

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

July 29, 2011

230729

## VIA ELECTRONIC FILING

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street., S.W.  
Washington, DC 20423

ENTERED  
Office of Proceedings

JUL 29 2011

Part of  
Public Record

**Re: Environmental Report, Historic Report and Required Certifications for Docket No. AB 1086X – Pittsburgh & West Virginia Railroad Notice of Exemption in Allegheny County, Pennsylvania**

Dear Ms. Brown:

Pittsburgh & West Virginia Railroad intends on filing a Notice of Exemption for the above-referenced proposed abandonment any time on or after August 18, 2011. Enclosed for the above-referenced Notice of Exemption are the following, which are required by 49 C.F.R. Part 1105:

1. An original of the Environmental/Historic Report,
2. A sample of the transmittal letter that accompanied the reports; and
3. An original of a certificate demonstrating compliance with the requirements of 49 C.F.R. Part 1105.

Thank you for your assistance in this matter, and please feel free to call me if you have any questions.

Respectfully submitted,



Michael J. Barron, Jr.  
Counsel for Pittsburgh & West Virginia Railroad

MJB/ekf  
Enclosures

Docket No. AB-1086X

PITTSBURGH & WEST VIRGINIA RAILROAD

NOTICE FOR EXEMPTION FOR  
ABANDONMENT IN ALLEGHENY  
COUNTY, PENNSYLVANIA

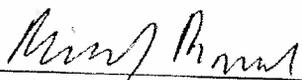
To: Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E. Street, S.W.  
Washington, DC 20423

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on July 29, 2011, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Pennsylvania State Historic Preservation Officer. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Pittsburgh & West Virginia Railroad intends to file its notice of Exemption in the above-captioned matter no earlier than August 18, 2011. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on July 15, 2011, in the *Tribune-Review*, a newspaper of general circulation in Allegheny County, Pennsylvania. The notices alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice and the affidavit of publication is attached to this certificate as Attachment B.

Dated this 29<sup>th</sup> day of July, 2010.



Michael J. Barron, Jr.  
Counsel for Pittsburgh & West Virginia Railroad

## SERVICE LIST

Joseph A. Olczak  
County of Allegheny  
Department of Public Works  
501 County Office Building  
542 Forbes Avenue  
Pittsburgh, Pennsylvania 15219-2904

Dr. Eli N. Avila, MD  
Secretary of Health  
Commonwealth of Pennsylvania  
Pennsylvania Department of Health  
Environmental Health Section  
Health and Welfare Building  
8th Floor West  
625 Forster Street  
Harrisburg, PA 17120

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

U.S. Fish & Wildlife Service  
Regional Office  
300 Westgate Center Drive  
Hadley, Massachusetts 01035-9587

U.S. Army Corps of Engineers  
Pittsburgh District Office  
2200 William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186  
Attn. Joshua Shaffer

Pennsylvania Department of Transportation  
Attn: Bureau of Rail Freight, Ports and Waterways  
Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

ATTACHMENT  
A

Pennsylvania Historical and Museum Commission  
State Museum Building  
300 North Street  
Harrisburg, PA 17210

U.S. Natural Resources Conservation Service  
Pennsylvania State Office  
One Credit Union Place, Suite 340  
Harrisburg, Pennsylvania 17110-2993

National Park Service  
Recreation Resources Assistance Division  
1849 C Street  
Washington, D.C. 20240

National Geodetic Survey Information Services  
Communications and Outreach Branch, NOAA, N/NGS12  
National Geodetic Survey, SSMC3 #9202  
1315 East-West Highway  
Silver Spring, MD 20910-3282

The Pennsylvania Department of Environmental  
Protection—Central Office  
Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101



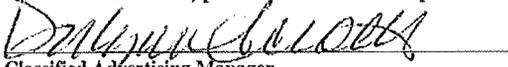
# TRIB TOTAL MEDIA LEGAL ADVERTISING

## Proof of Publication of Notice in The Tribune-Review Under the Act of July 9, 1976, P. L. 877, No. 160

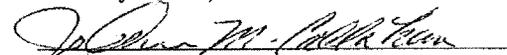
Commonwealth of Pennsylvania  
County of Westmoreland ) SS:

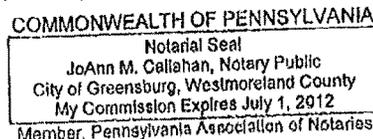
DALYNN SCIOTTO, Classified Advertising Manager of the Trib Total Media, Inc., a corporation of the Commonwealth of Pennsylvania with places of business in Greensburg, Westmoreland County, Pennsylvania and Pittsburgh, Allegheny County, Pennsylvania, being duly sworn, deposes and says that the Tribune-Review 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# 4627084, RE: RAIL SERVICE ABANDONMENT NOTICE; 15<sup>TH</sup> DAY OF JULY, 2011.

Affiant further deposes that s/he is an officer duly Authorized by the Trib Total Media, Inc., 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.

  
Classified Advertising Manager,  
Trib Total Media, Inc.

Sworn to and subscribed before me this  
15<sup>TH</sup> day of JULY, 2011.

  
Notary Public



### Statement of Advertising Costs

MICHAEL J. BARRON, JR.  
FLETCHER & SIPPEL LLC  
29 NORTH WACKER DRIVE, STE. 920  
CHICAGO, ILLINOIS 60606-2832

To Trib Total Media, Inc.	
For Publishing the notice or advertisement attached hereto on the above stated dates	\$300.24
Probating Same	\$ 0
Total	\$ 300.24*

**Publisher's Receipt for**

The Trib Total Media, Inc., publisher of I acknowledges a receipt of the aforesaid advertising and fully paid.  
Trib Total Media Inc., Publisher  
of The Tribune-Review, a Daily Newspaper.

By 

ATTACHMENT  
B

**Notice of Intent To Abandon Rail Service  
Pittsburgh & West Virginia Railroad**

Pittsburgh & West Virginia Railroad gives notice that, on or shortly after August 18, 2011, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of a 1.82 mile line of railroad between railroad milepost 0.58, near Green Tree, Pennsylvania and milepost 2.4 near McKees Rocks, Pennsylvania which traverses through United States Postal Service ZIP Code 15220, in Allegheny County, Pennsylvania. The proceeding will be docketed as No. AB 1086.

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 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 the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at (202)-245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, 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 Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [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 Public Assistance, Government Affairs, and Compliance at (202)-245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative; Michael J. Barron, Jr., Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606-2832, ph. #312-252-1511, 4627084(7-15-11)

# FLETCHER & SIPPEN LLC

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Joseph A. Olczak  
County of Allegheny  
501 County Office Building  
542 Forbes Avenue  
Pittsburgh, Pennsylvania 15219-2904

July 29, 2011

Re: Docket No. AB-1086 X – Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania

To Whom It May Concern:

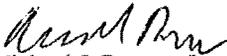
Any time on or after August 18, 2011, Pittsburgh & West Virginia Railroad (“PWV”) expects to file with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon a railroad line located in Allegheny County, Pennsylvania, starting at milepost 0.58 and extending to milepost 2.4, a total distance of approximately 1.82 miles. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB’s independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental and historic review process, please contact their Section of Environmental Analysis (“SEA”), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, and refer to the above docket number.

PWV will file the Environmental Report and Historic Report with the STB on or shortly after July 29, 2011. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.

Counsel for Pittsburgh & West Virginia Railroad

Encls.

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**DOCKET NO AB-1086X**

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**PITTSBURGH & WEST VIRGINIA RAILROAD  
-- ABANDONMENT EXEMPTION --  
IN ALLEGHENY COUNTY, PENNSYLVANIA**

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**ENVIRONMENTAL/HISTORIC REPORT**

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Michael J. Barron, Jr.  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, Illinois 60606  
312-252-1500  
ATTORNEY FOR  
PITTSBURGH & WEST VIRGINIA RAILROAD

Dated July 29, 2011

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO AB-1086X**

**PITTSBURGH & WEST VIRGINIA RAILROAD  
-- ABANDONMENT EXEMPTION --  
IN ALLEGHENY COUNTY, PENNSYLVANIA**

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**ENVIRONMENTAL/HISTORICAL REPORT**

Pittsburgh & West Virginia Railroad ("PWV") submits this Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

**ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)**

1. **Proposed Action and Alternatives.** PWV seeks to abandon its line of railroad between milepost 0.58, near Green Tree, Pennsylvania, and milepost 2.4, near McKees Rocks, Pennsylvania (the Line"). The Line is situated in Allegheny County, Pennsylvania and extends a total distance of approximately 1.82 miles.

The Line has not been required to serve any customer in many years. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

PWV currently leases the Line to Norfolk Southern Railway Company, who in turn subleases the Line to the Wheeling & Lake Erie Railway Company ("WLE"). WLE operates the

Line and will file a Discontinuance of Sublease Rights Exemption under Docket No. AB-227 (Sub No. 12X).

Following abandonment, PWV intends to salvage rail, ties and track material from the Line. The overhead structures supporting the Line will also be removed in support of a roadway project being done by the Pennsylvania Department of Transportation (“PennDOT”) known as the West End Improvement Project. Because of this project, the Line will not be suitable for a trail. Given the already-developed road system in the area, the Line would not be suitable for a roadway.

No alternatives to the proposed abandonment have been considered. The only alternative is retention of the Line in its unused state. A map showing the location of the Line is attached herein as **Exhibit A**.

PWV has contacted and requested comments from the Office of the Allegheny County Executive. See correspondence attached herein as **Exhibit B**. According to correspondence, Allegheny County has no objection to the abandonment and supports PennDOT’s West End Improvement Project.

2. **Transportation System**. PWV does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed abandonment. No rail service is currently provided on the Line. Thus, no traffic will be diverted to other transportation systems or modes as a result of the proposed abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line.

PWV has contacted and requested comments from the PennDOT. See correspondence attached herein as **Exhibit C**. PWV has received no comments to date.

3. **Land Use.**

(i) PWV does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from PennDOT and the Pennsylvania Department of Health, Environmental Health Section. See correspondence attached herein as **Exhibits C and D**. PWV has received no comments to date.

(ii) The proposed abandonment lies in an urban area entirely within the limits of Allegheny County, Pennsylvania. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as **Exhibit E**. PWV has received no comments to date.

(iii) This track does not appear to be within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts. PWV has contacted the U.S. Environmental Protection Agency to determine whether the proposed abandonment is consistent with applicable federal, state and local water quality standards. See correspondence attached hereto as **Exhibit F**. PWV has received no comments to date.

(iv) Due to PennDOT's proposed West End Improvement Project, the right-of-way of the Line is not suitable for an alternative public use as a trail. PWV does not believe the Line would be suitable for other public purposes, such as a road, because the road system close to the Line is already developed.

4. **Energy.**

(i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line, and PWV foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment. To the best of PWV's knowledge, no such traffic has been handled on this line, and PWV foresees little or no possibility that any online recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line and thus there will be no changes in existing transportation patterns or energy usage as a result of the proposed abandonment.

(iv) Not applicable. Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to motor carriers.

**5. Air.**

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line, (B) an increase in rail yard activity of at least 100%, or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment.

(ii) Not applicable. Abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. This is an abandonment of a line on which there have been no customers for at least two years and there is no overhead traffic on the line.

**6. Noise.** Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment.

**7. Safety.**

(i) The proposed action will have no adverse effect upon public health or safety. Instead, this abandonment will enhance safety because removal of the Line will allow PennDOT to move forward with its West End Improvement Project, an important roadway improvement project in Allegheny County.

(ii) Not applicable. As the Line has not had any traffic for at least two years, the proposed abandonment will have no effect on the transportation of hazardous materials.

(iii) To the best of PWV's knowledge, there are no known hazardous waste sites or any hazardous waste materials involved. Therefore, PWV believes that its abandonment will not have any adverse impact.

**8. Biological Resources.**

(i) The U.S. Fish and Wildlife Service has been contacted and PWV has requested comments. PWV has received no comments to date. PWV does not believe this abandonment will affect the wetlands or any endangered or threatened species, if any, present in this area. See correspondence attached as **Exhibit G**.

(ii) PWV believes that no national or state parks, forests or refuges will be affected by this abandonment.

**9. Water.**

(i) Regarding consistency with state water quality standards, the regional office of the Environmental Protection Agency and the State's Department of Health, Environmental Health Section, have been contacted and we have requested comments from them. See correspondence attached herein as **Exhibits D and F**. PWV has received no comments to date.

