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September 25, 2003

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BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

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Office of Proceedings

SEP 25 2003

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SEP 25 2003

THOMAS G. HENNINGSON

Re: Docket No. AB-842X, Almono LP -- Abandonment
Exemption -- In Allegheny County, Pennsylvania

Dear Mr. Secretary:

Enclosed for filing in the above-referenced proceeding please find an original and ten (10) copies of the Petition for Exemption of Almono LP. We have enclosed a copy of this filing (including the draft Federal Register notice) on computer disk, and a check in the amount of \$4,700 for the requisite filing fee.

We have also enclosed an extra copy of this filing. Kindly indicate receipt by time-stamping this extra copy and returning it to the bearer of this letter.

Thank you for your attention to this matter.

Sincerely,

Robert D. Rosenberg
Robert D. Rosenberg
An Attorney for Almono LP

RDR:kaw
Enclosures
cc: Service List (Exhibit F)

BEFORE THE
SURFACE TRANSPORTATION BOARD



In the Matter of:

ALMONO LP – ABANDONMENT
EXEMPTION – IN ALLEGHENY COUNTY,
PENNSYLVANIA

STB Docket No. AB-842X

PETITION FOR EXEMPTION

Of Counsel:

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Dated: September 25, 2003

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425 Sixth Avenue, Suite 500
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**



In the Matter of:)

ALMONO LP – ABANDONMENT)
EXEMPTION – IN ALLEGHENY COUNTY,)
PENNSYLVANIA)

STB Docket No. AB-842X

PETITION FOR EXEMPTION

Pursuant to 49 U.S.C. § 10502 and the Board’s regulations at 49 C.F.R. §§ 1121.1 and 1152.60, Almono LP (“Almono”) hereby files this Petition for Exemption for the requirements for abandonment at 49 U.S.C. § 10903. This Petition for Exemption relates to the proposed abandonment of Almono’s rail line of approximately two miles within the city of limits of Pittsburgh, Pennsylvania (the “Line”).¹ A map depicting the Line as well as a USGS aerial survey photograph are attached as Exhibit A. Almono also seeks exemption from the requirements for Offers of Financial Assistance procedures (49 U.S.C. § 10904) and public use conditions (49 U.S.C. § 10905).

As Almono demonstrates, abandonment of the Line is appropriate because both the owner (Almono) and the shippers served by the line (as confirmed by their declarations attached as Exhibit I) have agreed that it is in their mutual interests for the Line to be operated as a private spur and not as a common carrier line, consistent with

¹Almono’s Line is referred to herein as “Line” to indicate its existence in common carriage, and as “line” to refer to its post-abandonment existence as a private spur.

Consolidated Rail Corporation -- Petition for Declaratory Order, 1 I.C.C.2d 284 (1984).

The arrangement will enable Almono to proceed with the redevelopment of the adjoining property and the right-of-way for the Line and will also enable the shippers to continue to receive service, while avoiding the various regulatory costs associated with common carrier existence. Exempt handling of this abandonment, as well as exemption from the OFA and public use requirements, are warranted because each of the three criteria of 49 U.S.C. § 10502 is satisfied.

In accordance with the Board's regulations, and in support of this Petition for Exemption for Abandonment, Almono states as follows:

I. BACKGROUND

Almono is a Pennsylvania limited partnership. Almono, Almono's general partner (Almono, LLC), the sole member of Almono's general partner (RIDC Southwestern Pennsylvania Growth Fund), and Almono's limited partners do not have any affiliation with other common carrier railroads.

Almono acquired the Line from the Monongahela Connecting Railroad Company ("Mon Con"), a wholly-owned subsidiary of LTV Steel Corporation ("LTV") on September 13, 2002, pursuant to a Verified Notice of Exemption filed September 4, 2002. STB F.D. No. 34250, Almono LP-Acquisition and Operation Exemption-Line of Monongahela Connecting Railroad Company (STB notice served Oct. 2, 2002), 67 Fed. Reg. 61,952 (Oct. 2, 2002). As Almono noted in the notice of exemption, LTV is in

bankruptcy liquidation, and Almono was the only party to submit a bid (which received Bankruptcy Court approval) for the Line.² Almono's primary purpose was not to operate the Line, but was instead to acquire the adjoining property owned by LTV and the right-of-way for redevelopment.

Almono recognized that MetalTech was the sole shipper served by the Line at the time, and Almono sought to reach an agreement that would enable MetalTech to continue being served by the Line. The parties jointly agreed that MetalTech could be served in a more cost-efficient manner if the Line were abandoned and the line were instead operated as a private spur. Accordingly, the parties entered into an agreement to that effect before Almono agreed to acquire the Line from Mon Con and the adjoining property from LTV. Almono noted the contemplated abandonment in its verified notice of exemption for the acquisition and explained how the exemption acquisition with an intent to seek abandonment was consistent with the treatment in STB Fin. Docket No. 34171, Butte-Silver Bow County--Acquisition Exemption--Silver Bow County, MT (STB decision served March 15, 2002).

²The Mon Con previously served a variety of LTV facilities located on the property acquired by Almono, but those LTV facilities have been closed and removed over the years, leaving MetalTech (which is not affiliated with LTV) as the sole shipper served by the Line at the time of Almono's acquisition. See, e.g., Docket No. AB-368X, Monongahela Connecting Railroad Company-Abandonment and Discontinuance Exemption-In Allegheny County, PA (ICC decision served Aug. 18, 1992).

The Board's notice instructed Almono to demonstrate in its abandonment request that MetalTech's interests will be protected, e.g., by providing a statement from MetalTech. Accordingly, attached as Exhibit I-1 is a declaration from Wilson J. Farmerie, the authorized representative of Tech Investments Inc., which is the General Partner of The Techs, a consolidation of MetalTech,³ NexTech, and GalTEch, attesting to The Techs' strong support for the abandonment and the fact that its interests as a shipper are protected and furthered by its agreement with Almono.

Since Almono acquired the Line, another party, Hantz Locomotive Repair ("Hantz"), has resumed operating a locomotive repair service at the roundhouse ("Roundhouse") located on the property acquired by Almono. As explained in the Declaration from Hantz that is attached as Exhibit I-2, Hantz had operated the service at the Roundhouse previously, but not in the two years preceding Almono's acquisition of the Line.⁴ The repair service consists of repairing not more than one or two locomotives at any one time, i.e., since resuming operations following Almono's acquisition of the Line, Hantz has serviced no more than two locomotives.

The Hantz Declaration notes Hantz's strong support for the proposed abandonment. Hantz concurs that the Line is not commercially viable, states its support

³MetalTech is the name of the plant facility located on the Line.

⁴The Mon Con had stored its own locomotive at the roundhouse, and Hantz primarily serviced that locomotive. However, the movement, storage, and repair of a carrier's own locomotive does not constitute common carrier service.

for having the line operated as a private spur, and indicates its optimism for being able to negotiate arrangements to continue using the line and the Roundhouse, subject to redevelopment of the property.

Accordingly, Almono's proposed abandonment will not result in the immediate cessation of railroad activities. To the contrary, MetalTech and Hantz (to the extent its operations continue) will continue to be served at roughly the preexisting level of service, albeit on a more cost-effective basis as the line is operated as a private spur.⁵ However, the rail line may eventually be removed and the right-of-way used for non-railroad purposes, and Almono is thus seeking authority to permit the line to be removed. Based on discussions with the Board's Section of Environmental Analysis, Almono is seeking to comply with the environmental and other requirements for abandonment, to the extent those requirements are not waived.

Almono also seeks waiver from the requirements for offers of financial assistance ("OFA") procedures and public use conditions. Such conditions are

⁵Private line service to both MetalTech and Hantz (assuming its operations continue) would not cause the line to revert to common carriage. There are various examples of private spurs being used by more than one shipper. See, e.g., F.D. No. 28952F, Denver And Rio Grande Western Railroad Company -- Acquisition And Operation -- Of A Line Of Railroad Near Craig, In Moffat County CO, (ICC served Nov. 27, 1979); F.D. No. 32248, Hanson Natural Resources Company--Non-Common Carrier Status--Petition for a Declaratory Order, (ICC served Nov. 15, 1994). See also Consolidated Rail Corporation --Petition for Declaratory Order, 1 I.C.C.2d 284 (1984), supra.

inconsistent with the underlying transaction with MetalTech and possible continued service to Hantz.

II. PROCEDURAL INFORMATION

A. Exact Name of Petitioner
49 C.F.R. § 1152.22(a)(1)

The exact name of the Petitioner is Almono LP.

B. Common Carrier Status
49 C.F.R. § 1152.22(a)(2)

Almono is a Class III common carrier by railroad subject to 49 Subtitle IV, chapter 105.

C. Relief Sought
49 C.F.R. § 1152.22(a)(3)

Almono seeks authority to abandon the Line. Additionally, Almono seeks a waiver or exemption from various prefiling requirements, particularly detailed revenue/cost data (49 C.F.R. § 1152.22(d)) and detailed information on possible diversions to motor carriage (49 C.F.R. § 1105.7(e)(4)). Almono also seeks an exemption from the requirements for OFA procedures and public use conditions.

D. Detailed Map
49 C.F.R. § 1152.22(a)(4)

See Exhibit A, attached hereto.⁶

E. Reasons for Seeking Abandonment
49 C.F.R. § 1152.22(a)(6)

Almono seeks authority to abandon the Line for several related reasons.

First, revenues from operation of the Line are insufficient to cover the capital and/or opportunity costs of the line.

Second, abandonment of the Line will enable MetalTech and potentially Hantz to be served with less regulatory overhead associated with meeting common carrier requirements. MetalTech and Hantz have agreed that reducing such overhead is in their best interests.

⁶As is normally the case with Class III carriers, Almono has not filed a system diagram map showing the proposed abandonment. However, Almono made clear its intent to abandon the Line in its entirety in its class exemption acquisition notice filed in Finance Docket No. 34250 on September 4, 2002, over ten months ago. Almono has thus provided notice of its intent to abandon the Line from the first moment that it could have done so. Almono also negotiated an arrangement for MetalTech, the only shipper served by the Line at the time, to continue receiving service over the Line following abandonment as a private spur even before Almono acquired the Line. Almono is optimistic that a similar arrangement may be reached with Hantz. Requiring Almono to delay its abandonment would only serve to increase the common carrier regulatory overhead costs that MetalTech (and potentially Hantz) must absorb pending the abandonment, which costs MetalTech and Hantz seek to avoid. Accordingly, Almono respectfully submits that good cause exists for waiver under 49 C.F.R. § 1152.24(e)(5) of the system diagram map requirement (49 C.F.R. § 1152.13(c)) and of any other requirement that would require Almono to wait before filing the instant petition for exemption.

Third, abandonment will permit the adjoining land and right-of-way to be eventually redeveloped for higher valued purposes. The land is located alongside the north bank of the Monongahela River near downtown Pittsburgh, and the land is potentially much more valuable if redeveloped and used for other purposes. Almono notes that its limited partners are charitable trusts seeking to improve the overall economic health and quality of life in Pittsburgh and that their investment in the project, which entails substantial environmental remediation, is motivated by civic and not merely commercial or entrepreneurial purposes. Pending such redevelopment, Almono is willing to permit MetalTech and Hantz to continue to use the abandoned line as a private, non-common carrier railroad line.

The proposed abandonment is thus in the best interests of Almono as the owner, MetalTech and Hantz as the only shippers served by line, and the public insofar as land near downtown Pittsburgh along the bank of the Monongahela River will be redeveloped to provide more beneficial use.

F. Identity of Petitioner's Representative
49 C.F.R. § 1152.22(a)(7)

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G. List of All ZIP Codes Traversed
49 C.F.R. § 1152.22(a)(8)

The Line traverses United States Postal Service ZIP Codes 15207 and 15213.

