

2 34745

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

August 29, 2013

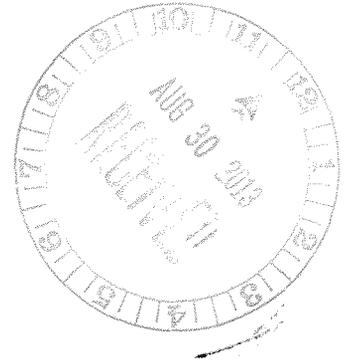
VIA FEDERAL EXPRESS

Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20024

**FEE RECEIVED**

AUG 30 2013

**SURFACE  
TRANSPORTATION BOARD**



Re: Docket No. AB-88 (Sub-No. 13X) Bessemer and Lake Erie Railroad  
Company – Abandonment Exemption -- In Allegheny County,  
Pennsylvania

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the Verified Notice of Bessemer and Lake Erie Railroad Company dated August 29, 2013 pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3,700.00 is also enclosed.

The original copy of the Environmental/Historic Report (Exhibit D to the Notice) has been provided directly to the Board's Office of Environmental Analysis.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

**FILED**

AUG 30 2013

**SURFACE  
TRANSPORTATION BOARD**

Respectfully submitted,

Audrey L. Brodrick  
Attorney for Bessemer & Lake Erie Railroad  
Company

ALB:dg  
Enclosures  
cc: Ms. Victoria J. Rutson, Room 1106

**ENTERED  
Office of Proceedings**

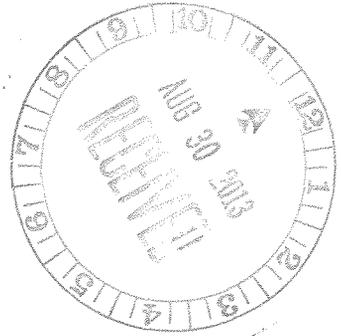
AUG 30 2013

**Part of  
Public Record**

234745

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

**DOCKET NO AB-88 (SUB-NO. 13X)**



**BESSEMER AND LAKE ERIE RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN ALLEGHENY COUNTY, PENNSYLVANIA**

ENTERED  
Office of Proceedings  
AUG 30 2013  
Part of  
Public Record

**VERIFIED NOTICE OF EXEMPTION OF  
BESSEMER AND LAKE ERIE RAILROAD COMPANY.  
PURSUANT TO 49 C.F.R. § 1152.50**

**FILED**  
AUG 30 2013  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**  
AUG 30 2013  
SURFACE  
TRANSPORTATION BOARD

ARAudrey L. Brodrick  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, Illinois 60606  
312-252-1500  
ATTORNEY FOR

**BESSEMER AND LAKE ERIE RAILROAD COMPANY**

Dated August 29, 2013

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO AB-88 (SUB-NO. 13X)**

---

**BESSEMER AND LAKE ERIE RAILROAD COMPANY  
ABANDONMENT EXEMPTION  
ALLEGHENY COUNTY, PENNSYLVANIA**

---

**VERIFIED NOTICE OF EXEMPTION OF  
BESSEMER AND LAKE ERIE RAILROAD COMPANY  
49 C.F.R. § 1152.50**

---

Bessemer and Lake Erie Railroad Company ("B & LE") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad located in Allegheny County, referred to herein as the "Line" between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue, near Harwick, Pennsylvania, a distance of approximately .79 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), B&LE submits the following information:

**General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)**

B&LE is a common carrier by rail which owns and operates approximately 147 route miles of rail line in northwestern Pennsylvania and northeastern Ohio. B&LE is a wholly-owned indirect subsidiary of Canadian National Railway Company. See Canadian Nat'l Ry. Co – Control – Duluth, M & I.R. Ry. Co., 7 S.T.B. 526 (2004).

The complete name and address of B&LE is:

Bessemer and Lake Erie Railroad Company  
17641 S. Ashland Avenue  
Homewood, IL 60430-1345

**Relief Sought: 49 C.F.R. § 1152.22(a)(3)**

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, B&LE intends to abandon its line of railroad between Mileposts 0.31 and 1.10, a distance of approximately 0.79 miles near Harwick, Pennsylvania, in Allegheny County, Pennsylvania.

**Map: 49 C.F.R. § 1152.22(a)(4)**

A map of the Line to be abandoned is attached hereto as Exhibit A.

