

52177  
EB

SERVICE DATE – JULY 29, 2024

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1233 (Sub-No. 2X)

ALLEGHENY VALLEY RAILROAD COMPANY—ABANDONMENT EXEMPTION—IN  
ALLEGHENY COUNTY, PA.

Digest:<sup>1</sup> The Board denies a request filed by the National Railroad Passenger Corporation to impose a condition on Allegheny Valley Railroad Company's (AVR) abandonment of a rail line in Allegheny County, Pa., and allows AVR's abandonment exemption to become effective.

Decided: July 25, 2024

Allegheny Valley Railroad Company (AVR) filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon an approximately 3.6-mile portion of a rail line known generally as the Brilliant Branch, located in Pittsburgh and Aspinwall, Allegheny County, Pa. (the Line). Notice of the exemption was served and published in the Federal Register on April 3, 2024 (89 Fed. Reg. 23,078).

On April 9, 2024, the National Railroad Passenger Corporation (Amtrak) filed a request that the Board condition AVR's abandonment on representations AVR made before the agency regarding executing an agreement with Amtrak. (Amtrak Mot. 1 & n.1.) Amtrak states that it uses the southern portion of the Line, measuring approximately 1,962 feet, to wye and turn Amtrak Trains 42 and 43, the *Pennsylvanian* service, and that it is negotiating an agreement with AVR to permit Amtrak's continued use of this track segment after the rest of the Line's track materials are removed. (*Id.*) AVR filed a reply opposing Amtrak's request on April 17, 2024. (AVR Reply 1-2, Apr. 17, 2024.)

The exemption was scheduled to become effective on May 3, 2024, but in a decision served on May 2, 2024, the effective date was postponed to provide time for the Board to address the issue presented in Amtrak's request. Allegheny Valley R.R.—Aban. Exemption—in Allegheny Cnty., Pa., AB 1233 (Sub-No. 2X), slip op. at 1 (STB served May 2, 2024).

Amtrak's request will be denied. Amtrak cites no authority or precedent to support the Board imposing this type of abandonment condition.

---

<sup>1</sup> The digest constitutes no part of the decision of the Board but has been prepared for the convenience of the reader. It may not be cited to or relied upon as precedent. Pol'y Statement on Plain Language Digs. in Decisions, EP 696 (STB served Sept. 2, 2010).

The Board will allow AVR's exemption to become effective on August 8, 2024. Other conditions on AVR's abandonment of the Line, including conditions recommended by the Board's Office of Environmental Analysis, will be addressed in a separate decision.

It is ordered:

1. Amtrak's request for a condition is denied.
2. AVR's exemption will become effective on August 8, 2024.
3. This decision is effective on its service date.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.