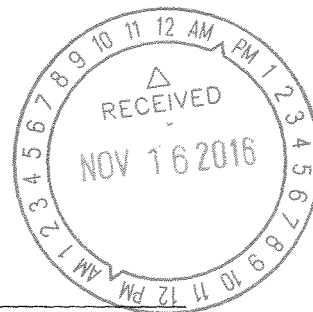


Before the
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-1240X

242060

**SOUTHWEST PENNSYLVANIA RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
FAYETTE COUNTY, PENNSYLVANIA**

**ENTERED
Office of Proceedings
November 16, 2016
Part of
Public Record**

NOTICE OF EXEMPTION

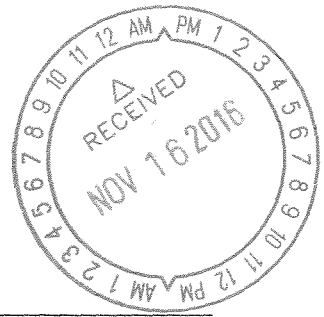
RICHARD R. WILSON, ESQ.
Counsel for Southwest Pennsylvania
Railroad Company
RICHARD R. WILSON, P.C.
518 N. Center Street, Ste. 1
Ebensburg, PA 15931
(814) 419-8152
(814) 419-8156

FEE RECEIVED
November 16, 2016
SURFACE
TRANSPORTATION BOARD

November 10, 2016

FILED
November 16, 2016
SURFACE
TRANSPORTATION BOARD

Before the
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-1240X

**SOUTHWEST PENNSYLVANIA RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
FAYETTE COUNTY, PENNSYLVANIA**

NOTICE OF EXEMPTION

Southwest Pennsylvania Railroad Company ("SWP") 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 Uniontown, PA (Milepost 7) and the of the line in South Union Township, PA extending in a generally Southernly direction a distance of .3 miles in Fayette County, PA. A map showing the line is attached as Appendix A.

In accordance with the Board's regulations, SWP makes the following responses:

Response to 49 C.F.R. §1152.50(d)(2):

1. Proposed Consummation Date. SWP intends to proceed with the proposed disposition of this rail line under a Notice of Interim Trail Use. SWP has agreed with South Union Township ("SUT") to the imposition of a Notice of Interim Trail Use incident to this abandonment proceeding and for the lease of the line to SUT conditioned on the Board's imposition of a Notice of Interim Trail Use.
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:** Southwest Pennsylvania Railroad Company.
- (2) **Whether the applicants are a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105:** SWP is an operating 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:** SWP is one of three nonconnecting Class III operating railroads owned by Carload Express, Inc.
- (4) **Relief sought:** SWP seeks the imposition of a Notice of Interim Trail Use for the .3 mile line extending from M.P. 7 to the end of the line so the line can be leased to SUT incident to this abandonment proceeding under the provisions of the National Trail Systems Act.¹

¹ SWP filed this notice of exemption with the Board under the two year out of service provisions of 49 CFR 1152.50(b) and has not separately sought exemption from the offer of financial assistance provisions of 49 U.S.C. § 10904. However, in circumstances such as those present in this proceeding where the parties have agreed to use the right-of-way for an alternative valid public purpose and there is no overriding public need for continued rail service, the Board has exempted such transactions from the OFA requirements of 49 U.S.C. § 10904. See *Union Pacific Railroad Company—Abandonment Exemption—In Salt Lake County, UT*, STB Docket No. AB-33 (Sub-No. 116X) (STB served Sept. 30, 1998); *K&E Railway Company—Abandonment Exemption—In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS*, STB Docket No. AB-480X (STB served Dec. 31, 1996), slip op. at 4, citing *Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Los Angeles County, CA*, Docket No. AB-12 (Sub-No. 172X), et al. (ICC served Dec. 23, 1994); *Missouri Pacific Railroad Company—Abandonment—In Harris County, TX*, Docket No. AB-3 (Sub-No. 105X) (ICC served Dec. 22, 1992); *Chicago & North Western Transportation Company—Abandonment Exemption—In Blackhawk County, IA*, Docket No. AB-1 (Sub-No. 226X), et al. (ICC served July 14, 1989); and *Iowa Northern Railway Company—Abandonment—In Blackhawk County, IA*, Docket No. AB-284 (Sub-No. 1X) (ICC served Apr. 1, 1988). Applicant notes that exemption of this transaction from § 10904 would be consistent with the provisions of 49 CFR § 1152.50(b) and § 1152.50(d)(5) were the Board inclined to do so on its own motion.