H. Condition of Properties
49 C.F.R. § 1152.22(b)

The Line is still in operating condition and in service. However, derailments are frequent, and MetalTech expects to incur rehabilitation expenditures of approximately \$300,000 to cover the following: (a) drainage rehabilitation (ditching, piping, and filling) over 3,200 feet; (b) switch rehabilitation (including replacing timbers, track spikes, and bolt sets, tightening of bolts, re-gauging switch to proper profile, installing new ballast, and adjusting/lubricating the switch for proper throw; (c) rebuilding 4,000 feet of track (removing existing track materials, grading track bed, installing new sub-ballast and ballast, rebuilding track with new ties, and dressing/tamping track to proper profile); (d) removing/repairing existing S-curves (grading new track bed, breaking existing tracks, realigning to proper profile, replacing 75 cross ties, installing new track bolts/washers and ballast with dressing, and power tamping); and (e) filling deep holes in track area near interchange. The estimated cost of the rehabilitation would be increased significantly if MetalTech (or Almono) were required to incur common carriage regulatory overhead requirements.⁷

⁷Almono doubts that Hantz is in a position to cover such costs, but Hantz's prospects are plainly improved by operation of the line as a private spur at a lower cost.

I. Service Provided
49 C.F.R. § 1152.22(c)

Traffic on the line presently consists of approximately 11-16 carloads per week of galvanized steel coils originating at MetalTech's plant. The rail shipments constitute about 17-20% of MetalTech's output. As noted, the shipments are expected to continue for some time after abandonment occurs because the line will be operated as a private spur. MetalTech plainly has the capability to ship its product (galvanized steel coils) by truck as the vast bulk of its product is shipped in this manner. MetalTech does not presently receive any products by rail, although this may change during the period that the line is operated as a private spur. Nonetheless, traffic levels should not increase substantially following abandonment.

Hantz's traffic is extremely sporadic as it works on no more than one or two locomotives at a time, and often is not working on any locomotives. Abandonment should not lead to significant increase in its traffic levels.

J. Revenue/Cost Data
49 C.F.R. § 1152.22(d)

As Almono seeks exempt handling of its proposed abandonment, it has not prepared a detailed analysis of the information enumerated in § 1142.22(d).

However, Almono and MetalTech have entered into their agreement concerning abandonment and operation as a private line in order to enable MetalTech to continue receiving service in the most cost-efficient manner possible and to avoid the

regulatory overhead associated with common carrier operation. Under the agreement, MetalTech will be responsible for the substantial maintenance and repair costs noted above, as well as the operational costs. However, Almono did not receive payment from MetalTech towards Almono's substantial costs of acquiring the property. In other words, MetalTech, as the only shipper regularly served by the line, will receive service at a net cost substantially below the fully attributable costs of the line.

MetalTech expressed no interest in acquiring the line itself because of the substantial costs involved. Almono and MetalTech also discussed the possibility of Almono's continuing to operate the line as a common carrier and being compensated by MetalTech for all of Almono's associated costs, but MetalTech wished to avoid the associated costs. The parties have thus agreed that converting the Line to a private railroad line is in the best interests of both parties, and abandonment is sought for that purpose.

Hantz's operation is sporadic and marginal at best, and Hantz is considerably less able than MetalTech to cover or contribute to the costs of the line. Moreover, its operations could be easily carried out at other locations that do not involve the line. Hantz also supports abandonment of the line so that it may be operated as a private spur.

K. Description of Community
49 C.F.R. § 1142.22(e)(1)

The Line is located entirely within the City of Pittsburgh, Pennsylvania.

According to the United States Census Bureau, the City of Pittsburgh's population as of July 1, 1999, was estimated to be 336,882.

L. Identification of Significant Users
49 C.F.R. § 1152.22(e)(2)

MetalTech and Hantz are the only shippers to have used the Line in the past two years. The Line formerly served various LTV facilities, but those facilities have been closed and removed. No other businesses are located along the Line, and thus the Line will not be utilized by any other shippers.

The information for MetalTech is as follows:

MetalTech
300 Mifflin Road
Pittsburgh, PA 15207

Principal Commodity -- Galvanized steel coils
Carloads: 2002 = 685 (projected as of 10/2002)
2001 = 667
2000 = 559

The information for Hantz is as follows:

Hantz Locomotive Repair
4166 Second Avenue
Pittsburgh, PA 15207-1525

Principal Commodity -- Locomotives to be repaired
Carloads: None as such, but two locomotives received in the eight months, and none in the two years before that (except for

Mon Con's own railroad that was stored and serviced in the Roundhouse)

M. Alternate Sources of Transportation
49 C.F.R. § 1152.22(e)(3)

MetalTech is served by truck, and ships the vast bulk of its output using that mode. Hantz's operations could be shifted to other railroad-served locations.

Pittsburgh itself is served by rail, truck, and water. All of the roads serving Pittsburgh are maintained in good condition and provide all-weather service.

N. Suitability of Right-of-Way
49 C.F.R. § 1152.22(e)(4)

The approximately thirty foot wide right-of-way underlying the Line is not suitable for use for other public purposes. However, Almono anticipates redeveloping the adjoining property (former steel mill property) acquired from LTV and potentially the right-of-way itself for a mixed retail/commercial/residential purposes, similar to nearby development that has also occurred on the bank of the Monongahela. Significant remediation will be required to make the former steel mill site suitable for such use. However, when the redevelopment is completed, the property will facilitate economic development in Pittsburgh, which is both economically depressed and underutilized. The redevelopment will bring increased employment, enhanced economic activity, and more population to Pittsburgh, thereby furthering the public interest.

O. Environmental/Historic Impact
49 C.F.R. §§ 1121.3 and 1142.22(f)

See Exhibits B (Environmental Report), C (Historic Report), and D (Certificate of Service), attached hereto.

As noted several times above, abandonment of the line will not result in the immediate cessation of railroad service to MetalTech (or Hantz, should the parties be able to negotiate a commercial arrangement), which is expected to continue for at least several years. Nonetheless, the environmental and historic reports have been prepared “as if” rail operations and removal of the line would occur immediately.

With respect to 49 C.F.R. § 105.7(3)(4)(iv), abandonment should not result in diversion from rail to motor carriage of more 1,000 rail carloads a year because the Line has not handled that level of carloads in at least the past few years. However, because the line is only two miles long, abandonment may result in diversion of more than 50 rail carloads per mile per year. Accordingly, Almono has prepared an analysis in the Environmental Report of the impact of possible diversion on energy consumption and efficiency. The analysis addresses three possible scenarios (a short truck haul to a nearby transloading terminal, shipment to ultimate destination by truck, and loss of volume), and notes that the energy consumption impact is likely to be insignificant in any event.

Hantz’s operation is sporadic in any event, and could be carried out at other locations.

- P. Passenger Service
49 C.F.R. § 1152.22(g)

On information and belief, no passenger service has ever been conducted on the Line.

- Q. Federal Register Notice
49 C.F.R. § 1152.60(c)

See Exhibit E, attached hereto.

- R. Certificate of Compliance
with Service Requirements
49 C.F.R. §§ 1152.24 and 1152.60(d)

The required certification is set forth at Exhibit F to this Petition for Exemption. In accordance with § 1152.60(d), Almono states that, based on information in its possession, the Line does not contain federally granted right-of-way. Almono will make any documentation in its possession available promptly to those requesting it.

- S. Certification of Compliance with Publication
Requirements of 49 C.F.R. § 1105.12

The required certification (Exhibit G) and newspaper notice (Exhibit H) are attached to this Petition for Exemption.

T. Notice of Intent to Abandon
 49 C.F.R. § 1152.20

Almono's understanding is that notices of intent to abandon are not typically required for petitions for exemption of this type. In any event, Almono informed the Board of its intent to file this petition for exemption as part of its Verified Notice of Exemption to acquire and operate the Line filed September 4, 2002, over one year ago, in STB F.D. No. 34250. In addition, Almono's abandonment is supported by the only shippers served by the Line, and Almono is also including proof of newspaper publication as part of this filing, as noted supra.

U. Labor Protection

Almono acknowledges that the Board's exemption of an abandonment does not relieve a carrier of its statutory obligation to protect the interests of employees. See 49 U.S.C. § 10903(b)(2) and 49 C.F.R. § 1121.4(f).

However, in this instance, Almono is abandoning its entire line, and there is neither (1) a corporate affiliate that will continue substantially similar rail operations, nor (2) a corporate parent that will realize substantial financial benefits over and above those normally associated with the abandonment. See, e.g., STB Docket No. AB-579X et al., County of Coahoma, Mississippi-Abandonment Exemption-In Tallahatchie and Coahoma Counties, MS, et al. (STB served June 15, 2001). Moreover, Almono has no employees at all, as well as no employees involved in rail operations, and thus it has no employees that will be adversely affected by the proposed abandonment.

Accordingly, Almono believes that no labor conditions should be imposed and that the imposition of any labor conditions would be inappropriate. Nonetheless, to the extent the Board deems it legally necessary to prescribe labor conditions, however, the conditions imposed should be those established pursuant to Oregon Short Line R.R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

V. Verification
49 C.F.R. § 1152.22(j)

The required verification is attached immediately hereto (preceding Exhibit A).

III. ABANDONMENT OF THE LINE SHOULD BE
EXEMPTED FROM PRIOR APPROVAL REQUIREMENTS

Absent an exemption, Almono's abandonment would require a more burdensome application and prior Board approval under 49 U.S.C. § 10903. Pursuant to 49 U.S.C. § 10502, the Board, however, is directed to exempt a transaction, such as an abandonment, or service from regulation if it finds that (1) continued regulation is not necessary to carry out the transportation policy of 49 U.S.C. § 10101; and (2) either (A) the transaction or service is of limited scope, or (B) regulation is not needed to protect shippers from the abuse of market power. See 49 C.F.R. § 1121.2; see also, e.g., Docket No. AB-307 (Sub-No. 2X), Wyoming and Colorado Railroad Company -- Abandonment Exemption -- Jackson County, CO (ICC decision served May 19, 1995).

Almono respectfully submits that its proposed abandonment satisfies all the conditions for exempt treatment under 49 U.S.C. § 10502.

A. Detailed Scrutiny of the Abandonment is not Necessary to Further the National Transportation Policy Goals

Detailed scrutiny of Almono's proposed abandonment is not necessary to further the National Transportation Policy goals of 49 U.S.C. § 10101 because abandonment will foster the policy by:

minimizing the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required (§ 10101(2));

promoting a safe and efficient rail transportation system (§ 10101(3));

fostering sound economic conditions in transportation (§ 10101(5));

maintaining reasonable rates (§ 10101(6));

reducing regulatory barriers to exit from the industry (§ 10101(7)); and

operating transportation facilities and equipment without detriment to the public health and safety (§ 10101(8)).

Abandonment will initially allow MetalTech and Hantz to receive more cost-efficient service over a private railroad. The eventual removal of the railroad would allow the property to be redeveloped for a higher-valued use, bringing economic and quality-of-life improvements to Pittsburgh. Grant of the requested exemption will facilitate exit from the railroad industry and allow the underlying property to be redeveloped for a higher-valued use, while allowing MetalTech and Hantz to begin

receiving benefits earlier and reducing the regulatory costs imposed upon Almono and ultimately absorbed by MetalTech and Hantz. Grant of the abandonment will improve public health and safety by facilitating needed repair and rehabilitation of the line. Other goals of the National Transportation Policy will not be adversely affected. Denial of the exemption could well result in a formal application of abandonment which, when granted, could result in the immediate cessation of all rail service, to the disadvantage of MetalTech, Hantz, and the larger rail network.

B. The Transaction is Limited in Scope

The proposed abandonment is limited in scope. The Line is approximately two miles long, is located within the limits of one city, and serves at most two shippers. Denying abandonment would result in increased costs to the shipper, particularly as Almono would face incentives to recoup its acquisition costs from the traffic served by the Line. Additionally, the primarily affected shipper (MetalTech) ships most of its product by truck and would have the ability to continue to ship its product by rail by moving its goods a short distance by truck to a transloading point. Hantz's locomotive repair service, by its inherent nature, can be carried out at a variety of locations.

C. Detailed Scrutiny of the Transaction is Not Needed to Protect Captive Shippers from Abuse of Market Power

Because the proposed abandonment satisfies the "limited scope" test of 49 U.S.C. § 10502(a)(2)(A), it is not necessary to consider whether scrutiny of the matter under the formal procedures of § 10903 is required to protect shippers from abuse of

railroad market power. However, the proposed abandonment also satisfies this alternate prong, perhaps even more strongly than the “limited scope” prong addressed above.