**B&LE's Representative: 49 C.F.R. § 1152.22(a)(7)**

B&LE's representative to whom correspondence regarding this abandonment should be sent is:

Audrey L. Brodrick  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, IL 60606  
312-252-1500

**ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)**

The portion of the Line to be abandoned traverses United States Postal Service ZIP Codes 15024 and 15049.

**Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)**

Per the certificate and verification attached hereto as Exhibit B, B&LE certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last

two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

**Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

B&LE will not consummate the proposed abandonment any earlier than October 19, 2013.

**Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(e)(4)**

B&LE has entered into an agreement with Knox Watson, the adjacent property owner, whereby Knox Watson will purchase a portion of the right of way from B&LE after abandonment of the Line. B &LE believes that the remainder of the right of way may be suitable as a trail.

**Labor Protection: 49 C.F.R. 1152.50(d)(2)**

The level of labor protection applicable in rail line abandonment's is that established in *Oregon Short Line Co — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

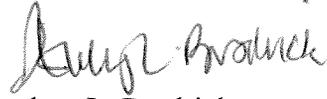
**Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)**

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

**Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8**

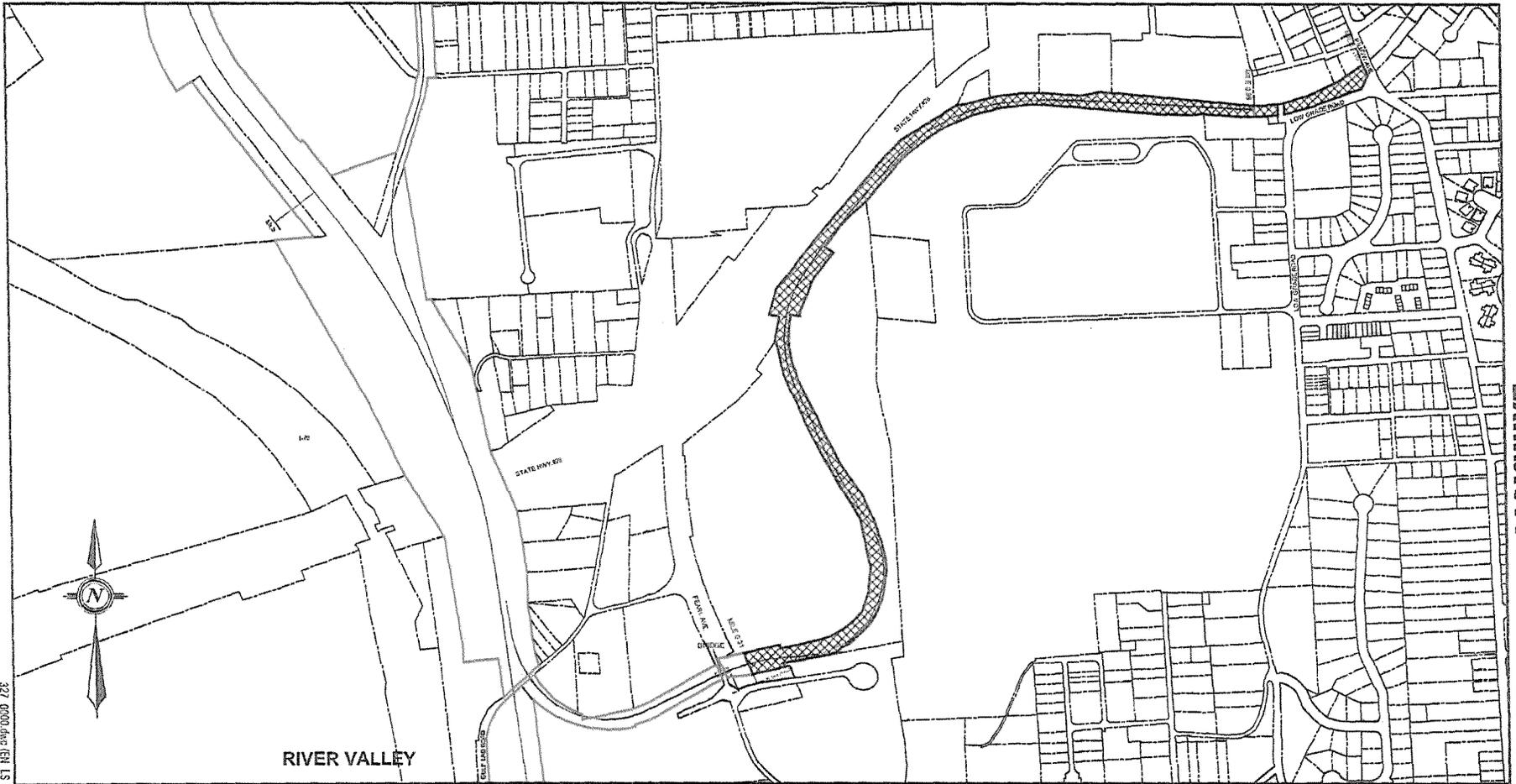
The original of the Environmental Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, has been concurrently filed with the Surface Transportation Board's Office of Environmental Analysis, a copy of which is attached hereto as Exhibit D.