(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: 15401.

(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 appropriate for public recreational trail use and as previously indicated, SWP will enter into a lease agreement with SUT under which this line will be leased by SWP to SUT subject to a Notice of Interim Trail Use which SWP and SUT request that the Board impose in this proceeding. The proposed use of the right of way for a recreational trail has broad community support. SWP is not aware of any reversionary interests which would affect the transfer of title or the use of the property for recreational trail purposes incident to a Notice of Interim Trail Use.

4. Level of Labor Protection. SWP is an operating railroad common carrier and has 16 employees. However, this transaction will not result in the elimination of any

jobs by SWP. Moreover, the .3 mile line has been out of service for more than two years and no active rail operations have been provided on the line by SWP during that time.

5. Certificate of Compliance with Notice Requirements of §1152.50(d)(1).

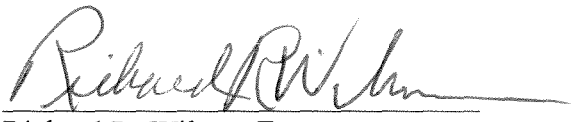
The required certificate is set forth as Exhibit 2 to this Notice of Exemption.

6. Environmental and Historical Reports. An Environmental Report and a Historical Report prepared in accordance with 49 C.F.R. §1105.7 are attached as Appendix B1 and B2 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,
Southwest Pennsylvania
Railroad Company

Dated: November 10, 2016

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-1240X

(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 Southwest Pennsylvania 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.

A handwritten signature in dark ink, appearing to read "Richard R. Wilson", written over a horizontal line.

Richard R. Wilson, Esq.

Dated: November 10, 2016

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 October 12, 2016, 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 August 18, 2016, 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 state in which the line proposed for abandonment in this docket is situated.

(C) On October 14, 2016, I had the appropriate newspaper notice set forth at 49 C.F.R. §1105.12 published in newspapers of general circulation in Fayette County, Pennsylvania.


Richard R. Wilson, Esq.

Dated: November 10, 2016

VERIFICATION

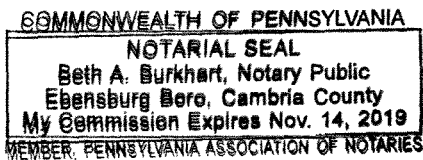
James Streett, being duly sworn, states that he is authorized to verify and file with the Surface Transportation Board the forgoing Notice of Exemption in Docket No. AB-1240X on behalf of Southwest Pennsylvania Railroad Company; that he has carefully examined all of the statements in the Notice of Exemption; 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.

