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**Before the**  
**SURFACE TRANSPORTATION BOARD**

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STB Docket No. AB 1317X

**KISKI JUNCTION RAILROAD**  
**- ABANDONMENT EXEMPTION -**  
**IN ARMSTRONG AND WESTMORELAND COUNTIES, PA**

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**ENVIRONMENTAL/HISTORIC REPORT**

*(color copies included)*

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*Counsel for Kiski Junction Railroad*

Dated: July 21, 2021

**Before the**  
**SURFACE TRANSPORTATION BOARD**  
  
STB Docket No. AB 1317X  
  
**KISKI JUNCTION RAILROAD**  
**- ABANDONMENT EXEMPTION –**  
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**ENVIRONMENTAL/HISTORIC REPORT**

Kiski Junction Railroad (“KJRR” or “Applicant”) will be seeking exemption authority for Applicant to abandon the following two segments of rail line (together, the “Subject Line”):

1. Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
2. Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

The Subject Line traverses through United States Postal Service ZIP Codes 15656, 15682, 15690, and 16226. A map of the Subject Line is attached as Exhibit A.

Applicant plans to seek Surface Transportation Board (“STB”) authorization for the abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR §1152.50 on or after August 10, 2021. This Report is being filed in connection therewith, and in accordance with the requirements of 49 CFR §§1105.7 and 1105.8. To prepare this Report, Applicant consulted with various state and federal agencies as required by the Board’s regulations. *See* the letters attached as Exhibit B. Based on the written responses received by Applicant to-date attached as Exhibit C, Applicant states as follows:

## ENVIRONMENTAL REPORT

(49 CFR 1105.7)

### 1. PROPOSED ACTION AND ALTERNATIVES

KJRR is a Class III railroad that operates near Pittsburgh, PA in Armstrong and Westmoreland Counties. KJRR acquired the Subject Line in 2005. The Subject Line is comprised of two segments totaling 5.2 miles.

The Subject Line was originally part of the “Western Division of the Main Line Public Works” constructed by the Commonwealth of Pennsylvania between 1826 and 1834. The Commonwealth of Pennsylvania transferred the Subject Line along with the rest of the “Main Line” to the Pennsylvania Railroad in 1857. It came under the ownership of Penn Central Transportation following the merger of the Pennsylvania Railroad and the New York Central Railroad. In 1978, Penn Central Transportation transferred the line to Consolidated Rail Corporation (“CONRAIL”). Under CONRAIL, the Subject Line was known as the Schenley Industrial Track. CONRAIL sold the line to Berkman Rail Services, Inc. in 1995<sup>1</sup> who in turn sold it to the Kiski Junction Railroad in 2005.<sup>2</sup>

KJRR built an exempt spur track to connect the Subject Line to the Logansport Mine owned by its affiliate in 2011. The mine closed in 2018, and after that the Subject Line was only used to handle carloads of sand and feed supplement. The Subject Line has not been used to provide any rail service since approximately August 2018.

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<sup>1</sup> *Berkman Rail Services, Inc. – Acquisition and Operation Exemption – Consolidated Rail Corporation*, ICC Finance Docket No. 32739 (served July 17, 1995).

<sup>2</sup> *Kiski Junction Railroad - Acquisition Exemption – Berkman Rail Services*, STB Finance Docket No. 34681 (served May 25, 2005). The Board granted KJRR’s request to correct the mileposts of the original acquisition notice *nunc pro tunc* in a decision served May 24, 2021.

There is no local or overhead traffic on the Subject Line. Following the abandonment, KJRR plans to salvage the track. A local trail group has expressed interest in acquiring the Subject Line for interim trail use and rail banking under the National Trails Act.

## **2. EFFECTS ON THE TRANSPORTATION SYSTEM**

The abandonment will have no effect on the transportation system because there is no overhead traffic over the Subject Line and the last date of local service to or from the Subject Line was in approximately August 2018. As such, no traffic will be diverted. Applicant sent a consultation letter regarding the proposed abandonment to Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways (“PennDOT”). *See* the letters attached as part of Exhibit B. No response has been received from PennDOT.

## **3. LAND USE**

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant consulted with the following agencies regarding the proposed abandonment that may be concerned with land use issues: US Department of Agriculture Natural Resources Conservation Service – Local (“NRCS Local”), US Department of Agriculture Natural Resources Conservation Service – National (“NRCS National”), Environmental Protection Agency Region 3 (“EPA Region 3”), U.S. Army Corps of Engineers Great Lakes and Ohio River Division, Pittsburgh District (“ACE”), National Park Service – National (“NPS National”), National Park Service – Northeast Region (“NPS Northeast Region”), U.S. Fish & Wildlife Service – Northeast Region 5 (“FWS Local”), National Geodetic Survey, National Oceanic and Atmospheric Administration (“NGS”), PennDOT, the Pennsylvania Department of Conservation and Natural Resources (“PA DCNR”), the Pennsylvania Game Commission (“PGC”), Pennsylvania Department of Environmental

Protection, Northwest Regional Office (“PA DEP NW Region”), Pennsylvania Department of Environmental Protection, Southwest Regional Office (“PA DEP SW Region”), Chairman Sean Kertes, Westmoreland County Commissioner, Chairman Don Myers, Armstrong County Commissioner.

Copies of these letters are attached as part of Exhibit B. To date, Applicant has received written responses from the following consulted agencies, copies of which are included as part of Exhibit C:

- PA DEP SW and NW Regions both responded:
  - PA DEP SW responded that PA DEP “does not have any specific concerns over this proposed action” but stated that “permits or authorizations may be required from DEP for the project.” And PA DEP NW asked that Applicant complete the DEP’s Permit Application Consultation Tool.
  - PA DEP NW responded that “DEP has no record of any existing permit or Submerged Lands License Agreement” for the KJRR bridge across the Kiskiminetas River (constructed in 1899) and that if KJRR has any existing permits from DEP, those permits will have to be transferred if KJRR transfers the line to a new owner.
- NGS provided two responses:
  - First, NGS indicated that if a geodetic survey mark exists and will be disturbed by the abandonment, KJRR should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby.
  - NGS followed up to state that a “search of NGS' database has located 1 geodetic survey marker (KX1529) at the north end (at or near mile post 30.0 in Alladin) of the proposed abandonment area. Our records indicate there has not been any recovery of KX1529 since 1941, when surveyed by the Coast and Geodetic Survey (C&GS). It should be duly noted though that our description implies there was only one set of rails at that time (1941), and now there are two sets of rails in the aerial imagery... meaning this mark may have already been destroyed long ago by rail construction/addition. Thus, minimal disturbance if any, may result from nearby earthwork digging or the removal of the rails.”

(ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Consultation notices were sent to the potentially concerned agencies listed in paragraph 3(i) above.

(iii) Applicant submitted a consultation letter to the Pennsylvania Coastal Resources Management Program. Applicant has not yet received a response.

(iv) Applicant believes that the right of way may be suitable for public purposes such as trail use.

#### **4. ENERGY**

The Subject Line serves no overhead traffic, and no local service has been provided to or from the Subject Line since approximately August 2018. As such,

(i) the proposed abandonment will have no effect on the transportation of energy sources;

(ii) the proposed abandonment will have no effect on recyclable commodities;

(iii) the proposed abandonment will be no effect on overall energy efficiency;

and

(iv) the proposed abandonment will not divert any traffic from rail to motor carriage.

The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(4)(iv).

#### **5. AIR**

The proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity. The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(5).

6. **NOISE**

Applicant does not believe that the proposed abandonment will result in any increase in noise levels.

7. **SAFETY**

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

8. **BIOLOGICAL RESOURCES**

(i) Applicant has consulted with the FWS Local, as well as to the following agencies that are potentially concerned with biological resources: PGC, PA DCNR, NPS National, NPS Northeast Region, ACE, NRCS National, and NRCS Local. Copies of these consultation letters are attached as part of Exhibit B. Applicant has not received any responses.

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Consultation letters were sent to the agencies identified in the paragraph 8(i) and Applicant has not received any responses.

