

CLARK HILL

247264

Eric M. Hocky
T 215.640.8523
F 215.640.8501
Email: ehocky@clarkhill.com

ENTERED
Office of Proceedings
March 8, 2019
Part of
Public Record

Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
T 215.640.8500
F 215.640.8501
clarkhill.com

March 7, 2019



VIA FEDEX

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Lehigh Valley Rail Management, LLC -
Abandonment Exemption -
In Cambria County, PA
Surface Transportation Board Docket No. AB 1265X

Dear Ms. Brown:

Enclosed for filing are the original and 10 copies of the Notice of Exemption being filed on behalf of Lehigh Valley Rail Management, LLC. Also enclosed is our check in the amount of \$4,200 representing the applicable filing fee of \$4,200.

Please time-stamp the additional copy of the Notice enclosed with this letter and return it to me in the self-addressed stamped envelope provided for your convenience.

FEE RECEIVED
March 8, 2019
SURFACE
TRANSPORTATION BOARD

FILED
March 8, 2019
SURFACE
TRANSPORTATION BOARD

Cynthia T. Brown
March 7, 2019
Page 2

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

Respectfully,

CLARK HILL PLC



Eric M. Hocky

EMH/e

cc: All persons shown on the certificate of service

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1265X

LEHIGH VALLEY RAIL MANAGEMENT, LLC
- ABANDONMENT EXEMPTION - IN CAMBRIA COUNTY, PA

NOTICE OF EXEMPTION

(color images included)



Eric M. Hocky
CLARK HILL PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
(215) 640-8500
ehocky@clarkhill.com

Attorneys for
Lehigh Valley Rail Management

Dated: March 7, 2019

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1265X

LEHIGH VALLEY RAIL MANAGEMENT, LLC
- ABANDONMENT EXEMPTION - IN CAMBRIA COUNTY, PA



NOTICE OF EXEMPTION

Lehigh Valley Rail Management (“LVRM” or “Applicant”) is filing this Notice of Exemption under the Board’s class exemption procedures at 49 C.F.R. Part 1152, Subpart F, seeking exemption authority for its abandonment of the line of railroad freight operating easement with respect to the segment of the line of railroad extending between Milepost RJC 6.4 in Munster Township and Milepost RJC 10.45189 in Ebensburg Borough, and between Milepost 15.355 (RJC 10.45189) and Milepost 16.934 in Cambria Township, all in Cambria County, Pennsylvania (the “Subject Line”). Maps of the Subject Line are attached as Exhibit A.

There has been no local or overhead freight service on the Subject Line for over two years (in fact, there has not been any local or overhead service since before LVRM acquired the Subject Line in 2003). Because this is a stub-ended line, there is no overhead traffic to be rerouted over other lines.

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for out of service rail lines. In accordance with such requirements, LVRM hereby provides the following information in support of their request for abandonment and discontinuance exemptions:

1. The exact name of the Applicant is Lehigh Valley Rail Management, LLC.

2. LVRM is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105. LVRM acquired the Subject Line (along with other lines) in December, 2003. *Lehigh Valley Rail Management, LLC – Acquisition and Operation Exemption – Rail Lines in Pennsylvania*, STB Finance Docket No. 34445 (served December 31, 2003).

3. The relief sought by LVRM is an exemption for the abandonment of the Subject Line, being the line of railroad extending between Milepost RJC 6.4 in Munster Township and Milepost RJC 10.45189 in Ebensburg Borough, and between Milepost 15.355 (RJC 10.45189) and Milepost 16.934 in Cambria Township, all in Cambria County, PA. There are no stations on the Subject Line.

4. Maps of the Subject Line are attached hereto as Exhibit A.

5. The representative of LVRM to whom correspondence should be sent is:

Eric M. Hocky, Esquire
Clark Hill, PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103
(215) 640-8500
ehocky@clarkhill.com

6. The Subject Line traverses through United States Postal Service ZIP Code 15931.

7. As discussed below, LVRM believes that the right-of-way may be suitable for trail use or other public purposes. Information in the possession of LVRM regarding any additional restrictions on title will be made available on reasonable request.

LVRM has received an expression of interest from Cambria County Conservation and Recreation Authority (“CCCRA”) regarding possible acquisition of the right of way for rail banking and interim trail use.