Sworn to and subscribed before me

this 10th day of November, 2016

Scott A Benkhart
Notary Public

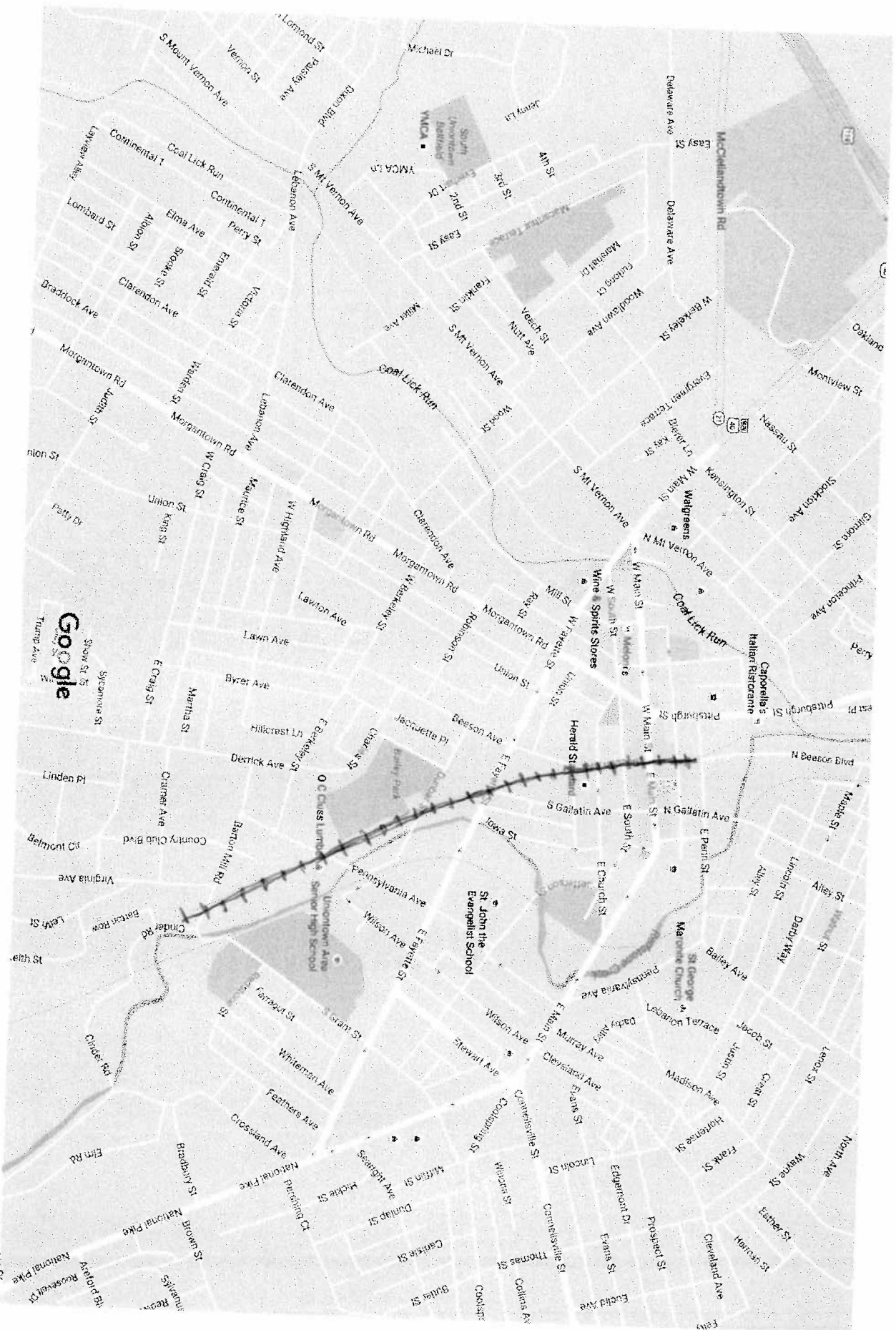
My Commission expires:

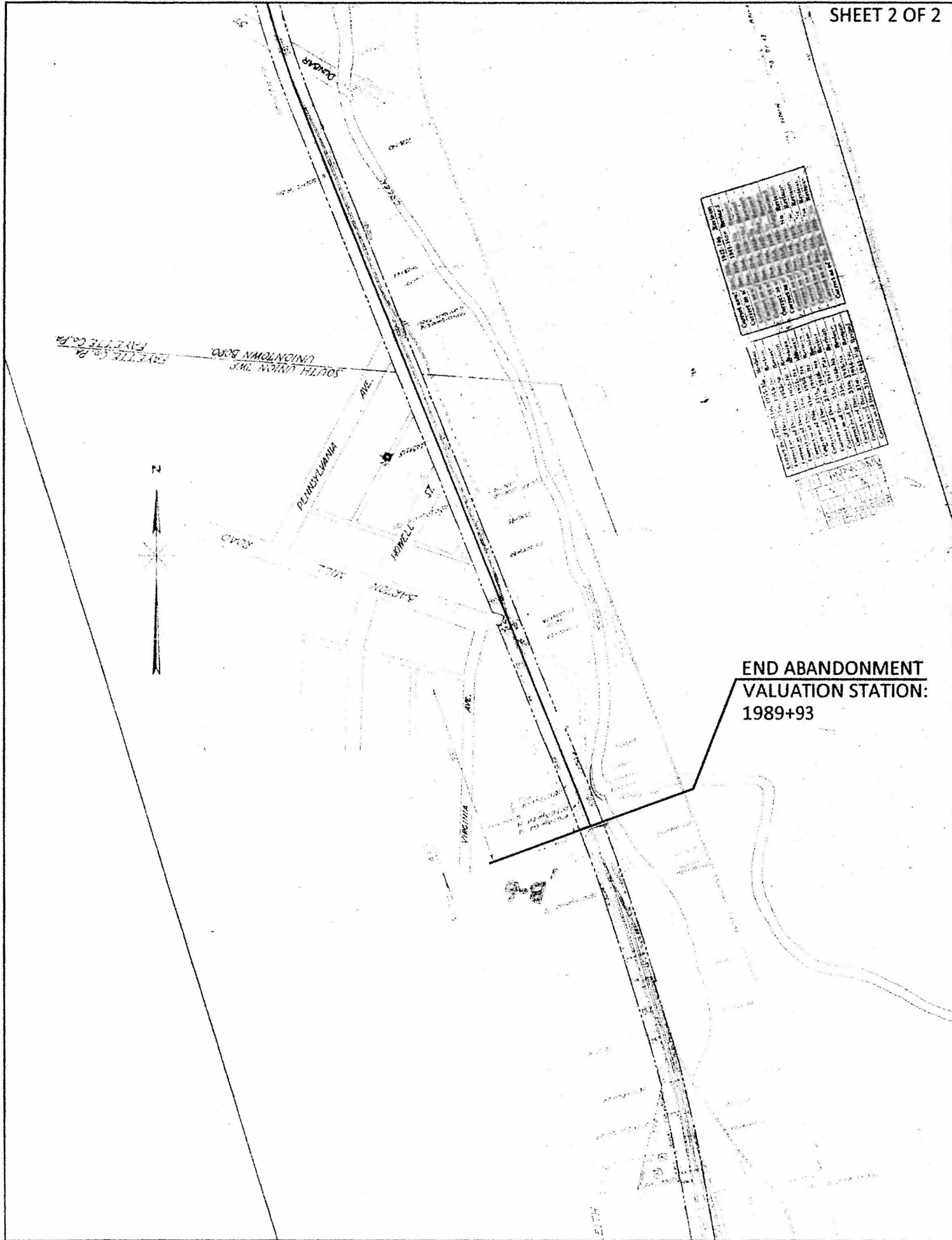


APPENDIX A

MAP

Google Maps Uniontown





END ABANDONMENT
VALUATION STATION:
1989+93

APPENDIX B

ENVIRONMENTAL AND
HISTORICAL REPORT

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240X

**SOUTHWEST PENNSYLVANIA RAILROAD COMPANY –
ABANDONMENT EXEMPTION –
FAYETTE COUNTY, PENNSYLVANIA**

HISTORICAL REPORT

RICHARD R. WILSON, ESQ.
Counsel for Southwest Pennsylvania
Railroad Company

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

November 10, 2016

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB- 1240X

HISTORICAL REPORT

Pursuant to a Notice of Exemption to be filed under 49 C.F.R. Part 1152.50, Southwest Pennsylvania Railroad Company ("SWP") proposes to abandon approximately .3 miles of rail line between Uniontown and South Union Township in Fayette County, Pennsylvania. 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 1. There are no railroad structures on the line that are 50 years old or older.

- (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 single track line extending from M.P. 7 to at the end of the line in South Union Township. The underlying right of way is approximately 40 feet in width and is .3 miles in length. The line runs generally in a north south direction from Uniontown, Pennsylvania to South Union Township through an urban/suburban community.

- (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.

Not Applicable. No structures exist.

- (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 line was constructed in 1876 by Southwest Pennsylvania Railroad Company.

- (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 subject rail line was built by the Southwest Pennsylvania Railroad Company and was completed in 1876. The line was subsequently acquired by the Pennsylvania Railroad Company and was conveyed to the Chessie System in 1976 under the Final Systems Plan. In 1996, CSX Transportation, Inc. sold the line to Fay Penn Industrial Development Commission. The line was acquired by SWP from Fay Penn IDC in 2012.

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

The SWP 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).

To the best of SWP's knowledge, information and belief, there is little likelihood that there are archeological resources or any other previously unknown historic properties within the railroad right of way. These opinions are based on SWP's knowledge of the line.

- (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 SWP'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:

A handwritten signature in cursive script, appearing to read "Richard R. Wilson", written over a horizontal line.