In this instance, the shipper primarily affected, MetalTech, has voluntarily entered into an arrangement that will enable it to continue receiving service for a period of time following abandonment. Hantz, the other shipper that may be affected, is also supportive of the abandonment. The post-abandonment service is actually more desirable than common carriage to MetalTech and Hantz because it will enable them to avoid having to absorb the costs of regulatory overhead associated with common carriage. Failure to grant the exemption would thus make MetalTech, the primarily affected shipper, as well as Hantz, worse off. Moreover, MetalTech is not necessarily captive as it presently ships the vast bulk of its traffic by truck rather than rail and would retain the ability to ship its product by rail if it trucked its product a relatively short distance to a transloading point. Hantz’s locomotive repair operations can, given their inherent nature, also be carried out at other locations.

All the indications are that MetalTech would find it very prohibitive to ship its product by rail if it had to cover the full net liquidation value and/or opportunity costs of the line. The property has too much potential redevelopment value and MetalTech’s rail shipments are too small for MetalTech to absorb the full costs of the line, particularly as those costs would be increased by regulatory overhead. Accordingly, the exemption is in the best interests of MetalTech as well as Almono. Hantz is in even less of a position

to bear the costs, and its operations, which are limited and intermittent in any event, and which can also be easily carried out at other locations.

Accordingly, the default regulatory review is not only unnecessary to protect captive shippers from abuse of market power, but would actually be contrary to the interests of the only shippers affected by the proposed abandonment.

IV. ABANDONMENT OF THE LINE SHOULD ALSO BE EXEMPTED FROM THE OFA AND PUBLIC USE CONDITION REQUIREMENTS

Almono also seeks an exemption from the OFA requirements of 49 U.S.C. § 10904 and the public use condition requirements of 49 U.S.C. § 10905. Exemption from these requirements is warranted for reasons similar to those that support the request for exemption from 49 U.S.C. § 10903.

Specifically, either an OFA or a public use condition would prevent MetalTech and Hantz from realizing the benefits that would flow from operating over a private spur following abandonment. The requested exemptions would thus further the National Transportation Policy goals of 49 U.S.C. § 10101. The transaction is also limited in scope for the reasons previously noted. Detailed scrutiny is not needed to protect captive shippers from abuse of market power inasmuch as the proposed abandonment will benefit the only affected shippers by allowing them to use the line as a private spur without having to cover the line's capital/opportunity costs and the regulatory overhead associated with common carrier operations. An OFA arrangement would undermine the benefits inherent in the private spur arrangement as operation and

maintenance costs would be increased by the regulatory overhead, and the party making the OFA would presumably want to receive some return on its investment. Similar, some other public use would prevent the line from being used as a spur to serve the shipper.

Almono also notes that it may itself wish to utilize some or all of the right-of-way for recreational purposes following abandonment. Nonetheless, a condition requiring such use would be inconsistent with continued use of the line as a private rail spur.

Accordingly, exemption from the OFA and public use conditions is appropriate under the circumstances. See, e.g., STB Docket No. AB-479X et al., County of Coahoma, Mississippi-Abandonment Exemption-In Tallahatchie and Coahoma Counties, MS, et al. (STB served June 15, 2001) at 4 (“Denying the petitioners’ request [for OFA procedures and public use requirements] would serve no useful purpose and would delay the County’s proposal for continued rail service to shippers served by the line.”); STB Docket No. AB-33 (Sub-No. 153X), Union Pacific Railroad Company-Abandonment Exemption-In Monroe County, LA (STB served Aug. 20, 2000) at 4 (exemption from OFA procedures and public use condition granted where they “could delay the transfer” and “jeopardize timely completion” of private switching facility using the area of the abandoned line).

V. SUMMARY

As demonstrated above, Almono's proposed abandonment is fully consistent with the goals of the National Rail Transportation Policy. Moreover, it is extremely limited in scope, and the only affected shippers will be helped by the proposed abandonment, rather than exposed to a potential abuse of market power. Since the criteria of § 10502(a) are more than satisfied, Almono's requested exemption petition should be granted.

VI. CONCLUSION

For the reasons stated above, Almono respectfully requests that the Board exercise its authority under 49 U.S.C. § 10502 and exempt Almono's proposed abandonment from the prior approval requirements of 49 U.S.C. § 10903, the OFA requirements of 49 U.S.C. § 10904, and the public use condition requirements of 49 U.S.C. § 10905.

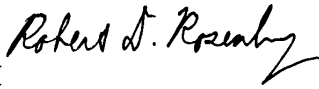
Respectfully submitted,

ALMONO LP
c/o Regional Industrial Development
Corporation of Southwestern Pennsylvania
425 Sixth Avenue, Suite 500
Pittsburgh, PA 15219

Of Counsel:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

Dated: September 25, 2003

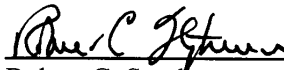
Robert D. Rosenberg 
Andrew B. Kolesar III
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

VERIFICATION

VERIFICATION

County of Allegheny)
)
) ss:
State of Pennsylvania)

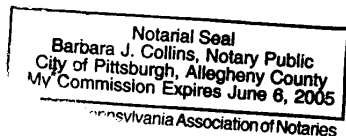
Robert C. Stephenson makes oath and says that he is the President of RIDC Southwestern Pennsylvania Growth Fund, which is the sole member of Almono LLC, which is the general partner of Almono LP, petitioner herein; that he has been authorized by the petitioner to verify and file with the Surface Transportation Board the foregoing petition in STB Docket No. AB-842X; that he has carefully examined all of the statements in the petition as well as the exhibits attached thereto and made a part thereof; that he has knowledge of the facts and matters relied upon in the petition; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


Robert C. Stephenson

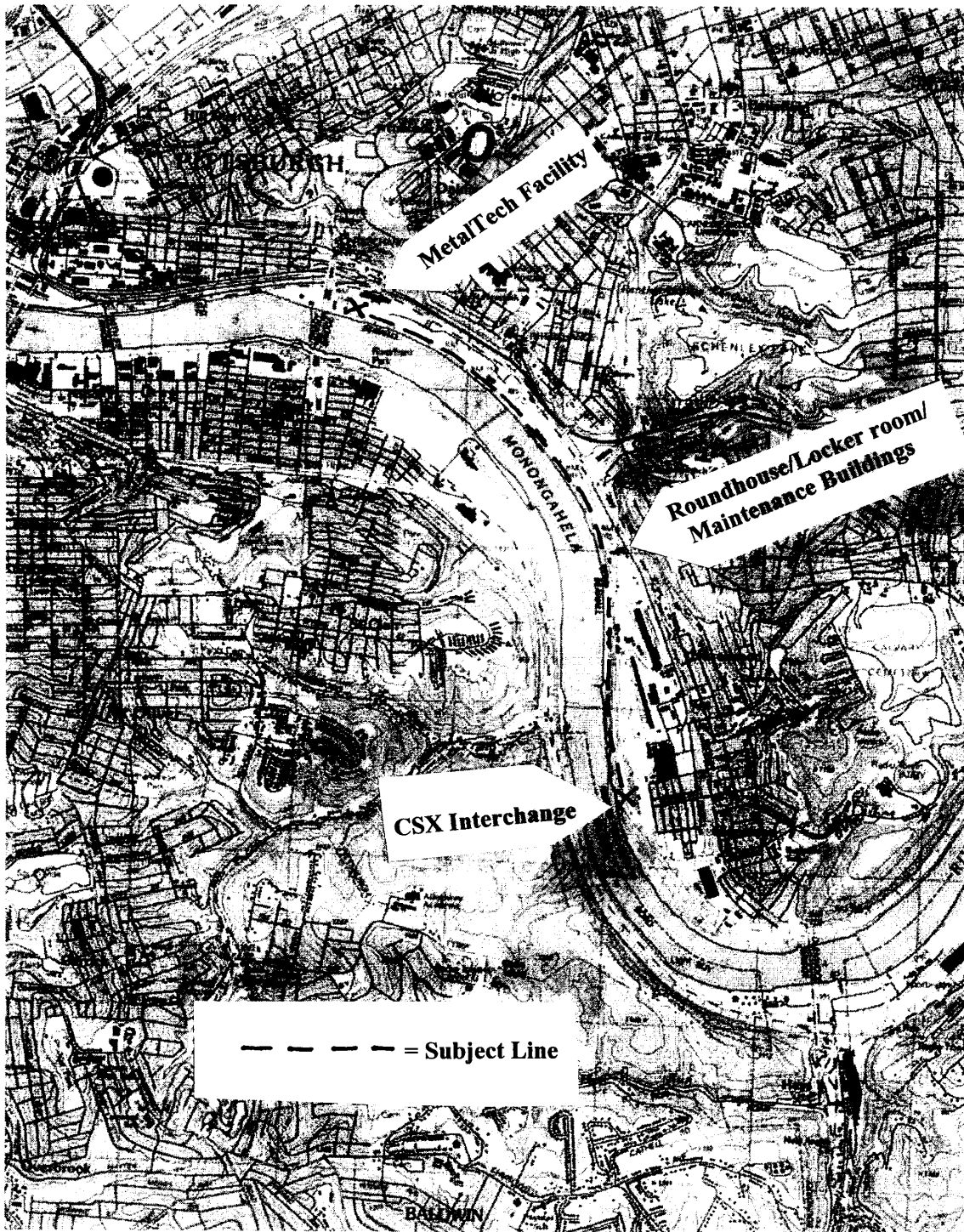
Subscribed and sworn to
before me this 18th day of
Sept, 2003.


Notary Public in and for the
County of Allegheny,
State of Pennsylvania

My Commission Expires:



A



B

Exhibit B

STB Docket No. AB-842X

Robert D. Rosenberg
Andrew B. Kolesar III
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

In the Matter of:

ALMONO LP – ABANDONMENT
EXEMPTION – IN ALLEGHENY COUNTY,
PENNSYLVANIA

STB Docket No. AB-842X

**ENVIRONMENTAL REPORT ON THE
PROPOSED EXEMPT ABANDONMENT BY ALMONO LP
OF ITS RAIL LINE IN ALLEGHENY COUNTY, PENNSYLVANIA**

Almono LP (“Almono”) has prepared this environmental report in compliance with the Board's regulations set forth at 49 C.F.R. § 1105.7. The sections of this report are numbered in the same sequence as the information requests set forth at 49 C.F.R. § 1105.7(e).

- (1) Proposed action and alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Pursuant to a petition to be filed under 49 U.S.C. § 10502 and 49 C.F.R. Part 1121 for an exemption from the prior approval provisions of 49 U.S.C. § 10903, Almono proposes to abandon its approximately 2 miles of rail line within the city limits of Pittsburgh, Allegheny County, Pennsylvania (the “Line”).¹ The Line runs along the north bank of the Monongahela River between the plant of MetalTech (the primary

¹Almono’s Line is referred to herein as “Line” to indicate its existence in common carriage, and as “line” to refer to its post-abandonment existence as a private spur.

shipper served by the Line) and an interchange point with CSXT north of CSXT's Glenwood Yard in Hazelwood, Pennsylvania. This Line is stub-ended and does not have any mileposts. A map depicting the location of the subject line is appended hereto as Attachment A.

Almono acquired the Line from the Monongahela Connecting Railroad Company ("Mon Con") pursuant to a Verified Notice of Exemption. Almono also acquired surrounding land from LTV Steel Corporation, of which the Mon Con is a wholly-owned subsidiary. LTV Steel Corporation is currently in bankruptcy liquidation, and Almono acquired the surrounding land with the bankruptcy's court approval.

Almono's primary purpose is to redevelop the site (consisting of the land acquired from LTV Steel Corporation and the Line) located near downtown Pittsburgh. However, Almono has entered into an agreement with MetalTech that will allow MetalTech to continue to receive railroad service following abandonment over the line as a private spur. This arrangement, under which MetalTech will be directly responsible for operation and maintenance of the line, will enable MetalTech to be served at a lower cost than if the Line continued to operate in common carriage.