8. LVRM proposes to consummate the abandonment on or after April 27, 2019.

9. LVRM certifies that:

(a) No local or overhead traffic has moved over the Subject Line for more than two years (and believed to be since prior to 2003, a period of more than 15 years). Because the Subject Line is not a “through line,” there is no overhead traffic on the Subject Line.

(b) No formal complaint by a user of rail service on the Subject Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Subject Line either is pending with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two year period.

10. Although no employees of the LVRM will be affected by the proposed abandonment, LVRM recognizes that its abandonment of the Subject Line will be made subject to the standard employee protective conditions as set forth in *Oregon Short Subject Line Railroad Co. - Abandonment -- Goshen*, 360 I.C.C. 91 (1979).

11. LVRM filed an Environmental / Historic Report (“EHR”) with the Board on February 13, 2019, more than twenty days prior to this filing. Since the filing of the Environmental and Historic Report, Applicant has received an additional response from the Cambria County Planning Commission. A copy of the response, which expresses no environmental or historic concerns, is attached hereto as Exhibit B.

12. LVRM certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in *The Tribune Democrat* on June 19, 2018. A copy of the form of notice and a copy of the proof of publication are attached as Exhibit C.

13. LVRM certifies that it has complied with the notice requirements of 49 C.F.R. §1152.50(d)(1). A copy of the notice dated February 13, 2019, sent to the required governmental

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agencies is attached hereto as Exhibit D.

For the reasons set forth above, the Board should find that LVRM's proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50, and should issue the appropriate notice.

Respectfully submitted,



Eric M. Hocky
CLARK HILL PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103-7041
(215) 640-8500
ehocky@clarkhill.com

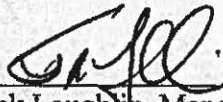
Attorneys
Lehigh Valley Rail Management, LLC

Dated: March 5, 2019

VERIFICATION

I hereby verify on behalf of Lehigh Valley Rail Management, LLC, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

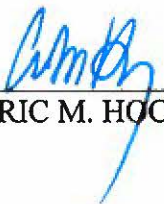
Executed on March 5, 2019.



Patrick Loughlin, Manager

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Notice of Exemption was served on the persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: March 7, 2019

Pennsylvania Department of
Transportation
Bureau of Rail Freight, Ports and
Waterways
400 North St., Fifth Floor
Harrisburg, PA 17120

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

Thomas C. Chernisky, President
Cambria County Board of
Commissioners
200 South Center St.
Ebensburg, PA 15931

U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

U.S. Fish and Wildlife Service
Northeast Region 5
Office of the Regional Director
300 Westgate Center Drive
Hadley, MA 01035-9589

Pennsylvania Department of
Conservation and
Natural Resources
400 Market Street
Harrisburg, PA 17105

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

National Park Service
1849 C Street, NW
Washington, DC 20240

Natural Resources Conservation Service
USDA, Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

Natural Resources Conservation Service
USDA
359 East Park Drive
Harrisburg, PA 17111

Communications and Outreach Branch
NOAA, N/NGS12
National Geodetic Survey, SSMC3
#9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Pennsylvania Game Commission
Southwest Region
4820 Route 711
Bolivar, PA 15923

U.S. Army Corps of Engineers
North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252

