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Pittsburgh, PA 15219

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238637

ENTERED
Office of Proceedings
June 17, 2015
Part of
Public Record

June 15, 2015

The Honorable Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street, SW, Ste. 1260
Washington, DC 20423-0001

Re: Allegheny Valley Railroad Company – Abandonment Exemption –
Allegheny County, PA; Docket No. AB-1233X

Dear Ms. Brown:

Enclosed for filing in the above captioned proceeding are the signed original (unbound) and ten (10) bound copies of the following documents:

1. Notice of Exemption of Allegheny Valley Railroad Company for the abandonment of .3 miles rail line in Allegheny County, PA; and
2. Environmental and Historical Reports pursuant to 49 C.F.R. §§1105.7 and 1105.8.

Enclosed please find a check in the amount of \$3,800 in payment of the filing fee for this proceeding.

Please direct any comments or requests for additional information concerning this matter to the undersigned.

FEE RECEIVED
June 17, 2015
SURFACE
TRANSPORTATION BOARD

FILED
June 17, 2015
SURFACE
TRANSPORTATION BOARD

The Honorable Cynthia T. Brown, Chief
June 15, 2015
Page 2

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter and return it to the undersigned in the self addressed, stamped envelope provided for that purpose.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, reading "Richard R. Wilson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard R. Wilson, Esq.

RRW/bab

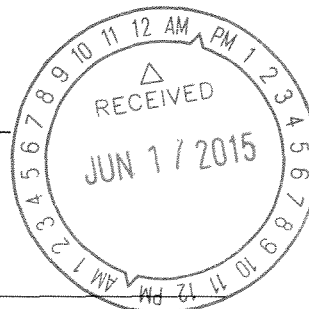
Enclosures

xc: Allegheny Valley Railroad Company
Surface Transportation Board – Section of Environmental Analysis

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233X

**ALLEGHENY VALLEY RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
ALLEGHENY COUNTY, PENNSYLVANIA**



NOTICE OF EXEMPTION

RICHARD R. WILSON, ESQ.
Counsel for Allegheny Valley
Railroad Company

RICHARD R. WILSON, P.C.
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June 15, 2015

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233X

**ALLEGHENY VALLEY RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
ALLEGHENY COUNTY, PENNSYLVANIA**

NOTICE OF EXEMPTION

Allegheny Valley Railroad Company (“AVR”) files this Notice of Exemption pursuant to the Board’s regulations at 49 C.F.R. 1152.50. This Notice of Exemption is for the abandonment of the line of railroad between Railroad Milepost 0.3 being the northeasterly side of 16th Street and Railroad Milepost 0.6 the center line of 21st Street all in the Strip District in the City of Pittsburgh, Allegheny County, PA. A map showing the line is attached as Appendix A.

In accordance with the Board’s regulations, AVR makes the following responses:

Response to 49 C.F.R. §1152.50(d)(2):

1. Proposed Consummation Date. The proposed consummation date is July 15, 2015.
2. Certification Required in §1152.50(b). The required certification is set forth as Exhibit 1 to this Notice of Exemption.
3. Information Required in §1152.22(a)(1-4), (7), (8) and (e)(4).

(a) **General.**

- (1) **Exact name of applicants:** Allegheny Valley Railroad Company.

(2) **Whether the applicants are a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105:** Allegheny Valley Railroad Company is a common carrier railroad and is subject to the provisions of Title 49, United States Code.

(3) **Whether the carriers which own or operate the line of railroad to be abandoned or over which service is to be discontinued is part of any railroad system:** AVR is not part of any other railroad system.

(4) **Relief sought:** AVR seeks to use the class exemption at 49 C.F.R. §1152.50 to abandon approximately 1,542 feet of railroad line between 16th and 21st Street in the Strip District of the City of Pittsburgh and to convey said property to adjacent property owners to facilitate Strip District redevelopment

(5) **Name, title and address of representative of applicants to whom correspondence should be sent:** Richard R. Wilson, Esq., 518 N. Center Street, Ste. 1, Ebensburg, PA 15931, (814) 419-8152.

(6) **List of all United States Postal Service zip codes that the line proposed for abandonment and discontinuance of services transverses:** The line in question passes through the following United States Postal Service zip code: 15219.

(b) **Rural and Community Impact.**

(1) **Statement of whether the property proposed to be abandoned and discontinued for service are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicants are aware of any restrictions on the title to the property, including any reversionary**

interest which would affect the transfer of title or the use of property for other than rail purposes, this should be disclosed:

The involved property is situated in the midst of an urban redevelopment zone and is not appropriate for other public use.

4. Level of Labor Protection. This transaction will not result in the elimination of any jobs by AVR. Moreover, the line has been out of service for more than two years and no active rail operations have been provided on the line by AVR during that time.

5. Certificate of Compliance with Notice Requirements of §1152.50(d)(1).
The required certificate is set forth as Exhibit 2 to this Notice of Exemption.