Respectfully submitted,



Audrey L. Brodrick  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, IL 60606  
312-252-1500  
ATTORNEY FOR BESSEMER & LAKE ERIE  
RAILROAD COMPANY

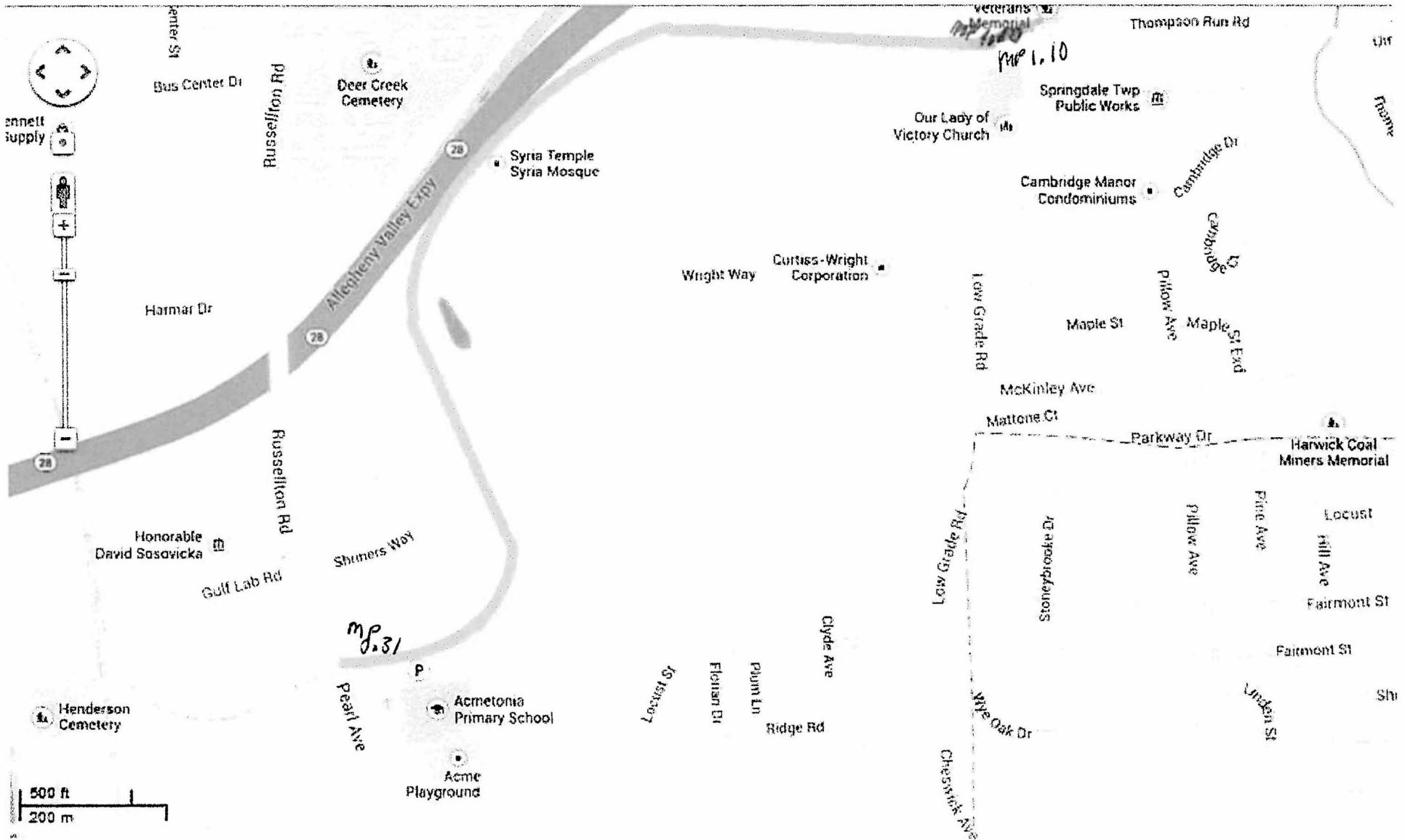
Dated: August 29, 2013



327\_0000.dwg (REV. 15) BY LYON/COSI/BRANDS/STG

<b>DESCRIPTION:</b> River Valley State of Pennsylvania United States of America	<b>PROPERTY SKETCH</b>		<b>SUBDIVISION:</b> Bessemer (327)
	☒ <b>Subject Lands/Terrain Sujet</b>	0ft 175 350 875ft 0m 70 140 280m	<b>SPUR / ANTENNE:</b> C&H RR (RV02)
<b>THIS IS NOT A PLAN OF SURVEY / CECI N'EST PAS UN PLAN D'ARPENTAGE</b>			<b>MILEAGE / MILLIAIRE:</b> H.B 4.32 (0.31 - 1.10)
			<b>DATE:</b> April 22, 2013
			<b>SCALE / ÉCHELLE:</b> 1:7000





**EXHIBIT B**

**DOCKET NO AB-88 (SUB-NO. 13X)  
BESSEMER AND LAKE ERIE RAILROAD COMPANY  
— ABANDONMENT EXEMPTION —  
IN ALLEGHENY COUNTY, PENNSYLVANIA  
CERTIFICATE AND VERIFICATION**

STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF COOK        )

Brian Buchanan, being duly sworn, deposes and says

1. That no local traffic has moved over the line of Bessemer and Lake Erie Railroad Company ("B&LE") from milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue, near Harwick, Pennsylvania, a distance of 0.79 miles in Allegheny County, Pennsylvania, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

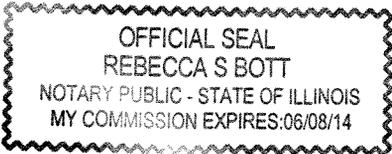
Dated: August 21, 2013

*Brian Buchanan*

Bessemer and Lake Erie Railroad Company

Subscribed and sworn to before me  
this 21<sup>st</sup> day of August, 2013

*Rebecca S. Bott*



**CERTIFICATE**

I, Audrey L. Brodrick, an attorney for Bessemer and Lake Erie Railroad Company, hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-88 (Sub-No. 13X), Bessemer and Lake Erie Railroad Company-- Abandonment Exemption -- in Allegheny County, Pennsylvania:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On August 13, 2013, written notice was mailed to the (a) United States Department of Defense, MSDDC-TEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; and (d) Pennsylvania Public Utilities Commission (copies of which are attached hereto as Attachments 1-4).