(ii) The Army Corps of Engineers has been contacted to determine if the proposed abandonment requires permits under Section 404 of the Clean Water Act. See correspondence attached herein as **Exhibit H**. In their response, the Corps emphasized that every effort should be made to avoid and minimize impacts to aquatic resources on-site. PWV does not anticipate that the abandonment will involve discharge of dredged or fill material into any existing wetlands.

In addition, abandonment should not impact any 100-year floodplain if no additional fill is placed in any floodplain.

(iii) PWV concludes that no permits under Section 402 of the Clean Water Act are required. No material will be disposed of into a waterway as part of the abandonment. PWV has contacted the regional office of the Environmental Protection Agency and asked for their comments. See correspondence attached herein as **Exhibit F**. PWV has received no comments to date.

**10. Proposed Mitigation.** As no adverse impact is anticipated, PWV does not propose any mitigation activities.

**11. Additional Information for Rail Constructions.** There is no rail construction proposed at this time

#### **HISTORIC REPORT - 49 C.F.R. § 1105.8(d)**

- 1. Map.** A map of the Line is attached hereto as **Exhibit A**
- 2. Description of Line.** The line to be abandoned extends from milepost 0.58, near Green Tree, Pennsylvania, to milepost 2.4, near McKees Rocks, Pennsylvania (the Line"). The

Line is situated in Allegheny County, Pennsylvania and extends a total distance of approximately 1.82 miles.

3. **Photographs.** Photographs of the Line are enclosed as part of **Exhibit I**. The Line runs primarily along a grade-separated structure above ground level.

4. **Information on Structures.** WLE, the operator of the Line, has valuation maps and property records for the Line, as well as copies of bridge plans.

5. **History of Operations.** The Line has not been required to serve any customer in many years. The Line was previously used primarily for coal, steel and other industrial traffic. There have been no rail shipments of any kind on the Line in the last two years, and no reasonable possibility for the development of new rail traffic exists.

6. **Engineering Documents.** PWV will provide copies of any documents in its possession.

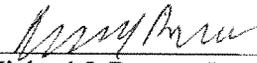
7. **Historic Criteria.** PWV has contacted and given notice of the proposed abandonment to the Pennsylvania Historical and Museum Commission. See correspondence attached as **Exhibit I**. PWV has received no comments to date.

8. **Ground Disturbances.** Access to the Line is good. PWV does not believe abandonment and salvage of the Line will disturb or reveal any archeological resources as the Line is primarily an above-ground structure. Minimal ground disturbance should occur during removal.

9. **Request by State Historic Preservation Office.** Upon request of the Pennsylvania Historical and Museum Commission, PWV will provide such additional information as may be requested under Section 1105.8(d)(9).

Dated July 29, 2011

Respectfully submitted,



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Michael J. Barron, Jr.  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, Illinois 60606  
Telephone: 312-252-1500  
Fax: 312-252-2400

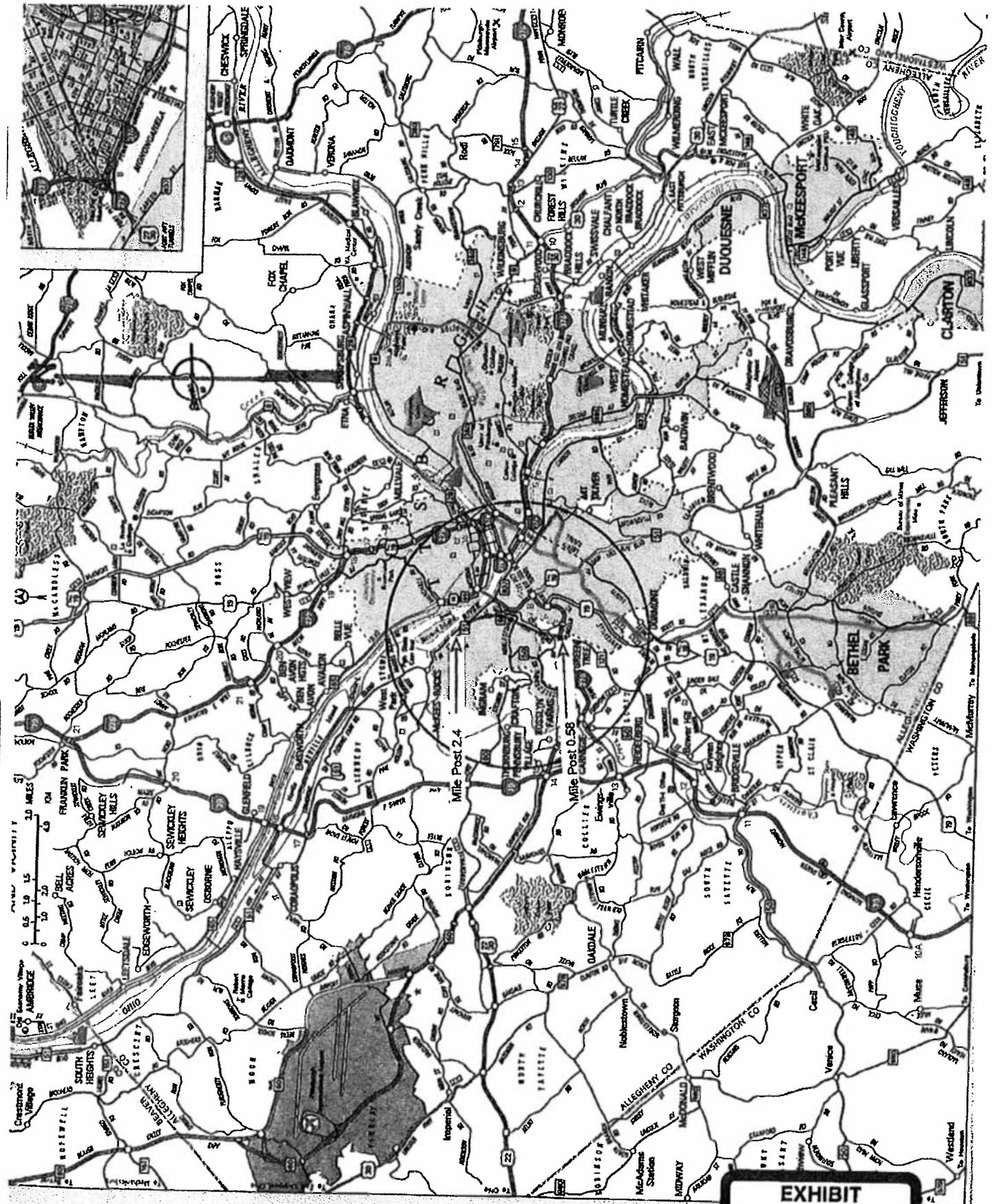


EXHIBIT  
A

# FLETCHER & SIPPEL LLC

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29 North Wacker Drive  
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July 11, 2011

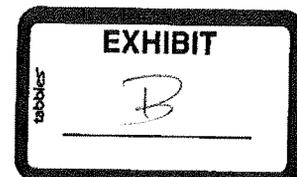
Mr. Dan Onorato  
Chief Executive, Allegheny County  
Courthouse, Room 101  
436 Grant Street  
Pittsburgh, PA 15219

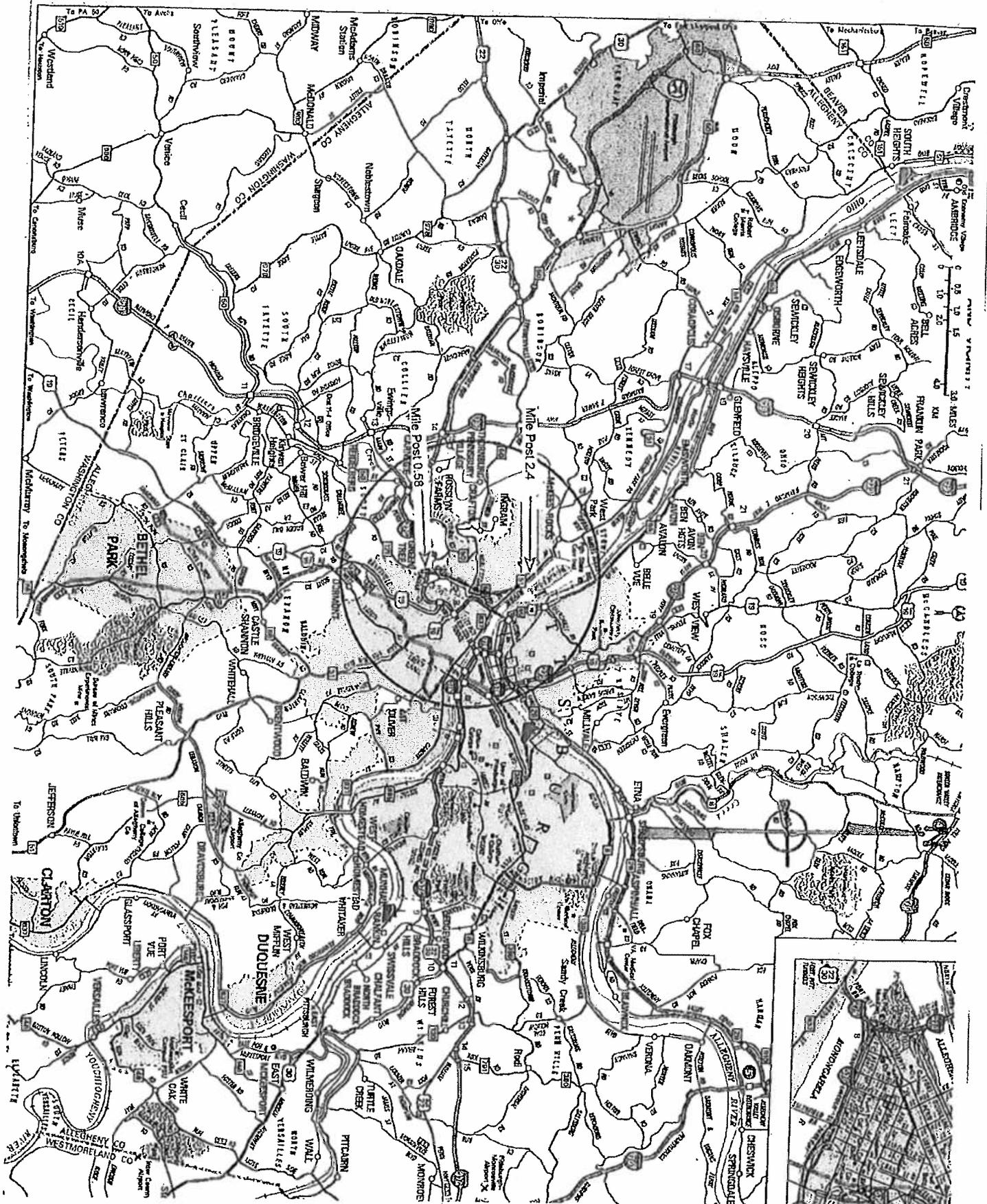
**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Mr. Onorato:

Pittsburgh & West Virginia Railroad ("PWV") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. PWV is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State Parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.





**Michael Barron, Jr.**

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**From:** Michael Barron, Jr.  
**Sent:** Tuesday, July 12, 2011 9:34 AM  
**To:** 'Wright, Dave W.'  
**Cc:** Cravotta, Darla J.; Heckman, Lynn; Rossman, Bernie  
**Subject:** RE: Pittsburgh and West Virginia Railroad, proposed abandonment  
**Attachments:** 20110712091916080.pdf

Dave, this info should help. Pittsburgh & West Virginia is the owner of the line at issue, but the sublessee on the line and the company charged with responsibility over the line is the Wheeling & Lake Erie Ry. Company. Attached are photographs of the line. Abandonment of the line is needed for the West End Improvement Project.

Let me know if this helps.

Michael Barron  
Fletcher & Sippel  
29 N. Wacker Dr.  
Ste 920  
Chicago, IL 60606-2832  
Phone 312-252-1511  
Fax 312-252-2400  
Email: [mbarron@fletcher-sippel.com](mailto:mbarron@fletcher-sippel.com)

---

**From:** Wright, Dave W. [<mailto:Dave.Wright@AlleghenyCounty.US>]  
**Sent:** Monday, July 11, 2011 3:11 PM  
**To:** Michael Barron, Jr.  
**Cc:** Cravotta, Darla J.; Heckman, Lynn; Rossman, Bernie  
**Subject:** Pittsburgh and West Virginia Railroad, proposed abandonment

Mr. Fletcher:

As described in my phone message I just left, your letter dated July 11, 2011 was sent to our office. Please send a more detailed map so we may confirm the location and limits of the track proposed for abandonment.

