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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB-1233 (SUB-NO. 2X)

ENTERED
Office of Proceedings
April 11, 2024
Part of
Public Record

**ALLEGHENY VALLEY RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN ALLEGHENY COUNTY, PENNSYLVANIA**

**PETITION OF THE REDEVELOPMENT AUTHORITY OF ALLEGHENY COUNTY
FOR ISSUANCE OF A NOTICE OF INTERIM TRAIL USE
PURSUANT TO 49 C.F.R. § 1152.29**

Communications with respect to this document should be addressed to:

Benjamin C. Dunlap, Jr.
Cohen, Seglias, Pallas, Greenhall & Furman, PC
200 North Third Street, 7th Floor
Harrisburg, PA 17101
(717) 480-5303
bdunlap@cohenseglias.com

Counsel for the Redevelopment Authority of
Allegheny County

Date: April 11, 2024

FEE RECEIVED
April 11, 2024
Surface
Transportation Board

FILED
April 11, 2024
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On February 23, 2024, Allegheny Valley Railroad Company (“AVR”) filed a Notice of Exemption (“Exemption”) with the Surface Transportation Board (“Board”) to abandon an approximately 3.6-mile segment of rail line generally known as the “Brilliant Branch” located in Pittsburgh and Aspinwall, Allegheny County, Pennsylvania, (the “Line”), a map of which is attached hereto as **Exhibit A**. The Notice was published in the Federal Register on April 3, 2024 (89 F.R. 23078). AVR’s Exemption will become effective on May 3, 2024.

The Line extends from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Mile Post 2.6, being approximately 528 feet

westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines.


AVR intends to sell the Line to the Redevelopment Authority of Allegheny County (“RAAC”) upon issuance of the abandonment exemption and has agreed that it will consent to a Notice of Interim Trail Use in this proceeding for use of the rail line as a trail under the National Trails System Act, 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29. RAAC respectfully petitions the Board to issue a Notice of Interim Trail Use for the Line. AVR and RAAC executed a Purchase and Sale Agreement for the Line on November 15, 2023, which sets forth the terms of interim trail use.

RAAC acknowledges that the use of the Line for trail use is subject to meeting its responsibilities to manage the right-of-way, assume any legal liability arising out of the transfer or use of the right-of-way, and the payment of any and all taxes that may be levied or assessed against the right-of-way. It also acknowledges that the public trail will be subject to the potential future restoration of rail service over the Line. RAAC has executed a Statement of Willingness to Assume Financial Responsibility pursuant to 49 C.F.R. § 1152.29 for the Line, a copy of which is attached hereto as **Exhibit B**.

A copy of this Petition for Notice of Interim Trail Use along with RAAC's Statement of Willingness to Assume Financial Responsibility is being served on AVR on the same date it is being served on the Board.

Respectfully submitted,

**COHEN, SEGLIAS, PALLAS, GREENHALL &
FURMAN, PC**

By: 
Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283
200 North Third Street, 7th Floor
Harrisburg, PA 17101
(717) 480-5303
bdunlap@cohenseglias.com

Date: April 11, 2024

CERTIFICATE OF SERVICE

I hereby certify that on the 11 day of April, 2024, I caused the foregoing Petition for Notice of Interim Trail Use to be served on the following parties by email:

Thomas J. Litwiler, Esquire
Thomas J. Healey, Esquire
Fletcher & Sippel LLC
29 North Wacker Drive, Suite 800
Chicago, IL 60606-3208
THealey@fletcher-sippel.com
TLitwiler@fletcher-sippel.com

John Ashbridge
Senior Vice President
Allegheny Valley Railroad Company
Bldg. 1, Suite 100
519 Cedar Way
Oakmont, PA 15139
johnashbridge@carloadexpress.com

Eleanor D. Acheson
National Railroad Passenger Corporation
1 Massachusetts Ave. NW
Washington, DC 20001
Christopher.perry@amtrak.com