9. **WATER**

(i) The proposed abandonment and any salvage will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant consulted with PA DEP SW and NW Regions and the agencies identified in paragraph 8(i). Responses from PA DEP SW and NW Regions are summarized in paragraph 3(i).

(ii) Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of this letter is attached as part of Exhibit B. Applicant has not yet received a response.

(iii) Applicant does not believe that any Clean Water Act permits will be required. Consultation letters were sent to PA DEP SW and NW Regions and EPA. Copies of these letters are attached as part of Exhibit B. As stated above in section 3(i), Applicant received a response from PA DEP SW and NW Regions, but PA DEP SW and NW Regions does not raise any specific Clean Water Act concerns.

**10. PROPOSED MITIGATION**

Since no adverse environmental impacts are expected, no mitigation is proposed.

**11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION**

Not applicable.

**12. CONSULTATION**

As noted above, KJRR has consulted with the following agencies in connection with the preparation of this environmental report: NRCS Local, NRCS National, EPA Region 3, ACE, NPS National, NPS Northeast Region, FWS Local, NGS, PennDOT, the PA DCNR, PGC, PA DEP NW Region, PA DEP SW Region, Chairman Sean Kertes, Westmoreland County Commissioner, and Chairman Don Myers, Armstrong County Commissioner.

**13. CERTIFICATIONS**

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 12 above.
- (b) On this date, it sent copies of this report to each of the agencies consulted as shown on the attached certificate of service.

- (c) Notice of the proposed abandonment was published in the Valley News Dispatch on June 23, 2021. A copy of the form of notice and the proof of publication are attached as Exhibit D.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

## **HISTORIC REPORT (49 CFR 1105.8)**

### **1. U.S.G.S TOPOGRAPHIC MAP**

U.S.G.S. topographic maps showing the location of the proposed abandonment are attached as Exhibit E.

### **2. DESCRIPTION OF RIGHT OF WAY**

Applicant seeks a notice of exemption to abandon the following segment of rail line (the “Subject Line”):

The Subject Line is located primarily along a river abutting rural, industrial, and commercial areas. The right of way is generally 60 feet wide. The right of way is crossed by 2 local roadways.

### **3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)**

A bridge over 50 years old exists on the Subject Line, photos of the bridge can be accessed at the website HistoricBridges.org:

<https://historicbridges.org/bridges/browser/photosviewer.php?bridgebrowser=pennsylvania/kiskiminetasriverrailroadbridge/&gallerynum=1&gallerysize=1>.

### **4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)**

Applicant understands that the bridge that exists on the Subject Line was constructed in approximately 1899.

### **5. HISTORY OF CARRIER OPERATIONS IN THE AREA**

The Subject Line was originally part of the “Western Division of the Main Line Public Works” constructed by the Commonwealth of Pennsylvania between 1826 and 1834. The Commonwealth of Pennsylvania transferred the Subject Line along with the rest of the “Main Line” to the Pennsylvania Railroad in 1857. It came under the ownership of Penn Central

Transportation following the merger of the Pennsylvania Railroad and the New York Central Railroad. In 1978, Penn Central Transportation transferred the line to Consolidated Rail Corporation (“CONRAIL”). Under CONRAIL, the Subject Line was known as the Schenley Industrial Track. CONRAIL sold the line to Berkman Rail Services, Inc. in 1995<sup>3</sup> who in turn sold it to the Kiski Junction Railroad in 2005.<sup>4</sup>

KJRR built an exempt spur track to connect the Subject Line to the Logansport Mine owned by its affiliate in 2011. The mine closed in 2018, and after that the Subject Line was only used to handle carloads of sand and feed supplement. The Subject Line has not been used to provide any rail service since approximately August 2018.

There is no local or overhead traffic on the Subject Line. Following the abandonment, KJRR plans to salvage the track.

## **6. SUMMARY OF STRUCTURE DOCUMENTATION**

KJRR has bridge inspection reports for the bridge that is over 50 years old.

## **7. OPINION REGARDING CRITERIA FOR LISTING**

Based on readily available information in KJRR’s possession, KJRR does not believe that any protective historic conditions should be placed upon the salvage of the track which is standard gauge and has been continuously maintained over the years. Applicant has given notice of the proposed abandonment to the Pennsylvania State Historic Preservation Office – Eastern Division (“SHPO”), a copy of which is included as part of Exhibit F. Applicant is corresponding further with the SHPO at this time, and is also serving the SHPO with a copy of this report.

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<sup>3</sup> *Berkman Rail Services, Inc. – Acquisition and Operation Exemption – Consolidated Rail Corporation*, ICC Finance Docket No. 32739 (served July 17, 1995).

<sup>4</sup> *Kiski Junction Railroad - Acquisition Exemption – Berkman Rail Services*, STB Finance Docket No. 34681 (served May 25, 2005).

8. **ENVIRONMENTAL CONDITIONS**

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain. Applicant intends to salvage the track – its salvage will take place within the right of way, will be surface work only and would not disturb subsurface resources.

Respectfully submitted,



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Washington, DC 20004  
(202) 772-0916  
jmarks@clarkhill.com

*Counsel for Kiski Junction Railroad*

Dated: July 21, 2021

## CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of July, 2021, I served a copy of the foregoing Environmental and Historic Report on the persons listed below by email or first class mail, postage prepaid:

|                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Pennsylvania Department of Transportation<br/>Bureau of Rail Freight, Ports and Waterways<br/>555 Walnut St. #8<br/>Harrisburg, PA 17101</p> <p><a href="mailto:RA-PDPASRP@pa.gov">RA-PDPASRP@pa.gov</a></p>                                                                                           | <p>National Park Service<br/>Northeast Region<br/>1234 Market Street<br/>20th Floor<br/>Philadelphia, PA 19107</p>                                                                                                                        |
| <p>Pennsylvania Department of Environmental Protection<br/>Northwest Regional Office<br/>230 Chestnut Street<br/>Meadville, PA 16335</p> <p><a href="mailto:RA-epcontactus@pa.gov">RA-epcontactus@pa.gov</a><br/><a href="mailto:lboughton@pa.gov">lboughton@pa.gov</a></p>                               | <p>National Park Service<br/>1849 C Street, NW<br/>Washington, DC 20240</p>                                                                                                                                                               |
| <p>Mr. Jim Miller, Regional Director<br/>Pennsylvania Department of Environmental Protection<br/>Southwest Regional Office<br/>400 Waterfront Drive<br/>Pittsburgh, PA 15222</p> <p><a href="mailto:jamesmill@pa.gov">jamesmill@pa.gov</a><br/><a href="mailto:khalloran@pa.gov">khalloran@pa.gov</a></p> | <p>Chairman Sean Kertes,<br/>Westmoreland County Commissioner<br/>Board of Commissioners<br/>2 N Main St<br/>Ste 101<br/>Greensburg, PA 15601</p> <p><a href="mailto:skertes@co.westmoreland.pa.us">skertes@co.westmoreland.pa.us</a></p> |
| <p>Chairman Don Myers, Armstrong County Commissioner</p> <p>Aaron Poole, Chief Administrator<br/>Courthouse Administration Building<br/>450 East Market Street, Suite 200<br/>Kittanning, PA 16201</p> <p><a href="mailto:aspoole@co.armstrong.pa.us">aspoole@co.armstrong.pa.us</a></p>                  | <p>Natural Resources Conservation Service<br/>USDA<br/>Office of the Chief<br/>1400 Independence Ave., SW<br/>Room 5105-A<br/>Washington, DC 20250</p>                                                                                    |