Hantz Locomotive Service ("Hantz") has sporadically also used the line in the past to operate a locomotive repair service at the roundhouse connected to the line. Except for serving Mon Con's own locomotive, Hantz had not operated at the roundhouse or used the line in at least the two years preceding Almono's acquisition of the line, but Hantz has recently resumed its operations, which are sporadic in nature, servicing locomotives (no more than two in the past eight months) at the roundhouse. Almono and

Hantz are both optimistic that arrangements can be negotiated under which Hantz will continue its activities at the roundhouse following abandonment.

Almono may, however, eventually remove the line and is thus, pursuant to discussions with the STB Environmental Staff, filing this environmental report as well as the accompany historic report. However, Almono reiterates that it expects for railroad service to continue for at least several years following common carrier abandonment.

Since 1996, MetalTech has been the only regularly active shipper on the Line, and MetalTech has used the Line to ship galvanized steel coils, an average of approximately 11-16 carloads of traffic a week, corresponding to about 17-20% of MetalTech's total output, the rest of which is shipped by truck. Before 1996, the Line served the LTV coke plant at Hazelwood, but that plant was closed and torn down. As noted, Hantz has also used the line in the past, but its operations have been, and continue to be, very sporadic, e.g., Hantz has serviced not more than two locomotives in the past eight months.

There are no structures on the Line for which Almono needs to make disposition plans at this time. The rail, plates, and other track materials will not be released by the abandonment, as Almono intends to continue operations of the line. Almono, however, may remove these items in the future. The line is made of light weight track and is in need of substantial repair and maintenance.

Abandonment will facilitate Almono's eventual redevelopment of the site near downtown Pittsburgh for mixed retail/commercial/residential use, and such redevelopment should improve economic activity and the quality of life in the Pittsburgh area.

Almono believes that there is no realistic or desirable alternative to abandonment. If the petition for abandonment were denied, the Line would continue to exist in common carriage, but (1) Almono would be obliged to seek to recoup its capital and opportunity costs through higher rates, which MetalTech (and certainly Hantz) would, in all likelihood, be unable to afford; (2) the Line would go unused; (3) the Line would eventually qualify for the class exemption for unused lines; and/or (4) even if that abandonment authority were denied, the Line would still be unutilized, and a potentially valuable tract of land would fail to contribute to Pittsburgh. Almono's requested course (formal abandonment, followed by use as a private spur) provides for the maximum feasible rail use at the lowest cost to the shipper (thereby contributing to employment and manufacturing activity in Pittsburgh), while facilitating the eventual redevelopment of the property.

- (2) Transportation system. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will not substantially affect the existing regional or local freight transportation systems or patterns. The line currently serves only one regularly active shipper, MetalTech, which will continue to be served by rail following abandonment. MetalTech ships the bulk of its output by truck. It is unclear whether the output that moves via the Line will be diverted to truck since the output that moves via rail typically is shipped to more distant markets. However, any such diversions

of such traffic to rail should be of relatively short distances, that is, the traffic is likely to be trucked a short distance to a point where the coils can be transloaded onto railcars.

Hantz also sporadically receives locomotives for repair which are then returned to service. Hantz's operations are limited, and have consisted of no more than one or two locomotives in total in the past eight months. The amount of its traffic is not appreciable. Additionally, its operations could be carried out at a variety of other locations.

Consequently, the proposed action will have no effect on regional or local transportation systems and patterns as they exist today.

(3) Land use.

- (i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Rail service will continue following the abandonment, and such continued rail use will remain consistent with existing land use plans. Almono's eventual plan is to redevelop the site, and Almono intends to comply with all applicable laws and regulations, including land use plans, in undertaking that redevelopment. Almono has already commenced substantial communications with local planning agencies regarding the redevelopment.

- (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

Almono anticipates no effect on any prime agricultural land as a result of the abandonment as the Line is located near downtown Pittsburgh in an urbanized area.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

As confirmed by the letter from the Pennsylvania Department of Environmental Protection dated September 11, 2003, included as Attachment B, which was sent in response to Almono Draft Environmental Report, the Line is not within a designated coastal zone; therefore, the proposed abandonment will have no impact.

- (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Since rail operations will continue following abandonment, the right-of-way will not be immediately suitable for alternative public use under 49 U.S.C. § 10905. The land is located near downtown Pittsburgh, next to an interstate highway, and thus is not suitable for such uses as highways, other forms of mass transportation, conservation, or energy production or transmission in any event. While the land is potentially suitable for certain recreational purposes, Almono does not believe that any public use condition to that effect need be imposed as Almono intends to consider recreational use in its redevelopment of the site. Almono further believes that its contemplated redevelopment will serve a public purpose. In particular, if Almono had not acquired the property, it is possible that the City of Pittsburgh would have undertaken the redevelopment on its own. Almono's redevelopment of the property thus saves the City of Pittsburgh considerable resources. Almono adds that its limited partners are nonprofit trusts, with a substantial

civic orientation and that the redevelopment is not being undertaken purely for financial gain.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.

The proposed action will have no effect on the transportation of energy resources as the Line has been used to transport only steel coils and locomotives for at least the past six years.

- (ii) Describe the effect of the proposed action on recyclable commodities.

The proposed action should have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

See Part 4(iv), below.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given. To minimize the production of repetitive data, the information on overall energy efficiency in § 1105.7(e)(4)(iii) need not be supplied if the more detailed information in § 1105.7(e)(4)(iv) is required.

Since rail operations will continue following abandonment, the abandonment itself will not result in or cause any immediate change in traffic.

Accordingly, the proposed abandonment itself will not cause diversions from present rail service to motor carriage, nor will it cause any change in energy efficiency.

A later removal of the line for property redevelopment purposes may result in a diversion from rail to motor carriage. Such diversions will not exceed threshold (A) of 1,000 rail carloads a year since total annual volume is below that level, but threshold (B) may be exceeded in that MetalTech's rail shipments average 11-16 carloads per week over the full two miles of the line. (Hantz's traffic consists of locomotives rather than carloads, and has been inconsequential in any event.)

Removal of the line could result in three basic outcome scenarios with respect to the traffic that MetalTech ships by rail. First, the coils could be trucked and then transloaded to rail at a nearby location in Lawrenceville, approximately ten miles away, which is located along the main CSXT line. Second, the coils could be trucked to their ultimate destinations, which are presently more than three hundred miles away. Third, the movements could cease altogether, and the customers could acquire coils from vendors other than MetalTech.

Because of the underlying uncertainties, Almono is not able to offer a definitive estimate as to the relative likelihood of the various scenarios. However, with respect to the first two scenarios, Almono is providing an estimate below of the very minor impact on energy efficiency based on the methodology specified in the Reference Manual for Assessment of Environmental Impact Associated with Railroad Abandonment Proposals. Under the third scenario, the impact cannot be quantified with any precision as it is difficult to speculate what other suppliers would displace MetalTech, although distance and transportation costs would tend to limit any adverse impact. Under the

fourth scenario (relocation of MetalTech), any impact should be very small as the new location would also be served by rail.

For the energy efficiency analysis under the first and second scenarios, MetalTech shipped a total 69,580 tons of steel coil product by rail in 2002. Under the first scenario, the product would be trucked ten miles by shorthaul to the transload facility, rather than moved two miles by branchline rail and eight miles by mainline rail. There would be no change in the subsequent movement of the coils. Accordingly, the impact on fuel consumption is as follows:

Scenario	Mode	Tons	Miles	Ton-Miles	Fuel Effic. (ton- miles/gallon)	Fuel Consump. Gallons
Current	Branchline	69,580	2	139,160	55	2,530
	Mainline	69,580	8	556,640	270	2,062
	Total					4,592
Truck to Transload	Shorthaul	69,580	10	695,800	65	10,705
Additional Gallons of Fuel Consumption Under Truck/Transload Scenario						6,113

According to the Reference Manual, fuel consumption in Pennsylvania (for 1974)² was 3.421 million barrels or 143.68 million gallons for railroads and 12.579 billion barrels or 528 billion gallons for highway users. The change in fuel consumption under the first scenario, truck to transload, would thus be nonsignificant.

²MetalTech's rail movements are to other states, including New Jersey and Connecticut. While these states consume less diesel fuel than Pennsylvania (at least in 1974), the fuel consumption related to MetalTech's movements as a percentage of those state's total consumption is still insignificant.

Analysis under the second scenario is more complicated in that it is necessary to consider the entire haul. While the Reference Manual indicates a default distance of 300 miles, the following analysis uses a total haul of 425 miles.³ For purposes of comparison, Almono has assumed that the total mileage for the movement remains the same, that all except two miles of the railhaul distance is mainline, and that only twenty miles of the truck haul is shorthaul. Almono believes that these assumptions are quite conservative in that they serve to overstate any increase in fuel consumption resulting from the diversion. The impact on fuel consumption is as follows:

Scenario	Mode	Tons	Miles	Ton-Miles	Fuel Effic. (ton- miles/gallon)	Fuel Consump. Gallons
Current	Branchline	69,580	2	139,160	55	2,530
	Mainline	69,580	423	29,432,340	270	109,009
	Total		425			111,539
Truck	Shorthaul	69,580	20	1,391,600	65	21,409
	Mainhaul	69,580	405	28,179,900	55	512,362
	Total		425			533,771
Additional Gallons of Fuel Consumption Under Truck/Transload Scenario						422,232

A diversion to truck thus results in a substantial increase in total fuel consumption (which will tend to discourage such a diversion compared to the other scenarios). Nonetheless, the 422,232 additional gallons of fuel consumption is still

³None of MetalTech's rail shipments in 2002 were for under 300 miles. Approximately 40% of the rail tonnage was for movements of 300-400 miles, and 60% was for more than 400 miles. 425 miles is thus a more appropriate figure.

nonsignificant compared to total consumption. For example, it amounts to less than 0.0001% of Pennsylvania's consumption of diesel fuel for highway users in 1974.

Accordingly, while the various uncertainties may make it difficult to calculate the impact of removal of the line on energy efficiency and consumption with precision, it is clear that any such impact will be nonsignificant.

(5) Air.

- (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains per day on any segment of rail line affected the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a Class I or non-attainment area under the Clean Air Act, and will result in either: (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains per day on any segment of the rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The transportation of ozone depleting materials is not contemplated because the line in question will be used as a private spur or industrial side track by a steel coil shipper and for locomotives.

- (6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) An incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

- (7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

The initial abandonment will not have any adverse impact on public health and safety as MetalTech and possibly Hantz will continue to use the line as a private spur. As MetalTech will be responsible for the operation and maintenance of the line, and will be freed from the regulatory overhead associated with common carrier existence, MetalTech may engage in significant repair and rehabilitation of the line, which could improve public health and safety. The improved maintenance would result in reducing the risk of derailment and the risk of service injury or damage resulting from derailments.

Railroad operations may eventually cease, and/or the site may be redeveloped. The cessation of railroad operations would eliminate any delay at railroad grade crossings, which should contribute positively to public health and safety.

Redevelopment of the property for mixed retail/commercial/residential purposes should enable more people to reside and shop in Pittsburgh, thus reducing commutes, which should also contribute positively to public health and safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

The only shippers on the subject line, MetalTech and Hantz, are not expected to ship hazardous materials over the line.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Almono is not aware of hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way of the subject line itself. However, the property as a whole (including the land Almono acquired from LTV Steel Corporation) has been the subject of environmental studies that are with the Pennsylvania Department of Environmental Protection.

(8) Biological Resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Almono is unaware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Furthermore, Almono is unaware of any impact or adverse effects of the abandonment on any wildlife, nor of any endangered species that will be adversely affected by the proposed abandonment.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The subject line does not pass through any parks, forests, or wildlife sanctuaries. Therefore, no adverse effects on any wildlife sanctuary, national park, or state park are anticipated.

(9) Water.

- (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

No water quality impacts are expected with the proposed action as the subject line does not traverse any major waterways. Almono therefore considers the abandonment to be consistent with any Federal, State, and/or local water quality standards.

- (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

No discernible effect on either wetlands or 100-year flood plains are expected in connection with the proposed abandonment. Further, the proposed abandonment does not implicate discharges of dredged or fill materials into the navigable

waters of specified disposal sites under 33 U.S.C. § 1344. Almono, consequently, does not believe that a Section 404 permit will be required in connection with the proposed abandonment.