Dave Wright  
(412) 350-6645



**DAN ONORATO**  
CHIEF EXECUTIVE

**COUNTY OF ALLEGHENY**  
**DEPARTMENT OF PUBLIC WORKS**

501 COUNTY OFFICE BUILDING • 542 FORBES AVENUE  
PITTSBURGH, PA 15219-2904  
PHONE (412) 350-4005 • FAX (412) 350-5386



**JOSEPH A. OLCZAK**  
DIRECTOR

July 12, 2011

Michael J. Barron, Jr.  
Fletcher & Sippel, LLC  
29 North Wacker Drive, Suite 920  
Chicago, IL 60606-2832

Dear Mr. Barron:

**RE: DOCKET NO. AB 1086, PITTSBURGH AND WEST VIRGINIA RAILROAD  
PROPOSED ABANDONMENT OF WEST END BRANCH**

Your letter dated July 11, 2011 to the Allegheny County Executive requesting comment to the subject proposed abandonment was forwarded to our Department. We understand that the subject track begins at the W&LE main line, near the intersection of Sawmill Run Boulevard (SR 51) and Woodruff Street, and ends at its connection with CSX tracks along West Carson Street (SR 51) between the West End Bridge and the West Busway.

Please be advised that our Department has no facilities in the subject corridor that may be affected by the proposed abandonment. We support PennDOT's effort to improve traffic circulation through the West End of Pittsburgh. Please call David L. Wright, P.E., Project Manager, at (412) 350-6645 if you have any questions.

Yours truly,

Joseph A. Olczak, Director

Cc: Dan Cessna, PennDOT District Executive  
Dennis Davin, Economic Development  
Bernie Rossman, P.E.  
Dave Wright, P.E.



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July 11, 2011

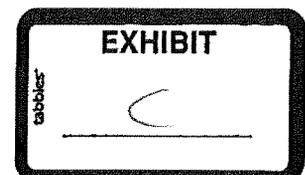
Pennsylvania Department of Transportation  
Attn: Bureau of Rail Freight  
Keystone Building  
400 North Street  
Harrisburg, Pennsylvania 17120

**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania**

To Whom It May Concern:

Pittsburgh & West Virginia Railroad ("PWV") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. PWV is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.



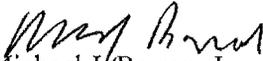
# FLETCHER & SIPPEL LLC

Pennsylvania Department of Transportation  
July 11, 2011  
Page 2

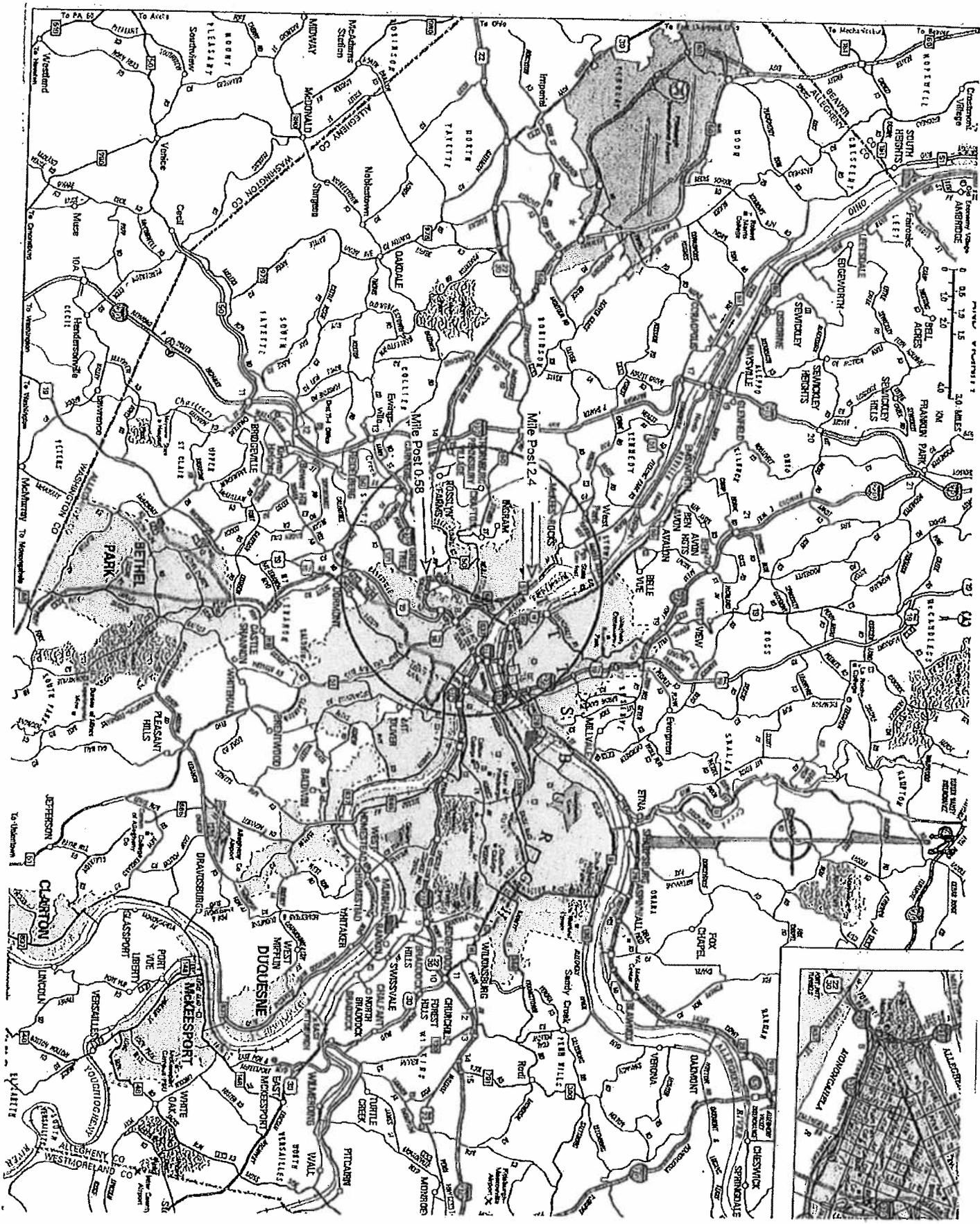
Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on serving the Environmental Report on July 29, 2011.

Thank you for your assistance.

Very truly yours,

  
Michael J. Barron, Jr.  
Attorney on behalf of Pittsburgh & West Virginia  
Railroad

MJB:mr  
Enclosure



July 11, 2011

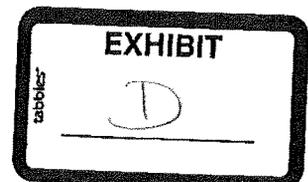
Dr. Eli N. Avila, MD  
Secretary of Health  
Commonwealth of Pennsylvania  
Pennsylvania Department of Health  
Environmental Health Section  
Health and Welfare Building  
8th Floor West  
625 Forster Street  
Harrisburg, PA 17120

**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania**

Dear Dr. Avila:

Pittsburgh & West Virginia Railroad ("PWV") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Pennsylvania, and ending at MP 2.4, near McKees Rocks, Pennsylvania, in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. PWV is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

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Dr. Eli N. Avila  
July 11, 2011  
Page 2

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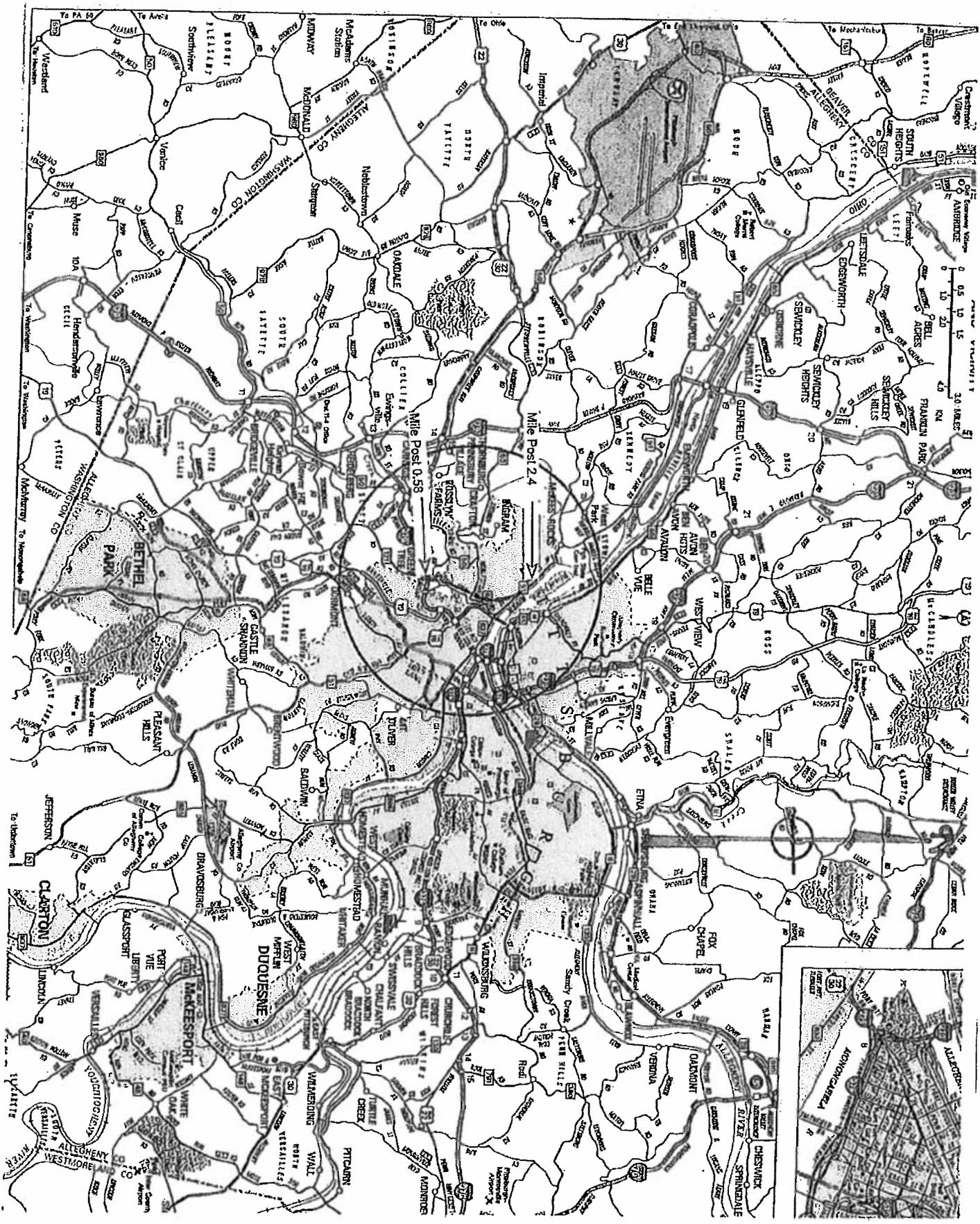
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MJB:mr  
Enclosure



# FLETCHER & SIPPEL LLC

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www.fletcher-sippel.com

MICHAEL J. BARRON, JR.  
(312) 252-1511  
mbarron@fletcher-sippel.com

July 11, 2011

U.S. Natural Resources Conservation Service  
Pennsylvania State Office  
One Credit Union Place, Suite 340  
Harrisburg, Pennsylvania 17110-2993

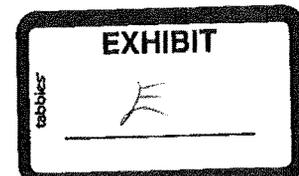
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# FLETCHER & SIPPEL LLC