6. Environmental and Historical Reports. An Environmental Report and a Historical Report prepared in accordance with 49 C.F.R. §1105.7 are attached at Appendix B to this Notice of Exemption. The Environmental and Historical Reports are filed with the Board's Section of Environmental Analysis contemporaneously herewith.

7. Verification. The required verification is set forth as Exhibit 3 to this Notice of Exemption.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.,
Allegheny Valley Railroad Company

Dated: June 15, 2015

EXHIBIT 1

Certification Required in 49 C.F.R. §1152.50(d)

In accordance with 49 C.F.R. §1152.50(d), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-1233X

(1) No local traffic has moved over the line for at least two years prior to the date hereof;

(2) There is no overhead traffic on the line; and

(3) No formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof.

The foregoing certification is made on behalf of Allegheny Valley Railroad Company by the undersigned, and after due and careful investigation of the matters herein certified and based on the best knowledge, information, and belief of the undersigned.


Richard R. Wilson, Esq.

Dated: June 15, 2015

EXHIBIT 2

Certification of Compliance with Notice Requirement of
(A) 49 C.F.R. §1152.50(d)(1) and (B) 49 C.F.R. §1105.11

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

(A) On June 15, 2015, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1) upon the Pennsylvania Public Utility Commission or equivalent agency of the Commonwealth of Pennsylvania in which the line proposed for abandonment in this docket is situated and upon the Military Surface Deployment and Distribution Command (formally the Military Traffic Management Command) of the U.S. Department of Defense and other addressees as required by Board regulations.

(B) On June 15, 2015, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1105.11 upon the designated agencies of the states in which the line proposed for abandonment in this docket is situated.

(C) On June 10, 2015, I had the appropriate newspaper notice set forth at 49 C.F.R. §1105.12 published in newspapers of general circulation in Allegheny County, Pennsylvania.


Richard R. Wilson, Esq.