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: on August 1, 2013, the Environmental and Historic Report for this proceeding, of which the original report has been concurrently filed with the Surface Transportation Board's Office of Environmental Analysis, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on May 25, 2013 in the Tribune- Review, a newspaper of general circulation in Allegheny County, Pennsylvania. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this certificate as Attachment 7.

(4) The notice requirements of 49 C.F.R. 1105.8 have been complied with.

Dated this 29<sup>th</sup> day of August, 2013.



Audrey L. Brodrick  
Counsel for Bessemer and Lake Erie Railroad  
Company

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

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AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

August 13, 2013

Railroads For National Defense Program  
Military Surface Deployment & Distribution Command  
Transportation Engineering Agency  
1 Soldier Way, Bldg. 1900W  
Scott AFB, IL 62225- 5006

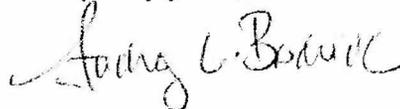
Re: Docket No. AB 88 (Sub No. 13X) – Bessemer & Lake Erie Railroad  
Company - Proposed Abandonment in Allegheny County, Pennsylvania

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Bessemer & Lake Erie Railroad Company shall, on or after August 24, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a .79 mile line of railroad between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Codes 15024 and 15049.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line **does not** contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie  
Railroad Company

ALB:dg

**FLETCHER & SIPPEL LLC**

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

August 13, 2013

Mr. Tom Tidwell  
Chief of the Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003

Re: Docket No. AB 88 (Sub No. 13X) – Bessemer & Lake Erie Railroad  
Company - Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. Tidwell:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Bessemer & Lake Erie Railroad Company shall, on or after August 24, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a .79 mile line of railroad between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Codes 15024 and 15049.

