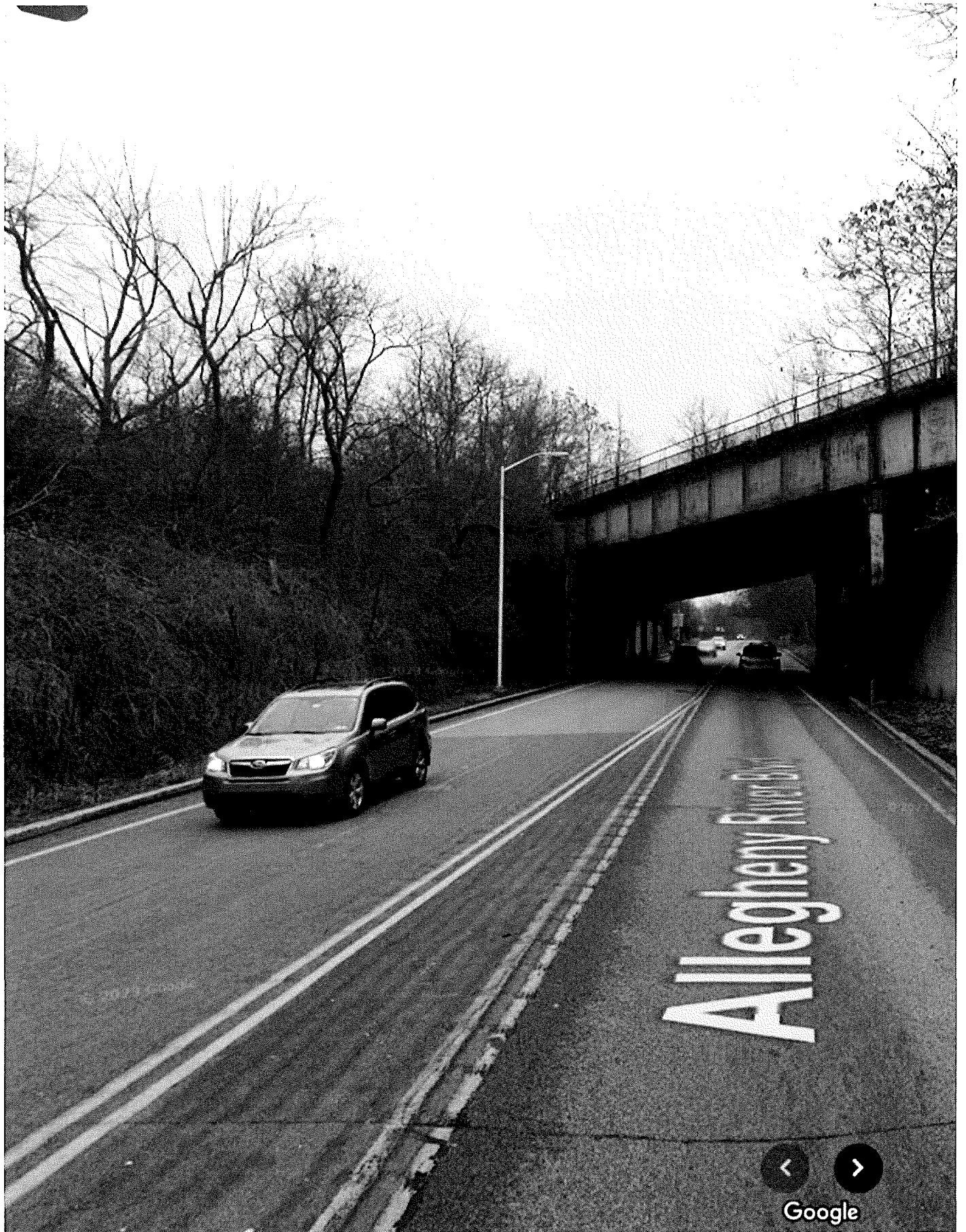
Aug 2023

[See more dates](#)





Milepost 1.94 is a 180 foot, through plate girder ballast deck bridge Allegheny River
Boulevard (Allegheny Branch Connection)