Dated: June 15, 2015

EXHIBIT 3

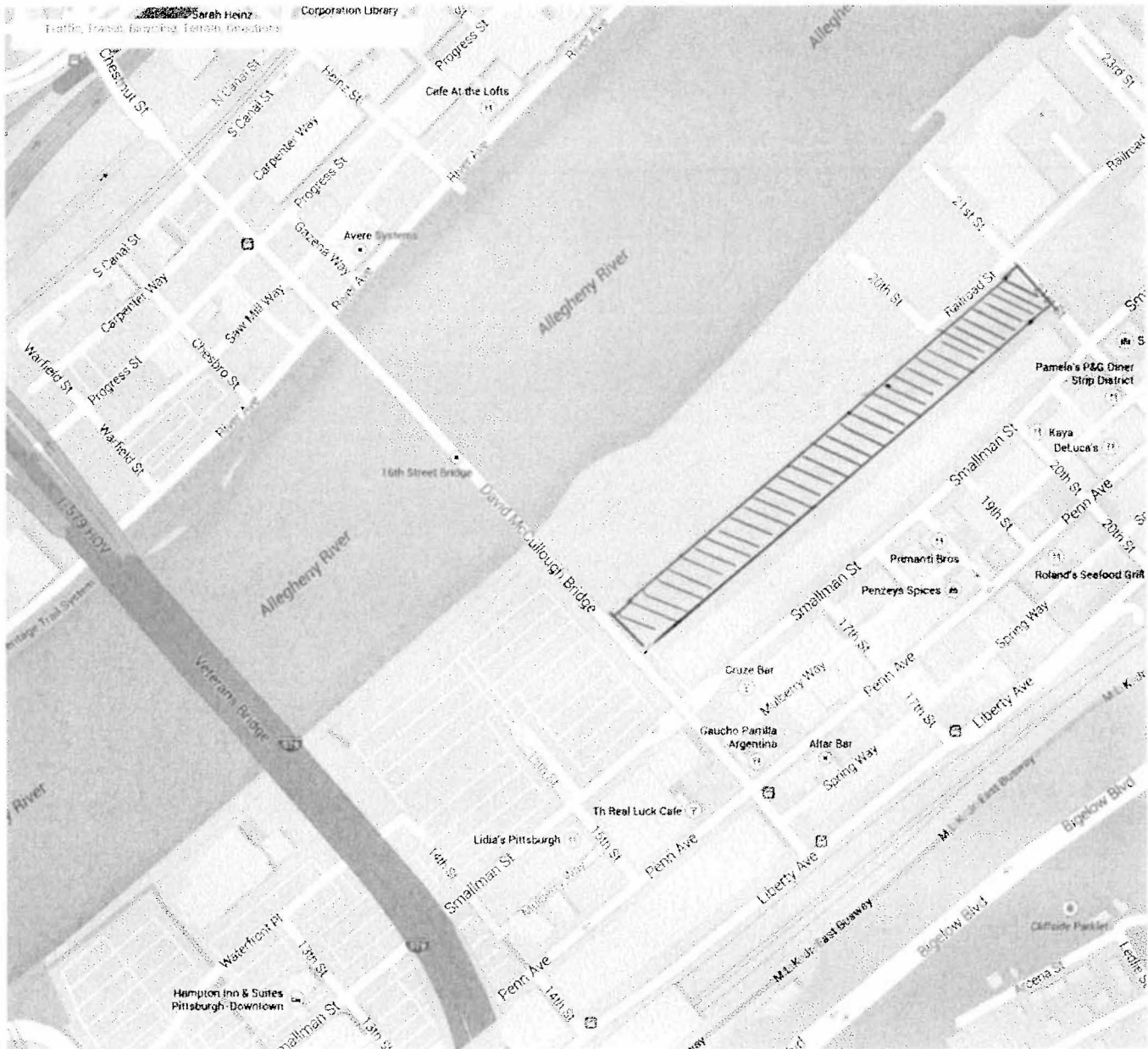
VERIFICATION

Russell A. Peterson, being duly sworn, states that he is authorized to verify and file with the Surface Transportation Board the forgoing Notice of Exemption in Docket No. AB-1233X on behalf of Allegheny Valley Railroad Company; that he has carefully examined all of the statements in the Notice of Exemption; and that he has knowledge of the facts and matters relied upon in that Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


Russell A. Peterson

APPENDIX A

MAP



Map data ©2015 Google 200 ft

APPENDIX B

ENVIRONMENTAL AND
HISTORICAL REPORT

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233X

**ALLEGHENY VALLEY RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
ALLEGHENY COUNTY, PENNSYLVANIA**

HISTORICAL REPORT

RICHARD R. WILSON, ESQ.
Counsel for Allegheny Valley
Railroad Company

RICHARD R. WILSON, P.C.
518 N. Center Street, Ste. 100
Ebensburg, PA 15931
(814) 419-8152- PHONE
(814) 419-8156- FAX

June 15, 2015

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB- 1233X

**ALLEGHENY VALLEY RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
ALLEGHENY COUNTY, PENNSYLVANIA**

HISTORICAL REPORT

Pursuant to a Notice of Exemption to be filed under 49 C.F.R. Part 1152.50, Allegheny Valley Railroad Company (“AVR”) proposes to abandon approximately 1,542 feet of rail line between 16th Street and 21st Street in the Strip District of the City of Pittsburgh, PA. The sections of this Historical Report are numbered in the same sequence as the information requests set forth in 49 C.F.R. Part 1105.8.

Contents Required by 49 U.S.C. §1105.8(d)

- (1) Map. A U.S.G.S. topographical map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

A scaled map of the subject line is attached hereto as Exhibit 1¹.

- (2) Description of the Right-of-Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

The subject line is a railroad right of way from 16th Street to 21st Street in the Strip District of the City of Pittsburgh, PA. The right of way is approximately 1,542 feet in

¹ Aerial photographs and topographical maps of the U.S. Geological Survey are available for this line at www.google.com/maps.

length and approximately 90 feet wide. The line runs generally in an east to west direction through an urban redevelopment project in the Pittsburgh Strip District.

- (3) Photographs of Structures. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surrounding area.

Aerial photographs of the right of way are attached at Exhibit 2.

- (4) Date(s) of Construction. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

The original rail line was constructed in 1852 and was reconstructed 1929 by the Pennsylvania Railroad Company as part of the Pittsburgh Produce Terminal switching yard.

- (5) History of Operations. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The railroad right of way sought to be abandoned was initially constructed in 1852 as part of the Allegheny Valley Railroad Company. In their turn, the Pennsylvania Railroad, the Penn Central Transportation Company and Consolidated Rail Corporation became successor operators of the line. In 1929, the Pittsburgh Produce Terminal switching yard was constructed by the Pennsylvania Railroad. The yard was subsequently conveyed to Consolidated Rail Corporation in 1976 and thereafter the yard was dismantled and yard property was sold to the Buncher Company in 1984 subject to a permanent rail easement for a single track rail siding extending from 21st Street to 16th Street so as to continue to provide rail service to the Pittsburgh Produce Terminal building. As determined by the STB in STB Finance Docket No. 35239, Conrail

abandoned this section of track in 1986, but subsequently conveyed its permanent rail easement to Allegheny Valley Railroad Company for common carrier railroad purposes in 1996 in Finance Docket No. 32783. AVR sought to use the right of way for freight and passenger service, but governmental support for such service failed to materialize. AVR seeks this abandonment authorization to remove its permanent rail easement from the National Rail Transportation network so it can be released and conveyed to adjacent land owners to facilitate Strip District redevelopment plans.

No traffic has originated or terminated on this railroad right of way for at least two years. There is no prospect for future rail traffic.

- (6) Documents in Possession of Carrier. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful if documenting a structure that is found to be historic.

AVR does not have any such documents in its possession, other than deeds and valuation maps for the line.

- (7) Historic Structures. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Preservation Office, local historical societies or universities).

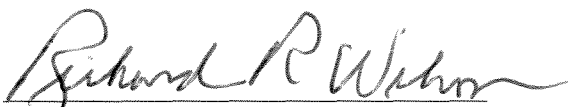
There are no structures of any kind on the right of way.

- (8) Conditions Affecting Recovery of Resources. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surround terrain.