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Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie  
Railroad Company

ALB:dg

**FLETCHER & SIPPEL LLC**

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AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

August 13, 2013

National Park Service  
Attention: Charlie Stockman  
Org. 2220  
1201 I (Eye) Street, N.W.  
Washington, D.C. 20005

Re: Docket No. AB 88 (Sub No. 13X) – Bessemer & Lake Erie Railroad  
Company - Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. Stockman:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Bessemer & Lake Erie Railroad Company shall, on or after August 24, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a .79 mile line of railroad between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Codes 15024 and 15049.

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Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie  
Railroad Company

ALB:dg

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AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

August 13, 2013

Pennsylvania Public Service Commission/Pennsylvania  
Public Utilities Commission  
Commonwealth Keystone Building  
400 North Street, 3rd Floor, Room N-304  
Harrisburg, PA 17120  
Attention: Robert F. Powelson, Chairman

Re: Docket No. AB 88 (Sub No. 13X) – Bessemer & Lake Erie Railroad  
Company - Proposed Abandonment in Allegheny County, Pennsylvania

Dear Chairman Powelson:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Bessemer & Lake Erie Railroad Company shall, on or after August 24, 2013, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a .79 mile line of railroad between milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. Such line runs through U.S. Postal Zip Codes 15024 and 15049.

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Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie  
Railroad Company

ALB:dg

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(312) 252-1518  
abrodrick@fletcher-sippel.com

August 13, 2013

Pennsylvania Public Service Commission/Pennsylvania  
Public Utilities Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265  
Attention: Robert F. Powelson, Chairman

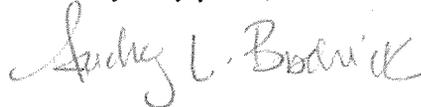
Re: Docket No. AB 88 (Sub No. 13X) – Bessemer & Lake Erie Railroad  
Company - Proposed Abandonment in Allegheny County, Pennsylvania

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Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie  
Railroad Company

ALB:dg

**FLETCHER & SIPPEN LLC**

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29 North Wacker Drive  
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Chicago, Illinois 60606-2832

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www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodric@fletcher-sippel.com

August 1, 2013

Mr. Douglas C. McLearen, Chief  
Bureau for Historic Preservation  
Commonwealth Keyston Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

Re: **Docket No. AB-88 (Sub-No. 13X)**  
**Bessemer & Lake Erie Railroad Company– Abandonment**  
**Exemption – In Allegheny County, Pennsylvania**

Dear Mr. McLearen:

Any time on or after August 21, 2013, Bessemer & Lake Erie Railroad Company ("B &LE") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of B & LE's line of railroad extending from milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue near Harwick, Pennsylvania ("the Line"). Your review of and comments on this project may have been previously requested by letter dated April 23, 2013.

In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, we are providing for your information the enclosed Environmental/Historic Report which will accompany the notice of exemption and which describes the proposed action and any expected environmental or historic effects. The Report also includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental 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 Board's environmental review process, please contact the Office of Environmental Analysis at the following address:

Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, S.W., Room 1106  
Washington, DC 20423-0001  
(202) 245-0295

# FLETCHER & SIPPEL LLC

Mr. Douglas C. McLearen, Chief

Bureau for Historic Preservation

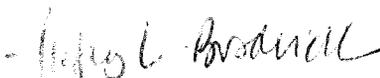
August 1, 2013

Page 2

Your comments should reference Docket No. AB-88 (Sub-No. 13X) and, if written, should include a copy to the undersigned. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the Office of Environmental Analysis would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, you should feel free to contact me directly at 312-252-1518. Thank you for your assistance on this matter. Kind regards.