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

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 17th day of November, 2016 he did serve a true and correct copy of the foregoing Notice of Exemption 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

Supervisors
South Union Township
151 Township Drive
Uniontown, PA 15401

City of Uniontown
20 North Gallatin Ave.
Uniontown, PA 15401

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


Richard R. Wilson, Esq.

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240X

**SOUTHWEST PENNSYLVANIA RAILROAD COMPANY - ABANDONMENT
EXEMPTION – IN FAYETTE COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

RICHARD R. WILSON, ESQ.
Counsel for Southwest Pennsylvania
Railroad Company

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

November 10, 2016

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1240X

**SOUTHWEST PENNSYLVANIA RAILROAD COMPANY - ABANDONMENT
EXEMPTION – IN FAYETTE COUNTY, PENNSYLVANIA**

ENVIRONMENTAL REPORT

Southwest Pennsylvania Railroad Company (“SWP”) files this Environmental Report pursuant to the Board’s regulations at 49 C.F.R. §1105.7. This Environmental Report is for SWP’s abandonment of .3 miles of railroad line from M.P. 7 to the end of the line in Fayette County, Pennsylvania. 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, SWP 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, SWP believes there are no alternatives

to abandonment and discontinuance of service. Given the absence of any traffic or freight revenues, SWP believes that there is no prospect for successful rail operation and that lease of the line to South Union Township (“SUT”) under a Notice of Interim Trail Use for recreational purposes is the only appropriate disposition of this line.

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.

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 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 land use plans. Conversion of the railroad right of way to recreational trail use by SUT has broad community support.

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: No designated wetlands or 100 year flood plains will be affected by this abandonment.

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 the proposed conversion of the right of way to recreational trail use.

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. Public health and safety

will be enhanced by the subsequent development and use of the rail line for recreational trail purposes.

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.