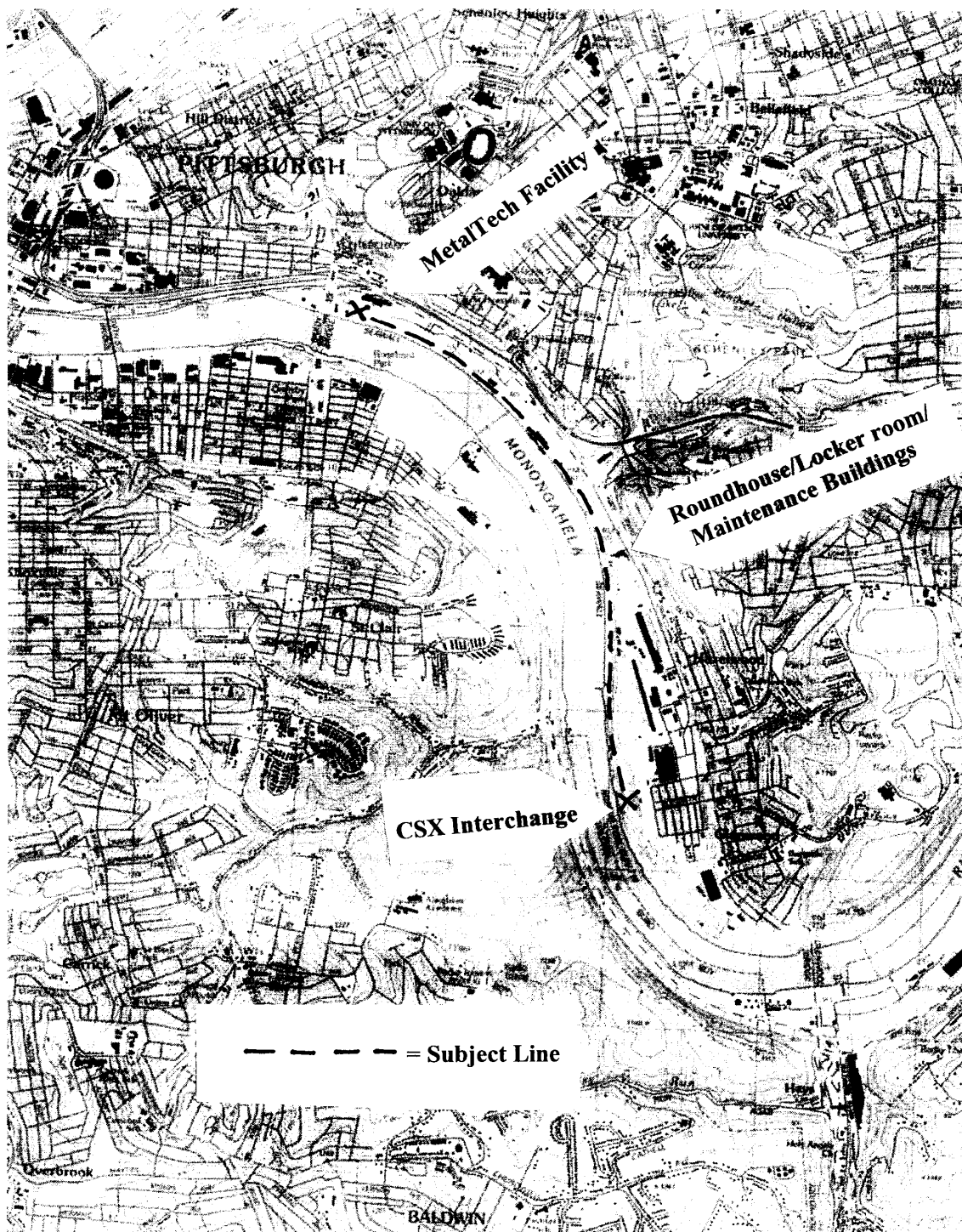
- (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

No discernible effect on either wetlands or 100-year flood plains are expected in connection with the proposed abandonment. Further, the proposed abandonment does not implicate the discharge of any pollutant, or combination of pollutants, into navigable waters under 33 U.S.C. § 1342. Almono, consequently, does not believe that a Section 402 permit will be required in connection with the proposed discontinuance.

- (10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Almono believes that there will be no adverse environmental impacts as a result of the proposed abandonment, and consequently, no mitigation is necessary or appropriate.

Attachment A



Attachment B



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building

P.O. Box 2063

Harrisburg, PA 17105-2063

September 11, 2003

Office for River Basin Cooperation

717-772-5622

Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: CZM File No. CZ7: FPL

Dear Sir / Madam,

The Pennsylvania Coastal Zone Management (CZM) Program has received information regarding **STB Docket No. AB – 842X, Almono LP – Abandonment Exemption – in Allegheny County, Pennsylvania**, in this office on September 9, 2003. This information was sent for our Program's consistency determination as required under the Federal Coastal Zone Management Act of 1972, as amended, and the regulations at 15 CFR Subpart D -- Consistency for Activities Requiring a Federal License or Permit.

The aforementioned railroad abandonment is located outside of Pennsylvania's coastal zones, and will not impact upon them. As such, we have determined that this railroad abandonment is consistent with Pennsylvania's CZM Program.

Sincerely,

Lawrence J. Toth
Environmental Planner
Coastal Zone Management Program

Docket No. AB – 842X – Abandonment Exemption

September 11, 2003

cc: Mr. Robert D. Rosenberg
Attorney for Almono LP
Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036 - 3003

Elaine Kaiser, Chief
Section of Energy and Environment
Interstate Commerce Commission
Room 3219
12th and Constitution Avenue, N.W.
Washington, D.C. 20423

Malone
Main File

C

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

In the Matter of:

ALMONO LP – ABANDONMENT
EXEMPTION – IN ALLEGHENY COUNTY,
PENNSYLVANIA

)
)
)
) STB Docket No. AB-842X
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)
)

HISTORIC REPORT

Of Counsel:

Slover & Loftus
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

Dated: September 25, 2003

ALMONO LP
c/o Regional Industrial Development
Corporation of Southwestern Pennsylvania
425 Sixth Avenue, Suite 500
Pittsburgh, PA 15219

Robert D. Rosenberg
Andrew B. Kolesar III
Peter A. Pfohl
1224 Seventeenth Street, N.W.
Washington, D.C. 20036
(202) 347-7170

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

In the Matter of:	)	
	)	
ALMONO LP – ABANDONMENT	)	STB Docket No. AB-842X
EXEMPTION – IN ALLEGHENY COUNTY,	)	
PENNSYLVANIA	)	
	)	

**HISTORIC REPORT ON THE
PROPOSED EXEMPT ABANDONMENT BY ALMONO LP
OF ITS RAIL LINE IN ALLEGHENY COUNTY, PENNSYLVANIA**

Almono LP ("Almono") has prepared this historic report in compliance with the Board's regulations set forth at 49 C.F.R. § 1105.8. The sections of this report are numbered in the same sequence as the information requests set forth at 49 C.F.R. § 1105.8(d).

I.

Background

Pursuant to a petition to be filed under 49 U.S.C. § 10502 and 49 C.F.R. Part 1121 for an exemption from the prior approval provisions of 49 U.S.C. § 10903, Almono proposes to abandon its approximately 2 miles of rail line within the city limits of Pittsburgh, Allegheny County, Pennsylvania (the "Line").¹ The Line runs along the north bank of the Monongahela River between the plant of MetalTech (the primary shipper served by the Line) and an interchange point with CSXT north of CSXT's Glenwood Yard in Hazelwood, Pennsylvania. This Line is stub-ended and does not have

¹Almono's Line is referred to herein as "Line" to indicate its existence in common carriage, and as "line" to refer to its post-abandonment existence as a private spur.

any mileposts. A map and other materials depicting the location of the subject line is hereto as Attachment A.

Almono acquired the Line from the Monongahela Connecting Railroad Company ("Mon Con") pursuant to a Verified Notice of Exemption. Almono also acquired surrounding land from LTV Steel Corporation, of which the Mon Con is a wholly-owned subsidiary. LTV Steel Corporation is currently in bankruptcy liquidation, and Almono acquired the surrounding land with the bankruptcy's court approval.

Almono's primary purpose is to redevelop the site (consisting of the land acquired from LTV Steel Corporation and the Line) located near downtown Pittsburgh. However, Almono has entered into an agreement with MetalTech that will allow MetalTech to continue to receive railroad service following abandonment over the line as a private spur. This arrangement, under which MetalTech will be directly responsible for operation and maintenance of the line, will enable MetalTech to be served at a lower cost than if the Line continued to operate in common carriage.

Hantz Locomotive Service ("Hantz") has sporadically also used the line in the past to operate a locomotive repair service at the roundhouse connected to the line. Except for servicing Mon Con's own locomotive, Hantz had not operated at the roundhouse or used the line in at least the two years preceding Almono's acquisition of the line, but Hantz has recently resumed its operations, which are sporadic in nature, at the roundhouse. Almono and Hantz are both optimistic that arrangements can be negotiated under which Hantz will continue its activities at the roundhouse following abandonment.

Almono may, however, eventually remove the line and is thus, pursuant to discussions with the STB Environmental Staff, filing this environmental report as well as the accompany historic report. However, Almono reiterates that it expects for railroad service to continue for at least several years following common carrier abandonment.

Since 1996, MetalTech has been the only regularly active shipper on the Line, and MetalTech has used the Line to ship galvanized steel coils, approximately 11-16 carloads of traffic a week, corresponding to about 17-20% of MetalTech's total output, the rest of which is shipped by truck. Before 1996, the Line served the LTV coke plant at Hazelwood, but that plant was closed and torn down. As noted, Hantz has also used the line in the past, but its operations have been, and continue to be, sporadic.

There are no structures on the subject Line for which Almono needs to make disposition plans at this time. The rail, plates, and other track materials will not be released by the abandonment, as Almono intends to continue operations of the line. Almono, however, does intend to remove these items in the future. The line is made of light weight track and is in need of substantial repair and maintenance. The line requires drainage rehabilitation, repairs to the existing switch, removal and rebuilding of 4,000 feet of track, removal of existing S-curves, and filling deep holes in the track area in order to prevent derailments.

II.

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) showing the location 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 depicting the subject line is appended hereto as Attachment

A. There are four railroad structures that are 50 years old or older along the line: a Roundhouse and three support buildings adjacent to the line. The approximate dimensions of the Roundhouse are 300 x 180 feet, and the approximate dimensions of the support buildings 35 x 50 x 20 feet, 45 x 40 x 20 feet, and 25 x 40 x 20 feet.

- (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 runs between MetalTech's plant on the north side of the Monongahela River to an interchange point with CSXT north of CSXT's Glenwood Yard in Hazelwood, Pennsylvania. The underlying right-of-way is approximately thirty (30) feet wide and falls within the city limits of the City of Pittsburgh, Allegheny County, Pennsylvania. The total length of the main track and right-of-way is approximately 2 miles.

The subject line traverses flat, urban land and passes over no major waterways.

- (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.

Photographs of the Roundhouse and the support building are attached as Attachment B.

- (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.

Almono does not possess information that details the construction or alteration of the roundhouse or the support building. Almono estimates that the roundhouse was constructed approximately 80-100 years ago and that the support buildings were constructed approximately 60-80 years ago.

- (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.

Almono recently acquired the Line from the Monongahela Connecting Railroad Company ("Mon Con") pursuant to a notice exemption in Finance Docket No. 34250.

Mon Con was a class III, switching and terminal railroad located in Pittsburgh, Pennsylvania, which was incorporated April 1, 1885, and began operations on June 1, 1887. The Mon Con was a wholly-owned subsidiary of LTV Steel Corporation, and the Mon Con served LTV's steel mill operations in the area, including a coke plant. However, LTV's fortunes have declined in recent years, and it is presently being liquidated in bankruptcy. Mon Con previously abandoned all but the two miles of its system recently acquired by Almono. See Monongahela Connecting Railway Company - Abandonment and Discontinuance Exemption - In Allegheny County, PA Docket No. AB-368X (ICC decision served Aug. 18, 1992).