U.S. Natural Resources Conservation Service  
July 11, 2011  
Page 2

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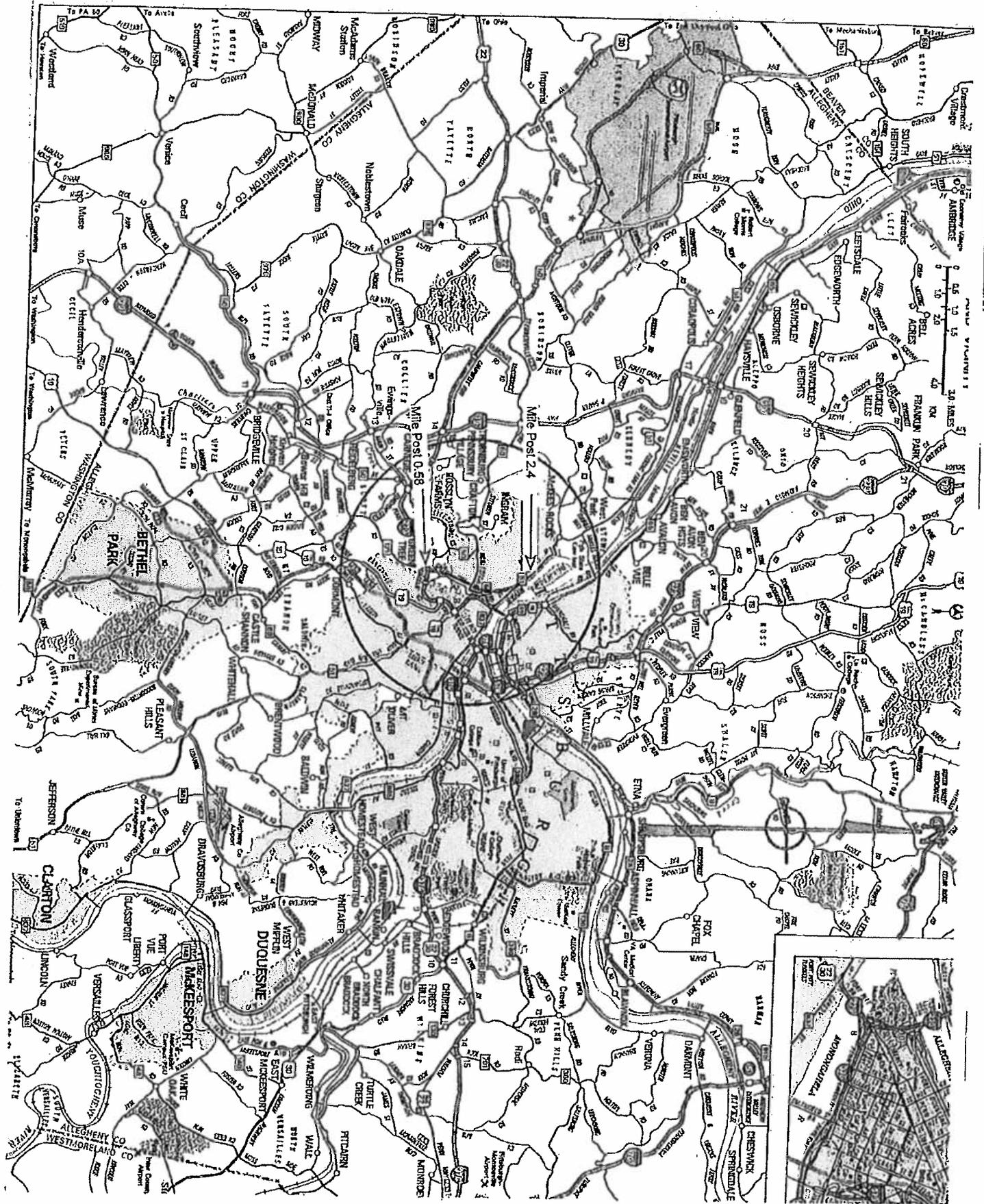
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July 11, 2011

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

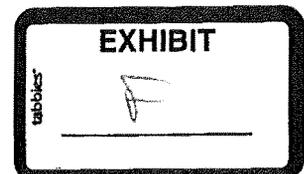
**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
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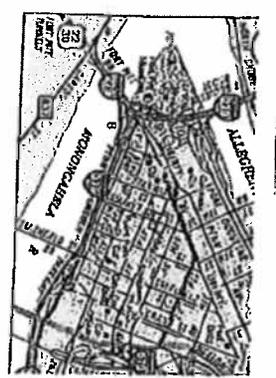
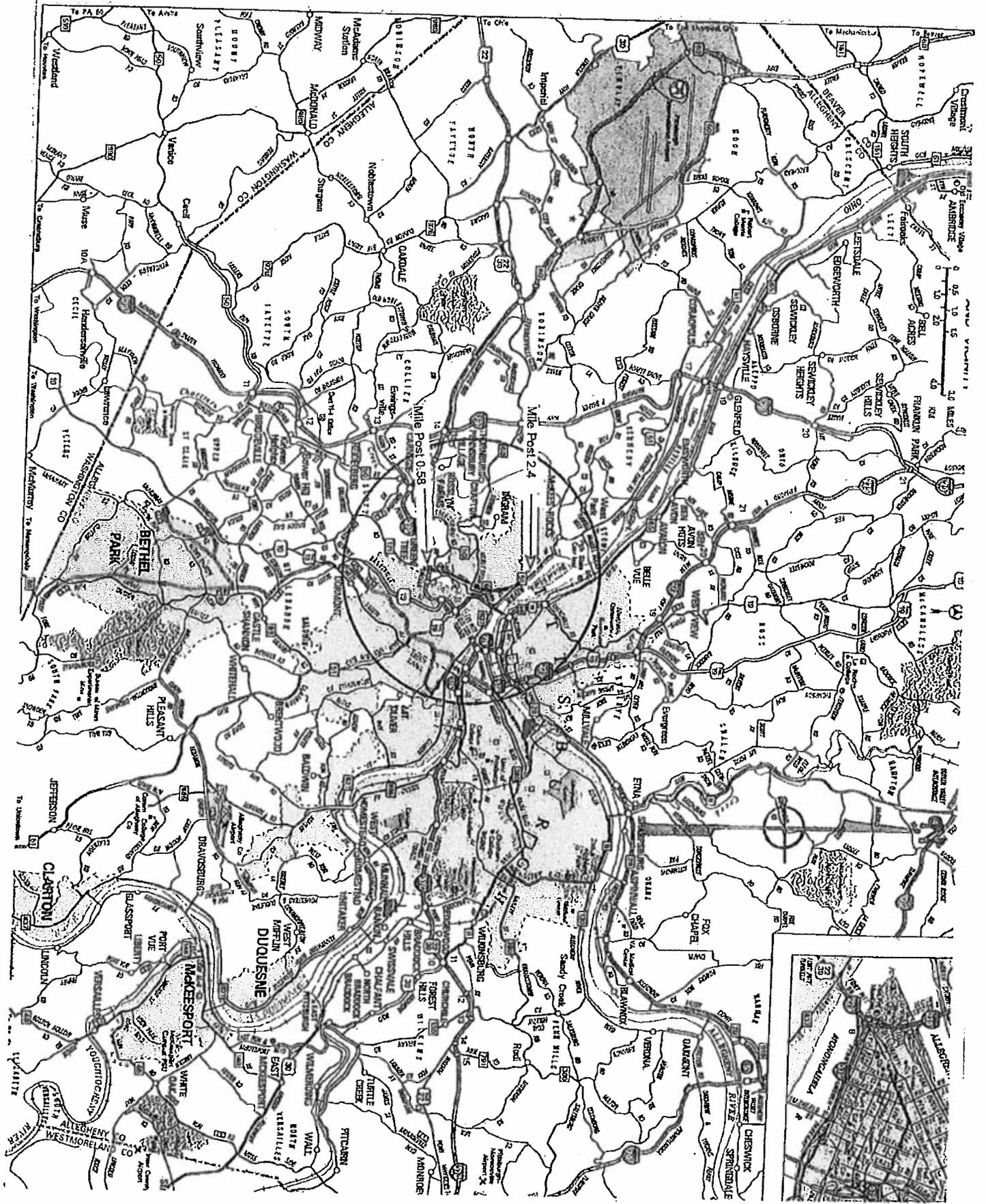
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July 11, 2011

U.S. Fish & Wildlife Service  
Regional Office  
300 Westgate Center Drive  
Hadley, Massachusetts 01035-9587

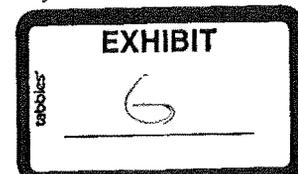
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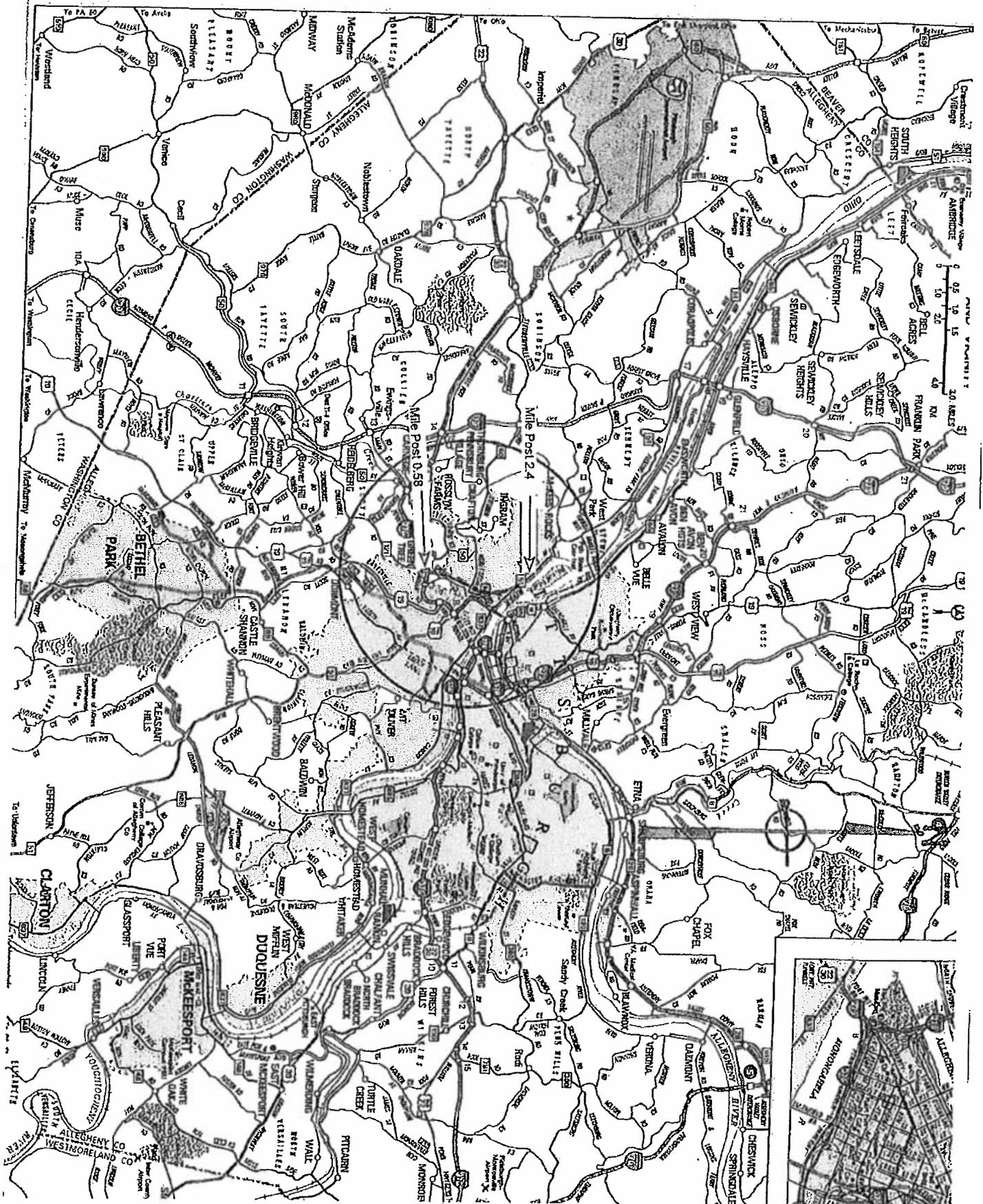
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July 11, 2011

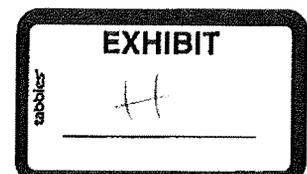
U.S. Army Corps of Engineers  
Pittsburgh District Office  
2200 William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania**

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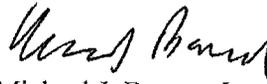
# FLETCHER & SIPPEL LLC