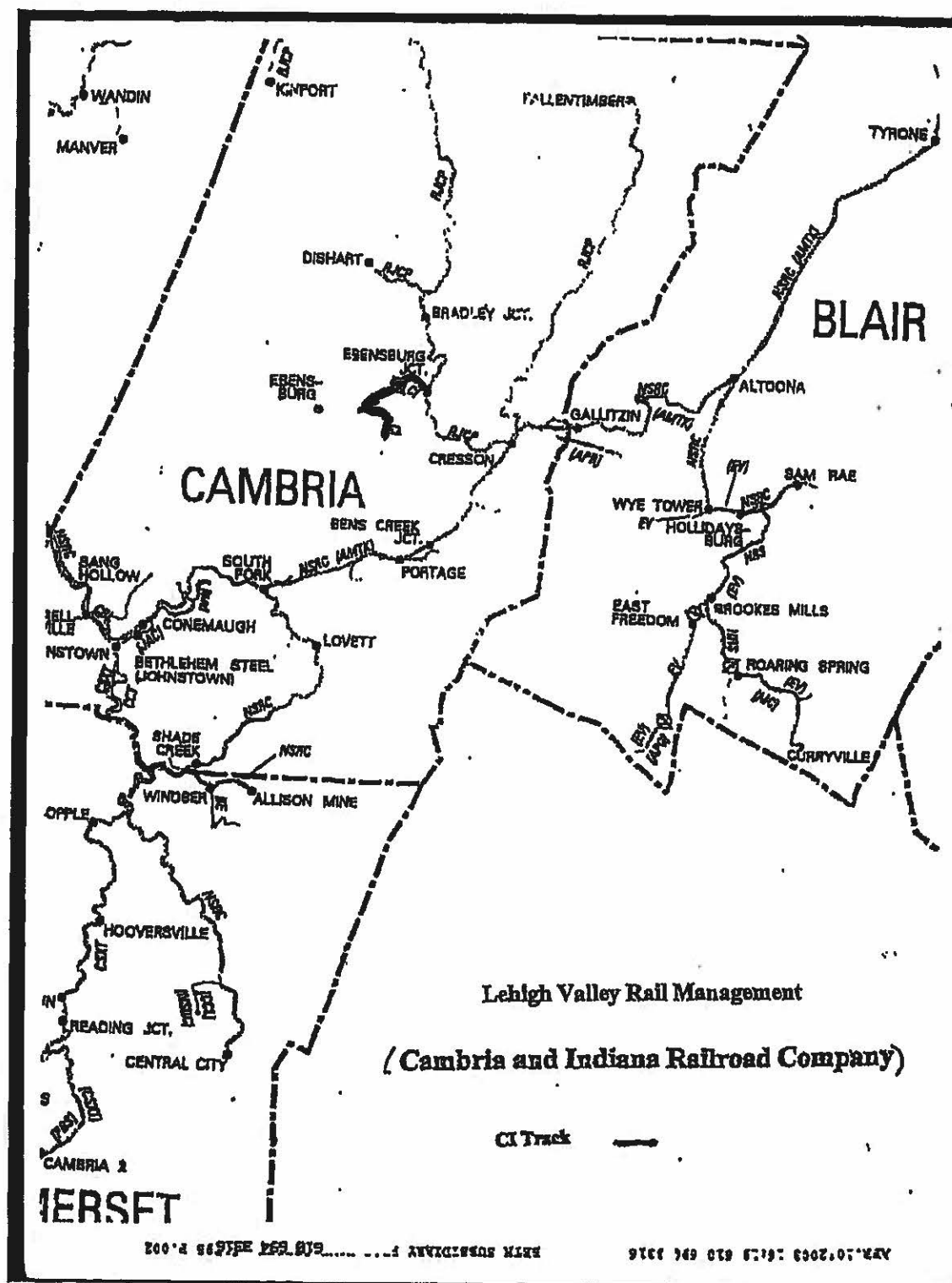
State Historic Preservation Officer
PA Historic & Museum Commission
Bureau for Historic Preservation
300 North Street
Harrisburg, PA 17120