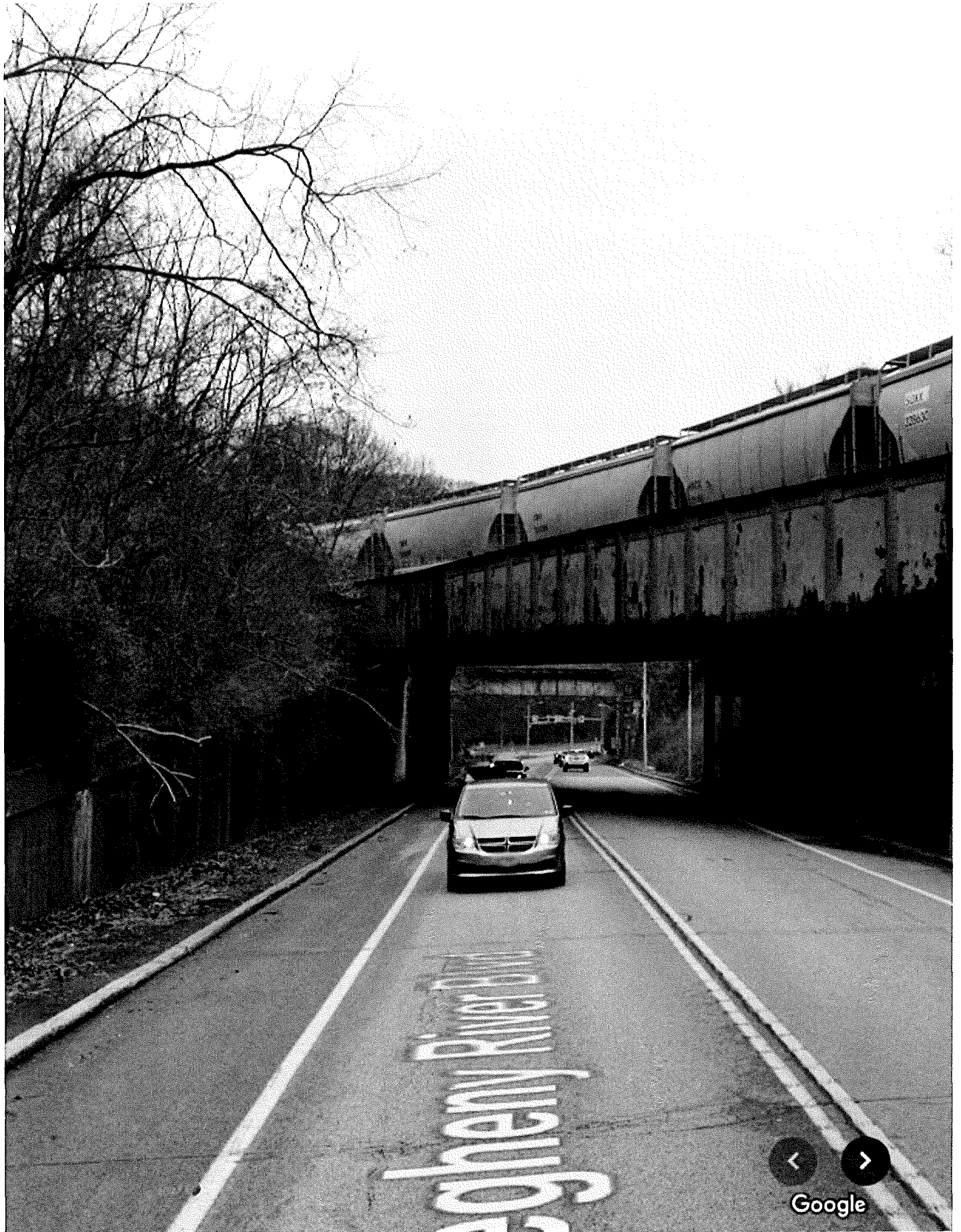


Allegheny River Bridge