U.S. Army Corps of Engineers  
July 11, 2011  
Page 2

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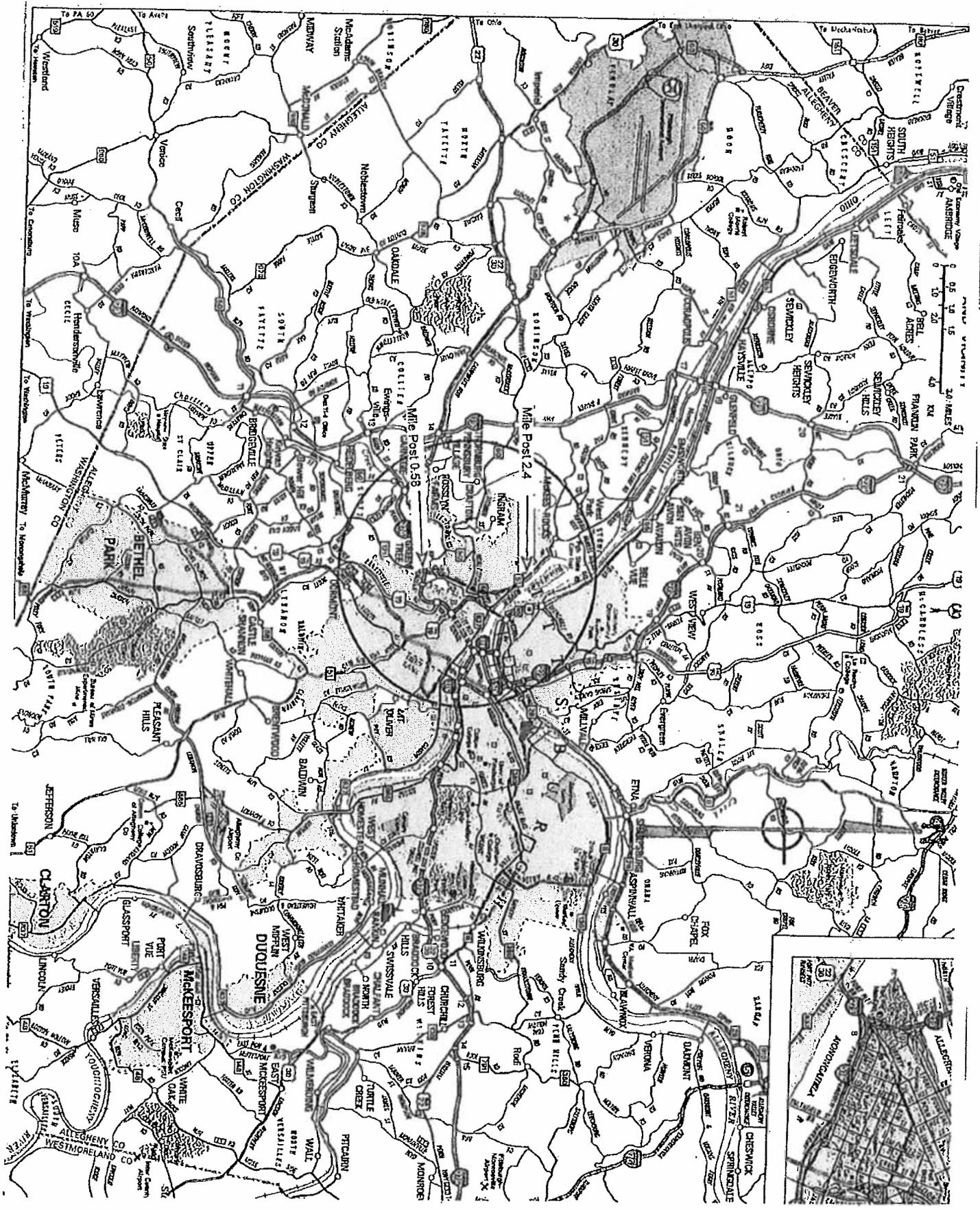
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MJB:mr  
Enclosure





DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

July 22, 2011

**Michael J. Barron, Jr.,  
Fletcher & Sippell, LLC  
Attorneys at Law  
29 North Wacker Drive  
Suite 920  
Chicago, IL 60606-2832**

**Joshua Shaffer, Regulatory Specialist**

We received your request on July 11, 2011 and your project: **Docket No. 1086; Pittsburgh & West Virginia Railroad Proposed Abandonment in Allegheny County, Pennsylvania**, has been assigned to **Joshua Shaffer** on the date of this letter. **Joshua** can be contacted at **(412) 395-7121** or via e-mail at:

*[Joshua.D.Shaffer@usace.army.mil](mailto:Joshua.D.Shaffer@usace.army.mil)*

Your Corps of Engineers **File Number is 2011-1042**. Please contact Joshua with any questions and reference this file number in all correspondence with our office concerning this site.

Sincerely,

Mark Gronceski  
Acting Chief, South Section, Regulatory Branch  
Pittsburgh District USACE



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

July 27, 2011

Operations Division  
Regulatory Branch  
**LRP-2011-1042**

Michael J. Barron, Jr.  
Fletcher & Sippel, LLC.  
Attorneys at Law  
29 North Wacker Drive  
Suite 920  
Chicago, IL 60606-2832

Dear Mr. Barron:

I refer to your correspondence, received in this office July 11, 2011, seeking our comments in relation to Section 404 of the Clean Water Act. Pittsburgh & West Virginia Railroad (PWV) is planning to seek approval from the Surface Transportation Board (STB) to abandon approximately 1.82 miles of railroad line starting at MP 0.58 near Green Tree, Allegheny County, Pennsylvania.

The US Army Corps of Engineers regulates any earth moving activities within streams or wetlands. This includes any placement of fill material, temporary or permanent. Due to the fact that your letter and location map do not clearly identify each aquatic resource, we recommend that you hire a qualified wetland consultant to evaluate the entire project area in order to determine if any jurisdictional streams or wetlands are present. If impacts to streams or wetlands are in fact proposed, you should again contact this office to discuss permitting requirements. Also, please note that Pennsylvania DEP is the lead permitting agency for many stream and wetland encroachments in Pennsylvania. You may wish to contact them for any possible permitting requirements.

Based on the information provided, it is unclear if your project would require permitting under Section 404. Every effort should be made to avoid and minimize impacts to the aquatic resources on-site. We will continue to work with you in order to protect any aquatic resources that may be present.

This project has been assigned Department of the Army Permit Number LRP-2011-1042. Please refer to this number in all future correspondence. If you have any questions, please contact Josh Shaffer at (412) 395-7121 or by email at [Joshua.d.shaffer@usace.army.mil](mailto:Joshua.d.shaffer@usace.army.mil).

Sincerely,

// SIGNED //

Mark Gronceski  
Acting Chief, Southern Section  
Regulatory Branch

# FLETCHER & SIPPEL LLC

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July 11, 2011

Pennsylvania Historical and Museum  
Commission  
State Museum Building  
300 North Street  
Harrisburg, PA 17210

**Re: Docket No. AB 1086; Pittsburgh & West Virginia Railroad  
Proposed Abandonment in Allegheny County, Pennsylvania**

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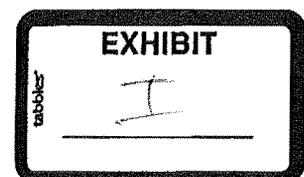
PWV is advising you of the proposed action so that you may assist us in the historical review process. A map has been enclosed for your reference. In addition, photographs of the line are provided for your review.

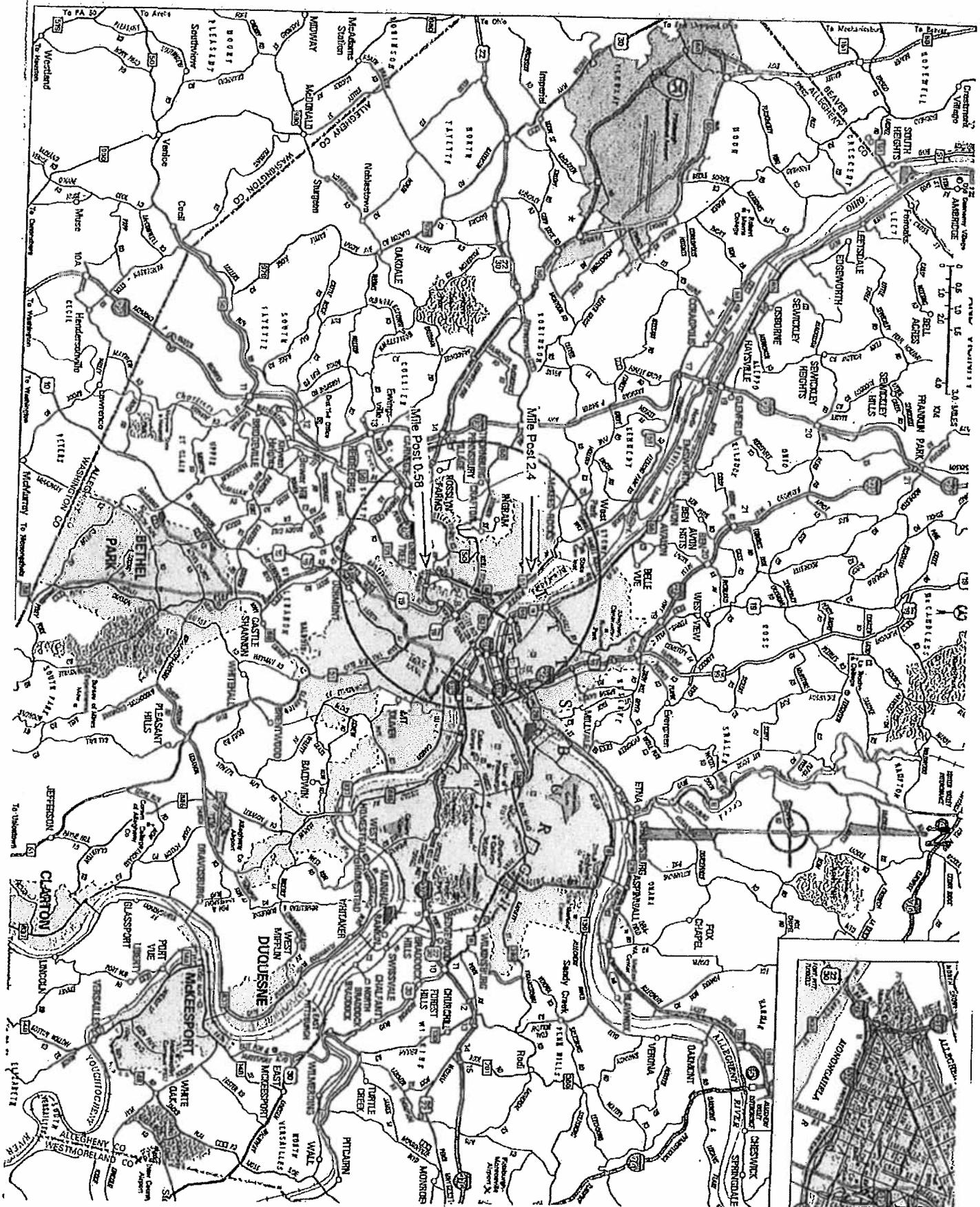
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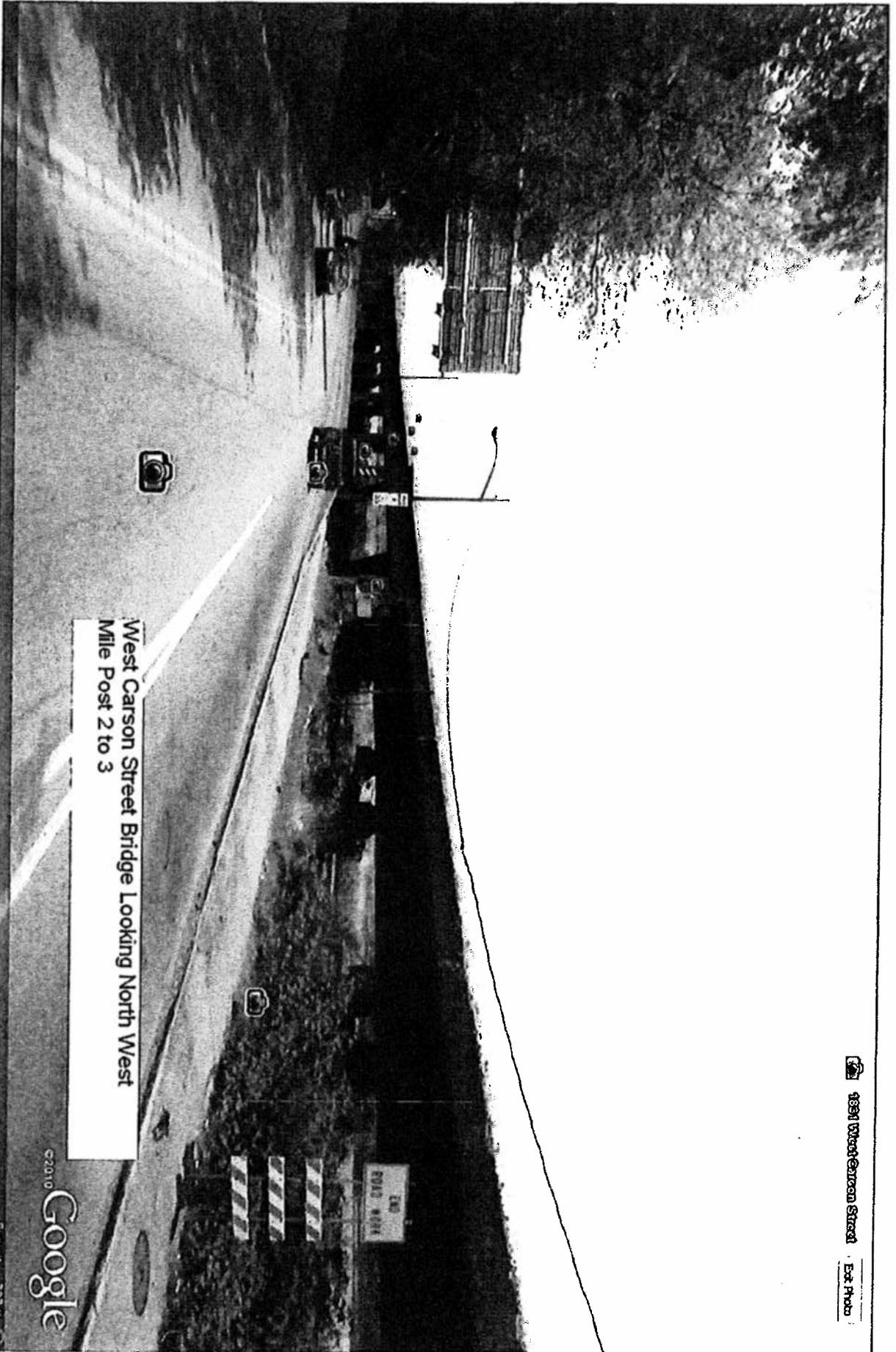