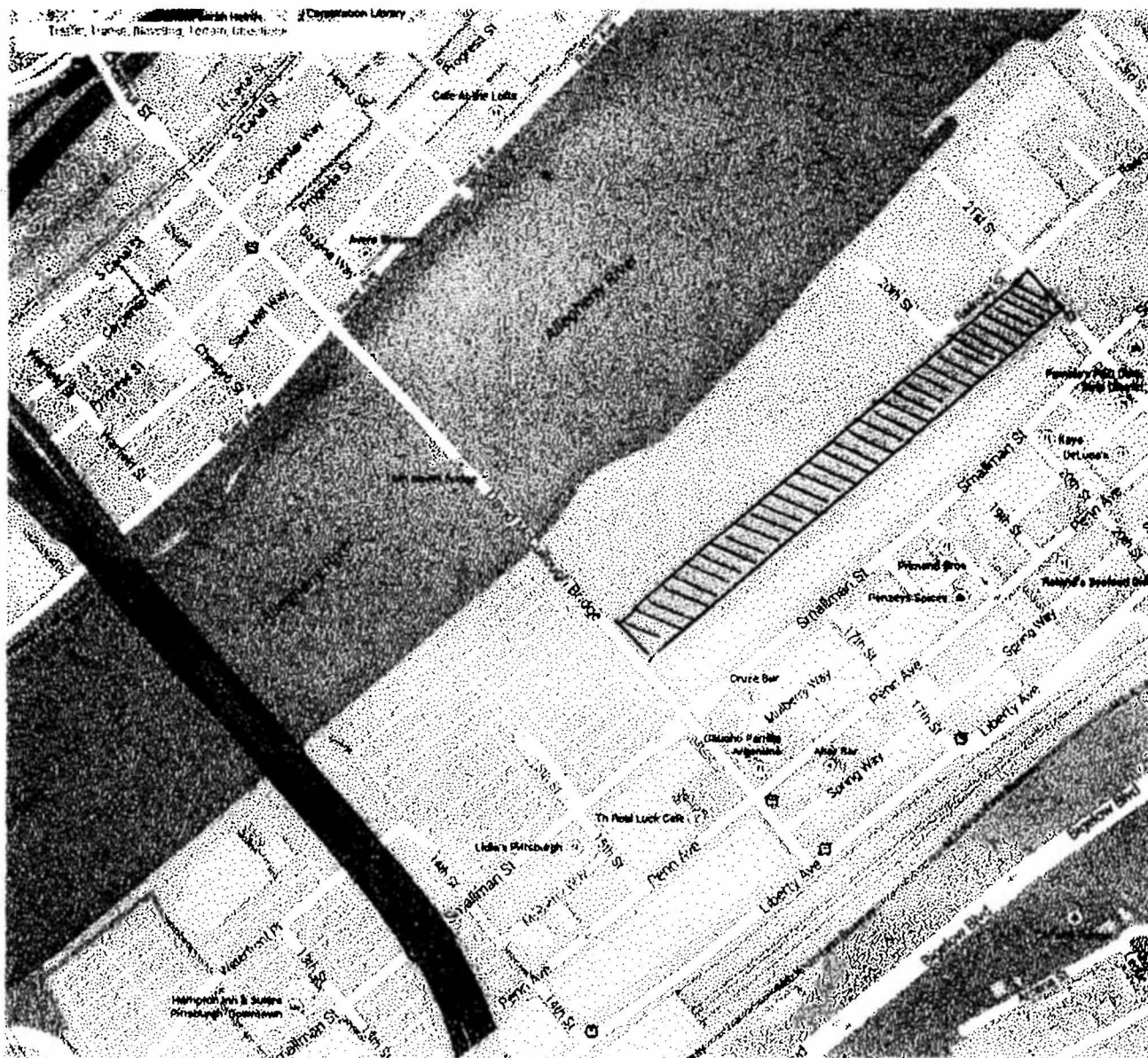
To the best of AVR's knowledge, information and belief, there are no known prior subsurface ground disturbances or fill, or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 

Richard R. Wilson, Esq.
Attorney for Allegheny Valley
Railroad Company





Google

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 15th day of June, 2015, he did serve a true and correct copy of the foregoing Historical Report upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Service – Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Environmental Protection Agency-
Region 3
1650 Arch Street
Philadelphia, PA 19103

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

PA Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17105

Office of Mayor William Peduto
City of Pittsburgh
414 Grant Street
Pittsburgh, PA 15219

PA Department of Environmental
Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105

Natural Resources Conservation Service
USDA
1 Credit Union Place, Ste. 340
Wildwood Center
Harrisburg, PA 17110

County Executive
Allegheny County Courthouse
436 Grant Street, Room 101
Pittsburgh, PA 15219

NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

PA Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120


Richard R. Wilson, Esq.

