

BEFORE THE
SURFACE TRANSPORTATION BOARD



DOCKET NO. AB-842X
ALMONO LP - ABANDONMENT EXEMPTION
IN ALLEGHENY COUNTY, PA

209928

OBJECTION TO NOTICE OF WITHDRAWAL OF
PETITION FOR EXEMPTION FOR ABANDONMENT

ENTERED
Office of Proceedings

JAN 22 2004

Part of
Public Record

Keith G. O'Brien
Rea, Cross & Auchinloss
Suite 570
1707 L Street, N.W.
Washington, DC 20036
(202) 785-3700

Counsel for: Allegheny Valley
Railroad Company

DATED: January 22, 2004

ORIGINAL

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Allegheny Valley Railroad ("AVR") hereby objects to the Notice Of Withdrawal Of Petition For Exemption For Abandonment filed January 21, 2004, on behalf of Almono LP ("Almono"). In support of its objection to the Notice, AVR submits the following:

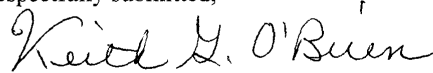
On January 9, 2004, AVR advised Almono of its intention to submit an Offer of Financial Assistance ("OFA") to acquire the line sought to be abandoned. In its Petition for Exemption, Almono candidly stated that its primary purpose in acquiring the lines in October, 2002, was "not to operate the line, but was instead to acquire the adjoining property owned by LTV and the right-of-way for redevelopment." The Notice Of Withdrawal does not disavow that purpose nor does it indicate that Almono will assure continued responsive rail service over the line.

AVR has retained experts to assist it in preparing an appropriate offer to acquire the line solely for the purpose of assuring continued availability of responsive rail

service. It has indicated that it will cooperate with Almono in its plans for redevelopment to the extent that they will not interfere with rail service over the line.

The Board has already granted Almono's Petition For Exemption subject only to the OFA requirements of 49 U.S.C. 10904. AVR urges the Board to refuse to accept Almono's tendered Notice Of Withdrawal and order Almono to properly provide AVR with information requested pursuant to 49 C.F.R. 1152.27 (a) in order that it can make an appropriate offer to acquire the line solely for purposes of providing responsive rail service.

Respectfully submitted,



Keith G. O'Brien
Rea, Cross & Auchinloss
Suite 570
1707 L Street, N.W.
Washington, DC 20036
(202) 785-3700

Counsel for: Allegheny Valley
Railroad Company

DATED: January 22, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 22nd day of January, 2004, served a copy of the foregoing on all parties of record by U.S. Mail, First Class postage prepaid and by hand delivery.

Keith O'Brien
Keith G. O'Brien