|                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| U.S. Environmental Protection Agency<br>Region 3<br>1650 Arch Street<br>Philadelphia, PA 19103-2029                                                                                                                                                                                                                                                           | Ms. Denise Coleman, State Conservationist<br>Natural Resources Conservation Service<br>USDA<br>359 East Park Drive, Suite 2<br>Harrisburg, PA 17111<br><br>Denise.Coleman@pa.usda.gov |
| U.S. Fish and Wildlife Service<br>Northeast Region 5<br>Office of the Regional Director<br>300 Westgate Center Drive<br>Hadley, Massachusetts 01035-9589<br><br><a href="mailto:Northeast@fws.gov">Northeast@fws.gov</a>                                                                                                                                      | Communications and Outreach Branch<br>NOAA, N/NGS12<br>National Geodetic Survey<br><br>ngs.inforcenter@noaa.gov                                                                       |
| Pennsylvania Department of Conservation and<br>Natural Resources<br>400 Market Street<br>Harrisburg, PA 17105                                                                                                                                                                                                                                                 | Pennsylvania Game Commission<br>Southwest Region<br>4820 Route 711<br>Bolivar, PA 15923                                                                                               |
| U.S. Army Corps of Engineers<br>Great Lakes and Ohio River Division, Pittsburgh<br>District<br><br>Pittsburgh District Corps of Engineers<br>William S. Moorhead Federal Building<br>1000 Liberty Avenue<br>Regulatory Branch, Suite 2200<br>Pittsburgh, PA 15222<br><br><a href="mailto:lrp.webinquiries@usace.army.mil">lrp.webinquiries@usace.army.mil</a> | Pennsylvania Coastal Resources<br>Management Program<br><br><a href="mailto:Ra-epcoastalzone@pa.gov">Ra-epcoastalzone@pa.gov</a>                                                      |
| Pennsylvania State Historic<br>Preservation Office - Eastern Region<br>Ms. Cheryl Nagle<br>chnagle@pa.gov                                                                                                                                                                                                                                                     |                                                                                                                                                                                       |

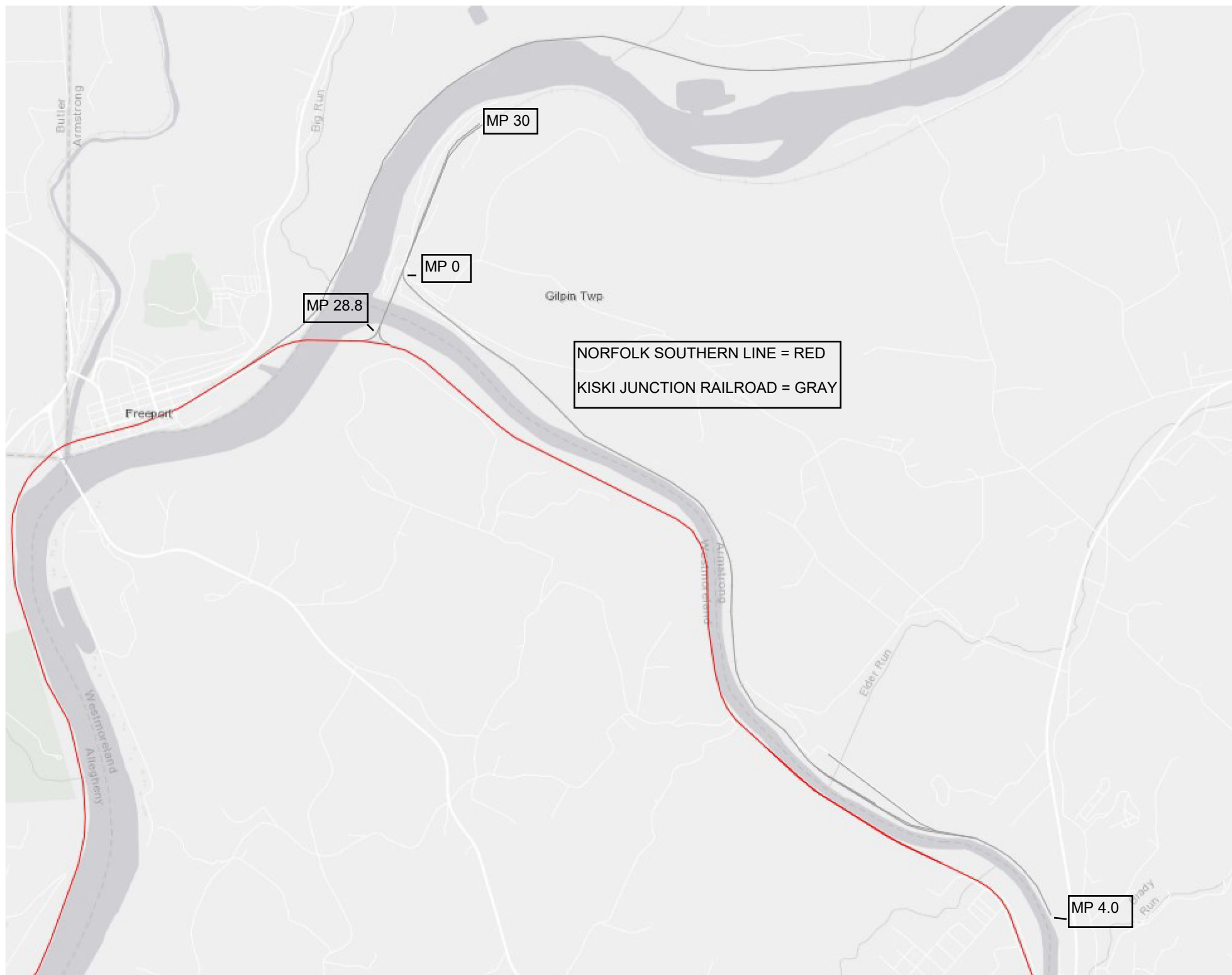
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Justin J. Marks

# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT A**

### **MAP**



# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT B**

### **CONSULTATION LETTERS**

Justin J. Marks  
T (202) 772-0916  
F +12027720919  
Email:jjmarks@ClarkHill.com

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1001 Pennsylvania Avenue N.W.  
Suite 1300 South  
Washington, DC 20004  
T (202) 772-0909  
F (202) 772-0919

May 14, 2021

**VIA EMAIL**

Pennsylvania Coastal Resources  
Management Program

Re: Kiski Junction Railroad – Abandonment Exemption –  
in Armstrong and Westmorland Counties, PA  
Surface Transportation Board Docket No. AB 1317 X

To Whom it May Concern:

This letter is to advise you that Kiski Junction Railroad ("KJRR") intends to file for an exemption from the Surface Transportation Board ("STB") to abandon the following two segments of rail line (together, the "Subject Line"):

- (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
- (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

The Subject Line traverses through United States Postal Service ZIP Codes 15656, 15682, 15690, 16226. A map of the Subject Line is enclosed.

KJRR plans to seek STB abandonment authorization on or after July 13, 2021 in Surface Transportation Board Docket No. AB 1317 X.

Based upon information in KJRR's possession, the Subject Line does not contain federally granted rights of way.

No local service has been provided on the Subject Line in over two years. KJRR understands that the Subject Line might be suitable for trail use.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

Your agency has jurisdiction over coastal zones in Pennsylvania, please advise if the Subject Line is within Pennsylvania's coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Pennsylvania's coastal

May 14, 2021  
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zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

We would appreciate an expression from you by June 14, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

