

#243997

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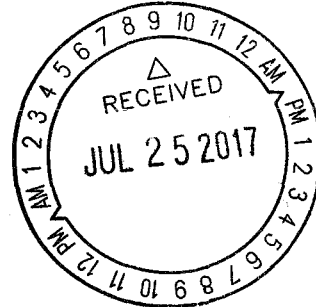
851 12th Street,
Oakmont, PA 15139
(814) 935-8601

ENTERED
Office of Proceedings

JUL 25 2017

Part of
Public Record

July 18, 2017



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

Re: Southwest Pennsylvania Railroad Company – Abandonment Exemption –
Fayette County, PA; Docket No. AB-1240

Dear Ms. Brown:

Enclosed for filing in this docket please find the Petition of the Southwest Pennsylvania Railroad Company to Reopen This Proceeding and to Modify the NITU Served on January 4, 2017.

As indicated by the attached certificate of service, I have served all persons who are listed as parties of record on the Board's service list for this proceeding.

Should you have any questions concerning this matter, please do not hesitate to call me at the above number.

Very truly yours,

RICHARD R. WILSON, P.C.

Richard R. Wilson, Esq.
Counsel for Southwest Pennsylvania
Railroad Company

FILED

JUL 25 2017

**SURFACE
TRANSPORTATION BOARD**

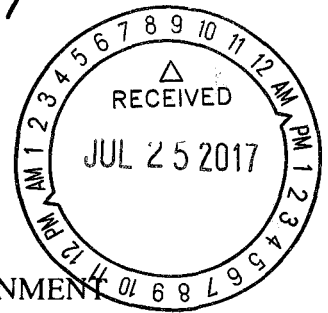
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JUL 25 2017

**SURFACE
TRANSPORTATION BOARD**

RRW/bab
Enclosure
xc: All Parties of Record

#243997



BEFORE THE
SURFACE TRANSPORTATION BOARD

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY- ABANDONMENT
EXEMPTION – FAYETTE COUNTY, PA

DOCKET NO. AB-1240

PETITION OF THE SOUTHWEST PENNSYLVANIA RAILROAD COMPANY TO
REOPEN THIS PROCEEDING AND TO MODIFY THE NITU SERVED ON
JANUARY 4, 2017

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Office of Proceedings

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Public Record

FILED
JUL 25 2017
SURFACE
TRANSPORTATION BOARD

RICHARD R. WILSON, P.C.
Richard R. Wilson, Esq.
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Dated: July 18, 2017

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SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

SOUTHWEST PENNSYLVANIA RAILROAD COMPANY- ABANDONMENT
EXEMPTION – FAYETTE COUNTY, PA

DOCKET NO. AB-1240

PETITION OF THE SOUTHWEST PENNSYLVANIA RAILROAD COMPANY TO
REOPEN THIS PROCEEDING AND TO MODIFY THE NITU SERVED ON
JANUARY 4, 2017

The Southwest Pennsylvania Railroad Company (“SWP”), by and through its undersigned attorney, petitions the Board for an order reopening this proceeding and modifying the NITU served by the Board on January 4, 2017:

- (i) To remove from the NITU the trackage within the City of Uniontown, PA between Milepost 7 and the border of South Union Township at Survey Station 2032+20.
- (ii) To permit SWP to exercise its exemption and consummate the abandonment of the Uniontown Industrial Track (“UIT”) removed from the NITU located within the City of Uniontown.

On January 4, 2017, the Board served a “Decision and Notice of Interim Trail Use or Abandonment” (“the January 4 Decision”) in this proceeding. The entire line covered by SWP’s abandonment exemption petition was subject to the NITU contained in the January 4 Decision, specifically its line between Milepost 7 in the City of Uniontown and the end of the line in South Union Township. Negotiations between SWP and the South Union Township have taken place pursuant to the NITU.

The parties to the trail use negotiations have agreed that a trail use agreement will cover only that portion of the line within South Union Township, and that SWP accordingly will be free to exercise its exemption and consummate the abandonment of the line within the City of Uniontown. Accordingly, SWP requests that the Board reopen this proceeding and modify the NITU to cover only the portion of the line within South Union Township, and to authorize SWP to exercise its exemption and consummate the abandonment of the portion of the line within the City of Uniontown between Milepost 7 and the South Union Township line.

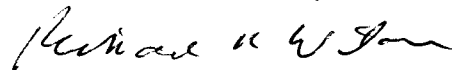
CONCLUSION

For the reasons state above, SWP requests that the Board issue an order reopening this proceeding:

1. To modify the NITU to cover only the line within South Union Township;
and
2. To authorize SWP to exercise its exemption and consummate the abandonment of the line between Milepost 7 and the South Union Township line at Survey Station 2032+20.

Respectfully submitted,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.
518 N. Center Street, Ste. 100
Ebensburg, PA 15931
(814) 419-8152
Attorney for Southwest Pennsylvania
Railroad Company

CERTIFICATE OF SERVICE

I, Richard R. Wilson hereby certify that on this 25th day of July, 2017 I did serve a true and correct copy of the foregoing PETITION OF THE SOUTHWEST PENNSYLVANIA RAILROAD COMPANY TO REOPEN THIS PROCEEDING AND TO MODIFY THE NITU SERVED ON JANUARY 4, 2017 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 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

Board of Commissioners
Fayette County
61 E Main Street
Uniontown, PA 15401

Fayette County Planning Commission
61 E. Main Street
Uniontown, PA 15401

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

City of Uniontown
North Gallatin Ave.
Uniontown, PA 15401

Supervisors
South Union Township
151 Township Drive
Uniontown, PA 15401

James Davis, Esq.
Davis & Davis
107 East Main Street
Uniontown, PA 15401


Richard R. Wilson, Esq.