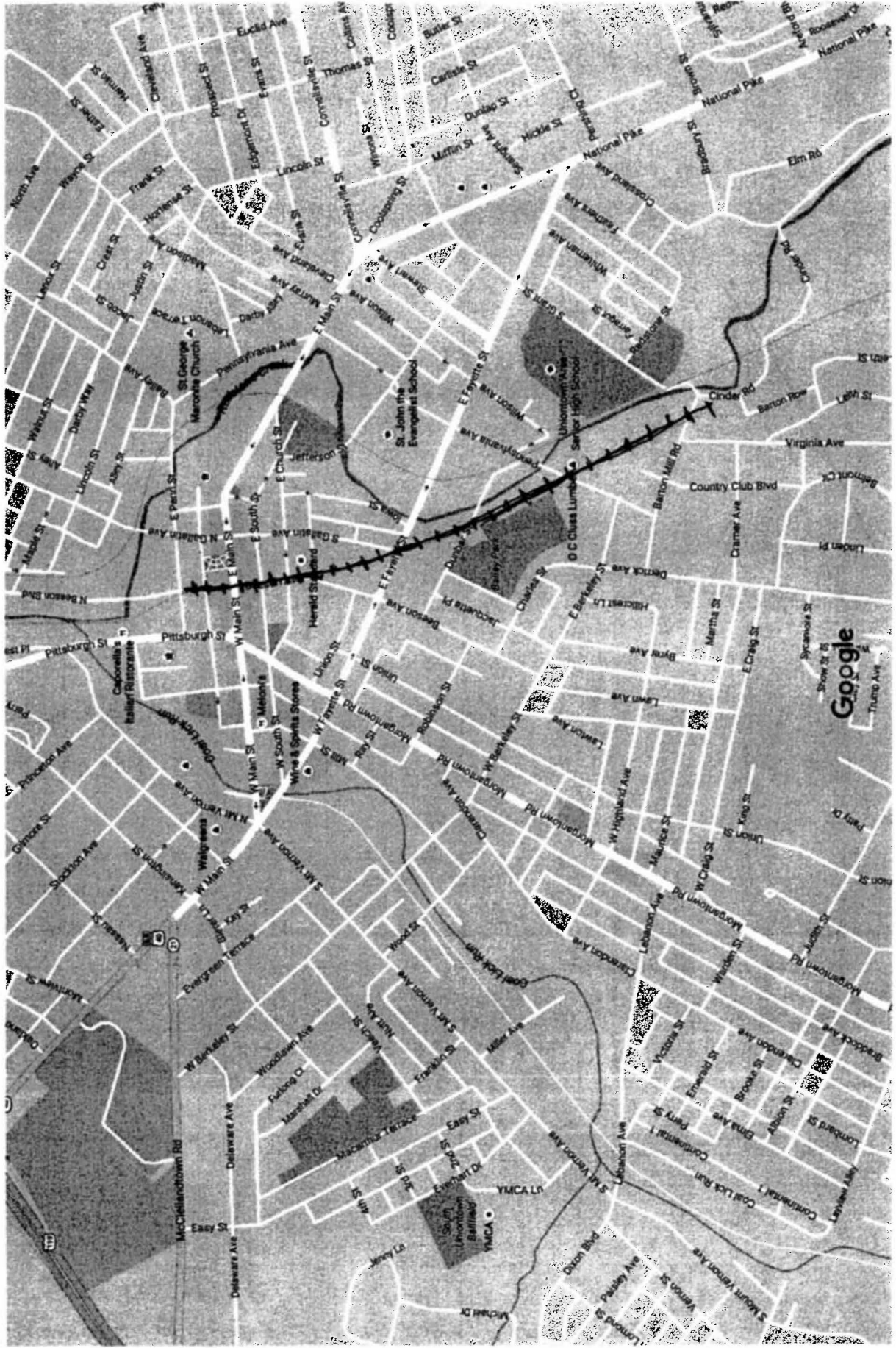
Respectfully submitted,

RICHARD R. WILSON, P.C.

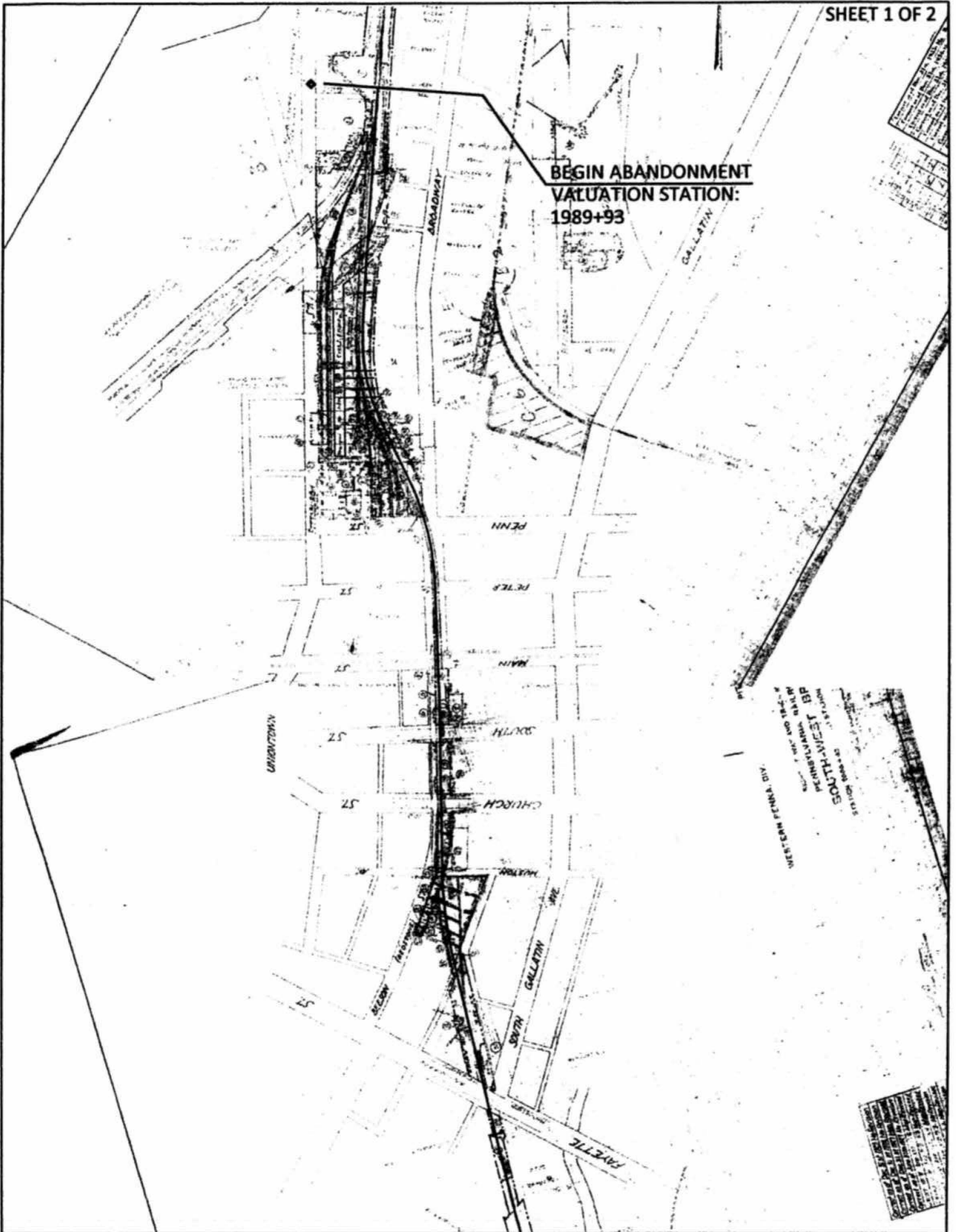
By: 
Richard R. Wilson, Esq.