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233X

**ALLEGHENY VALLEY RAILROAD COMPANY - ABANDONMENT
EXEMPTION – ALLEGHENY COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

RICHARD R. WILSON, ESQ.
Counsel for Allegheny Valley
Railroad Company

RICHARD R. WILSON, P.C.
518 N. Center Street, Ste. 1
Ebensburg, PA 15931
(814) 419-8152
(814) 419-8156 FAX

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1233X

**ALLEGHENY VALLEY RAILROAD COMPANY - ABANDONMENT
EXEMPTION – ALLEGHENY COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

Allegheny Valley Railroad Company (“AVR”) files this Environmental Report pursuant to the Board’s regulations at 49 C.F.R. §1105.7. This Environmental Report is for AVR’s abandonment of 1,542 feet of railroad line between 16th and 21st Street in the Strip District of Pittsburgh, PA. A map showing this line is attached to this Environmental Report (Appendix A). In accordance with the aforesaid regulations and based on written responses received from governmental agencies set forth in Appendix C, AVR makes the following responses:

The following information is provided in accordance with 49 C.F.R. §1105(7)(e):

1. Alternatives.

Have alternatives to the proposed action (e.g., no action or partial approval) been considered? If so, summarize the major environmental impacts associated with each alternative.

Answer: In view of the fact that there has been no overhead traffic and no local traffic on the rail line for over two years, AVR believes there are no alternatives to abandonment and discontinuance of service.

2. Transportation Systems

a. Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effect.

Answer: There will be no affect on regional or local transportation systems as a result of this transaction. The line does not cross or run adjacent to state highways.

b. Will traffic (passenger or freight) be diverted to other transportation modes or systems? If so, quantify the extent of the expected diversion.

Answer: There is no passenger or freight traffic on the line and no diversions will occur. Traffic formerly transported on the line was diverted many years ago to alternative rail lines or modes without adverse impact on regional or local transportation systems.

3. Land Use.

a. Is the proposed action consistent with regional and/or local land use plans (local and/or regional planning agencies should be consulted in this regard)? If not, describe any inconsistency.

Answer: The proposed action is consistent with regional and local use plans. AVR, upon receipt of abandonment authorization, will release and convey its permanent rail easement to the adjacent land owner.

b. Is a designated coastal zone management area involved?

Answer: This line does not fall within a designated coastal zone management area.

c. Are designated wet lands or 100 year flood plains affected? If so, describe the effects.

Answer: This line is not within a designated wetlands. Portions of the line fall within the 100 year flood plain of the Allegheny River, but there are no railroad tracks or related structure on the property and only a rail easement will be abandoned.

d. Are prime agricultural lands, as designated by the Soil Conservation Service, affected? If so, describe the effects.

Answer: No prime agricultural land will be affected by this abandonment of rail service.

4. Energy.

a. Will the development or transportation of energy resources be affected? If so, describe the effects.

Answer: The development or transportation of energy resources will not be affected by the proposed action inasmuch as the rail line has been out of service for over two years and was not utilized for the transportation of grain or other energy resources.

b. Will the movement and/or recovery of recyclable commodities be affected? If so, describe the effects.

Answer: The abandonment of service will have no affect on the movement and/or recovery of recyclable commodities since there has been no traffic on this line for over two years and it was not previously used for the movement of those commodities.

c. Will the proposed action cause diversion of traffic from rail to motor carriers in excess of (a) 1,000 rail carloads per year; or (b) the average of 50 rail carloads per year for all or any part of an affected rail line?

Answer: The proposed abandonment will not cause any diversion from rail to motor carrier inasmuch as any diversion occurred over two years ago.

5. Air.

Will the proposed action result in (1) a minimum increase in rail traffic of 50% or three trains per day on an affected rail line, (2) an increase in rail yard activity of 20% as measured in carload activity, or (3) an increase in motor vehicle traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10% of the average daily traffic on a given highway segment?

Answer: No.

6. Noise.

If any of the thresholds identified in Item (5) are surpassed, will the proposed action cause an increase in noise levels exceeding either (1) a four decibel increment increase or (2) a 65 decibel increase.

Answer: The above thresholds will be not be exceeded.

7. Safety.

Will public health or safety (including vehicle delay time at railroad grade crossings) be affected?

Answer: There will be no affect on public health or safety including grade crossing delay times as a result of the proposed abandonment.

8. Wildlife.

a. Will endangered or threatened species be affected or will the critical habitats be destroyed or modified?

Answer: No destruction or modification of critical habitats or affect on endangered or threatened species will be occasioned by this transaction or by rail salvage operations.

b. Will wildlife sanctuaries or refuges, national or state parks or forests be affected?

Answer: No wildlife sanctuaries or refuges, national or state parks or forests will be adversely affected by the abandonment.

9. Water.

a. Is the proposed action consistent with applicable federal, state and/or local water quality standards?

Answer: No action inconsistent with federal, state and/or local water quality standards is contemplated.

b. Will permits under Section 403 of the Federal Water Pollution Control Act be required?