Benjamin C. Dunlap, Jr., Esquire
Supreme Court I.D. #66283

Exhibit A

Map of the Line

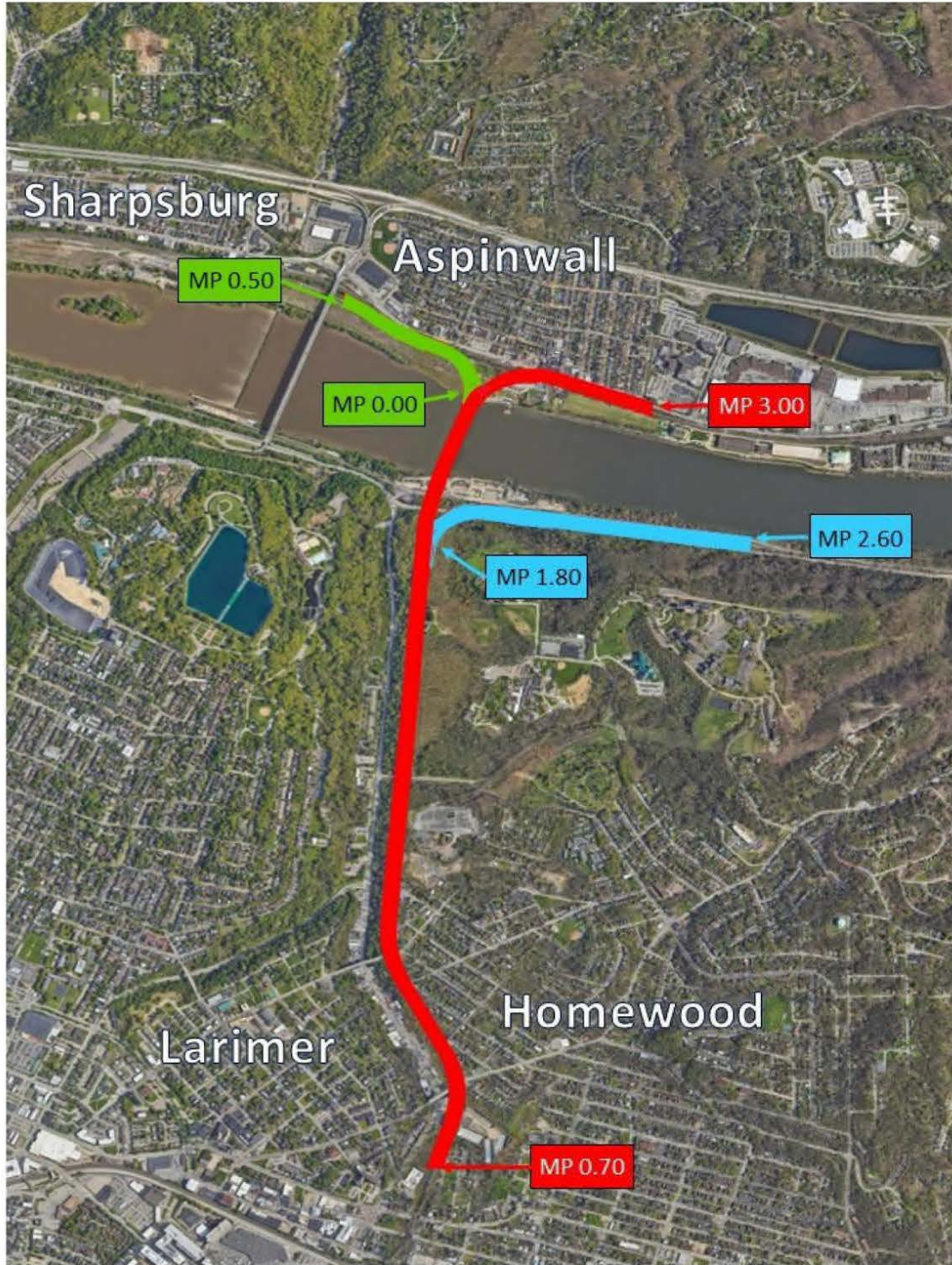


Exhibit B

Statement of Willingness to Assume Financial Responsibility

Statement of Willingness To Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29 with respect to the right-of-way owned and operated by Allegheny Valley Railroad Company, the Redevelopment Authority of Allegheny County, a body corporate and politic created and existing pursuant to the Pennsylvania Urban Redevelopment Law, is willing to assume full responsibility for: (1) managing the right-of-way; (2) any legal liability arising out of the transfer or use of the right-of-way (unless the sponsor is immune from liability, in which case it need only indemnify the railroad against any potential liability), and (3) the payment of any and all taxes that may be levied or assessed against the right-of-way. The property, known as the Brilliant Branch, extends from Railroad Mile Post 0.7 in East Liberty, in the City of Pittsburgh, crossing AVR's Allegheny Branch and the Allegheny River, passing through the Borough of Aspinwall and ending at approximately Railroad Mile Post 3.0, in the City of Pittsburgh; its Brilliant Branch-West Leg Wye beginning at approximately Railroad Mile Post 0.0 on AVR's Allegheny River Bridge in the Borough of Aspinwall and ending at approximately Railroad Mile Post 0.5, in the Township of O'Hara; and a portion of its Allegheny Branch Connection in the City of Pittsburgh beginning at approximately Railroad Mile Post 1.8, being at the connection to the Brilliant Branch, and ending at approximately Railroad Mile Post 2.6, being approximately 528 feet westerly of its connection to AVR's Allegheny Branch; and together containing a total of approximately 3.6 route miles of railroad lines in Allegheny County, Pennsylvania. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-1233 (Sub No. 2X). A map of the property depicting the right-of-way is attached.

The Redevelopment Authority of Allegheny County acknowledges that use of the right-of-way is subject to the sponsor's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

REDEVELOPMENT AUTHORITY OF ALLEGHENY COUNTY

Approved as to form:

By:



By:



Name: Simone McMeans

Title: Assistant Secretary