Since 1996 (when LTV's former coke plant was torn down), the Line has served only a single regularly active shipper, MetalTech, which ships approximately 11-

16 carloads of galvanized steel coils over the line each week. MetalTech ships the bulk of its output by truck. Hantz has also sporadically operated a locomotive repair service at the roundhouse. Hantz had not operated at the roundhouse in the two years preceding Almono's acquisition of the line, but Hantz did recently resume its operations.

Almono and MetalTech have entered into an agreement that the line will serve as a private spur following abandonment, and MetalTech will be responsible for the operation and maintenance of the line. Nonetheless, Almono and MetalTech contemplate that rail operations will eventually cease, and the railroad structures (including track, the roundhouse, and the support buildings) will be removed so that the property can be development for mixed retail/commercial/residential (non-industrial purposes). Almono is optimistic that a similar arrangement may be reached with Hantz, subject to the same limitation on future operation.

- (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.

Almono does not have engineering or construction drawings or plans for the roundhouse and the support buildings.

- (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).

Almono states that there are four structures in excess of 50 years of age on the line, a roundhouse and three support buildings. Based on the information in its possession, Almono does not believe that any of the structures is of such architectural or

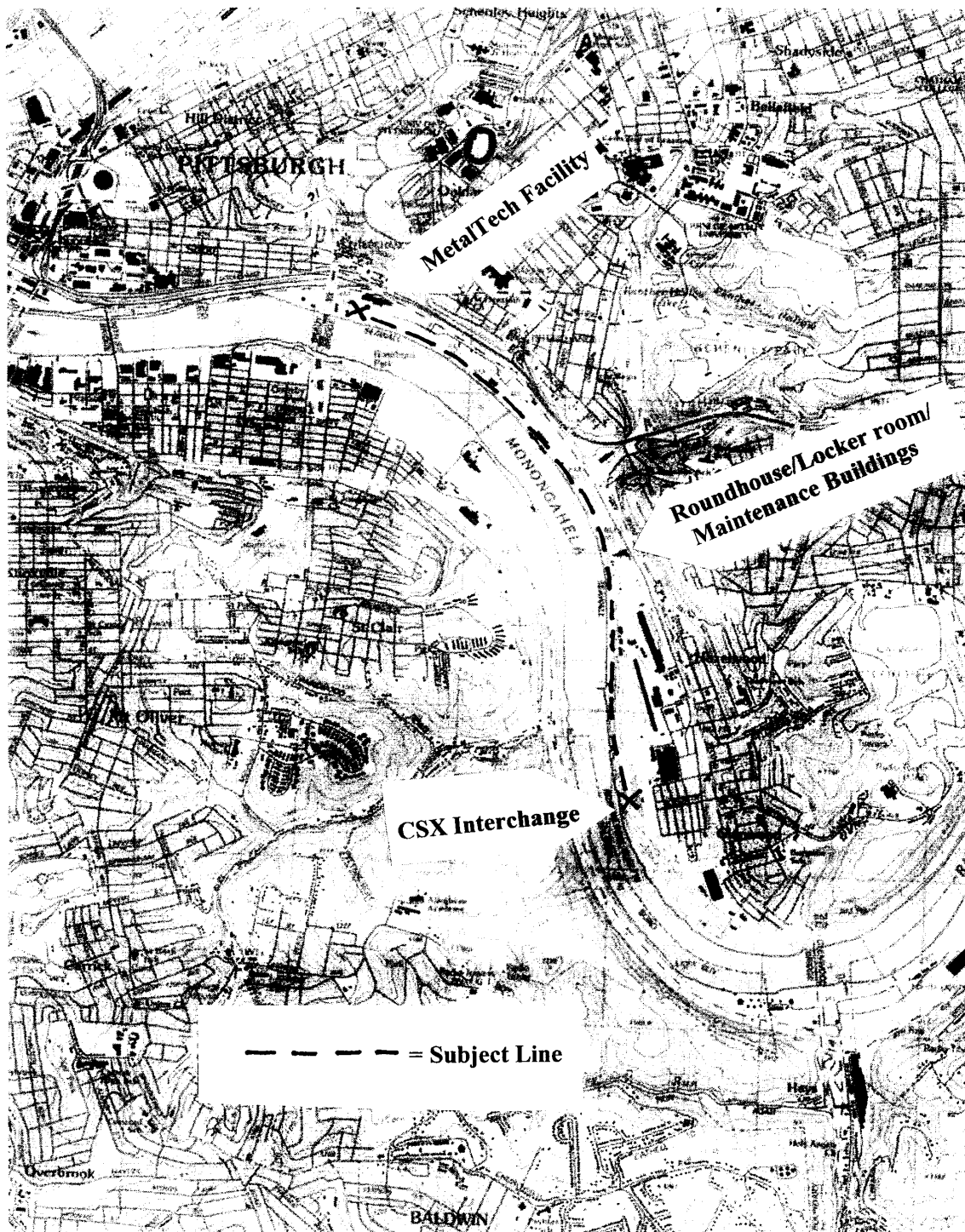
other historical significance to warrant listing on the National Register of Historic Places (36 C.F.R. § 60.4), and there is little likelihood of archeological resources or other previously unknown historic properties in the area of the line proposed for abandonment.

Almono notes, however, that on September 24, 2003, its counsel received a faxed letter (included as Attachment C) dated September 23, 2003, from the Bureau of Historic Preservation of the Pennsylvania Historical and Museum Commission indicating that the project would have an effect on properties (not specified) listed in or eligible for the National Register of Historical Places. Almono intends to seek to work with the Bureau in order to understand and attempt to address its concerns.

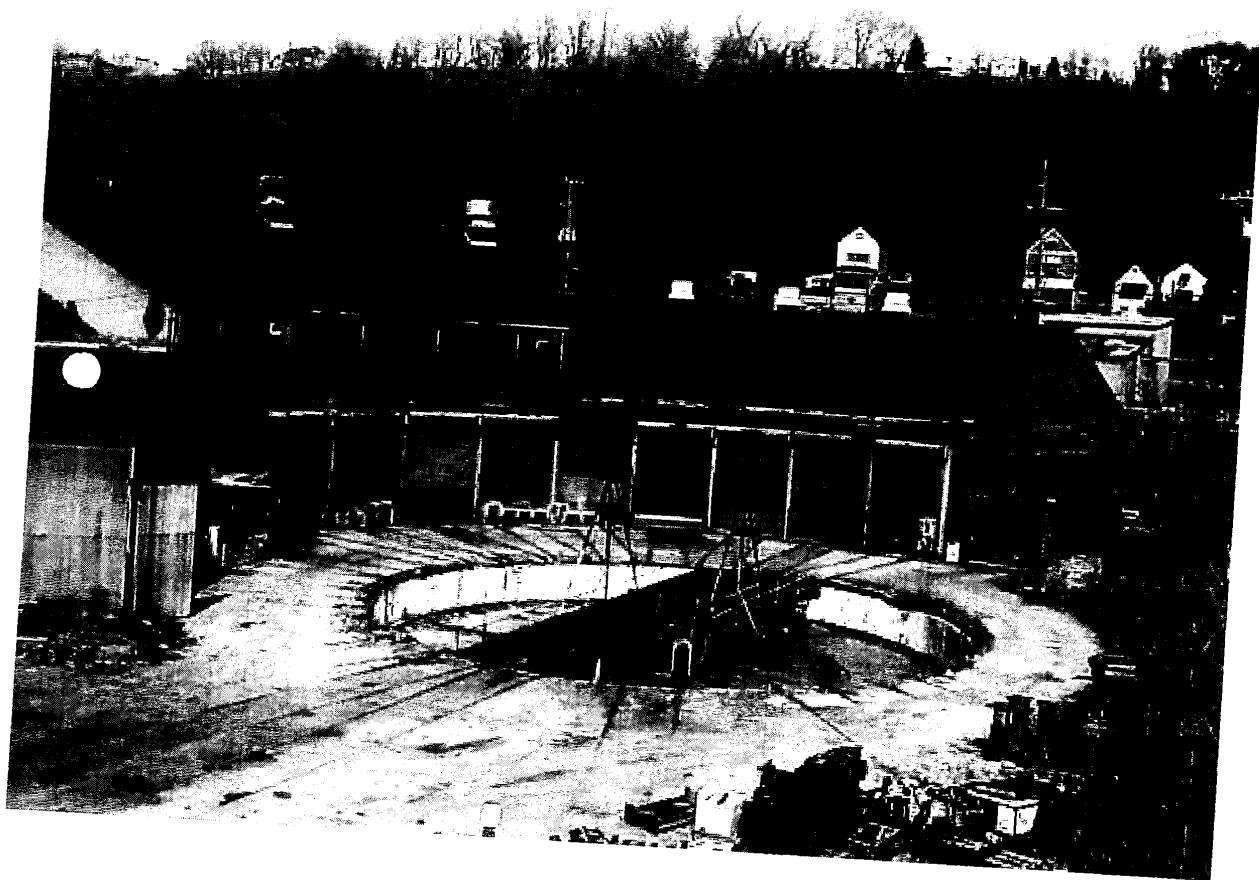
- (8) Conditions Affecting Recovery of Resources. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect archeological recovery of resources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

Almono states that to the best of its knowledge, information and belief, there are no known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or man-made) that might affect archeological recovery of resources, and the surrounding terrain.

Attachment A



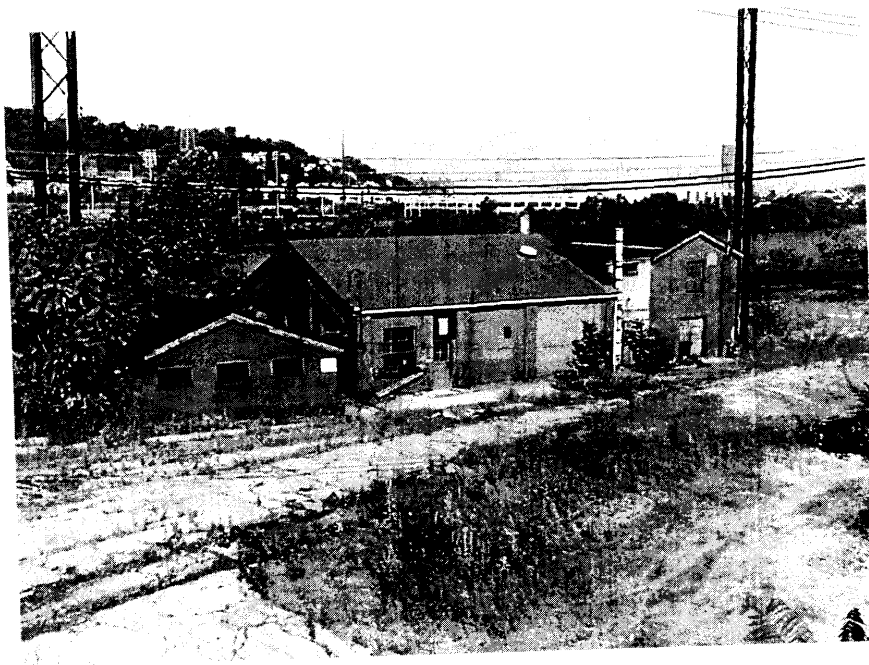
Attachment B



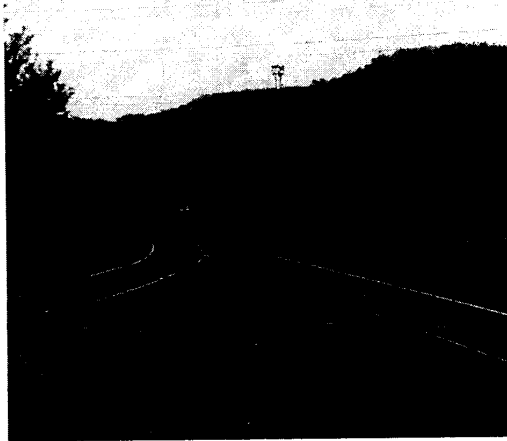
Round house (front)