Very truly yours,



Audrey L. Brodrick

Attorney for Bessemer & Lake Erie Railroad  
Company

ALB:dg  
Enclosure

## Attachment 6 to EXHIBIT C

Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

### SERVICE LIST

Mr. Douglas C. McLearen, Chief  
Bureau for Historic Preservation  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

Mr. Rich Fitzgerald  
Board of Commissioners  
Allegheny County Chief Executive  
436 Grant Street, Room 101  
Pittsburgh, PA 15219

Pennsylvania Department of Transportation  
Bureau of Rail Freight, Ports and Waterways  
P.O. Box 2777  
Harrisburg, PA 17105

Via E-mail and U.S. Mail to:  
[NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov)  
Ms. Juliana P. Blackwell  
National Geodetic Survey  
CORS, Harrisburg, PA  
N/NGS1, SSMC3, 1315 East-West Highway  
Silver Spring, MD 20910-3282

Pennsylvania Department of Environmental Protection  
Water Planning Office  
P.O. Box 2063400  
Market Street 15th Floor  
Harrisburg, PA 17105-2063

Ms. Susan Malone, Regional Director  
Pennsylvania Department of Environmental  
Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222

Ms. Tammy Palmaher  
U.S. Fish & Wildlife Service  
Pennsylvania Field Office  
315 South Allen Street, Suite 322  
State College, PA 16801-4850

U.S. Fish and Wildlife, Region 5  
300 West Gate Center Drive  
Hadley, MA 01035-9589

Mr. Dennis Reidenbach, Regional Director  
Northeast Region-National Park Service  
U.S. Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

USDA, NRCS, Office of the Chief  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250

Natural Resources Conservation Service  
Allegheny County Field Office  
625 Evans City Road, Suite 102  
Butler, PA 16001

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

Mr. Shawn M. Garvin  
U.S. EPA Region 3  
1650 Arch Street (3PM52)  
Philadelphia, PA 19103-2029

Mr. Jim Rhea, Manager  
USDA  
Butler County Local Office  
625 Evans City Road, Suite 101  
Butler, PA 16001-8704

Pennsylvania Coastal Resources  
Management Program  
Water Planning Office  
400 Market Street, 2nd Floor  
Harrisburg, PA 17105-2063



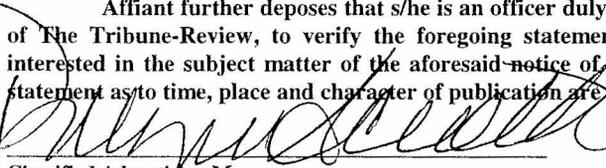
# TRIB TOTAL MEDIA LEGAL ADVERTISING

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

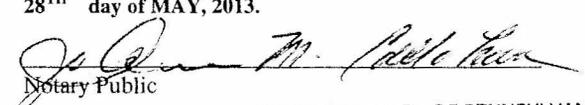
Commonwealth of Pennsylvania  
County of Westmoreland } SS:

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# 5577841, RE: CORRECTION / NOTICE OF EXEMPTION; 25<sup>TH</sup> DAY OF MAY, 2013.**

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  
28<sup>TH</sup> day of MAY, 2013.

  
Notary Public

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

JoAnn M. Callahan, Notary Public  
City of Greensburg, Westmoreland County  
My Commission Expires July 1, 2016

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

### Statement of Advertising Costs

ATTN: AUDREY L. BRODRICK  
FLETCHER & SIPPEL LLC  
29 NORTH WACKER DRIVE  
SUITE 920  
CHICAGO, IL 60606-2832

To TribTotal Media, Inc.	
For Publishing the notice or advertisement attached hereto on the above stated dates	\$308.58
Probating Same	\$ 0
Total	\$ 308.58

### Publisher's Receipt for

The Trib Total Media, Inc., publisher of acknowledges a receipt of the aforesaid advertising an fully paid.

Trib Total Media Inc., Publisher of The Tribune-Review, a Daily Newspaper.

By \_\_\_\_\_

### NOTICE THIS IS A CORRECTION OF A NOTICE THAT RAN ON APRIL 26, 2013

Bessemer and Lake Erie Railroad Company gives notice that on or after June 11, 2013 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 approximately 79 miles of railroad line from approximately MP 0.31 east of Pearl Avenue to approximately MP 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania, which traverses through United States Postal Service ZIP Codes 15024 and 15049 in Allegheny County, Pennsylvania. The proceeding will be docketed as No. AB 88 (Sub-No. 13X).