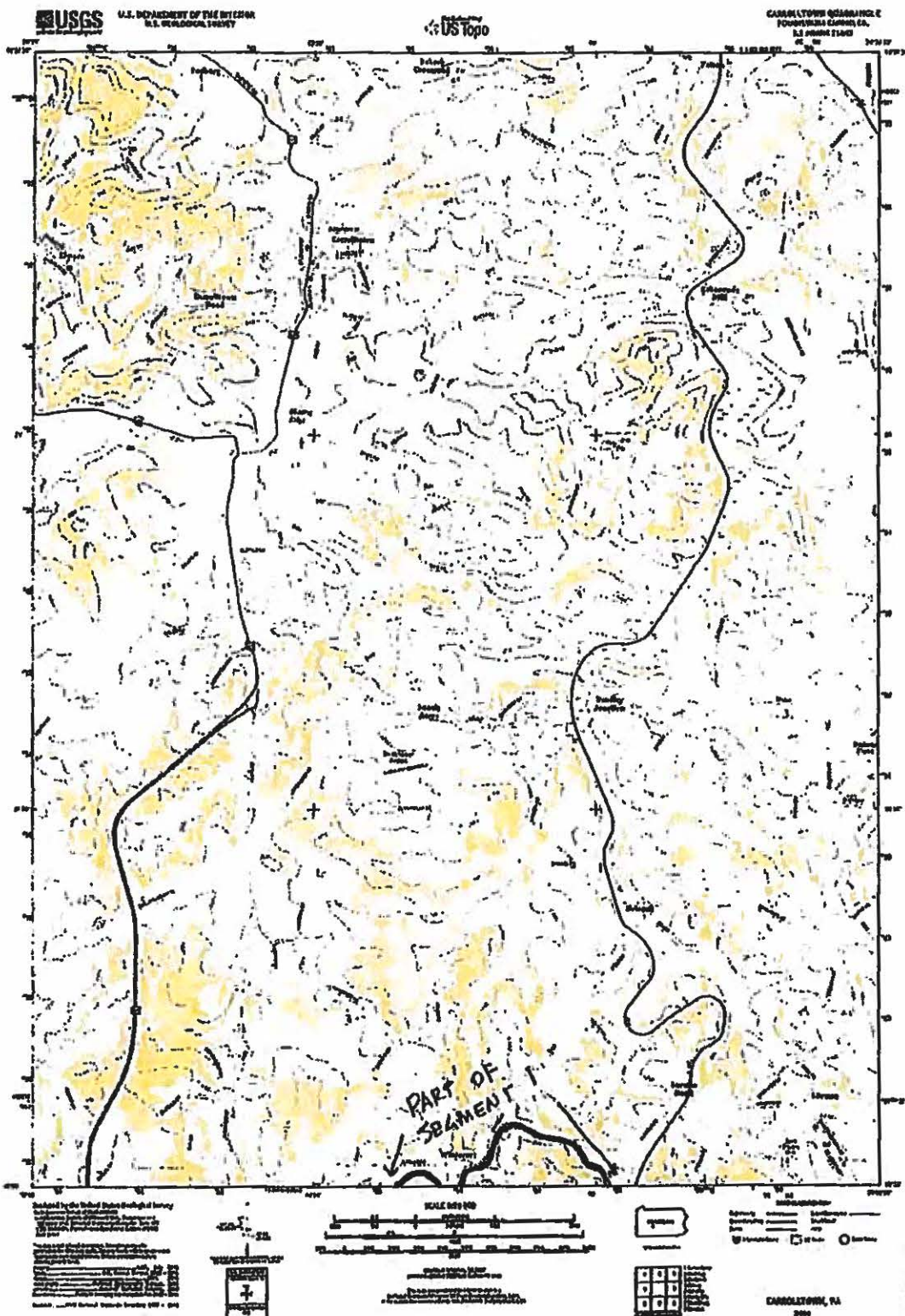
United States Department of the Army
Military Surface Deployment and
Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for
National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111