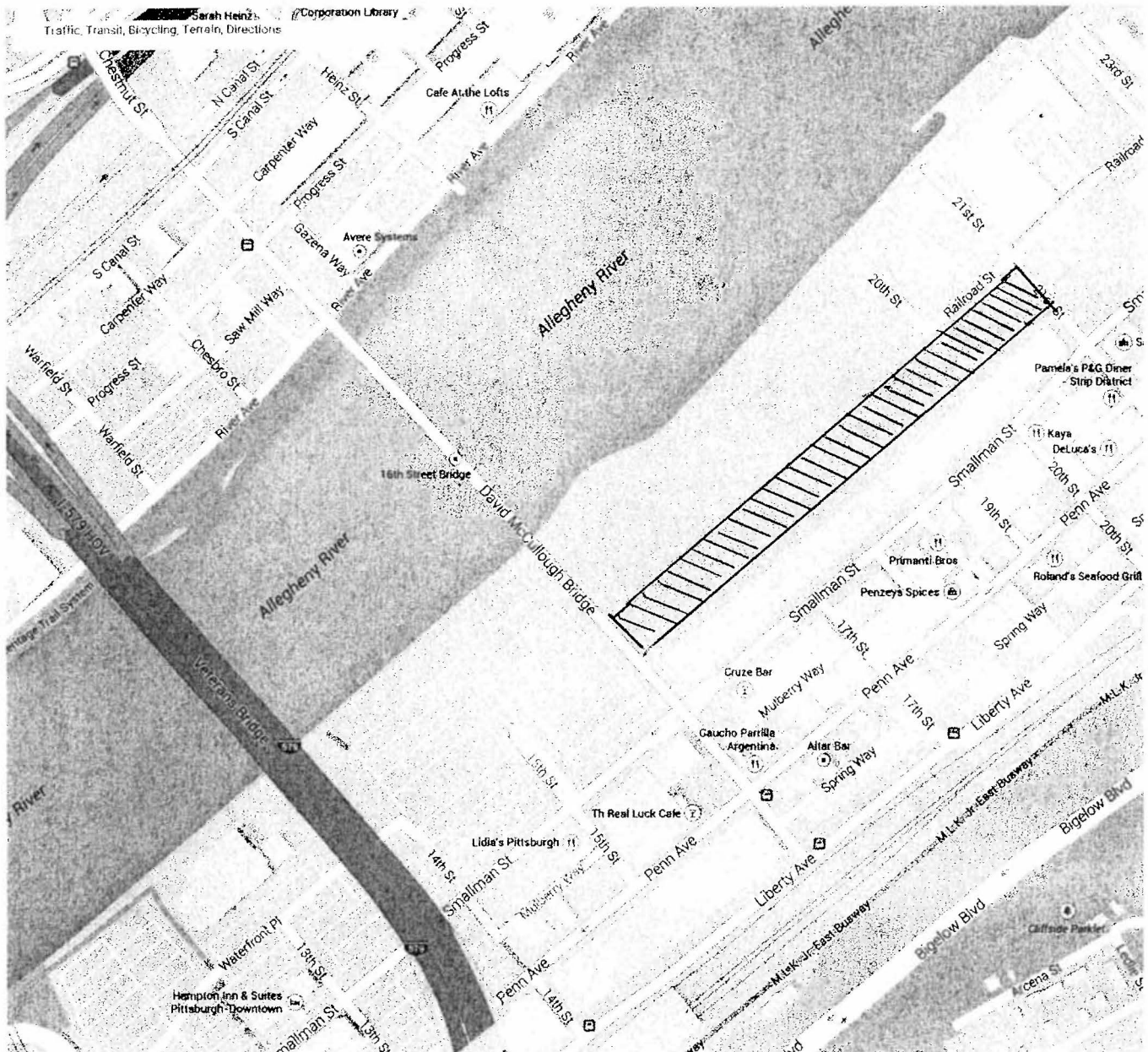
Answer: No permits under Section 403 will be required.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.

RICHARD R. WILSON, P.C.
518 N. Center Street
Ebensburg, PA 15931
(814) 419-8152



CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 15th day of June, 2015 he did serve a true and correct copy of the foregoing Environmental Report upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

PA Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

U.S. Fish & Wildlife Service – Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

PA Department of Environmental
Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105

U.S. Environmental Protection Agency- Region
3
1650 Arch Street
Philadelphia, PA 19103

Natural Resources Conservation Service
USDA
1 Credit Union Place, Ste. 340
Wildwood Center
Harrisburg, PA 17110

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

County Executive
Allegheny County Courthouse
436 Grant Street, Room 101
Pittsburgh, PA 15219

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

Office of Mayor William Peduto
City of Pittsburgh
512 City County Bldg
414 Grant Street
Pittsburgh, PA 15219

PA Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120



Richard R. Wilson, Esq.