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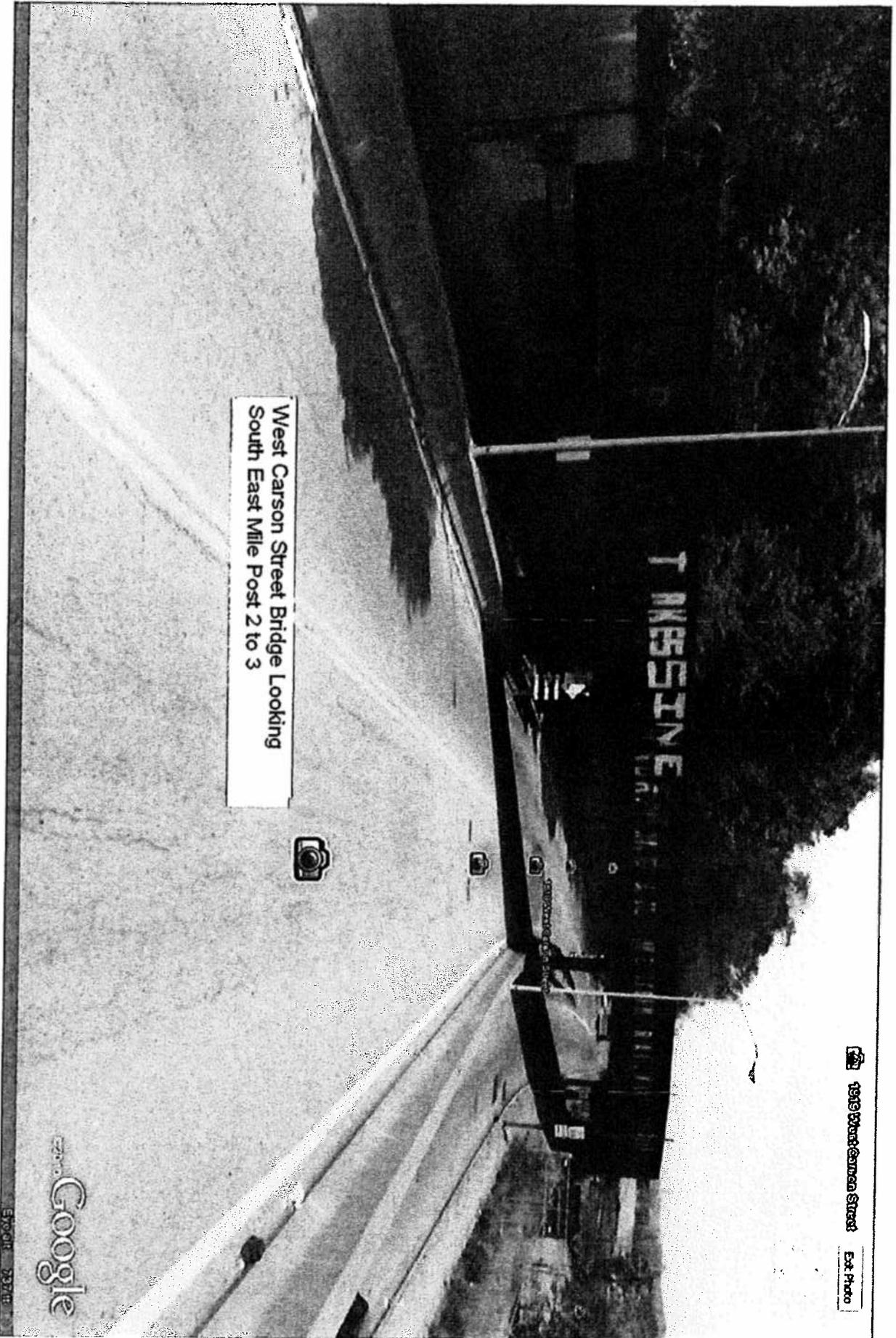


1834 West Carson Street · Edit Photo

West Carson Street Bridge Looking North West  
Mile Post 2 to 3

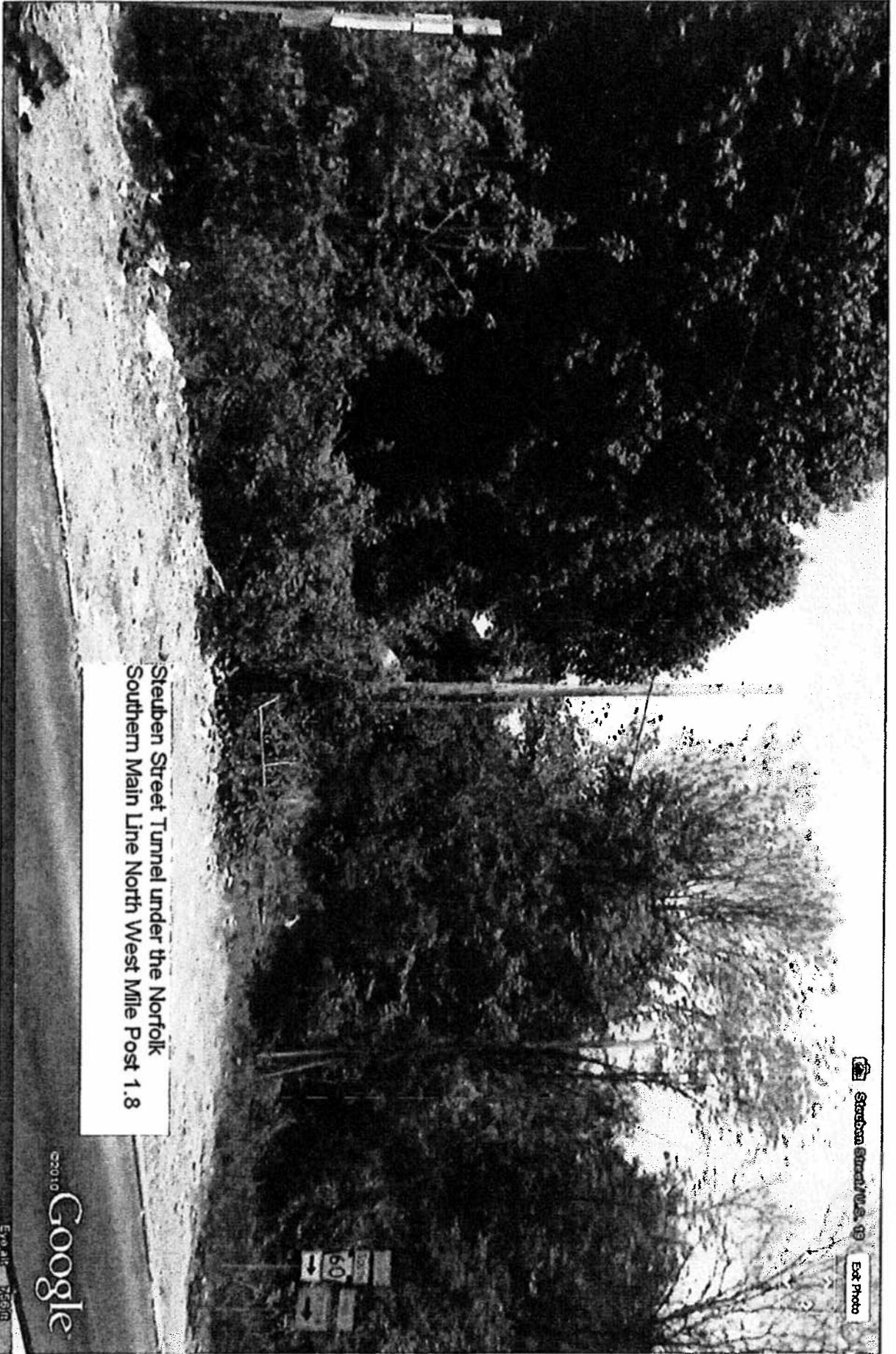
©2010 Google

Eye at 737 ft



West Carson Street Bridge Looking  
South East Mile Post 2 to 3

1919 West Carson Street [Sat Photo](#)

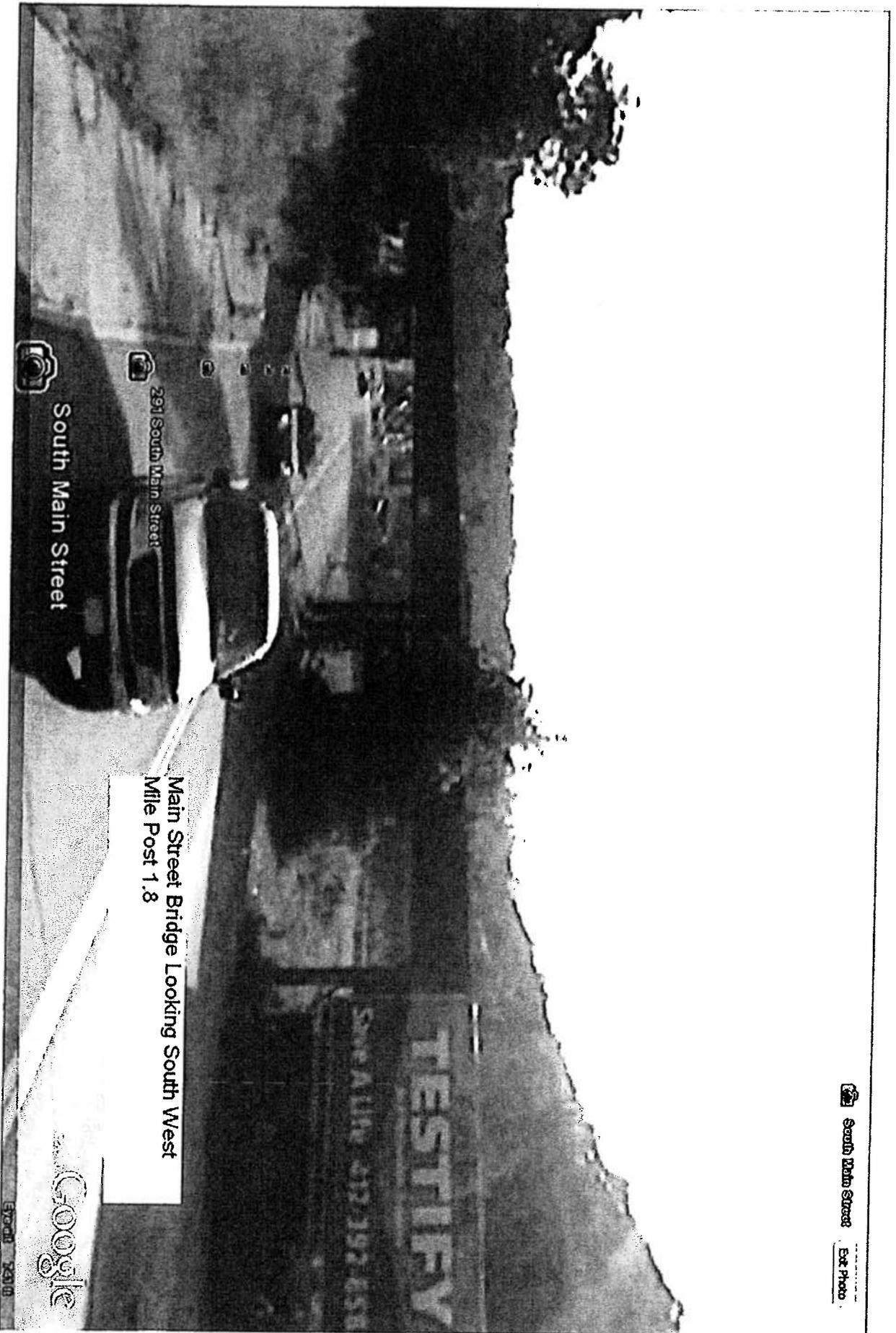


Steuben Street, U.S. 19 Exit Photo

Steuben Street Tunnel under the Norfolk Southern Main Line North West Mile Post 1.8