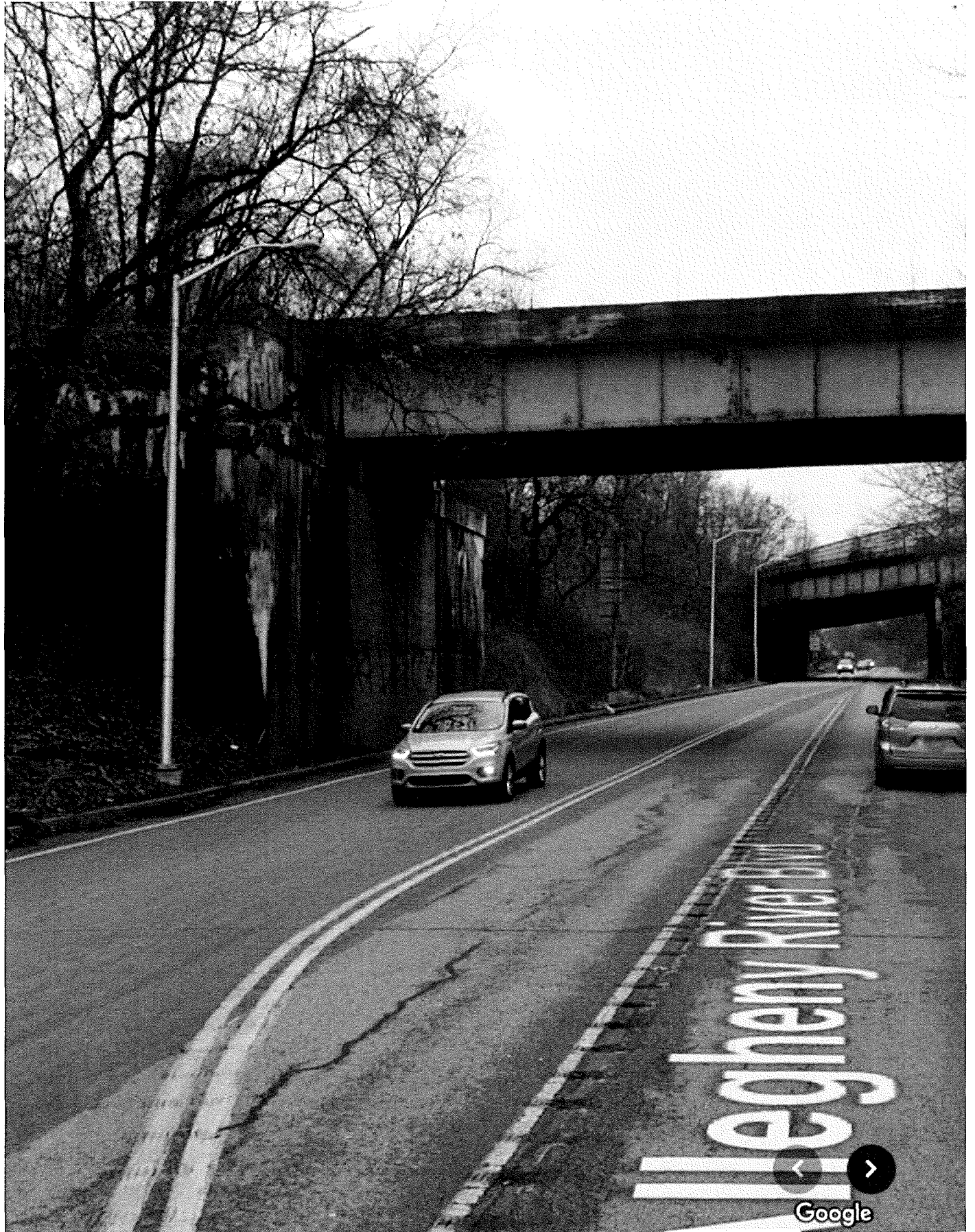


Google

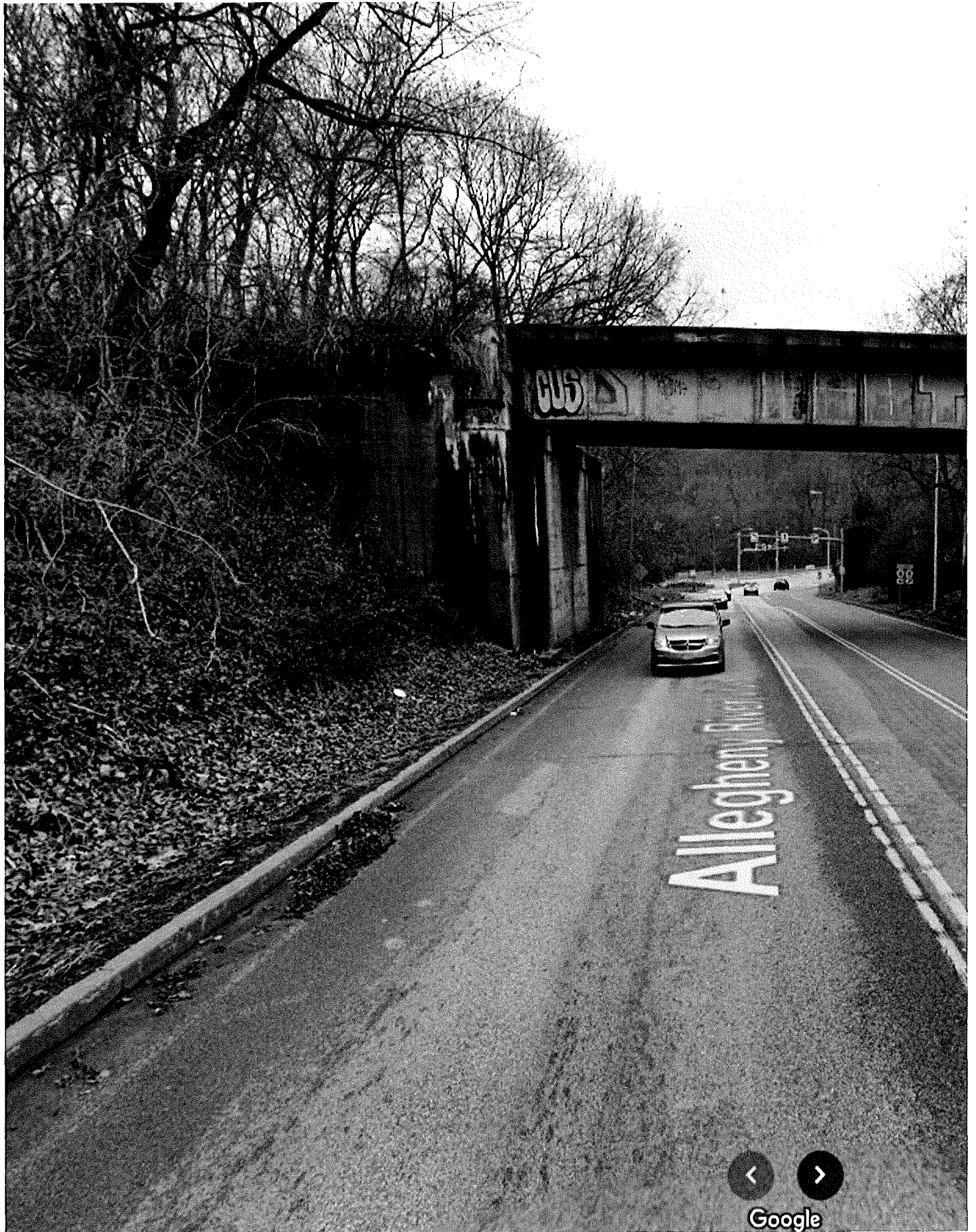
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Boulevard (Allegheny Branch Connection)