APPENDIX C

RESPONSE FROM GOVERNMENT AGENCIES



pennsylvania

DEPARTMENT OF TRANSPORTATION

www.dot.state.pa.us

May 7, 2015

Surface Transportation Board
Office of Environmental Analysis
395 E Street, S.W., Room 1106
Washington, DC 20423-0001

Re: Allegheny Valley Railroad Company - Proposed
Abandonment in Allegheny County, Pennsylvania (STB
Docket No. AB-1233 (Sub-No. X))

Dear Sir or Madam:

The PennDOT Bureau of Rail Freight, Ports and Waterways ("Bureau") received, via letter of April 17, 2015 from Mr. Richard R. Wilson, Esq., Counsel for Allegheny Valley Railroad Company ("AVR"), notification of AVR's expectation to file with the Surface Transportation Board ("STB") a Petition for Exemption to abandon a 0.30 mile section of railroad right-of-way between 16th Street and 21st Street in the Strip District of the City of Pittsburgh, Allegheny County, Pennsylvania. Enclosed with the letter was a copy of the draft Environmental/Historic Report ("Report") to be submitted with the Petition for Exemption. In his letter, Mr. Wilson stated that the Report was being provided to the Pennsylvania State Department of Transportation ("Department") so that the Department could review the information that will form the basis for the STB's independent environmental analysis of this proceeding and, if it desired, inform the STB if any information in the Report is misleading or incorrect, if it believes that pertinent information is missing, or if it had questions about the STB's environmental review process. The Bureau subsequently circulated Mr. Wilson's letter and the Report within the Department, including PennDOT Engineering District 11-0, which has jurisdiction for the area in which the line of railroad being proposed for abandonment is situated.

Based on comments received from PennDOT Office of Chief Counsel relating to the Report, the Department offers the following comments:

The Report does not indicate whether the rail line proposed for abandonment crosses or runs adjacent to any state highways. If line crosses or runs adjacent to any state highways, then it is recommended that the Department be contacted for more information regarding any necessary permits if work is to be performed within state highway right-of-way or if access to state highways, such as driveways or construction entrances, is needed.

Mr. Wilson requested that the Department provide its comments on the draft Environmental/Historic Report to the STB's Section of Environmental Analysis (SEA) within three weeks of the date of his letter. The Department requests that railroads provide the Department with reasonable opportunity to provide meaningful input/comments when asking for same (as, in this instance, comments on draft Environmental/Historical Reports) as is required by 49 C.F.R. & 1105.7(c). Accordingly, the Department recommends that railroads provide

Surface Transportation Board
May 7, 2015
Page 2

such documents to the Department at least 60 days in advance of the request deadline.

Should you have any questions or if we may be of any further assistance to you regarding this matter, please contact Tom Stettler of my staff at 717.772.2637 or e-mail tstettler@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela L. Watson". The signature is fluid and cursive, with a large initial "A" and "W".

Angela L. Watson
Acting Director
Bureau of Rail Freight, Ports & Waterways

cc: Richard R. Wilson, Counsel for Allegheny Valley Railroad Company
H. Daniel Cessna, P.E., District Executive, PennDOT Engineering District 11-0
Neal T. Brofee, Assistant Counsel, Real Property Division, PennDOT Office of Chief Counsel
BRFPW File

6300/ALW/ths



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 8, 2015

Southwest Regional Counsel

Richard R. Wilson, Esquire
Richard R. Wilson, P.C.
518 N. Center Street, Suite 1
Ebensburg, PA 15931

Re: Docket No. AB1233X
Allegheny Valley Railroad Company

Dear Mr. Wilson:

I am writing with regard to your letter dated April 17, 2015 addressed to the PA Department of Environmental Protection (DEP) in Harrisburg. You requested DEP review and comment of enclosed draft Environmental and Historic Report documents associated with Allegheny Valley Railroad Company's planned abandonment of 0.3 miles of railroad line between 16th Street and 21st Street in Pittsburgh PA.

Staff from DEP's Waterways and Wetlands program in the Southwest Regional Office has reviewed the information you provided and offers the following comments:

1. Regarding whether the 100-year floodplain will be affected, portions of the project are located within the 100-year floodplain of the Allegheny River. The project is proposing abandonment of 0.3 miles of railroad line, between 16th Street and 21st Street, so that the property can be conveyed to adjacent land owners, to facilitate Strip District redevelopment plans. It is unclear, from the submitted information, whether there are currently any rail lines or other related structures, within the project area, or if only a rail easement is proposed to be abandoned. If the Allegheny Valley Railroad Company is proposing to remove or raze any structures within 100-year floodplain areas, then it should complete and submit a "Chapter 106 Floodplain Management Site Restoration Permit Application and Authorization" form, which is available online, from DEP's website (www.depweb.state.pa.us).

2. If Allegheny Valley Railroad Company has not already done so, the Historical Report should be submitted to the PA Historical and Museum Commission, for review and comment.

Richard R. Wilson, Esquire

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May 8, 2015

If your client wishes to discuss the Department's comments, please have them contact Joseph Snyder of DEP's Waterways and Wetlands program at 412-442-4308. If you wish to discuss the matter with Department counsel, please contact me at 412-442-4270 or Charney Regenstein, Counsel for the Obstructions and Encroachments Section, at 412-442-4244.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gail Guenther', with a long horizontal flourish extending to the right.