©2010 Google

Eye Alt 450m



 [South Main Street](#) [Exit Photo](#)

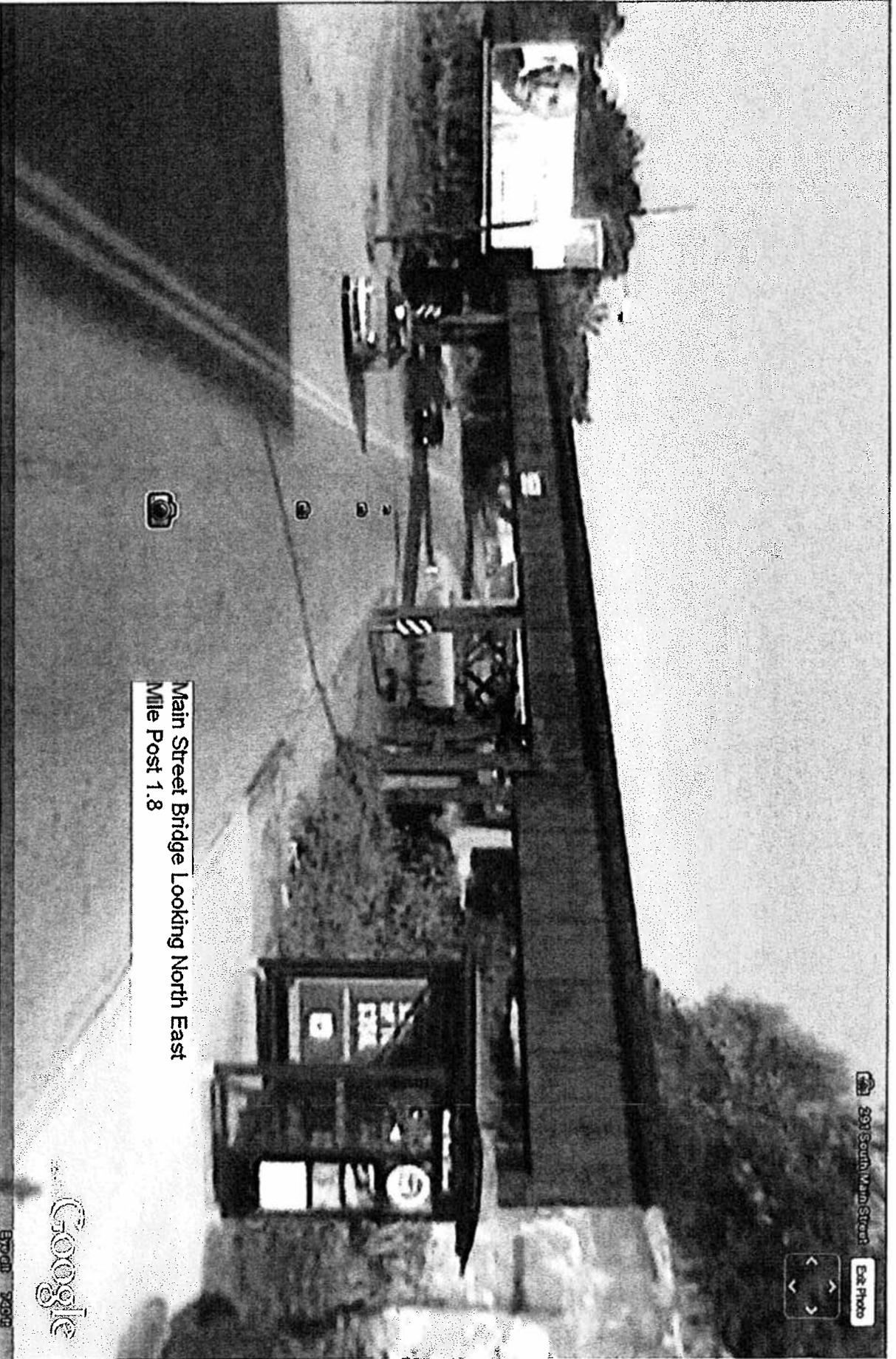
Main Street Bridge Looking South West  
Mile Post 1.8