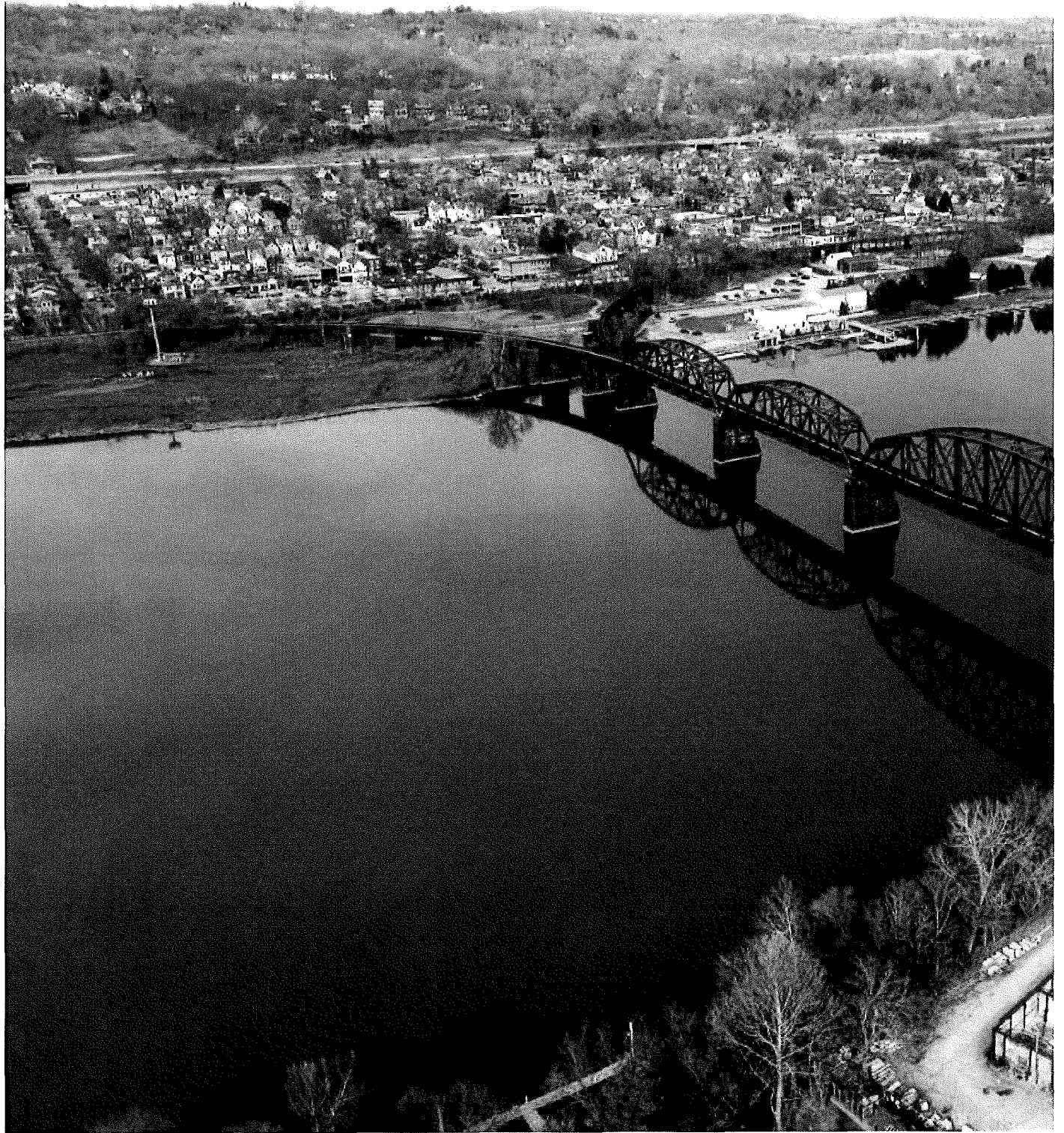
Milepost 2.40 - 66 foot, through plate girder ballast deck bridge over Allegheny River
Boulevard (Brilliant Branch)



Milepost 2.40 - 66 foot, through plate girder ballast deck bridge over Allegheny River
Boulevard (Brilliant Branch)







Milepost 2.73 - Inactive overhead steel / stone bridge over Norfolk Southern Conemaugh
Line and River Avenue (Brilliant Branch East Leg Wye)