The Board's Section of Environmental Analysis (SEA) 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 Section of Environmental Analysis (SEA), 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 Office of the Secretary, 395 E. Street, SW., Washington, DC 20423 [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 Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Audrey L. Brodrick, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.

5577841(5-25-13)

## NOTICE

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**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO AB-88 (SUB-NO 13X)**

**BESSEMER AND LAKE ERIE RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN DENMARK, ALLEGHENY COUNTY, PENNSYLVANIA**

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**APPENDICES TO  
ENVIRONMENTAL/HISTORICAL REPORT**

**Appendix**

Map showing Line location ..... A

Allegheny County Board of Commissioners Notice Letter ..... B

Pennsylvania Department of Transportation Notice Letter ..... C

National Geodetic Survey Notice Letter and Response ..... D

Natural Resources Conservation Service Notice Letter ..... E

Office of Water-U.S. Environmental Protection Agency Notice Letter..... F

U.S. Fish and Wildlife Service Notice Letter and Response ..... G

Pennsylvania Department of Conservation and Natural Resources  
Notice Letter and Response ..... H

National Park Service Notice Letter ..... I

U.S. Environmental Protection Agency-Region 3 Notice Letter ..... J

Pennsylvania Department of Environmental Protection Notice Letter and Response ..... K

U.S. Army Corps of Engineers Notice Letter and Response..... L

Pennsylvania Bureau for Historic Preservation Notice Letter and Response ..... M

Certificate of Compliance with 49 C.F.R. §1105 ..... N

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO AB-88 (SUB-NO 13X)**

**BESSEMER AND LAKE ERIE RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN ALLEGHENY COUNTY, PENNSYLVANIA**

---

**ENVIRONMENTAL/HISTORICAL REPORT**

Bessemer and Lake Erie Railroad Company ("B&LE") 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.<sup>1</sup>

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

**1. Proposed Action and Alternatives.** B&LE seeks to abandon its line of railroad extending from milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue near Harwick, Pennsylvania (the "Line"). The Line is situated in Allegheny County, Pennsylvania and extends a total distance of approximately 0.79 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.

---

<sup>1</sup> This Environmental/Historic Report has been revised to reflect comments received from the U.S. Fish and Wildlife Service, the Army Corps of Engineers and the Pennsylvania Bureau for Historic Preservation since the time the report was originally served on the required agencies. None of the additional comments received by the U.S. Fish and Wildlife Service, the Amy Corpos of Engineers and the Pennsylvania Bureau for Historic Preservation made any changes to the original comments or approvals received from these agencies. For reference these comments are included in the appropriate appendices to this report.

B&LE has entered into an agreement with Knox Watson, the adjacent property owner, whereby Knox Watson will purchase the land from B&LE after abandonment of the Line. It is B & LE's belief that Knox Watson plans to salvage the rail on the subject property after abandonment.

No grade crossings will be removed. There are no structures or bridges located along the Line.

No alternatives to the proposed abandonment have been considered. A map showing the location of the Line is attached herein as Appendix A.

B&LE has contacted and requested comments from the Allegheny County Board of Supervisors. See correspondence attached herein as Appendix B. B&LE has received no comments to date.

2. **Transportation System.** B&LE 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.

B&LE has contacted and requested comments from the State of Pennsylvania Department of Transportation. See correspondence attached herein as Appendix C. B&LE has received no comments to date.

3. **Land Use.**

(i) B&LE does not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from the NOAA/National Geodetic Survey.

See correspondence attached herein as Appendix D. NOAA/National Geodetic Survey has responded that there are no geodetic survey marks on the Line. See Appendix D.

(ii) The proposed abandonment lies entirely within the limits of Allegheny County, Wisconsin. The Natural Resource Conservation Service (NRCS) has been contacted and comments requested. See correspondence attached herein as Appendix E. B&LE 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. B&LE has contacted the Office of Water at 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 Appendix F. B&LE has received no comments to date. As mentioned above, after abandonment it is B & LE's belief that Knox Watson plans to salvage the rail on the subject property.