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

Google Maps Uniontown



BEGIN ABANDONMENT
VALUATION STATION:
1989+93



**END ABANDONMENT
VALUATION STATION:
1989+93**

9-8

COMMENTS RECEIVED
ON HISTORICAL AND ENVIRONMENTAL REPORTS

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

518 N. Center Street, Ste. 1

Ebensburg, PA 15931

(814) 419-8152

888-454-3817 (Toll Free)

(814) 419-8156 FAX

rwilson@rrwilson.net – Email

www.rrwilsonesq.com - Website

851 Twelfth Street

Oakmont, PA 15139

Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

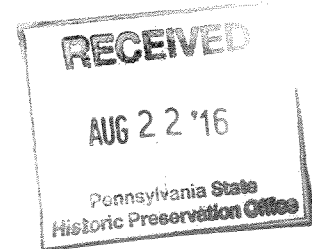
August 18, 2016

PA Historical & Museum Commission

Bureau for Historic Preservation

300 North Street

Harrisburg, PA 17120



Re: Docket No. AB1240X Southwest Pennsylvania Railroad Company –
Abandonment Exemption in Fayette County, PA

Dear Sir:

Please be advised that Southwest Pennsylvania Railroad Company is preparing to abandon .3 miles of railroad line in Fayette County, 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 inaccurate or incorrect or 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 number. 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) must be submitted within three weeks from the date of this letter.

ER No.	2016-1939-051-A
The project will have NO EFFECT on historic properties	
Date	9.14.16
Reviewer	W.D. fu Douglas McLEAREN

Richard Wilson, Esq.

From: "Richard Wilson, Esq." <RRWesq@rrwilson.net>
Date: Tuesday, October 04, 2016 2:33 PM
To: <eregenstei@pa.gov>
Subject: Re: Docket No. AB1240X SW Pa RR (Abandonment Exemption)

Ellen:

My client advises that neither it nor its predecessor railroads have any permits for any stream crossings. Moreover the STB conducts its own environmental review of all railroad abandonment applications which preempts all local and state law environmental permitting requirements. See 49 U.S.C. Section 10501. Furthermore the rail line in question will be rail banked under the National Trail Systems Act and leased to South Union Township for recreational purposes. Accordingly this line will not be abandoned but will remain subject to the exclusive jurisdiction of the STB as part of the national rail transportation network.

A copy of this email exchange will be included in the Environmental Report filed by my client with the STB. Thank you for your comments in this matter.

Richard R. Wilson Esq.

