

Law Offices

LUTZ PAWK & BLACK

Michael J. Pawk
Rebecca L. Black

Brian D. Farrington

Of Counsel

Lawrence P. Lutz

September 3, 2021

ENTERED
Office of Proceedings
September 3, 2021
Part of
Public Record

mikepawk@lutzandpawklaw.com
rebeccablack@lutzandpawklaw.com

bfarrington@lutzandpawklaw.com
larrylutz@lutzandpawklaw.com

VIA E-FILE

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001

**RE: Docket No. AB 1317X
Kiski Junction Railroad, Inc. – Abandonment Exemption in
Armstrong and Westmoreland Counties, PA**

Dear Ms. Brown:

Enclosed for filing, please find Armstrong Trails, Inc.'s ("Armstrong Trails") Petition for Issuance of a Notice of Interim Trail Use pursuant to Pa. U.S.C. §1247(d) and 49 C.F.R. §1152.29. Armstrong Trails has been in contact with the staff of Kiski Junction Railroad, Inc. ("KJRR"), and KJRR has indicated that it is willing to negotiate a Trail Use Agreement with Armstrong Trails. Armstrong Trails would appreciate the Surface Transportation Board favorably considering the within Petition for Issuance of a Notice of Interim Trail Use.

Pursuant to 49 CFR §1002.2(e), Armstrong Trails herein requests a waiver or reduction of the filing fee, which has been prepaid for this filing (Pay.gov Confirmation No. 26T855G1). Armstrong Trails avers that it is in the public interest to grant the filing fee as Armstrong Trails is a locally managed non-profit corporation providing recreational opportunities to communities in and around Armstrong County, Pennsylvania. Armstrong Trails charges no fee for the use of its trails and solely operates on federal, state, and local funding, as well as the generous donations of its patrons, and the imposition of the filing fee, therefore, would present an undue hardship upon Armstrong Trails, as the applicant.

Yours sincerely,

LUTZ PAWK & BLACK



Brian D. Farrington

FEE RECEIVED
September 3, 2021
SURFACE
TRANSPORTATION BOARD

BDF
Enclosure

cc: All Parties of Record

FILED
September 3, 2021
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB 1317X
KISKI JUNCTION RAILROAD, INC.
-ABANDONMENT EXEMPTION-
IN ARMSTRONG AND WESTMORELAND COUNTIES, PENNSYLVANIA**

**PETITION FOR ISSUANCE OF A
NOTICE OF INTERIM TRAIL USE**

Pursuant to 16 U.S.C. §1247(d) and 49 CFR §1152.29, Armstrong Trails, Inc. ("Armstrong Trails") hereby makes its Petition for Issuance of a Notice of Interim Trail Use. Armstrong Trails states as follows:

1. Armstrong Trails (formerly Allegheny Valley Land Trust) is a non-profit corporation, organized under the laws of Pennsylvania and has an address of 200 N. Jefferson Street, P.O. Box 777, Kittanning, Pennsylvania 16201;
2. Armstrong Trails files this petition pursuant to state, federal, and local law as applicable and as authorized by its Board of Directors;
3. The name, title, and address of Armstrong Trails' representative to whom correspondence should be sent is:

Brian D. Farrington, Esquire
Counsel for Armstrong Trails
Lutz Pawk & Black
101 E. Diamond Street, Suite 102
Butler, PA 16001

4. Armstrong Trails is interested in acquiring or using the right-of-way of the rail lines that are proposed to be abandoned and is the subject of this proceeding, for interim trail use and railbanking. The rail lines (hereafter the "Subject Line") are more accurately described as follows:
 - a. Line Code 2229, between at or near milepost 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, Pennsylvania; and
 - b. Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, Pennsylvania.

A map of the Subject Line is attached hereto as Exhibit "A."

5. Armstrong Trails makes the following:

STATEMENT OF WILLINGNESS TO ASSUME
FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29 with respect to the right-of-way owned by Kiski Junction Railroad Inc. and operated by Kiski Junction Railroad, Armstrong Trails, Inc. (Interim Trail Sponsor) is willing to assume full responsibility for: (1) Managing the right-of-way, (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right of way. The property, known as Kiski Junction Railroad, extends from railroad milepost 28.8 to railroad milepost 30, near Alladin Armstrong and Westmoreland Counties, PA (Line Code 2229) a distance of 1-mile and railroad milepost 0 (Line Code 2242 at the connection of Line Code 2229) to railroad milepost 4-Line Code 2242 in Armstrong County, Pennsylvania. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB 1317X. A map of the property depicting the right-of-way is attached hereto as Exhibit A.

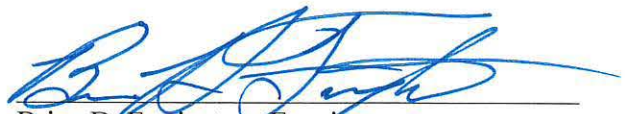
Armstrong Trails, Inc. acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad(s) on the same date it is being served on the Board.

6. Armstrong Trails has been in contact with the staff of Kiski Junction Railroad, Inc. ("KJRR"), and KJRR has indicated that KJRR is willing to negotiate a Trail Use Agreement with Armstrong Trails.
7. Armstrong Trails' Petition for Issuance of a Notice of Interim Trail Use is timely filed, as KJRR filed its Notice of Exemption on August 13, 2021, which was subsequently published in the Federal Reporter on September 2, 2021.

WHEREFORE, Armstrong Trails, Inc., respectfully petitions that the Surface Transportation Board issue a Notice of Interim Trail Use authorizing Armstrong Trails and KJRR to negotiate for Armstrong Trails' acquisition or use of right-of-way in this proceeding for interim trail use and railbanking.

Respectfully submitted,

LUTZ PAWK & BLACK



Brian D. Farrington, Esquire

PA ID No. 325641

101 E. Diamond Street, Suite 102

Butler, PA 16001

Tel.: (724) 285-3400

Fax: (724) 285-5944

Email: bfarrington@lutzandpawklaw.com

Counsel for Armstrong Trails, Inc.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB 1317X
KISKI JUNCTION RAILROAD, INC.
-ABANDONMENT EXEMPTION-
IN ARMSTRONG AND WESTMORELAND COUNTIES, PENNSYLVANIA**

**DOCKET NO. AB 1317X
KISKI JUNCTION RAILROAD, INC.
-ABANDONMENT EXEMPTION-
IN ARMSTRONG AND WESTMORELAND COUNTIES, PENNSYLVANIA**

CERTIFICATE OF COMPLIANCE WITH SERVICE REQUIREMENT

I, Brian D. Farrington, Esquire, certify that a copy of the foregoing Petition for Issuance of a Notice of Interim Trail Use was served upon the following parties of record on this, the 3rd day of September 2021, by U.S. Mail and Electronic Mail:

Justin J. Marks, Esquire
Clark Hill PLC
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, D.C. 20004
jmarks@clarkhill.com
(Counsel for KJRR)

Eric M. Hocky, Esquire
Clark Hill PLC
Two Commerce Street
2001 Market Street, Suite 2620
Philadelphia, PA 19103
ehocky@clarkhill.com
(Counsel for KJRR)



Brian D. Farrington, Esquire
PA ID No. 325641

EXHIBIT A