South Main Street

291 South Main Street

Google

5700 2310



291 South Main Street

Get Photo

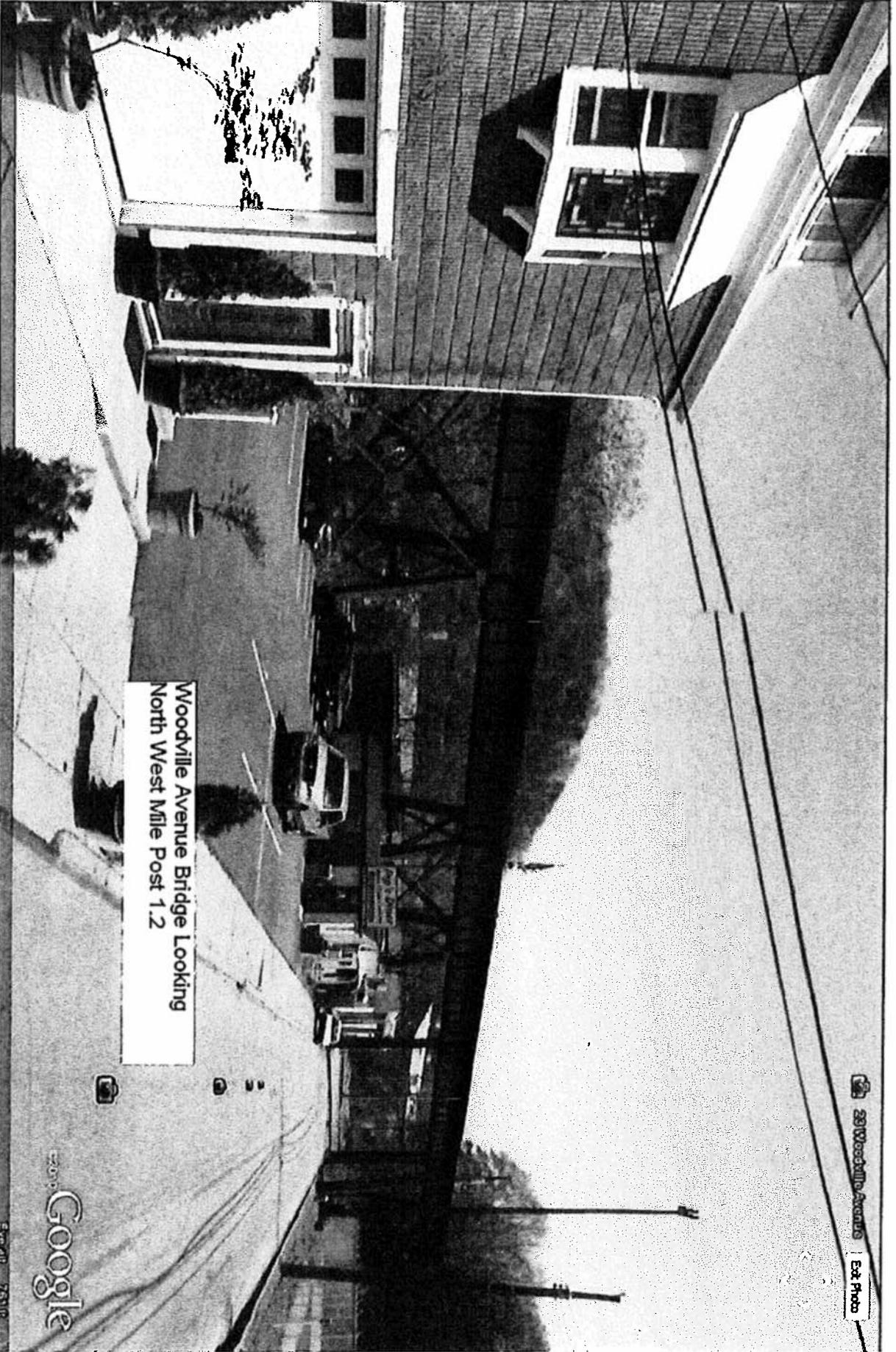


Main Street Bridge Looking North East  
Mile Post 1.8



Google

©2008 Google

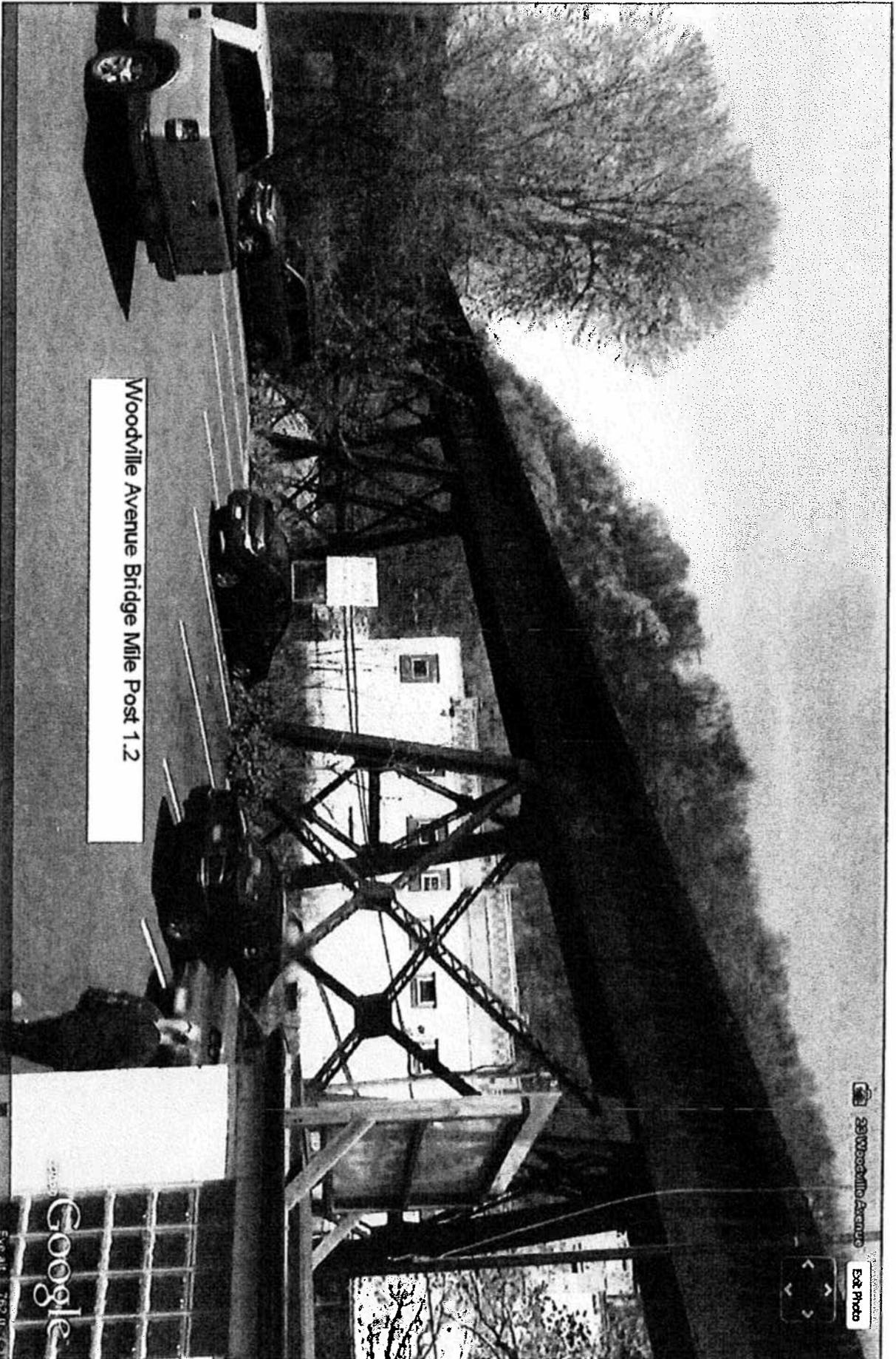


Woodville Avenue Bridge Looking  
North West Mile Post 1.2

29 Woodville Avenue  
Eye Photo

Google

Eye DR 76310



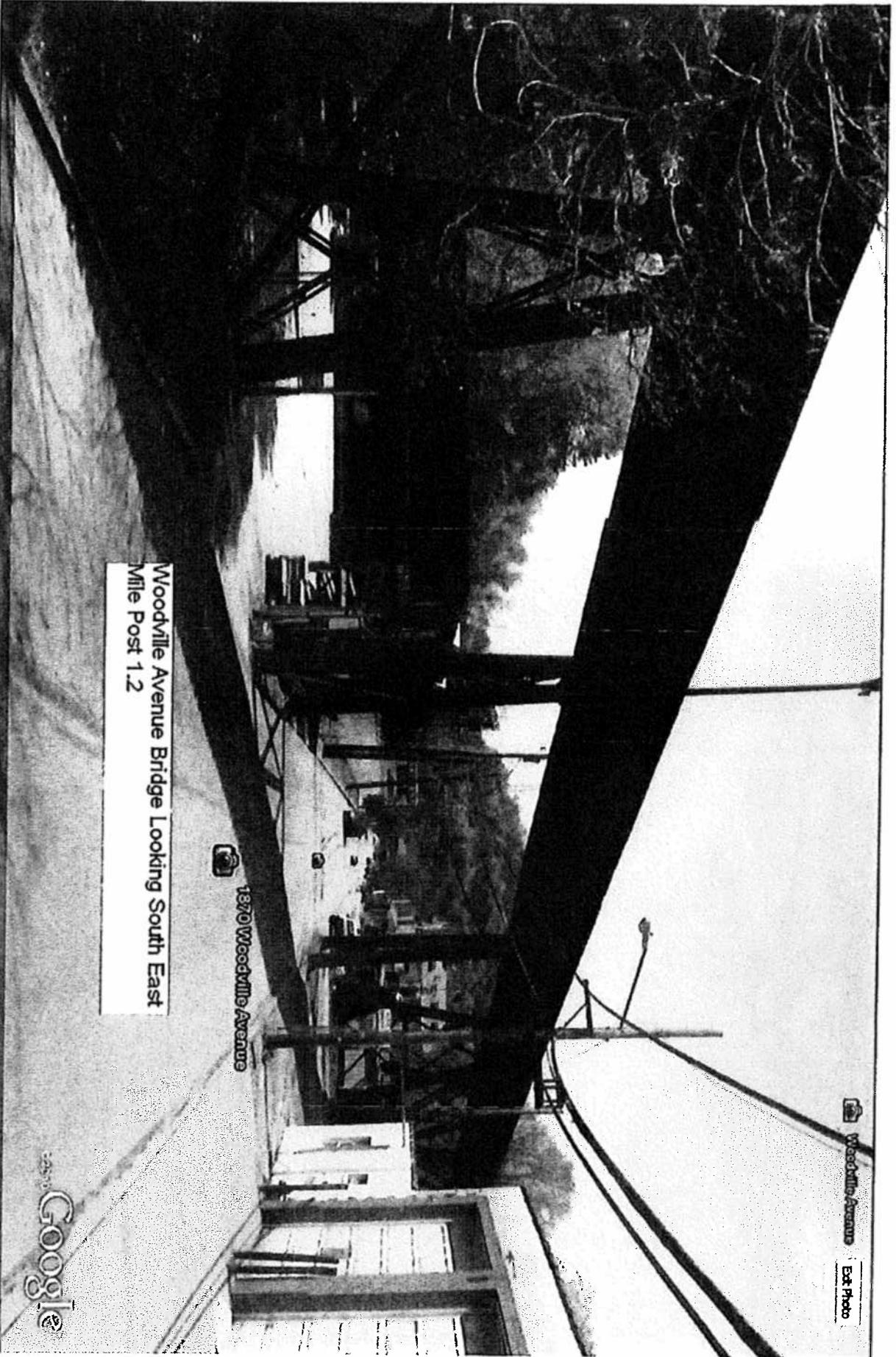
Woodville Avenue Bridge Mile Post 1.2

28 Woodville Avenue

Exit Photo

Google

Eye alt: 762 ft



Woodville Avenue Est Photo

1870 Woodville Avenue

Woodville Avenue Bridge Looking South East  
Mile Post 1.2

Google

Exo:01 765:00

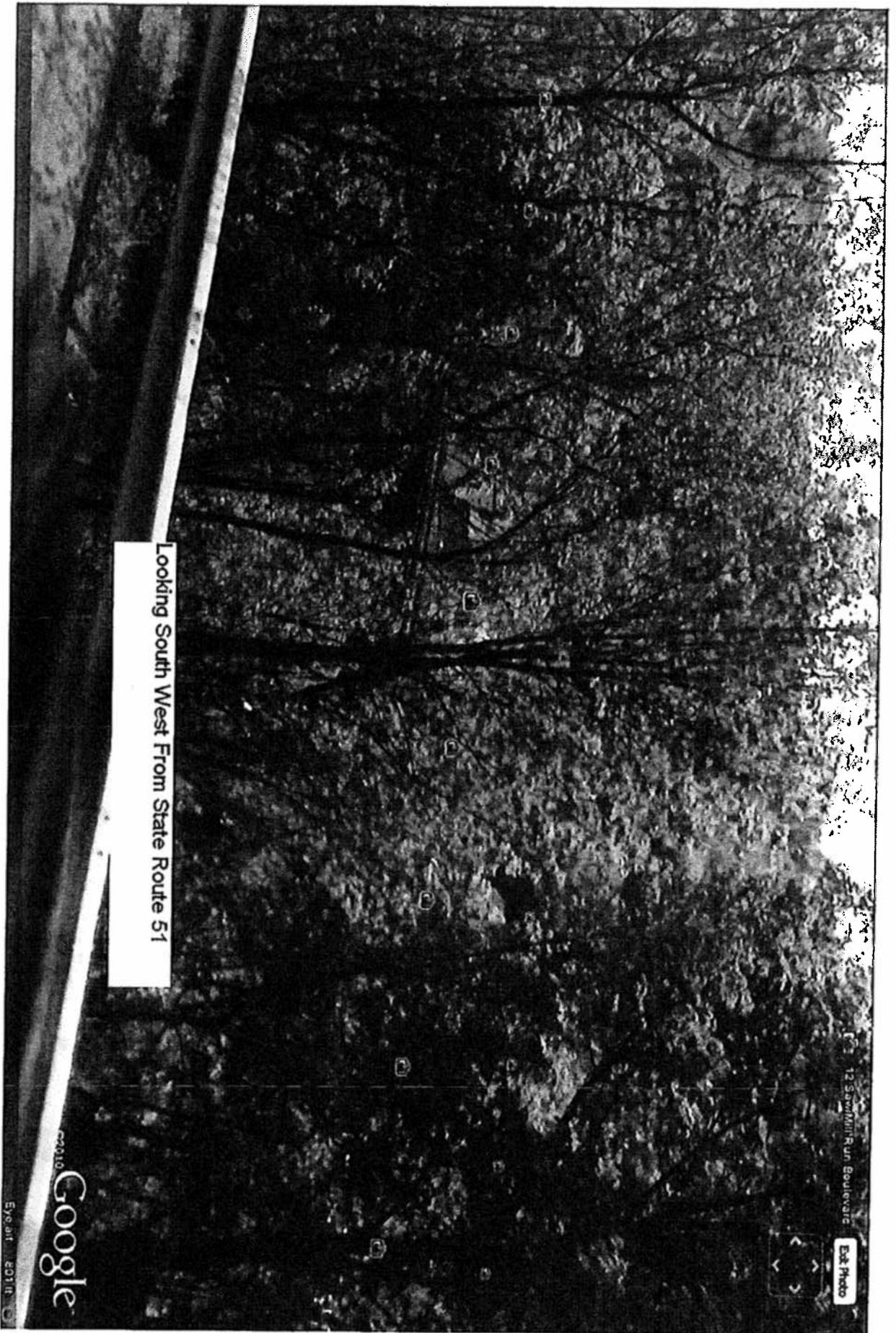


Woodville Avenue [Sat Photo](#)

Looking from Woodville Avenue in a South  
West Direction Mile Post 1.1

©2010 Google

Eye alt 764 ft



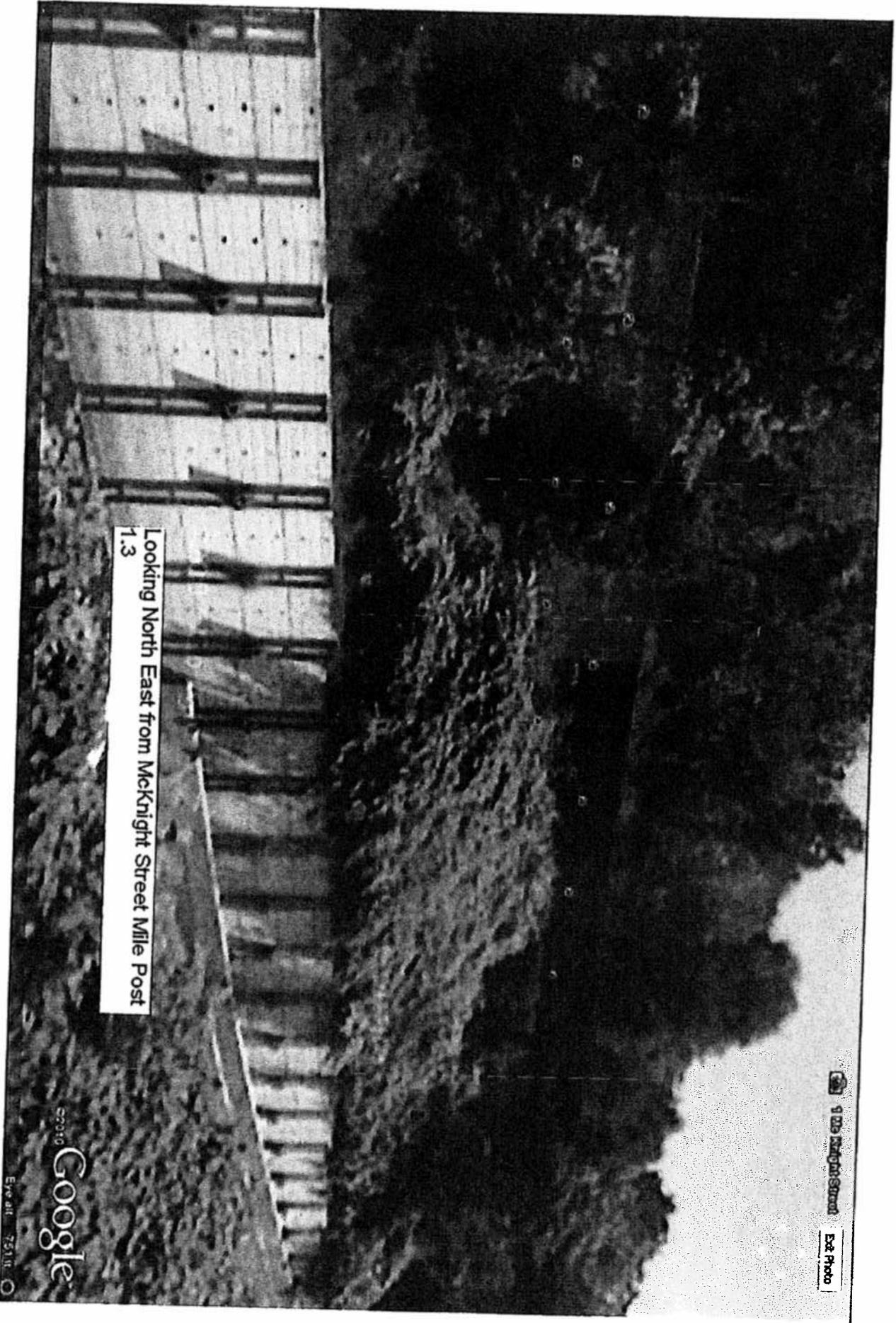
Looking South West From State Route 51

12.5km Mill Run Boulevard

Get Photo

©2010 Google

Eye art 2010



9125 McKnight Street

Ex Photo

Looking North East from McKnight Street Mile Post 1.3

©2010 Google

Eye Alt 751ft