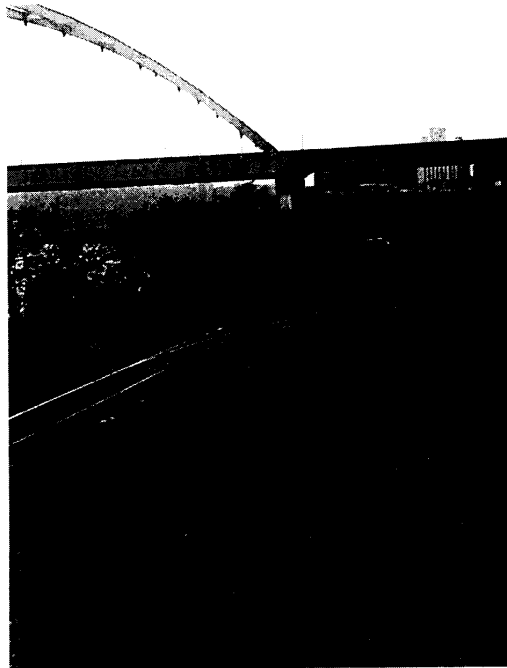
Round house (rear)



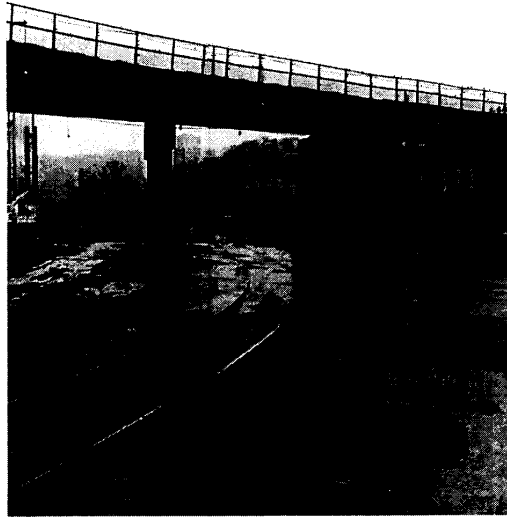
Support Buildings



CSXT track south from CSXT exchange



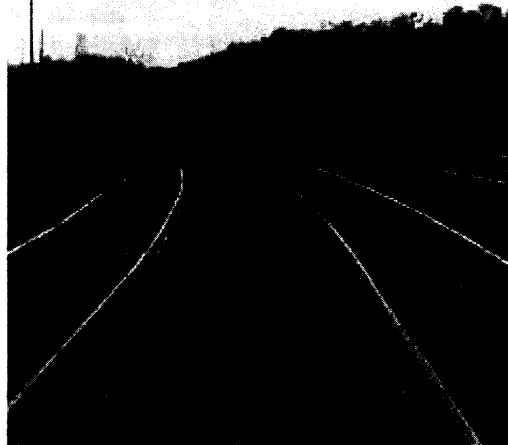
Track and siding at Metal Tech



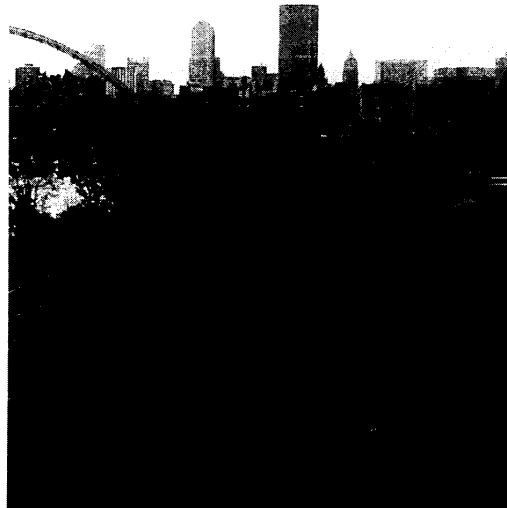
Track north from CSXT bridge



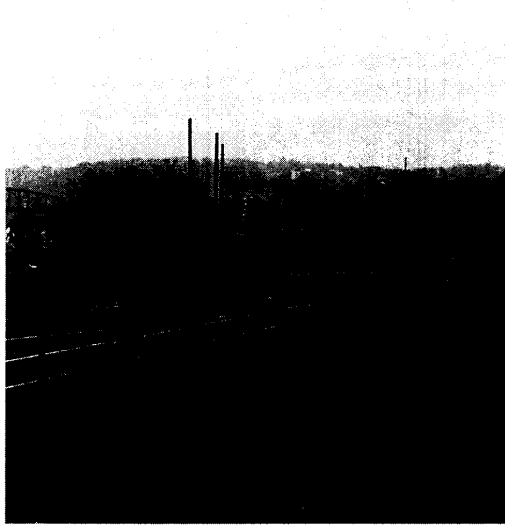
Track north from CSXT exchange



Track north from mid site



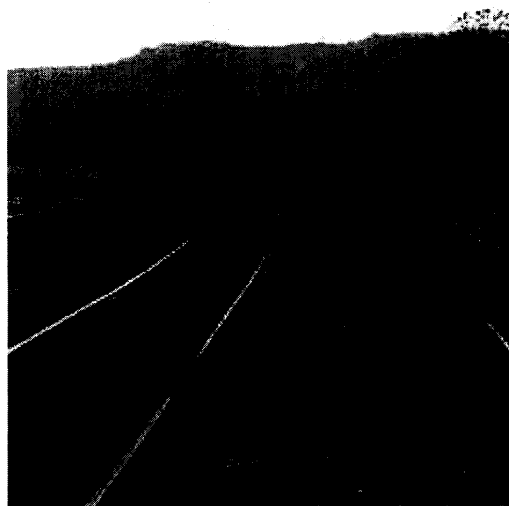
Track north from Pittsburgh Tech Center



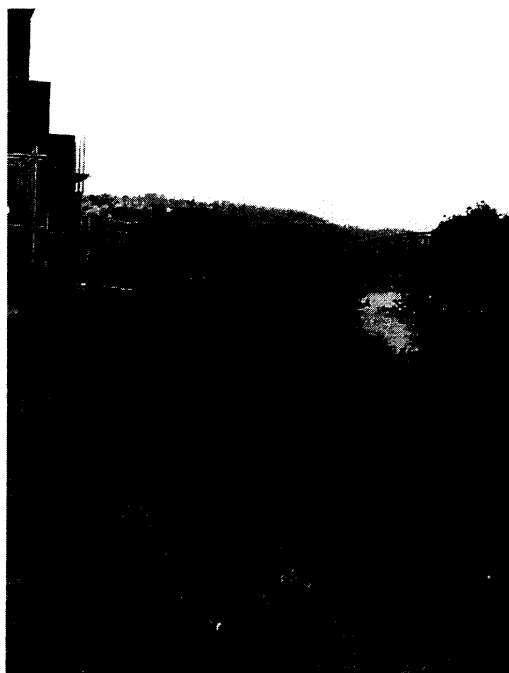
Track north from Roundhouse



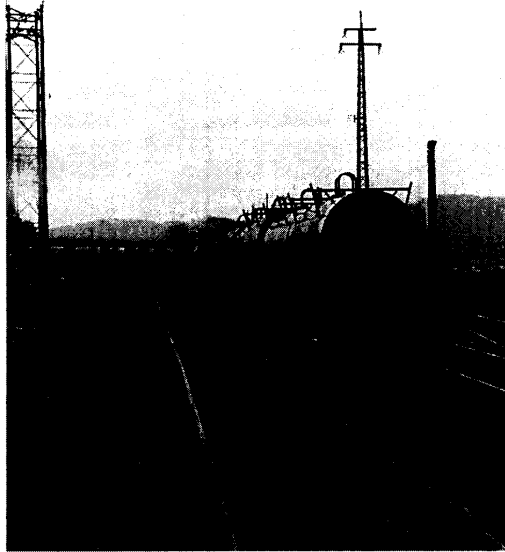
Track south from CSXT bridge



Track south from mid site



Track south from Pittsburgh Tech Center



Track south from Roundhouse

Attachment C



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

Sept. 23, 2003

Robert D. Rosenberg
Slover & Loftus
1224 Seventeenth Street, NW
Washington, DC 20036-3003

TO EXPEDITE REVIEW USE
BHP REFERENCE NUMBER

Re: ER 03-2667-003-A
STB Docket No. AB-842-X, Almono LP—Abandonment Exemption
Monongahela Connecting Railroad, Pittsburgh, Allegheny County

Dear Mr. Rosenberg:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999. These requirements include consideration of the project's potential effect upon both historic and archaeological resources.

In our opinion this project will have an effect on properties listed in or eligible for the National Register of Historic Places (listed below). Furthermore, it is our opinion that this project will adversely effect the historic and architectural qualities that make the property eligible. The abandonment of this railroad for the purposes of development will destroy those features that make the resource significant. To comply with the regulations of the Advisory Council on Historic Preservation, you must follow the procedures outlined in 36 CFR 800.5 (e), when the effect is adverse. You will need to notify the Advisory Council of the effect finding and continue to consult with the Bureau for Historic Preservation to seek ways to avoid or reduce the effects on historic properties.

Monongahela Connecting Railroad, Allegheny County

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

A handwritten signature in cursive script, reading "Jean H. Cutler".
Jean H. Cutler
Bureau Director

cc: Surface Transportation Board
KJC/smz

D

Exhibit D

**CERTIFICATE OF COMPLIANCE WITH NOTICE
REQUIREMENTS OF 49 C.F.R. 1152.22(f)**

On Behalf of Almono LP and pursuant to 49 C.F.R. 1152.22(f), the undersigned attorney does hereby certify that on the 5th day of September, 2003, Almono's Environmental and Historic Reports were served, via first class mail, postage prepaid on the following organizations (as listed in 49 C.F.R. 1105.7(b), with address corrections from those on file with the Board as noted):

Pennsylvania State Clearinghouse
117 Land & Water Resources Building
The Pennsylvania State University
University Park, PA 16802

Department of Environmental Resources
P.O. Box 2063
Harrisburg, PA 17105

PA Department of Environmental
Resources
Bureau of Land and Water Conservation
Division of Coastal Management Programs
P.O. Box 8555
Harrisburg, PA 17105

Office of the Mayor of Pittsburgh,
Tom Murphy
414 Grant Street
Pittsburgh, PA 15219

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

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

Albert H. Rogalla, Chief of Reg. Branch
Department of the Army
Pittsburgh District Corps of Engineers
William S. Moorehead Federal Building
100 Liberty Avenue
Pittsburgh, PA 15222-4186
(corrected address)

The National Park Service
Regional Director
Northeast Region
U.S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

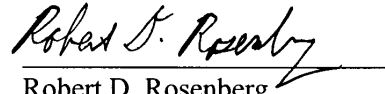
National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway Station 9202
Silver Spring, MD 20910

Pennsylvania Historical and Museum
Commission
400 North Street
Harrisburg, PA 17120
(corrected address)

Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

PA Department of Transportation
1200 Transportation and Safety Building
Harrisburg, PA 17120

National Resources Conservation
Service
USDA Conservation Service
1 Credit Union Place, Suite 340
Wildwood Center
Harrisburg, PA 17110


Robert D. Rosenberg
An Attorney for Almono LP

E

Exhibit E

[Draft Notice of Petition for Exemption to
Abandon for Publication in the Federal Register]

STB Docket No. AB-842X

ALMONO LP -- ABANDONMENT EXEMPTION --

IN ALLEGHENY COUNTY, PENNSYLVANIA

On September 25, 2003, Almono LP (Almono) filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of its railroad line in Allegheny County, Pennsylvania, running along the north bank of the Monongahela River between the plant of MetalTech and an interchange point with CSXT north of CSXT's Glenwood Yard in Hazelwood, Pennsylvania, a distance of approximately 2 miles, in Allegheny County, Pennsylvania, which traverses through United States Postal Service Zip Codes 15207 and 15213. The line has no stations as such. Almono also requested exemption from the requirements for offers of financial assistance and public use conditions.

The line does not contain federally granted rights-of-way. Any documentation in this railroad's possession will be made available promptly to those requesting it.

Almono does not believe that any labor conditions should apply to the abandonment because the abandonment involves Almono's only railroad line. Almono further states that it has no employees and that no employees of any railroad will be adversely affected by the abandonment of the line. However, if conditions are imposed,

Almono believes they should be those established pursuant to Oregon Short Line R.R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Unless Almono's request for exemption from offers of financial assistance is granted, any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use, although Almono has entered into an agreement with MetalTech that will allow MetalTech to use the line as a private spur following abandonment.

