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March 25, 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, PA

Dear Ms. Brown:

Attached for filing in the above referenced docket please find an email exchange between counsel for Allegheny Valley Railroad Company and Lauren Heidingsfelder, Regulatory Botanist with the U.S. Army Corps of Engineers in Pittsburgh, PA.

Please let me know if you have any questions.

Respectfully submitted,

Thomas J. Healey

Thomas J. Healey

TJH:th
Enclosure

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

Heidingsfelder, Lauren L CIV USARMY CELRP (USA) <Lauren.L.Heidingsfelder@usace.army.mil>

Wed 3/20/2024 7:36 AM

To: Thomas J. Healey <THealey@fletcher-sippel.com>;

Cc: Estay, Olivia J CIV USARMY CELRP (USA) <Olivia.J.Estay@usace.army.mil>; John Ashbridge <johnashbridge@carloadexpress.com>; Benjamin C. Dunlap, Jr. <bdunlap@cohenseglia.com>;

Dear Mr. Healey,

Thank you for the additional information. Please note that the U.S. Army Corps of Engineers (USACE) will require a permit if any of the aforementioned salvage or removal operations would result in any fill, temporary or permanent, being placed into the Waters of the United States (WOTUS), including wetlands. If any salvage or removal operations require placement or storage of crossties, ferrous materials, equipment, etc. alongside the railroad tracks it is advised to obtain a delineation report to properly identify any aquatic resources adjacent to the railroad tracks. Depending on the size and nature of the impact to these aquatic resources a Pennsylvania State Programmatic General Permit-6 (PASPGP-6) or a Nationwide Permit (NWP) may be required.

If no work, salvage, removal, or otherwise, is to be conducted on or adjacent to the bridge crossing the Allegheny River then no Section 10 permit or review is required.

Please let me know if you have any further questions.

Thank you,
Lauren

Lauren Heidingsfelder
Biologist, Regulatory
North Branch - Regulatory Division

U.S. Army Corps of Engineers,
Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Cell: 412-514-9059

From: Thomas J. Healey <THealey@fletcher-sippel.com>

Sent: Saturday, March 9, 2024 10:12 AM

To: Heidingsfelder, Lauren L CIV USARMY CELRP (USA) <Lauren.L.Heidingsfelder@usace.army.mil>

Cc: Estay, Olivia J CIV USARMY CELRP (USA) <Olivia.J.Estay@usace.army.mil>; John Ashbridge <johnashbridge@carloadexpress.com>; Benjamin C. Dunlap, Jr. <bdunlap@cohenseglia.com>

Subject: [Non-DoD Source] Re: Docket No. AB-1233 (Sub-No. 2X)

Greetings Ms. Heidingsfelder:

Thank you for your inquiry.

In response to your question, Allegheny Valley Railroad Company ("AVR") intends to convey its interests, if any, in the entirety of the rail line to the Redevelopment Authority of Allegheny County ("RAAC") for conversion into a recreational trail pursuant to the Federal Rails to Trails Act (16 U.S.C. Section 12457(d)), except that AVR will retain ownership of the rail and all other ferrous track materials (except bridge tie spacers and deck straps) attached to or located on the rail line. AVR intends to salvage the rail and all other ferrous track materials it owns from the rail line, except from the east leg of the railroad wye track at the northern portion of the rail line and southerly 1,962 feet of the line, on which AVR intends to leave all rail and other ferrous track materials. All crossties will be removed from the line, except for those located on the east leg of the railroad wye track at the northern portion of the rail line and southerly 1,962 feet portion of the rail line. AVR does not intend to remove any ballast, bridge deck timbers, bridge tie spacers or bridge deck straps from the rail line, all of which shall become the personal property of RAAC upon conveyance to RAAC of AVR's interests in the rail line. AVR intends to provide Amtrak an easement to turn its passenger equipment on the southerly 1,962 feet of the Line, and AVR will not remove any rail, other ferrous materials or crossties from this area. AVR does not intend to modify or remove any portion of the existing bridges, viaducts, or embankments from the rail line.

Counsel for AVR (Mr. Ashbridge) and counsel for RAAC (Mr. Dunlap) are cc'ed on this message.

Please let me know if you have any additional questions.

Tom Healey

Cell 708.209.9599

From: Heidingsfelder, Lauren L CIV USARMY CELRP (USA) <Lauren.L.Heidingsfelder@usace.army.mil>
Sent: Friday, March 1, 2024 11:47 AM
To: Thomas J. Healey
Cc: Estay, Olivia J CIV USARMY CELRP (USA)
Subject: Docket No. AB-1233 (Sub-No. 2X)

Dear Mr. Healey,

I am writing in regard to the attachment received by the U.S. Army Corps of Engineers, Pittsburgh District Office. To provide accurate information concerning permit requirements under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, please provide a response to the following question:

What are the activities (e.g. construction, maintenance, paving, etc.) associated with the abandonment proposed by the Allegheny Valley Railroad Company (AVR)?

I have included our Office of Counsel representative, Olivia Estay, in this correspondence if you have any legal questions.

Thank you,
Lauren

Lauren Heidingsfelder

Biologist, Regulatory

North Branch - Regulatory Division

U.S. Army Corps of Engineers,

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Pittsburgh, PA 15222

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