Sent: Tuesday, September 06, 2016 4:23 PM
To: Richard Wilson, Esq.
Subject: Fw: Docket No. AB1240X SW Pa RR (Abandonment Exemption)

Richard R. Wilson, Esq.
(814) 419-8152 - Phone
(814) 935-8601 - Cell
(814) 419-8156 - Fax

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From: Regenstein, Ellen
Sent: Tuesday, September 06, 2016 3:59 PM
To: rwilson@rrwilson.net
Subject: FW: Docket No. AB1240X SW Pa RR (Abandonment Exemption)

Richard: The Department's Waterways and Wetlands program has completed its review of the project information you provided above. Based upon that documentation, the Department has determined that the proposed section of RR line that the railroad seeks to abandon in Fayette County crosses over an

10/4/2016

unnamed tributary to Redstone Creek, near the southern end and appears to cross Coal Lick Run at the northern end. If the railroad company owns the culvert or bridge that crosses these watercourses (i.e. owns the property upon which the culvert or bridge exists), then your clients will need to submit a GP-11 registration package in order to abandon these railroad crossings. Alternatively, if a permit(s) was issued for these structures, and your clients intends to transfer the operation and maintenance of these structures to another party, then the railroad can submit an application/form to transfer this permit(s).

Furthermore, if abandonment of this section of railroad will involve construction activities within the floodplain, such as excavation or the placement of fill to abandon the line, or the demolition of any buildings or support structures, then permits may also be required under the applicable provisions of the Department's regulations at Chapter 102, 105 and 106, 25 Pa. Code Sections 102, 105 and 106.

Please feel free to confirm your understanding or if you have additional questions. Best regards, Charney

Ellen J. Regenstein | Assistant Regional Counsel
 Department of Environmental Protection
 Southwest Regional Office
 400 Waterfront Drive | Pittsburgh, PA 15222
 Phone: 412.442.4262 | Fax: 412.442.4267
www.depweb.state.pa.us

From: Snyder, Joseph
Sent: Tuesday, September 06, 2016 3:51 PM
To: Regenstein, Ellen
Subject: RE: Docket No. AB1240X SW Pa RR (Abandonment Exemption)

Hi Charney,

Based upon the project location information that Mr. Wilson, P.C. provided (see attached), the proposed section of RR line to be abandoned in Fayette County crosses over an unnamed tributary to Redstone Creek near the southern end, and appears to cross Coal Lick Run at the northern end. If the railroad company owns the culvert or bridge that crosses these watercourses, then it will need to submit a GP-11 registration package to abandon these road crossings. Alternately, if a permit(s) was issued for these structures, and operation and maintenance of these structures is going to be transferred to another party, then it can submit an application/form to transfer this permit(s).

In addition, if abandonment of this section of railroad will involve construction activities within the floodplain, such as excavation or the placement of fill to abandon the line, or the demolition of any buildings or support structures, then permits may also be required, under the applicable provisions of DEP's Chapter 102, 105 and 106 rules and regulations.

Feel free to contact me if you have any questions concerning this message.

Sincerely,

Joseph Snyder | Water Pollution Biologist 3
 Department of Environmental Protection
 400 Waterfront Drive | Pittsburgh, PA 15222-4745
 Phone: 412.442.4308 | Fax: 412.442.4242
www.dep.pa.gov

From: Regenstein, Ellen
Sent: Friday, August 26, 2016 2:34 PM
To: rwilson@rrwilson.net

10/4/2016

Cc: Snyder, Joseph

Subject: Docket No. AB1240X SW Pa RR (Abandonment Exemption)

Richard: Greetings. The Department is unable to pinpoint the precise location of the railroad even with the maps that you attached with your August 18 correspondence. Would you kindly provide us with USGS information that will be more accurate? The map you provided us with simply is illegible with respect to the precise location of the railroad line at issue. Joe Snyder will be reviewing this information, as soon as you are able to give him the proper coordinates or other information identifying the location.

Many thanks, Charney

Ellen J. Regenstein | Assistant Regional Counsel

Department of Environmental Protection

Southwest Regional Office

400 Waterfront Drive | Pittsburgh, PA 15222

Phone: 412.442.4262 | Fax: 412.442.4267

www.depweb.state.pa.us

10/4/2016

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 10th day of November, 2016 he did serve a true and correct copy of the foregoing Notice of Exemption 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

Supervisors
South Union Township
151 Township Drive
Uniontown, PA 15401

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
20 North Gallatin Ave
Uniontown, PA 15401


Richard R. Wilson, Esq.

APPENDIX C

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 10th day of November, 2016 he did serve a true and correct copy of the foregoing Notice of Exemption upon the following by first class mail, postage prepaid at the addresses set forth below:

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Richard R. Wilson, Esq.