Any request for a public use condition (for which Almono has also requested an exemption) and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board's Office or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other person who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS)

may contact the Section of Environmental Analysis. Environmental assessments in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

F

Exhibit F

**CERTIFICATE OF COMPLIANCE WITH NOTICE REQUIREMENTS
OF 49 C.F.R. 1152.60(d) AND ADDITIONAL SERVICE OF THE PETITION**

On Behalf of Almono LP and pursuant to and 1152.60(d), the undersigned attorney does hereby certify that on the 25th day of September, 2003, a copy of the Petition for Exemption was served, via first class mail, postage prepaid on the following organizations:

Governor Mike Schweiker
225 Main Capitol
Harrisburg, PA 17120

Pennsylvania Department of
Transportation
Keystone Building
600 North Street
Harrisburg, PA 17120

Office of the County Chief
Executive, Jim Roddey
101 County Courthouse
436 Grant Street
Pittsburgh, PA 15219

United States Department of Defense
Military Traffic Management
Transportation Engineering Agency
Railroads for National Defense Program
720 Thimble Shoals
Newport News, VA 23606

Pennsylvania's Public Utility
Commission
Secretary's Bureau
Commonwealth Keystone Building
Second Floor, File Room
400 North Street
Harrisburg, PA 17105

Mr. Dale Bosworth
The U.S. Department of Agriculture
Chief of the Forest Service
201 14th Street, SW
Washington, D.C. 20024

Mr. Sam Stokes
National Park Service
(Organizational Code 2235)
Department of Interior
1849 C Street, NW
Washington, DC 20240

Attn. Superintendent's Office
National Park Service
Northeast Region
200 Chestnut Street
Philadelphia, PA 19106

In addition, copies were served, via first class mail, postage prepared on (i) the two entities that provided comments in response to Almono's Draft Environmental and Historic Reports and (ii) the two companies that have been served by the line in recent years and that are also supporting the petition, as indicated by their declarations that are attached to the filing:

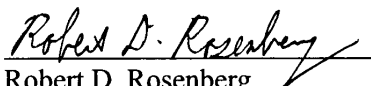
MetalTech
300 Mifflin Road
Pittsburgh, PA 15207

Hantz Locomotive Repair
4166 Second Avenue
Pittsburgh, PA 15207-1525

Richard R. Wilson, Esq.
Richard R. Wilson, P.C.
127 Lexington Avenue, Suite 100
Altoona, PA 16601

Pennsylvania Department of
Environmental Protection
P.O. Box 2063
Harrisburg, PA 17105-2063

Pennsylvania Historical and
Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building,
2nd Floor
400 North Street
Harrisburg, PA 17120-0093

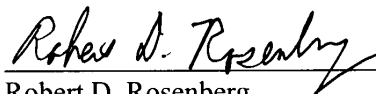

Robert D. Rosenberg
An Attorney for Almono LP

G

Exhibit G

**CERTIFICATE OF COMPLIANCE WITH PUBLICATION
REQUIREMENTS OF 49 C.F.R. 1105.12**

On behalf of Almono LP, and pursuant to 49 C.F.R. 1105.12, the undersigned attorney hereby certifies that on the 6th, 13th, and 20th days of September 2003, the following newspaper notice, which is also attached hereto as Exhibit H, was published in The Tribune-Review, a newspaper of general circulation in Allegheny County, Pennsylvania, the county in which the line is located.

A handwritten signature in cursive script, reading "Robert D. Rosenberg", written over a horizontal line.

Robert D. Rosenberg
An Attorney for Almono LP

STB Docket No. AB-842X
Notice of Intent to Abandon

Almono LP gives notice that on or about September 18, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for exemption under 49 USC 10502 from the prior approval requirements of 49 USC 10903, et seq., permitting the abandonment of its railroad line in Allegheny County, Pennsylvania, running approximately 2 miles along the north bank of the Monongahela River between the plant of MetalTech and an interchange point with CSXT north of CSXT's Glenwood Yard in Hazelwood, Pennsylvania, which traverses through United States Postal Service ZIP Codes 15207 and 15213. There are no mile markers on the line. Almono LP also intends to seek an exemption under 49 USC 10502 from the offer of financial assistance requirements under 49 USC 10904 and the public use condition requirements at 49 USC 10905. The proceeding has been docketed as STB No. AB-842X.

The reasons for the proposed abandonment are that the revenues for the operation of the Line are insufficient to cover the capital and/or opportunity costs of the Line and that Almono wishes to redevelop the right-of-way of the Line and surrounding property for mixed commercial/residential/retail use, which will constitute a higher valued use of the property. However, following formal abandonment, MetalTech, and potentially Hantz Locomotive Repair, will be allowed to use the line as a private spur with less regulatory overhead than if the line remained in common carrier service. The subject line does not traverse any major waterways and there are no known environmental conditions which would arise as a result of the abandonment.

Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Since Almono has no other railroad interests apart from the line being abandoned, Almono does not expect any labor conditions to be imposed on the abandonment.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA,

Surface Transportation Board, Washington, DC 20423, or by calling SEA at 202-297-6211.

Unless the requested exemption from the procedure is granted, appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions (unless the requested exemption is granted), 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 the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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 Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Robert D. Rosenberg, Slover & Loftus, 1224 17th Street, NW, Washington, DC 20036.

H



PITTSBURGH
Tribune-Review / Tribune-Review
Legal Advertising

Proof of Publication of Notice in The Tribune-Review
Under Act No. 587, Approved May 16, 1929

Commonwealth of Pennsylvania
County of Westmoreland } SS:

LORI SCANLON, Classified Call Center Manager of the Tribune-Review Publishing Company, a corporation of the Commonwealth of Pennsylvania with places of business in Greensburg, Westmoreland County, Pennsylvania and Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review is a daily newspaper circulated in Southwestern Pennsylvania. Said corporation was established in the year 1924. A copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the said daily newspaper on the following dates, viz: **LEGAL 2283854, RE: NOTICE OF INTENT TO ABANDON-STB DOCKET NO. AB-842X; 6TH, 13TH, AND THE 20TH DAY OF SEPTEMBER, 2003.**

Affiant further deposes that s/he is an officer duly Authorized by the Tribune-Review Publishing Company, publisher of The Tribune-Review, to verify the foregoing statement under oath and also declares that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

Lori Scanlon
Classified Call Center Manager,
Tribune Review Publishing Company

Sworn to and subscribed before me this
22ND day of SEPTEMBER, 2003.

Bonnie Sanderbeck
Notary Public

Notarial Seal
Bonnie Sanderbeck, Notary Public
City Of Greensburg, Westmoreland County
My Commission Expires June 29, 2006

Member, Pennsylvania Association Of Notaries

Statement of Advertising Costs

ROBERT D. ROSENBERG
SLOVER & LOFTUS
1224 SEVENTEENTH STREET, N.W.
WASHINGTON, D.C. 20036

To Tribune-Review Publishing Company, Dr.
For Publishing the notice or advertisement attached
hereto on the above stated dates \$1,419.84
Probating Same \$ 0
Total \$ 1,419.84*

Publisher's Receipt for Advertising Costs

The Tribune-Review Publishing Company, publisher of The Tribune-Review, a daily newspaper, hereby acknowledges a receipt of the aforesaid advertising and publication costs, and certifies the same have been fully paid.

Tribune-Review Publishing Company, Publisher
of The Tribune-Review, a Daily Newspaper.

By *Lori Scanlon*

STB Docket No. AB-842X

Notice of Intent to Abandon

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Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Since Almono has no other railroad interests apart from the line being abandoned, Almono does not expect any labor conditions to be imposed on the abandonment.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA, Surface Transportation Board, Washington, DC 20423, or by calling SEA at 202-297-6211.

Unless the requested exemption from the procedure is granted, appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions (unless the requested exemption is granted), 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 the Secretary, 1925 K Street, NW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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 Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative, Robert D. Rosenberg, Slover & Loftus, 1224 17th Street, NW, Washington, DC 20036 (9-6,13,20-03)2283854

I

Exhibit I-1

BEFORE THE
SURFACE TRANSPORTATION BOARD

ALMONO, L.P. - ABANDONMENT EXEMPTION -
IN ALLEGHENY COUNTY,
PENNSYLVANIA

STB DOCKET NO. AB-842X

DECLARATION OF TECH INVESTMENTS, INC.
IN SUPPORT OF ALMONO'S PROPOSED ABANDONMENT

I, Wilson J. Farmerie, hereby state as follows:

1. I am an authorized representative of Tech Investments, Inc., which is the General Partner of The Techs, a consolidation of three entities: MetalTech, NexTech and GalvTech. The MetalTech facility is the shipper described in the Petition for Exemption of Almono, L.P. ("Almono") for abandonment of its line of railroad, to which this statement is attached.

2. I wish to confirm that The Techs strongly supports Almono's proposed abandonment. The Techs freely and voluntarily entered into an agreement with Almono that protects its interests to use the railroad line as a private spur following abandonment, with The Techs to be responsible for the operation and maintenance of the line. The abandonment of this line is very helpful to The Techs as it will enable us to avoid the regulatory overhead costs associated with having the line exist in common carriage. Minimizing such costs is very important to The Techs because of the substantial rehabilitation that the line requires.

3. Our arrangement with Almono is beneficial to The Techs because it balances our need to use the line with Almono's interest in redeveloping the former LTV site, including the right-of-way. We therefore strongly urge the Board to grant Almono's Petition for Exemption for the abandonment.

THE TECH
Tech Investments, LLC

By: Wilson J. Farmerie
Wilson J. Farmerie
Authorized Representative
Tech Investments, Inc.

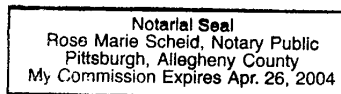
Sworn to and subscribed

before me this 1 day of

May, 2003

Rose Marie Scheid

My Commission Expires: 04-26-04



Member, Pennsylvania Association of Notaries

Exhibit I-2

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

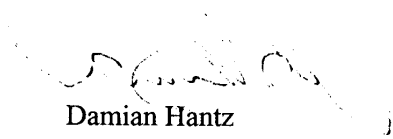
In the Matter of:	)	
ALMONO LP – ABANDONMENT	)	
EXEMPTION – IN ALLEGHENY COUNTY,	)	STB Docket No. AB-842X
PENNSYLVANIA	)	
	)	

**DECLARATION OF HANTZ LOCOMOTIVE REPAIR
IN SUPPORT OF ALMONO’S PROPOSED ABANDONMENT**

I, Damian Hantz, hereby state as follows:

1. I am Damian Hantz. I have operated a locomotive repair service, Hantz Locomotive Repair (“Hantz”), for a number of years.
2. Hantz has, from time to time, carried out some of its repair services at the roundhouse (“Roundhouse”) on the property that Almono LP (“Almono”) acquired from the Monongahela Connecting Railroad Company, and Hantz has used the line of railroad acquired by Almono to move locomotives to and from the Round house. Hantz did not carry out any such services at the Roundhouse or on the property in the two years that preceded that Almono’s filing of its notice of acquisition (September 4, 2002). Hantz has, however, recently renewed its activities at the Roundhouse following Almono’s acquisition of the line. Those repair activities are, and have in the past have been, limited to repairing no more than one or two locomotives at any one time.

3. Hantz strongly and voluntarily supports Almono's proposed abandonment of its line of railroad and has furnished this declaration so that it may be attached to Almono's abandonment filing. Hantz fully appreciates that the line is not commercially viable, particularly considering the low level of compensation that Hantz has been paying for use of the line and the Roundhouse. Hantz believes that the abandonment will enable the line to be maintained and rehabilitated at a lower cost due to the absence of the overhead costs associated with operation of the line in common carriage. Hantz is optimistic that it can negotiate arrangements with Almono that will allow Hantz to continue providing its locomotive repair service at the Roundhouse following abandonment on an interim basis, although Hantz understands that such use will not be permanent and will be subject to the redevelopment of the property. Hantz thus urges the Board to grant Almono's Petition for Exemption for the abandonment.


Damian Hantz

Subscribed and sworn to
before me this 11th day of
March, 2003.

Notary Public in and for the
County of Allegheny,
State of Pennsylvania