EXHIBIT A - MAPS





LERIGH VALLEY RAIL MANAGEMENT RAIL LINE

LEHIGH VALLEY RAIL MANAGEMENT RAIL LINE

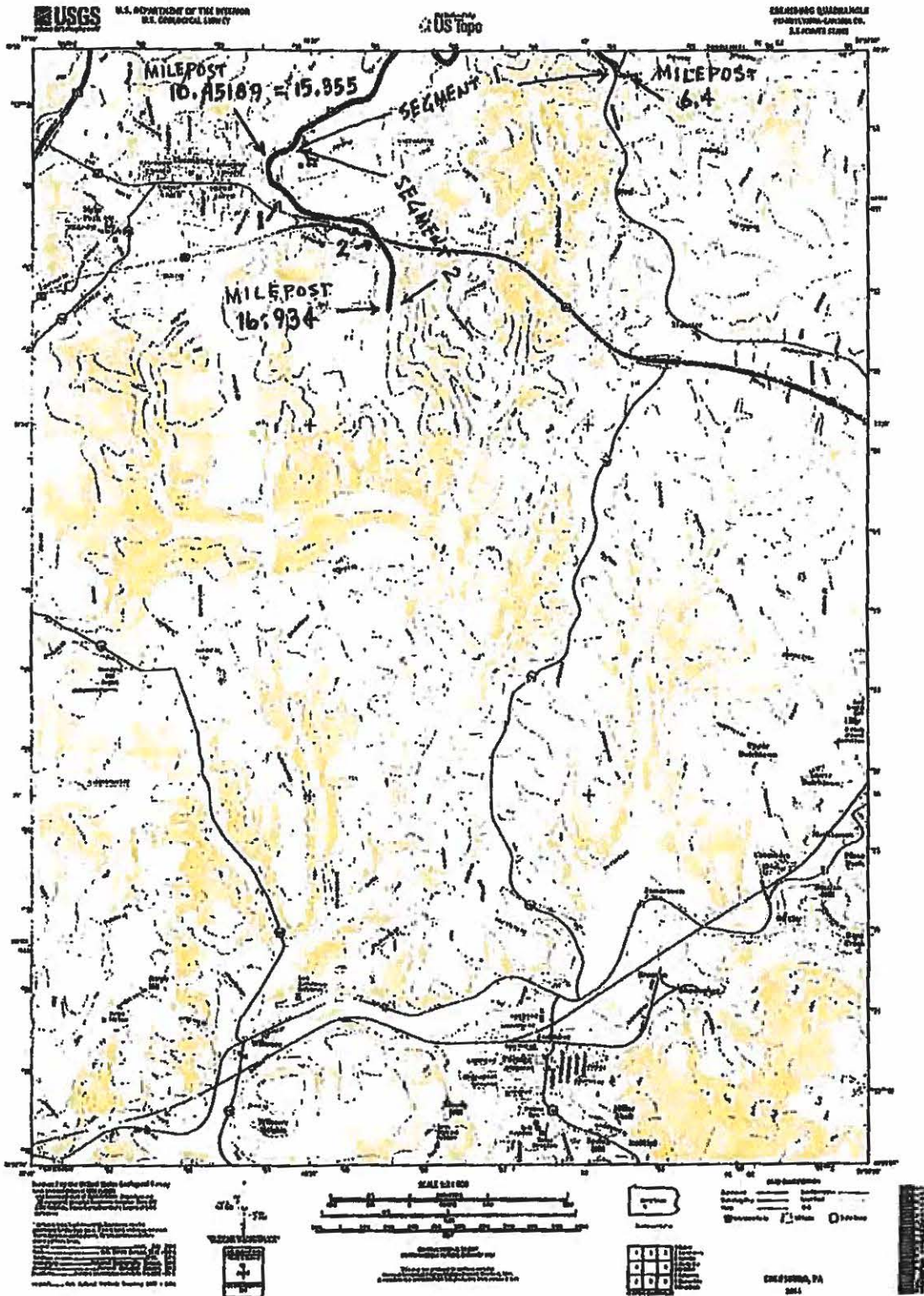
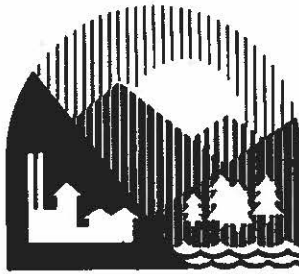


EXHIBIT B – ADDITIONAL ENVIRONMENTAL RESPONSE

**CAMBRIA COUNTY
PLANNING COMMISSION
(814) 472-2106**



**401 CANDLELIGHT DRIVE
SUITE 215
EBENSBURG, PA 15931**

February 26, 2019

Mr. Eric M. Hocky
Clark Hill PLC
One Commerce Square
2005 Market Street, Suite 1000
Philadelphia, PA 19103

**Re. Lehigh Valley Rail Management LLC-Abandonment Exemption
Surface Transportation Board Docket No. AB 1265X
Cambria County, Pennsylvania**

Dear Mr. Hocky,

The Cambria County Planning Commission has received a letter dated February 13, 2019 and an enclosed report from your office regarding the above-mentioned subject. The Planning Commission has reviewed the report and provides the follow comments:

The Planning Commission foresees no adverse environmental and historic impacts related to the abandonment of the subject line. The expressed interest in the possible acquisition of the line from the Cambria County Conservation and Recreation Authority (CCCRA) aligns with the goals and objectives identified within the Alleghenies Ahead Regional Comprehensive Plan and the Connecting Cambria Bicycle and Pedestrian Plan. Interim trail use would provide a valuable recreation asset and bicycle and pedestrian connection through Cambria County.

