



Donald K. Myers, Chairman
Jason Renshaw, Vice-Chairman
Pat Fabian, Secretary

Aaron S. Poole, Chief Administrator
Andrew J. Sacco, Solicitor

Courthouse Administration Building
450 Market Street, Kittanning, PA 16201
724-548-3215 Phone • 724-548-3285 Fax
commissioners@co.armstrong.pa.us

Board of Commissioners
COUNTY OF ARMSTRONG

305039

July 22, 2022

BY E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

ENTERED
Office of Proceedings
July 22, 2022
Part of
Public Record

Re: Kiski Junction Railroad, Inc. – Abandonment Exemption – In Armstrong and Westmoreland Counties, PA
Docket No. AB-1317X
Petition for Issuance of a Notice of Interim Trail Use (color images included)
Expedited Consideration Requested

Dear Ms. Brown:

Enclosed for filing, please find Armstrong County, Pennsylvania's ("Armstrong County") Petition for Issuance of a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. Armstrong County 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 County. Armstrong County would appreciate the Surface Transportation Board favorably considering the within Petition for Issuance of a Notice of Interim Trail Use.

Pursuant to C.F.R. § 1002.2(e), Armstrong County herein requests, as a government entity, a waiver or reduction of the filing fee, which has been prepaid for this filing (Pay.gov Tracking ID: 27102VDF, Agency Tracking ID: 76269345481).

Armstrong County and KJRR, as the owner of the Rail Line, hope to close this transaction by mid-August 2022 in order to take advantage of funding opportunities. Accordingly, Armstrong County and KJRR request that the Board consider this request on an expedited basis.

FILING FEE WAIVED

Please let us know if there are any questions regarding this filing.

By my signature below, I certify service by e-mail of a copy of this request on counsel for KJRR.

Respectfully,



Andrew J. Sacco
Solicitor for Armstrong County

cc: Eric M. Hocky, Esq, Counsel for KJRR-ehocky@clarkhill.com
Justin J. Marks, Esq., Counsel for KJRR-jmarks@clarkhill.com
Lawrence P. Lutz, Esq., Counsel for Armstrong Trails-larrylutz@lutzandpawklaw.com
Ryan Markey, Esq., Counsel for Armstrong Trails-jmarkey@lutzandpawklaw.com

**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 C.F.R. § 1152.29, Armstrong County, Pennsylvania ("Armstrong County") hereby makes its Petition for Issuance of a Notice of Interim Trail Use. Armstrong County states as follows:

1. Armstrong County files this petition pursuant to state, federal, and local law as applicable and as authorized by its commissioners.
2. The name, title, and address of Armstrong County's representative to whom correspondence should be sent is:

Andrew J. Sacco, Esq.
Solicitor for Armstrong County
160 North McKean Street
Kittanning, PA 16201

3. Armstrong County is interested in acquiring or using the right-of-way of the following spur track of Kiski Junction Railroad, Inc. for interim trail use and railbanking. The spur track (hereafter the "Spur Track"), is more accurately described as follows:
 - a. The rail corridor extending from the end of the Spur Track at milepost 39 in the vicinity of Crooked Creek in the north, and running southwest along the Allegheny River for approximately 10 miles to milepost 30 near Schenley at the termination of the "Subject Line" that is subject to abandonment in this proceeding.

A map of the Spur Track is attached hereto as Exhibit "A".

4. Armstrong County makes the following statement:

**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 C.F.R. 1152.29 with respect to the right-of-way of the Spur Track owned and operated by Kiski Junction Railroad Inc, Armstrong County, Pennsylvania (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 Spur Track, extends from the end of the Spur Track at milepost 39 in the vicinity of Crooked Creek in the north, and running southwest along the Allegheny River for approximately 10 miles to milepost 30 near Schenley. A map of the property depicting the right-of-way is attached hereto as Exhibit A.

Armstrong County 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 on the same date it is being served on the Board.

5. The Subject Line in this proceeding is subject to a notice of interim trail use ("NITU") in favor of Armstrong Trails. *See* decision served September 30, 2021. The Spur Track as ancillary track under 49 U.S.C. 10906 does not require Board authority for abandonment, and accordingly was not included in KJRR's notice of exemption. Armstrong County understands that KJRR intends to abandon the Spur Track following the completion of the abandonment proceeding in this docket. Armstrong County has been in contact with the staff of KJRR, and KJRR has indicated that KJRR is willing to negotiate a Trail Use Agreement with Armstrong County with respect to the Spur Track if the Board issues a notice of interim trail use.
6. Armstrong County's Petition for Issuance of a Notice of Interim Trail Use is not timely filed in accordance with C.F.R. § 1152.29 because KJRR's Notice of Exemption does not mention the specific Spur Track described herein. However, the negotiations between Armstrong County and KJRR have included the Spur Track described herein, and KJRR has confirmed that it has not yet fully abandoned the Spur Track.

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

Respectfully,



Andrew J. Sacco
Solicitor for Armstrong County

Exhibit A
Kiski Junction
Railroad MP 30-39