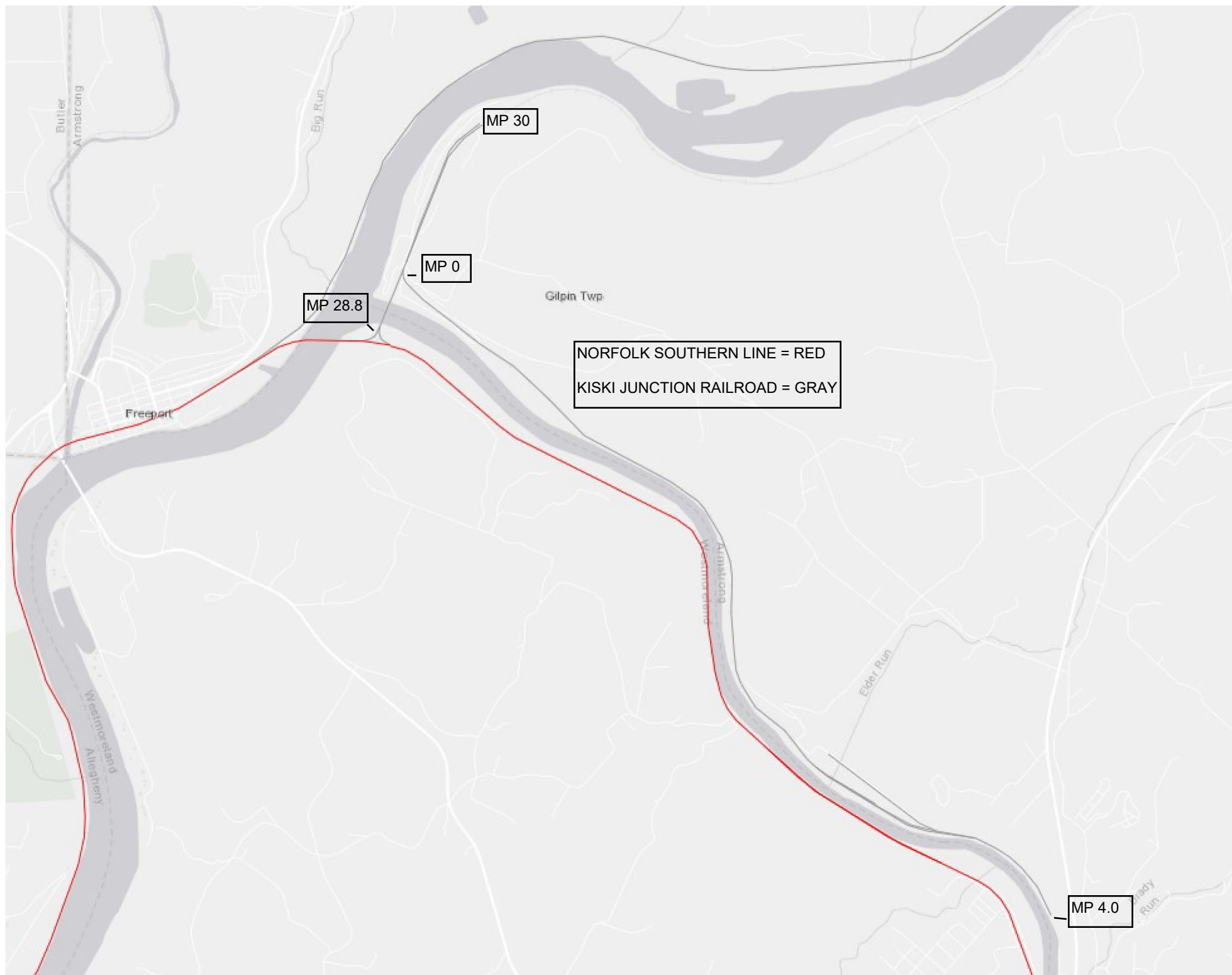
Thank you for your cooperation.

Sincerely,



Justin J. Marks  
*Counsel to Kiski Junction Railroad*

Enclosure



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May 14, 2021

**VIA EMAIL**

All Agencies on the Service List

Re: Kiski Junction Railroad – Abandonment Exemption –  
in Armstrong and Westmorland Counties, PA  
Surface Transportation Board Docket No. AB 1317 X

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May 14, 2021  
Page 2

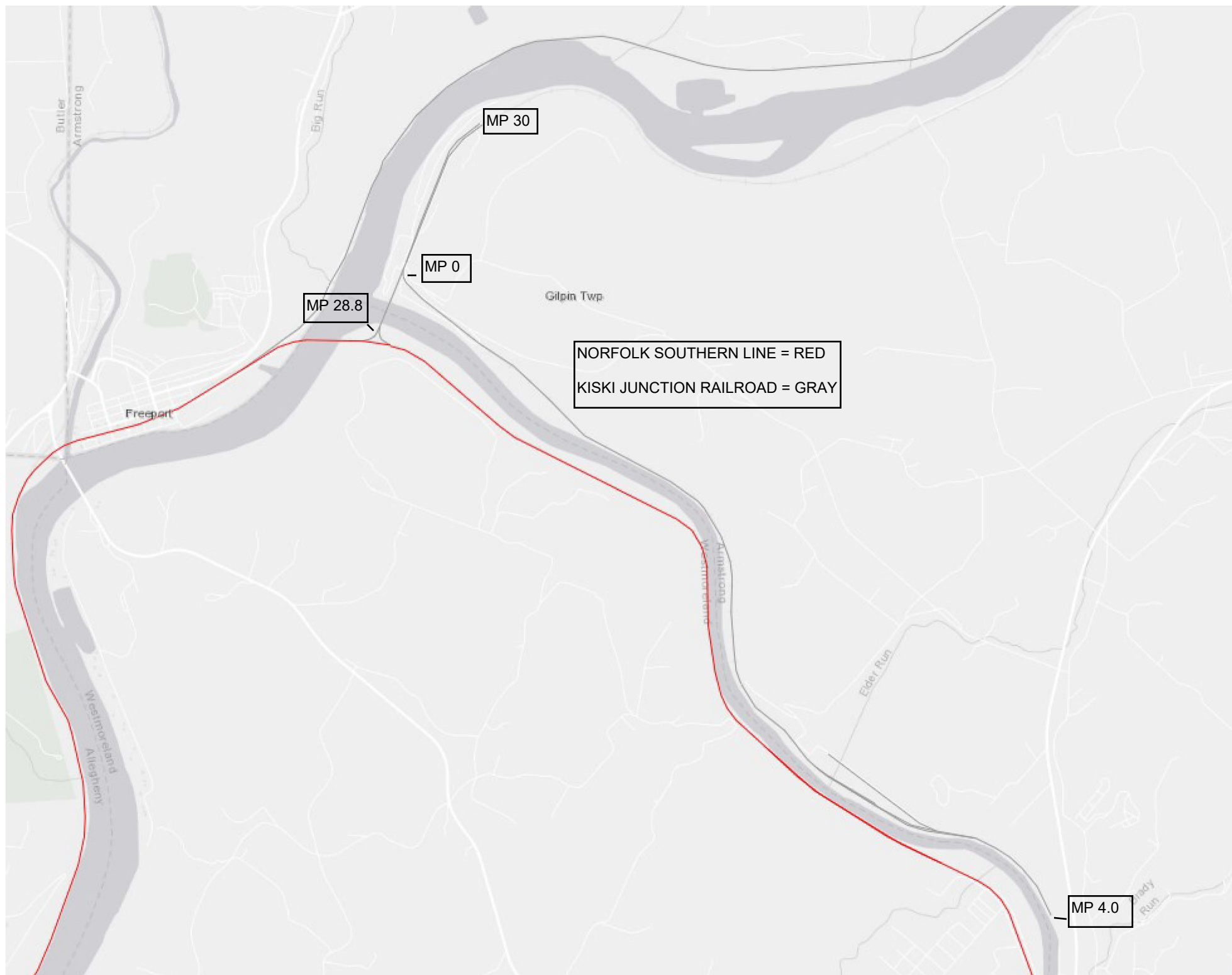
Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks  
*Counsel to Kiski Junction Railroad*

Enclosure



## AGENCY SERVICE LIST

|                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Pennsylvania Department of Transportation<br/>Bureau of Rail Freight, Ports and Waterways<br/>555 Walnut St. #8<br/>Harrisburg, PA 17101</p> <p><a href="mailto:RA-PDPASRP@pa.gov">RA-PDPASRP@pa.gov</a></p>                                                                          | <p>National Park Service<br/>Northeast Region<br/>1234 Market Street<br/>20th Floor<br/>Philadelphia, PA 19107</p>                                                                                                                               |
| <p>Pennsylvania Department of Environmental Protection<br/>Northwest Regional Office<br/>230 Chestnut Street<br/>Meadville, PA 16335</p> <p><a href="mailto:RA-epcontactus@pa.gov">RA-epcontactus@pa.gov</a></p>                                                                         | <p>National Park Service<br/>1849 C Street, NW<br/>Washington, DC 20240</p>                                                                                                                                                                      |
| <p>Mr. Jim Miller, Regional Director<br/>Pennsylvania Department of Environmental Protection<br/>Southwest Regional Office<br/>400 Waterfront Drive<br/>Pittsburgh, PA 15222</p> <p><a href="mailto:jamesmill@pa.gov">jamesmill@pa.gov</a></p>                                           | <p>Chairman Sean Kertes,<br/>Westmoreland County Commissioner<br/>Board of Commissioners<br/>2 N Main St<br/>Ste 101<br/>Greensburg, PA 15601</p> <p><a href="mailto:skertes@co.westmoreland.pa.us">skertes@co.westmoreland.pa.us</a></p>        |
| <p>Chairman Don Myers, Armstrong County Commissioner</p> <p>Aaron Poole, Chief Administrator<br/>Courthouse Administration Building<br/>450 East Market Street, Suite 200<br/>Kittanning, PA 16201</p> <p><a href="mailto:aspoole@co.armstrong.pa.us">aspoole@co.armstrong.pa.us</a></p> | <p>Natural Resources Conservation Service<br/>USDA<br/>Office of the Chief<br/>1400 Independence Ave., SW<br/>Room 5105-A<br/>Washington, DC 20250</p>                                                                                           |
| <p>U.S. Environmental Protection Agency<br/>Region 3<br/>1650 Arch Street<br/>Philadelphia, PA 19103-2029</p>                                                                                                                                                                            | <p>Ms. Denise Coleman, State Conservationist<br/>Natural Resources Conservation Service<br/>USDA<br/>359 East Park Drive, Suite 2<br/>Harrisburg, PA 17111</p> <p><a href="mailto:Denise.Coleman@pa.usda.gov">Denise.Coleman@pa.usda.gov</a></p> |