The Planning Commission appreciates the opportunity to comment on this project. If you have any questions or require further assistance, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shanna Murphy Sosko'.

Shanna Murphy Sosko, AICP
Community Development Planner

EXHIBIT C – NEWSPAPER NOTICE

Notice of Intent To Abandon

Lehigh Valley Rail Management LLC (LVRM) gives notice that on or about July 10, 2018, it intends to file with the Surface Transportation Board (Board), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, permitting the abandonment of the segment of its lines of railroad formerly operated by Cambria and Indiana Railroad Company extending between Milepost RJC 6.4 in Munster Township and Milepost RJC 10.45189 in Ebensburg Borough, and from Milepost 15.355 (RJC 10.45189) and Milepost 16.934 in Cambria Township (Subject Line) that traverses through United States Postal Service ZIP Code 15931, a distance of approximately 5.63 miles, entirely in Cambria County, Pennsylvania. The proceeding will be docketed as No. AB 1265X.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public, and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on LVRM's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Eric M. Hocky, Esq., Clark Hill PLC, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; (215) 640-8500.

COMMONWEALTH OF PENNSYLVANIA }
County of Cambria } SS

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Lehigh Valley Rail Management LLC (LVRM) gives notice that on or about July 10, 2018, it intends to file with the Surface Transportation Board (Board), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F, Exempt Abandonments, permitting the abandonment of the segment of its lines of railroad formerly operated by Cambria and Indiana Railroad Company extending between Milepost RJC 6.4 in Munster Township and Milepost RJC 10.45189 in Ebensburg Borough, and from Milepost 15.355 (RJC 10.45189) and Milepost 16.934 in Cambria Township (Subject Line) that traverses through United States Postal Service ZIP Code 15931, a distance of approximately 5.63 miles, entirely in Cambria County, Pennsylvania. The proceeding will be docketed as No. AB 1265X.
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published
that the
of The Jo
the subje
said publ

Signed at
22nd day
by Christ

[Signature]

of Cambria, and Commonwealth of Pennsylvania and
the matter published in said publication in the regular issues
, on June 19, 2018; and that the Affiant is not interested in
at all of the allegations as to time, place and character of

Christine Marhefka

STATEMENT OF ADVERTISING COSTS

0.00 Lines @	\$2.50 per line	0.00
9.5 Inches @	\$25.00 per inch	237.50
Notary Fee		5.00
Clerical Fee		2.50
Total Cost		245.00

Commonwealth of Pennsylvania - Notary Seal
Vivian Ohs, Notary Public
Cambria County
My commission expires December 6, 2020
Commission number 1123017
Member, Pennsylvania Association of Notaries

To The Tribune-Democrat, Johnstown, PA
For publishing the notice or publication
attached hereto on the above stated dates.

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

_____ for publisher of _____
a newspaper of general circulation, hereby acknowledges receipt of the aforesaid
and publication costs and certifies that the same has been duly paid.

(Name of Newspaper)

By _____

Cam Ward stops nearly everything giving the Carolina Hurricanes their first Stanley Cup title with a 3-1 victory over Edmonton in Game 7. The U.S. Open Ice hockey tournament and breaking the four-time record by a whopping four goals to close the four day of a 2-ender in Bethesda, Md. at 15-nm-256. Alex Rodriguez homers to 3,000th career hit as the New York Yankees beat the Detroit Tigers, 7-1. Most of the majors winning the U.S. Open. The final round with a 1-0 victory over the Florida Panthers. LeBron James and his relentless Cavaliers pull off an impossible feat to beat a championship team James delivers on a promise from his first loss. The final round with a 1-0 victory over the Florida Panthers. LeBron James and his relentless Cavaliers pull off an impossible feat to beat a championship team James delivers on a promise from his first loss.

