



308461
ENTERED
Office of Proceedings
July 12, 2024
Part of
Public Record

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

July 12, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Allegheny Valley Railroad Company
– Abandonment Exemption –
In Allegheny County, PA
Surface Transportation Board Finance Docket AB 1233 (Sub-No. 2X)

Dear Ms. Brown:

On April 12, Pop-Up Metro, LLC ("Pop-Up Metro") filed a Petition for a Notice of Interim Trail Use ("NITU") in the above referenced docket. The Redevelopment Authority of Allegheny County ("RAAC") also filed a Petition for NITU. On April 19, 2024, the Allegheny Valley Railroad Company ("AVR") filed a letter consenting to negotiate with RAAC.

As Pop-Up Metro previously stated in its filings transmitting letters of support of its petition, Pop-Up Metro understands that, because AVR has entered into an agreement with RAAC to negotiate a trail use agreement, at present AVR is declining to negotiate with Pop-Up Metro. However, if AVR were to seek an alternative trail sponsor, Pop-Up Metro again states that it is willing to assume the responsibilities of trail sponsor as described in its April 12 Petition.

In support of Pop-Up Metro's Petition (as an alternative to RAAC), Pop-Up Metro is filing the enclosed letter of support from JJ Gumberg Co., the agent and property manager of a large mall located on the line that Pop-Up Metro seeks to use for its transit with rail project.

Pop-Up Metro respectfully requests that this letter be entered into the docket in support of its petition as an alternative to RAAC.

Sincerely,

Justin J. Marks
Counsel to Pop-Up Metro, LLC

cc: Parties on the Service List
Enclosure

J J GUMBERG CO.

July 12, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Allegheny Valley Railroad Company
– Abandonment Exemption –
In Allegheny County, PA
Surface Transportation Board Finance Docket AB 1233 (Sub-No. 2X)

Dear Ms. Brown,

In my capacity as Chief Counsel of J.J. Gumberg Co., the agent and property manager of the Waterworks Mall in Pittsburgh, Pennsylvania, I am writing this letter in support of Pop-Up Metro's application to bring trail use and transit to the Brilliant Line that is subject to the above referenced abandonment proceeding.

Our property, the Waterworks Mall, is located at the extreme end of the line at the stop designated as St. Margaret's Hospital on the Pop-Up Metro Petition for Trail Use filed with the Surface Transportation Board (STB). We recently became aware of this transit and trail option as a result of the publicity generated by Pop-Up Metro's STB filing, and for this reason wish to avail ourselves of the opportunity to comment, recognizing that public comment in this proceeding may have lapsed.¹

The Pop-Up Metro proposal to provide rail and transit on the Brilliant Line presents a number of opportunities for the Waterworks Mall property. The proposal will:

1. Provide a broader range of community access to our tenant stores via connectivity with the East Busway network;
2. Increase our tenants' ability to attract a workforce;
3. Improve our environmental footprint by transporting shoppers and employees via Pop-Up Metro's battery-powered transit vehicles. This environmental benefit is significant and should be included in any environmental assessment of redevelopment of the Brilliant Line.

¹ We request leave to file this late-filed comment in this docket.

J J GUMBERG CO.

We appreciate the opportunity to comment and are available for additional comments and clarification, as needed and appropriate.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Nina Gusmar', is written over the typed name and title.

Nina Gusmar
Chief Counsel