Gail Guenther
Assistant Counsel

c: J. Snyder, SW W&W
G. Holesh, SW W&W
R. Coleman, SW W&W
E. Regenstein, SW OCC
J. Herman, SW OCC

2015-0625
Ld/Long**RICHARD R. WILSON, P.C.**

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Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

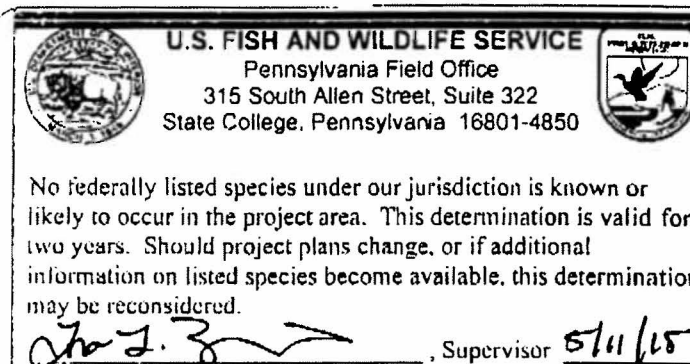
Oakmont, PA 15139

April 1

U.S. Fish & Wildlife Service - Region 5

300 West Gate Center Drive

Hadley, MA 01035-9589



Re: Docket No. AB1233X ; Allegheny Valley Railroad Company – Abandonment
Exemption in Allegheny County, PA

Dear Sir:

Please be advised that Allegheny Valley Railroad Company is preparing to abandon 0.3 miles of railroad line between 16th Street and 21st Street in the Strip District of Pittsburgh, PA. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with these proceedings, federal regulations at 49 C.F.R. §1105.11(c) require the railroad to consult with various agencies and obtain information required for preparation of environmental and historical reports. We have enclosed draft Environmental and Historic Report for your review and comment. In this connection, would you please respond to us with written comments pertaining to the matters addressed in these reports which fall within the jurisdiction of your agency.

We are providing you with these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe pertinent information is missing or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis, Surface Transportation Board, 395 E. Street, SW, Washington, DC 20123-0001 and refer the above noted docket numbers. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the SEA (with a copy to the undersigned attorney) would be appreciated within three weeks from the date of this letter. Please note our address noted in the letterhead above.



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

May 27, 2015

Richard R. Wilson, Esq.
Richard R. Wilson, P.C.
A Professional Corporation
518 N. Center Street, Suite 1
Ebensburg, PA 15931

TO EXPEDITE REVIEW USE
THIS REFERENCE NUMBER

Re: File No. ER 2015-2009-003-A
STB Docket No. AB1233X: Allegheny Valley
Railroad Company Abandonment Exemption
Pittsburgh, Allegheny County

Dear Mr. Wilson:

Thank you for submitting information concerning the above referenced project. The Bureau for Historic Preservation (the State Historic Preservation Office) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Archaeology

There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources. Should the scope of the project be amended to include additional ground disturbing activity this office should be contacted immediately and a Phase I Archaeological Survey may be necessary to locate all potentially significant archaeological resources.

Historic Structures

In our opinion the proposed project will have no adverse effect on the properties named below that are listed in or eligible for the National Register of Historic Places.

Strip Historic District, Key No. 096928

If you need further information regarding archaeological resources, please contact Kira Heinrich at (717) 705-0700. If you need further information concerning historic structures, please contact Barbara Frederick at (717) 772-0921.

Sincerely,

Douglas C. McLearn, Chief
Division of Archaeology &
Protection

DCM/tmw

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 15th day of June, 2015 he did serve a true and correct copy of the foregoing Environmental Report upon the following by first class mail, postage prepaid at the addresses set forth below:

U.S. Army Corps. of Engineers Office
Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Service – Region 5
300 West Gate Center Drive
Hadley, MA 01035-9589

U.S. Environmental Protection Agency-
Region 3
1650 Arch Street
Philadelphia, PA 19103

U.S. National Park Service
Northeast Region
U.S. Custom House
200 Chestnut St., Fifth Floor
Philadelphia, PA 19106

PA Department of Transportation
Bureau of Rail Freight, Ports & Waterways
P.O. Box 2777
Harrisburg, PA 17105

Office of Mayor William Peduto
City of Pittsburgh
512 City County Bldg
414 Grant Street
Pittsburgh, PA 15219

PA Historical & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

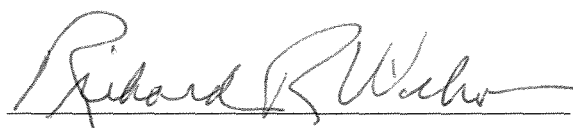
PA Department of Environmental
Protection
400 Market Street
P.O. Box 2063
Harrisburg, PA 17105

Natural Resources Conservation Service
USDA
1 Credit Union Place, Ste. 340
Wildwood Center
Harrisburg, PA 17110

County Executive
Allegheny County Courthouse
436 Grant Street, Room 101
Pittsburgh, PA 15219

NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

PA Public Utility Commission
400 North Street
Keystone Bldg.
Harrisburg, PA 17120



Richard R. Wilson, Esq.