Northwinds

All Seattle Seaplanes
Ry Seal, Bill Georg, Bob Bowden,
Elmer Wright, Tim Jorgensen,
Dwight Wray, Tom Hoy (-7),
MacFarlane, David Williams, Carl
Denris Coughart (-5)
Terminals by carload
Tel: 605-8311 Mock, 16
Mock No. 9-Dave Mlynogma, 22
Tues
Pull Seattle Steamship
St. Schifferman, Bob MacFarlane,

VANIA } SS

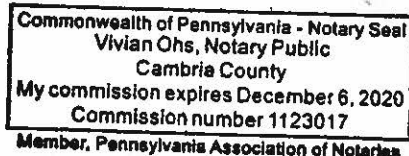
On this 22nd day of June A.D. 2018, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Christine Marhefka, who being duly sworn according to law, deposes and says as Sales Manager / Major Accounts of the Tribune-Democrat, Johnstown, PA, a newspaper of general circulation as defined by the "Newspaper Advertising Act", a merger September 8, 1952, of the Johnstown Tribune, established December 7, 1853; and of the Johnstown Democrat, established March 5, 1863.

published continuously at Johnstown Pa. in the County of Cambria, and Commonwealth of Pennsylvania and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issues of The Johnstown Tribune-Democrat, Johnstown, PA, on June 19, 2018; and that the Affiant is not interested in the subject matter of said notice or advertising and that all of the allegations as to time, place and character of said publication are true.

Christine Marhefka
STATEMENT OF ADVERTISING COSTS

Signed and sworn to before me on
22nd day of June, 2018,
by Christine Marhefka making the statement.

James O. H.



0.00 Lines @ \$2.50 per line	0.00
9.5 Inches @ \$25.00 per inch	237.50
Notary Fee	5.00
<u>Clerical Fee</u>	<u>2.50</u>
Total Cost	245.00

To The Tribune-Democrat, Johnstown, PA
For publishing the notice or publication
attached hereto on the above stated dates.

PUBLISHER'S RECEIPT FOR ADVERTISING COSTS

_____ for publisher of _____
a newspaper of general circulation, hereby acknowledges receipt of the aforesaid
and publication costs and certifies that the same has been duly paid.

(Name of Newspaper)

By _____

EXHIBIT D - 10 DAY NOTICE

CLARK HILL

Erio M. Hocky
T 215.640.8523
F 215.640.8501
Email: ehocky@clarkhill.com

Clark Hill PLC
One Commerce Square
2005 Market Street
Suite 1000
Philadelphia, PA 19103
T 215.640.8500
F 215.640.8501
clarkhill.com

February 13, 2019

To: All Persons on the Attached Service List

Re: Lehigh Valley Rail Management LLC - Abandonment Exemption -
In Cambria County, PA
Surface Transportation Board Docket No. AB 1265X

Dear Sir or Madam:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50(d), to advise you that Lehigh Valley Rail Management, LLC ("LVRM") intends to file a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, permitting the abandonment of the segments of its lines of railroad formerly operated by Cambria and Indiana Railroad Company extending between Milepost RJC 6.4 in Munster Township and Milepost RJC 10.45189 in Ebensburg Borough, and between Milepost 15.355 (RJC 10.45189) and Milepost 16.934 in Cambria Township, all in Cambria County, Pennsylvania (the "Subject Line"), a total distance of 5.63089 miles. The Subject Line traverses through United States Postal Service ZIP Code 15931. A map of the Subject Line is enclosed with this letter.

Based upon information in LVRM's possession, the Subject Line does not contain federally granted rights of way. Any documentation in SGLR's possession will be made available promptly to those requesting it. LVRM has received an expression of interest from Cambria County Conservation and Recreation Commission regarding possible acquisition of the right of way for rail banking and interim trail use. LVRM believes that this is a reasonable alternative public purpose for the right of way.

LVRM intends to salvage and sell the track and track materials. All salvage activities will take place within the right of way of the Subject Line.

To: All Persons on the Attached Service List
February 13, 2019
Page 2

LVRM expects to file its notice of exemption with the STB on or about March 5, 2019.

Respectfully,

CLARK HILL, PLC



Eric M. Hocky

EMH/e
Enclosure

**Advance Notice Service List for
STB Docket No. AB 1265X**

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

**United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357**

**U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240**

**Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Ave., SW
Washington, DC 20250-1111**