|                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>U.S. Fish and Wildlife Service<br/>Northeast Region 5<br/>Office of the Regional Director<br/>300 Westgate Center Drive<br/>Hadley, Massachusetts 01035-9589</p> <p><a href="mailto:Northeast@fws.gov">Northeast@fws.gov</a></p>                                                                                                                                        | <p>Communications and Outreach Branch<br/>NOAA, N/NGS12<br/>National Geodetic Survey</p> <p><a href="mailto:ngs.inforcenter@noaa.gov">ngs.inforcenter@noaa.gov</a></p> |
| <p>Pennsylvania Department of Conservation and<br/>Natural Resources<br/>400 Market Street<br/>Harrisburg, PA 17105</p>                                                                                                                                                                                                                                                    | <p>Pennsylvania Game Commission<br/>Southwest Region<br/>4820 Route 711<br/>Bolivar, PA 15923</p>                                                                      |
| <p>U.S. Army Corps of Engineers<br/>Great Lakes and Ohio River Division, Pittsburgh<br/>District</p> <p>Pittsburgh District Corps of Engineers<br/>William S. Moorhead Federal Building<br/>1000 Liberty Avenue<br/>Regulatory Branch, Suite 2200<br/>Pittsburgh, PA 15222</p> <p><a href="mailto:lrp.webinquiries@usace.army.mil">lrp.webinquiries@usace.army.mil</a></p> | <p>Pennsylvania Coastal Resources<br/>Management Program</p> <p><a href="mailto:Ra-epcoastalzone@pa.gov">Ra-epcoastalzone@pa.gov</a></p>                               |

# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT C**

### **AGENCY RESPONSES**



June 10, 2021

Mr. Justin J. Marks  
Clark Hill  
1001 Pennsylvania Avenue, NW  
Suite 1300 South  
Washington, DC 20004

Re: Kiski Junction Railroad – Abandonment Exemption  
Armstrong and Westmorland Counties, PA  
Surface Transportation Board Docket No. AB 1317 X

Dear Justin Marks:

This correspondence is a response to your request of the Pennsylvania Department of Environmental Protection (“Department”) to identify any concerns regarding the environmental effects of the proposed abandonment two segments of the Kiski Junction Railroad in Armstrong and Westmoreland Counties. The Department’s Northwest Regional Office’s Waterways and Wetlands Program reviewed this request.

Based on the information provided, there is an existing bridge across the Kiskiminetas River, which is Submerged Lands of the Commonwealth. DEP has no record of any existing permit or Submerged Lands License Agreement for the structure. Additionally, the line segments proposed for abandonment would appear to cross other regulated waters of the Commonwealth.

Under the Pennsylvania Dam Safety and Encroachments Act, Act of November 26, 1978, P.L. 1375, as amended, 32 P.S. §§ 693.1-693.27 (“Dam Safety Act”); Dam Safety and Chapter 105 regulations, 25 Pa. Code §105.11(a), “a person may not construct, operate, maintain, modify, enlarge or abandon a dam, water obstruction or encroachment without first obtaining a written permit from the Department.” Any water obstructions or encroachments such as bridges and culverts that remain on the abandoned railroad segments may require a permit from the Department for removal or continued operation and maintenance. If the Kiski Junction Railroad has existing permits for any existing water obstructions or encroachments, the permits will need to be transferred to a new owner.

If you have any questions regarding permitting under the Dam Safety Act, please contact me at 814.332.6984 or lboughton@pa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Lori A. Boughton".

Lori A. Boughton  
Regional Program Manager  
Waterways and Wetlands Program

## Marks, Justin J.

---

**From:** Boughton, Lori A <lboughton@pa.gov>  
**Sent:** Monday, June 14, 2021 12:24 PM  
**To:** Marks, Justin J.; Halloran, Kevin  
**Subject:** RE: [External] Kiski Junction Railroad Abandonment

### [External Message]

---

Mr. Marks –

If an entity purchases the line or portions of it which contain bridges, culverts, or other crossings of waters of the Commonwealth (including wetlands) and the entity intends to modify, abandon, operate or maintain that structure, then yes, a permit from the Department under the Chapter 105 regulations would be necessary. Depending on the crossing, a Submerged Lands License Agreement may also be required. If the railroad has existing permits, those will need to be transferred to the new entity.

Lori Boughton

---

**From:** Marks, Justin J. <jmarks@ClarkHill.com>  
**Sent:** Monday, June 14, 2021 12:07 PM  
**To:** Halloran, Kevin <khalloran@pa.gov>; Boughton, Lori A <lboughton@pa.gov>  
**Subject:** [External] Kiski Junction Railroad Abandonment

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Dear Mr. Halloran and Ms. Boughton:

I represent Kiski Junction Railroad (KJRR) before the U.S. Surface Transportation Board for KJRR to abandon its line of railroad in Armstrong and Westmoreland Counties.

I am writing because the abandonment extends over two DEP regions and you both responded to my consultation letter (attached) and I thought it might be smart if I coordinated with both of you as to prevent any confusion as KJRR moves forward with the abandonment.

Mr. Halloran, you requested that I submit a project form through the DEP website. I have done so, but it appears that the information was directed to the Northwest Region. Ms. Boughton, I received your letter via email on June 10, 2021 (also attached). Can you clarify for me, is it the position of your agency that if KJRR sells the line to another entity, that entity will require a permit to continue operation of the bridge on the line? I ask because there is a possibility that KJRR could sell the rail line to an entity for use as a trail.

Thank you,

Justin

**Justin J. Marks**

Attorney at Law

**Clark Hill**

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)  
[jmarks@clarkhill.com](mailto:jmarks@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

**Marks, Justin J.**

---

**From:** Halloran, Kevin <khalloran@pa.gov>  
**Sent:** Monday, May 17, 2021 8:20 AM  
**To:** Marks, Justin J.  
**Cc:** Miller, James E.  
**Subject:** RE: [External] Railroad Abandonment Environmental Consultation Letter

**[External Message]**

---

Hi Justin,

PADEP does not have any specific concerns over this proposed action, however, permits or authorizations may be required from DEP for the project. Please complete the DEP's Permit Application Consultation Tool at <https://www.ahs.dep.pa.gov/PACT/> to determine what permits may be relevant. Please let me know if you have any questions. Thanks.

Kevin Halloran | Assistant Regional Director  
Department of Environmental Protection | Southwest Regional Office  
400 Waterfront Drive | Pittsburgh, PA 15222  
Phone: 412.442.4156  
[www.dep.pa.gov](http://www.dep.pa.gov)

DEP is now accepting permit and authorization applications, as well as other documents and correspondence, electronically through the OnBase Electronic Forms Upload tool. Please use the link below to view the webpage, get instructions, and submit documents:  
<https://www.dep.pa.gov/DataandTools/Pages/Application-Form-Upload.aspx>

**PRIVILEGED AND CONFIDENTIAL COMMUNICATION** The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers.

---

**From:** Marks, Justin J. <[jjmarks@ClarkHill.com](mailto:jjmarks@ClarkHill.com)>  
**Sent:** Friday, May 14, 2021 1:06 PM  
**To:** Justin John Marks ([jjmarks92@gmail.com](mailto:jjmarks92@gmail.com)) <[jjmarks92@gmail.com](mailto:jjmarks92@gmail.com)>  
**Subject:** [External] Railroad Abandonment Environmental Consultation Letter

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).