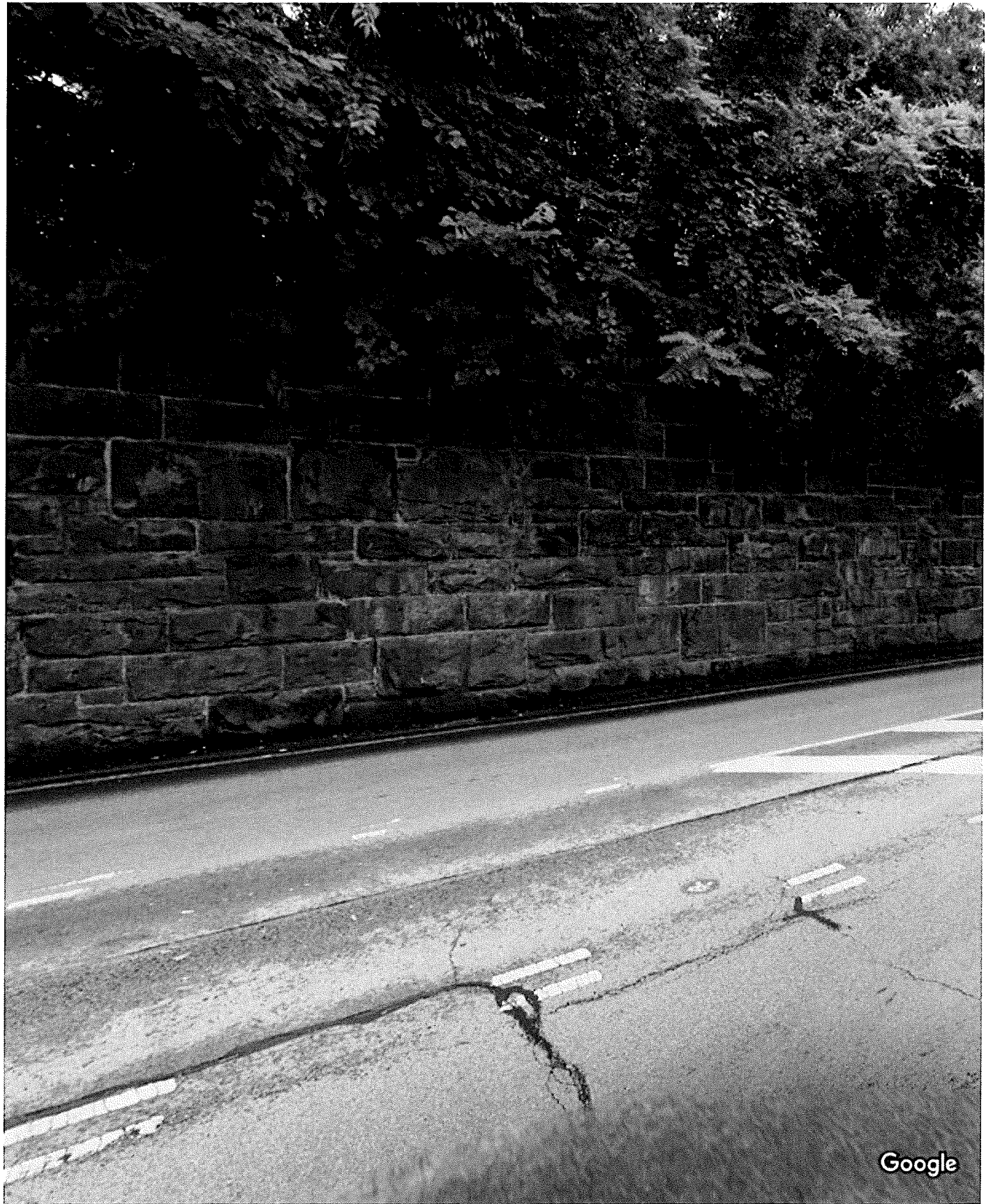
Milepost 2.73 - Inactive overhead steel / stone bridge over Norfolk Southern Conemaugh
Line and River Avenue (Brilliant Branch East Leg Wye)



Milepost 2.87 – Stone and Earth Ramp (Brilliant Branch East Leg Wye)



Milepost 2.87 – Stone and Earth Ramp (Brilliant Branch East Leg Wye)



Service List
January 30, 2024 Environmental-Historic Report

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

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

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

Allegheny County
County Executive Rich Fitzgerald
101 County Courthouse
436 Grant Street
Pittsburgh, PA 15219

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

U.S. Fish and Wildlife Service
Pennsylvania Ecological Services Field Office
110 Radnor Road
Suite 101
State College, PA 16801-7987

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

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

U.S. Department of Agriculture
Natural Resource Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282
rroe@noaa.gov

Rich Fitzgerald
Allegheny County Chief Executive
Southwestern Pennsylvania Commission
2 Chatham Center
Suite 500 112
Washington Place
Pittsburgh, PA 15219

Pennsylvania Department of Community and Economic Development
Community Planning
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, PA 17120-0225

Pennsylvania State Historic Preservation Office
Commonwealth Keystone Building
400 North St.
Harrisburg, PA 17120
<https://share.phmc.pa.gov/>