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SERVICE DATE – MAY 2, 2024

SURFACE TRANSPORTATION BOARD

DECISION

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

ALLEGHENY VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN
ALLEGHENY COUNTY, PA.

Decided: May 2, 2024

Allegheny Valley Railroad Company (AVR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 3.6-mile portion of a rail line known generally as the Brilliant Branch, located in Pittsburgh and Aspinwall, Allegheny County, Pa. (the Line). Notice of the exemption was served and published in the Federal Register on April 3, 2024 (89 Fed. Reg. 23,078). The exemption is scheduled to become effective on May 3, 2024.

On April 9, 2024, the National Railroad Passenger Corporation (Amtrak) filed a request that the Board condition AVR's abandonment on representations AVR made before the agency regarding executing an agreement with Amtrak. (Amtrak Mot. 1 & n.1.) Amtrak states that it uses the southern portion of the Line, measuring approximately 1,962 feet, to wye and turn Amtrak Trains 42 and 43, the *Pennsylvanian* service, and that it is negotiating an agreement with AVR to permit Amtrak's continued use of this track segment after the rest of the Line's track materials are removed. (*Id.*) AVR filed a reply opposing Amtrak's request on April 17, 2024. (AVR Reply 1-2, Apr. 17, 2024.)

To provide time for the Board to address the issue presented, the effective date of the exemption will be postponed until further order of the Board.

It is ordered:

1. The effective date of the exemption is postponed until further order of the Board.
2. This decision is effective on its service date.

By the Board, Mai T. Dinh, Director, Office of Proceedings.