Good afternoon:

Kiski Junction Railroad is planning to seek authorization from the U.S. Surface Transportation Board to abandon a line of railroad in Armstrong and Westmoreland Counties, PA. The attached letter seeks your input on the proposed action.

This letter will also be sent hard-copy. Apologies in advance for the duplicate.

Thank you,

Justin

**Justin J. Marks**

Attorney at Law

**Clark Hill**

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004  
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)  
[jmarks@clarkhill.com](mailto:jmarks@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

**Marks, Justin J.**

---

**From:** deborah.brooks <ngs.infocenter@noaa.gov>  
**Sent:** Tuesday, May 18, 2021 8:37 PM  
**To:** Marks, Justin J.  
**Subject:** [JIRA] (IMOV-8000) Railroad Abandonment Environmental Consultation Letter

[External Message]

---

A comment is added on your issue:

## Re: Railroad Abandonment Environmental Consultation Letter

Good Evening Atty. Marks,

Thank you for informing the National Geodetic Survey (NGS) of Kiski Junction Railroad (KJRR) 's decision to abandon the following two segments of rail line:

- (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA;
- and
- (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

There could be geodetic survey marks located in the area described, and any marks still present could be disturbed by the abandonment. While it is illegal to disturb or destroy a mark, sometimes disturbing or destroying a mark is unavoidable. In such cases, the mark can often be preserved or reset with advanced planning. NGS provides the public with tools to search for and locate survey marks, see the NGS Data Explorer (<https://geodesy.noaa.gov/NGSDataExplorer/>).

If a mark will be disturbed by the abandonment, KJRR should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. Information is available online to help reset marks or report disturbed/destroyed marks: <https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml>

This notice is also being shared with Jeff Jalbrzikowski (jeff.jalbrzikowski@noaa.gov, 240-988-5486) the Regional Geodetic Advisor, so he may work with any interested local agencies or stakeholders.

If you have additional questions, please contact the NGS Infocenter at NGS.Infocenter@noaa.gov. or call 301-713-3242.

Sincerely,  
Deborah M. Brooks  
Communications Specialist  
deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network

across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces geodetic control available to local surveyors, so please make every effort to preserve this valuable network.

#### Mark Resets

If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures ([https://geodesy.noaa.gov/PUBS\\_LIB/Benchmark\\_4\\_1\\_2011.pdf](https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf)) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>).

Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

#### Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding “destroyed marks” on the Mark Recovery Entry web page ([https://geodesy.noaa.gov/cgi-bin/recvy\\_entry\\_www.prl](https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.prl)).

**Marks, Justin J.**

---

**From:** deborah.brooks <ngs.infocenter@noaa.gov>  
**Sent:** Friday, May 21, 2021 3:21 PM  
**To:** Marks, Justin J.  
**Subject:** [JIRA] (IMOV-8000) Railroad Abandonment Environmental Consultation Letter

**[External Message]**

---

A comment is added on your issue:

## Re: Railroad Abandonment Environmental Consultation Letter

Good Afternoon Atty. Marks,

A search of NGS' database has located 1 geodetic survey marker (**KX1529**) at the north end (at or near mile post 30.0 in Alladin) of the proposed abandonment area. Our records indicate there has not been any recovery of **KX1529** since 1941, when surveyed by the Coast and Geodetic Survey (C&GS). It should be duly noted though that our description implies there was only one set of rails at that time (1941), and now there are two sets of rails in the aerial imagery... meaning this mark may have already been destroyed long ago by rail construction/addition. Thus minimal disturbance if any, may result from nearby earthwork digging or the removal of the rails.

Sincerely,  
Deborah Brooks  
NGS Infocenter  
301-713-3242

National Geodetic Survey

# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT D**

### **NEWSPAPER NOTICE**



# TRIB TOTAL MEDIA LEGAL ADVERTISING

## Proof of Publication of Notice in The Valley News Dispatch

Under the Act of July 9, 1976, P.L. 877, No. 160

Commonwealth of Pennsylvania }  
County of Allegheny } SS:

Patty Klingensmith, Classified Advertising Manager of Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with place of business in Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper in general circulation in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz:

LEGAL# 182130, RE: ABANDON RAIL SERVICES NOTICE ; 23<sup>RD</sup> DAY OF JUNE, 2021.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., publisher of the Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

*Patty Klingensmith*

Regional Multi-Media Advertising Manager,  
Trib Total Media, Inc.

Sworn to and subscribed before me this  
23<sup>RD</sup> day of JUNE, 2021

*JoAnn M. Callahan*  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
JoAnn M. Callahan, Notary Public  
Westmoreland County  
My commission expires July 1, 2024  
Commission number 1243230  
Member, Pennsylvania Association of Notaries

### Statement of Advertising Costs

JUSTIN J. MARKS  
CLARK HILL  
1001 PENNSYLVANIA AVENUE N.W.  
SUITE 1300 SOUTH  
WASHINGTON, DC 20004

To Trib Total Media, Inc..  
For Publishing the notice or advertisement attached  
hereto on the above stated dates \$356.50  
Probating Same \$ 0  
Total \$ 356.50\*

### Publisher's Receipt for

The Trib Total Media, Inc., publisher of the  
acknowledges a receipt of the aforesaid advertising and  
fully paid.

Trib Total Media Inc., Publisher  
of the Tribune-Review, a Daily Newspaper.

By *Justin J. Marks*

**NOTICE OF INTENT TO ABANDON RAIL SERVICE**  
Kiski Junction Railroad gives notice that on or about July 13, 2021, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to permit the abandonment of two segments of railroad line totaling 5.2 miles: (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA, traversing through United States Postal Service ZIP Codes 15656, 15682, 15690, 16226. The proceeding will be docketed as No. AB 1317X.  
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 (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0245.  
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 Proceedings either via e-filing or addressed to 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' representative [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 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: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004; (202) 772-0916; jmarks@clarkhill.com.  
182130(6-23-21)

# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT E**

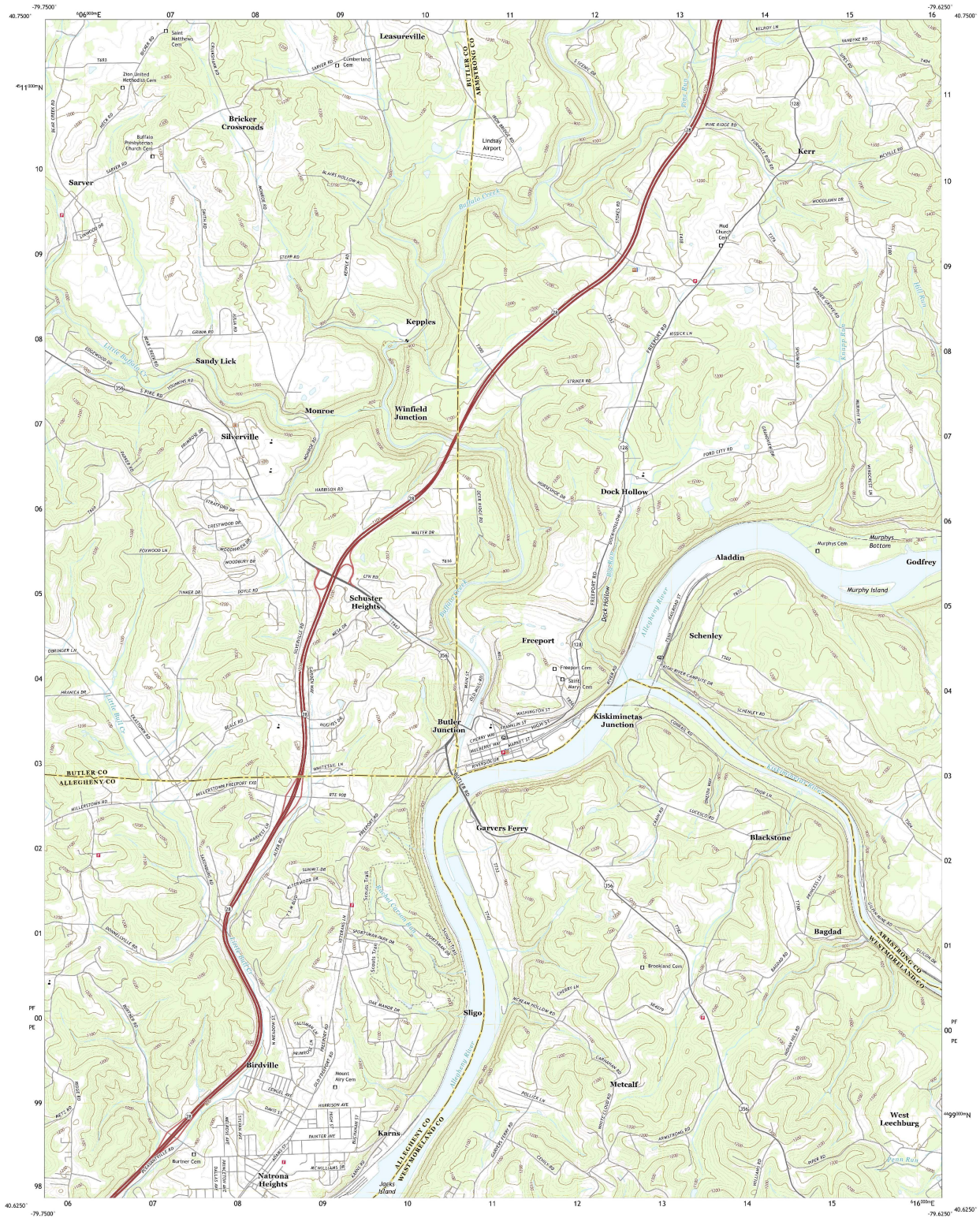
### **TOPOGRAPHICAL MAPS**



U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



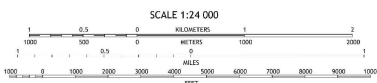
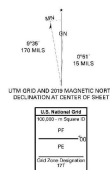
FREEPORT QUADRANGLE  
PENNSYLVANIA  
7.5-MINUTE SERIES



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84) Projection and  
1:000 meter grid Universal Transverse Mercator, Zone 17T  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
operation may not be shown. Obtain permission before  
entering private lands.

Imagery: NADP June 2017 - December 2017  
Roads: U.S. Census Bureau 2016  
Hydrography: National Hydrography Dataset, 2004  
Contours: National Elevation Dataset, 2010  
Boundaries: Multiple sources; see metadata file 2017 - 2018  
Wetlands: FWS National Wetlands Inventory 1977



SCALE 1:24 000  
Kilometers  
Meters  
Feet  
Contours Interval 20 Feet  
NORTH AMERICAN HORIZONTAL DATUM OF 1983  
This map was produced in conformance with the  
National Geospatial Program US Topo Product Standards, 2015.  
A metadata file associated with this product is draft version 0.6.18

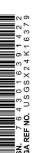


| 1 | 2 | 3 |
|---|---|---|
| 4 | 5 | 6 |
| 7 | 8 | 9 |

ADJACENT QUADRANGLES



FREEPORT, PA  
2019





U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY

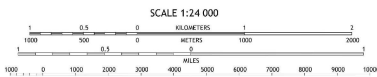
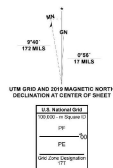


LEECHBURG QUADRANGLE  
PENNSYLVANIA  
7.5-MINUTE SERIES

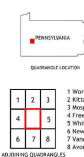


Produced by the United States Geological Survey  
North American Datum of 1983 (NAD83)  
World Geodetic System of 1984 (WGS84). Projection and  
1000-meter grid Universal Transverse Mercator, Zone 17T  
This map is not a legal document. Boundaries may be  
generalized for this map scale. Private lands within government  
reservations may not be shown. Obtain permission before  
entering private lands.

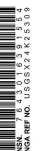
Legend: MAP, June 2017 - December 2017  
Roads: U.S. Corridor, Bureau, 2016  
Hydrography: National Hydrography Dataset, 2016  
Contours: National Elevation Dataset, 2010  
Boundaries: Multiple sources; see metadata file 2017 - 2018  
Wetlands: FWS National Wetlands Inventory 1977



CONTOUR INTERVAL 20 FEET  
NORTH AMERICAN DATUM OF 1983  
This map was produced to conform with the  
National Geospatial Program US Topo Product Standards, 2014.  
A metadata file associated with this project is draft version 5.0.15



LEECHBURG, PA  
2019



# **ENVIRONMENTAL/HISTORIC REPORT**

## **EXHIBIT F**

### **SHPO CORRESPONDENCE**

Justin J. Marks  
T (202) 772-0916  
F +12027720919  
Email:jjmarks@ClarkHill.com

Clark Hill  
1001 Pennsylvania Avenue N.W.  
Suite 1300 South  
Washington, DC 20004  
T (202) 772-0909  
F (202) 772-0919

May 14, 2021

**VIA EMAIL**

Pennsylvania State Historic  
Preservation Office - Eastern Region  
Ms. Cheryl Nagle  
chnagle@pa.gov

Re: Kiski Junction Railroad – Abandonment Exemption –  
in Armstrong and Westmorland Counties, PA  
Surface Transportation Board Docket No. AB 1317 X

Dear Ms. Nagle:

This letter is to advise you that Kiski Junction Railroad ("KJRR") intends to file for an exemption from the Surface Transportation Board ("STB") to abandon the following two segments of rail line (together, the "Subject Line"):

- (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
- (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

The Subject Line traverses through United States Postal Service ZIP Codes 15656, 15682, 15690, 16226. A map of the Subject Line is enclosed.

KJRR plans to seek STB abandonment authorization on or after July 13, 2021 in Surface Transportation Board Docket No. AB 1317 X.

Based upon information in KJRR's possession, the Subject Line does not contain federally granted rights of way.

No local service has been provided on the Subject Line in over two years. KJRR understands that the Subject Line might be suitable for trail use.

In advance of preparing an environmental and historical report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to historical resources impacts of the proposed abandonment.

May 14, 2021  
Page 2

We would appreciate an expression from you by June 14, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon any historic resources (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

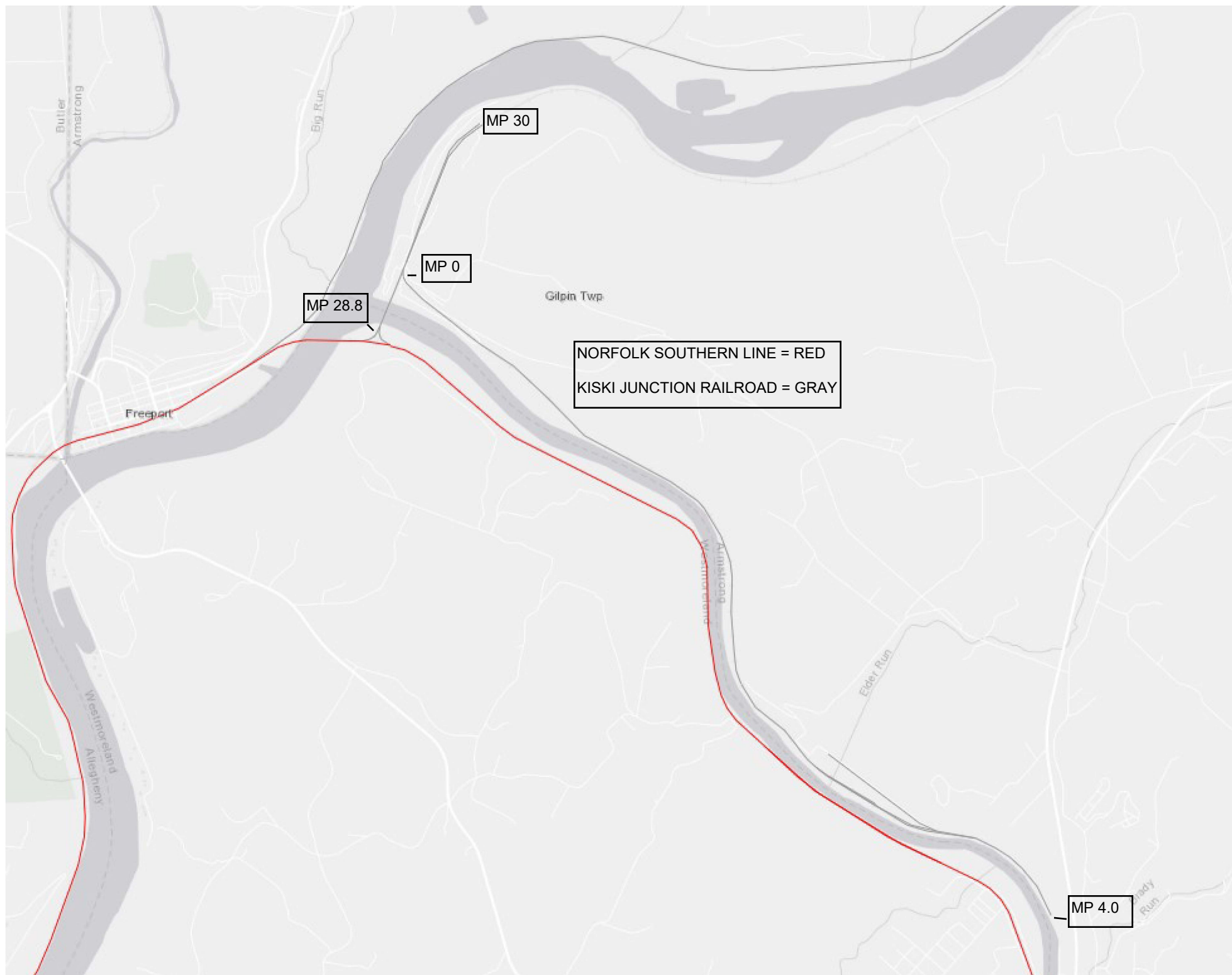
Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

Justin J. Marks  
*Counsel to Kiski Junction Railroad*

Enclosure



## Marks, Justin J.

---

**From:** Nagle, Cheryl <chnagle@pa.gov>  
**Sent:** Tuesday, May 18, 2021 8:05 AM  
**To:** Marks, Justin J.  
**Cc:** PH, PASHare; PH, PA SHPO Environmental Review  
**Subject:** Re: [External] Railroad Abandonment in Westmoreland/Armstrong Counties  
**Attachments:** SHPO\_Letter.pdf

### [External Message]

---

Good morning Mr. Marks,  
Thank you for reaching out to the PA SHPO regarding the proposed railroad abandonment.  
To initiate Section 106 consultation with the PA SHPO, we prefer that a submission is provided via our electronic project submission system PA SHARE <https://www.phmc.pa.gov/PA-SHARE/Pages/default.aspx>; or one may be able to provide the documentation via email at RA-PH-PASHPO-ER@pa.gov. We will be responding via PA SHARE.

We will need additional information/documentation to review the proposed project (if there is a potential historic resource that would be affected and what the abandonment will entail). I am happy to help you gather the information - but please try to provide as much as you can.

Please include the following in the PA SHARE submission as well as the information you had provided via email:

1. Information about Kiski Junction Railroad. There are multiple railroad lines/tracks/former canal in the area that you indicated. Please provide:
  - a. Historic mapping (for example <https://www.west2k.com/pastations/westmoreland.shtml> if you scroll down the page there is a 1895 map - would need to do the same for Armstrong)
  - b. History of the Kiski Junction Railroad - charter date, mileage, what did it transport, merger info, construction date, etc. There may be information from a local history pamphlet/book; on Google books there are company annual reports and/or Commonwealth of PA reports
  - c. What structures or buildings are on the line/along the line where it is proposed to be abandoned? For example: tunnels, bridges, stations. Please provide the location (lat/long) and photos
2. Information about the abandonment
  - a. What if any removal of structures/buildings will occur (location, etc.)
  - b. What if any ground disturbance and the nature and extent of the ground disturbance and where (lat/long and/or indicate as LODs on the mapping in PA SHARE)

Thanks!  
Cheryl

---

**From:** Marks, Justin J. <jmarks@ClarkHill.com>  
**Sent:** Friday, May 14, 2021 12:23 PM  
**To:** Nagle, Cheryl <chnagle@pa.gov>  
**Subject:** [External] Railroad Abandonment in Westmoreland/Armstrong Counties

**ATTENTION:** This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA\_SPAM@pa.gov.

Ms. Nagle:

I represent Kiski Junction Railroad that proposes to seek authority from the U.S. Surface Transportation Board to abandon a line of railroad. Please see the attached consultation letter.

Thank you,

Justin

**Justin J. Marks**

Attorney at Law

**Clark Hill**

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

[jmarks@clarkhill.com](mailto:jmarks@clarkhill.com) | [www.clarkhill.com](http://www.clarkhill.com)

Justin J. Marks  
T (202) 772-0916  
F +12027720919  
Email:jjmarks@ClarkHill.com

Clark Hill  
1001 Pennsylvania Avenue N.W.  
Suite 1300 South  
Washington, DC 20004  
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July 21, 2021

**VIA EMAIL**

Pennsylvania State Historic  
Preservation Office - Eastern Region  
Ms. Cheryl Nagle  
chnagle@pa.gov  
RA-PH-PASHPO-ER@pa.gov

Re: Kiski Junction Railroad – Abandonment Exemption –  
in Armstrong and Westmorland Counties, PA  
Surface Transportation Board Docket No. AB 1317 X

Dear Ms. Nagle:

This letter and the enclosed Environmental and Historic Report ("EHR") are being provided to you in response to the Pennsylvania State Historic Preservation Office ("PA SHPO") request for additional information regarding Kiski Junction Railroad's ("KJRR") following KJRR's initial Section 106 consultation with the PA SHPO. This letter and the EHR provide you with the information that KJRR is providing to the Surface Transportation Board ("STB") to form the basis for the STB's independent environmental/historical analysis of this proceeding.

KJRR will be requesting that the STB grant KJRR an exemption pursuant to 49 C.F.R. 1152.50 to abandon the following two segments of rail line (together, the "Subject Line"):

- (1) Line Code 2229, between at or near mile post 30.0 in Alladin to milepost 28.8 in Armstrong and Westmoreland Counties, PA; and
- (2) Line Code 2242, from milepost 0.0 at the connection of Line Code 2229, to milepost 4.0, in Armstrong County, PA.

The Subject Line includes one railroad bridge over the Kiskiminetas River.

Proposed activities in conjunction with the abandonment consist of rail removal within the existing, privately-owned, right-of-way ("ROW"). No disturbance of the bridge (other than removal of the rail) is contemplated. No permanent impacts outside the ROW are contemplated. KJRR believes that a potential trail sponsor has an interest in acquiring the Subject Line for interim trail use and rail banking under the National Trails Act.

The NHPA requires that federal agencies (such as the STB) must consider the effect of their actions on any historic properties included or eligible for inclusion in the National Register of

Historic Places. 54 U.S.C. §306108. The scope of the required review is determined by the extent of the "project area" or "area of permitted effects" and is limited by the extent of the agency's jurisdiction to control or mitigate any impacts. In the case of abandonment actions, the STB has determined the "project area" is limited to the ROW because the STB's conditioning authority extends only to the Applicant's common carrier rail line and associated property. Here, the proposed abandonment includes the 5.2 mile Subject Line and the associated ROW described as generally 60 feet wide. Accordingly, the information provided in the enclosed EHR is limited to the Subject Line and associated ROW.

If you believe any of the information within the EHR 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 above Docket No. 1317X. KJRR plans to file its notice of exemption on or after August 10, 2021. OEA will generally issue a draft Environmental Analysis 25 days after the filing. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments to OEA filed directly with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Sincerely,



Justin J. Marks  
*Counsel to Kiski Junction Railroad*

Enclosure