(iv) B &LE is not aware of any alternative public use under 49 U S C. §10905 for which the remainder of the right-of-way would be suitable.

**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 B&LE 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. No such traffic has been handled on this line, and

B&LE 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.

(ii) Not applicable. To B&LE's knowledge, no hazardous commodities were ever handled on this Line. Accordingly, the proposed abandonment will have no effect on the transportation of hazardous materials.

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

**8. Biological Resources.**

(i) The U.S. Fish and Wildlife Service has been contacted and B&LE has requested comments. The U.S. Fish and Wildlife Service has responded that there are no known impacts as a result of this abandonment and that no further review is required. See correspondence attached as Appendix G.

B&LE has also contacted and requested comments from the Pennsylvania Department of Conservation and Natural Resources. See correspondence attached herein as Appendix H. The Pennsylvania Department of Conservation Resources has responded that there are no known impacts as a result of the abandonment and that no further review is required. See correspondence attached as Appendix H.

(ii) The National Park Service has been contacted and comments requested. See correspondence attached herein as Appendix I. B&LE has received no comments to date.

**9. Water.**

(i) The US EPA for Region 3 of the Environmental Protection Agency has been contacted and we have requested comments from them. See correspondence attached herein as Appendix J. B&LE has received no comments to date. The Pennsylvania Department of Environmental Protection has been contacted and provided comments. The Pennsylvania

Department of Environmental Protection, Interstate Waters Office has also provided comments and stated that no coastal zones will be impacted by the proposed abandonment. See correspondence attached herein as Appendix K. The Pennsylvania Department of Environmental Protection commented on the relevant environmental laws and regulations for the abandonment. B&LE is aware of all of its responsibilities outlined in the Pennsylvania Department of Environmental Protection's letter and will employ its best efforts and practices in carrying out the abandonment of the Line. B&LE will contact and cross-check with all required and applicable agencies prior to the abandonment and as noted in this report. B&LE will also comply with all regulations and rules regarding air quality, environmental cleanup, oil and gas, waterways and wetlands, waste management, safe drinking water, and clean water, to the extent they apply, in abandoning the Line.

(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 Appendix L. The Corps indicated that it regulates any earth moving activities within streams for wetlands, including the placement of fill material, temporarily or permanently. B&LE does not anticipate that the abandonment will involve earth moving activities within streams or wetlands and thus there will be no effect on fill materials on any existing wetlands.

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

(iii) B & LE does not anticipate the discharge of any pollutants in relation to its proposed abandonment. Additionally, no material will be disposed of into waterways as part of the abandonment. Accordingly, B&LE concludes that no permits under Section 402 of the Clean

Water Act are required. Additionally, No material will be disposed of into waterway as part of the abandonment.

10. **Proposed Mitigation.** As no adverse impact is anticipated, B&LE 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 Appendix A.

2. **Description of Line.** The line to be abandoned extends from milepost 0.31 to milepost 1.10 near Harwick, Pennsylvania. The Line is situated in Allegheny County, Pennsylvania and extends a total distance of approximately 0.79 miles, or approximately 4,171 feet. The width of the right of way varies in width from approximately 60 feet to 160 feet with the majority being about 60 feet.

3. **Photographs.** There are no photographs of this Line because there are no buildings or structures located along this portion. There are no grade crossings which will be removed with this abandonment.

4. **Information on Structures.** There are no structures or bridges located along this Line.

5. **History of Operations.** The Line has not been required to serve any customer in many years. The Line was previously used for general freight 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.** B&LE will provide copies of any documents in its possession.

7. **Historic Criteria.** B&LE has contacted and given notice of the proposed abandonment to The State Historic Preservation Office within the Pennsylvania Bureau for Historic Preservation. ("SHPO"). See correspondence attached as Appendix M. SHPO's response to B&LE indicates that no historic properties will be affected. See Appendix M.

8. **Ground Disturbances.** B&LE has reported there are no archaeological resources in the area. Access to the line is generally good.

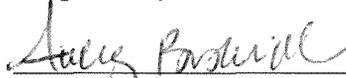
9. **Request by State Historic Preservation Office.** Upon request of the Pennsylvania Historical Society, B&LE will provide such additional information as may be requested under Section 1105.8(d)(9).

**CERTIFICATIONS - 49 C.F.R § 1105.7(c)**

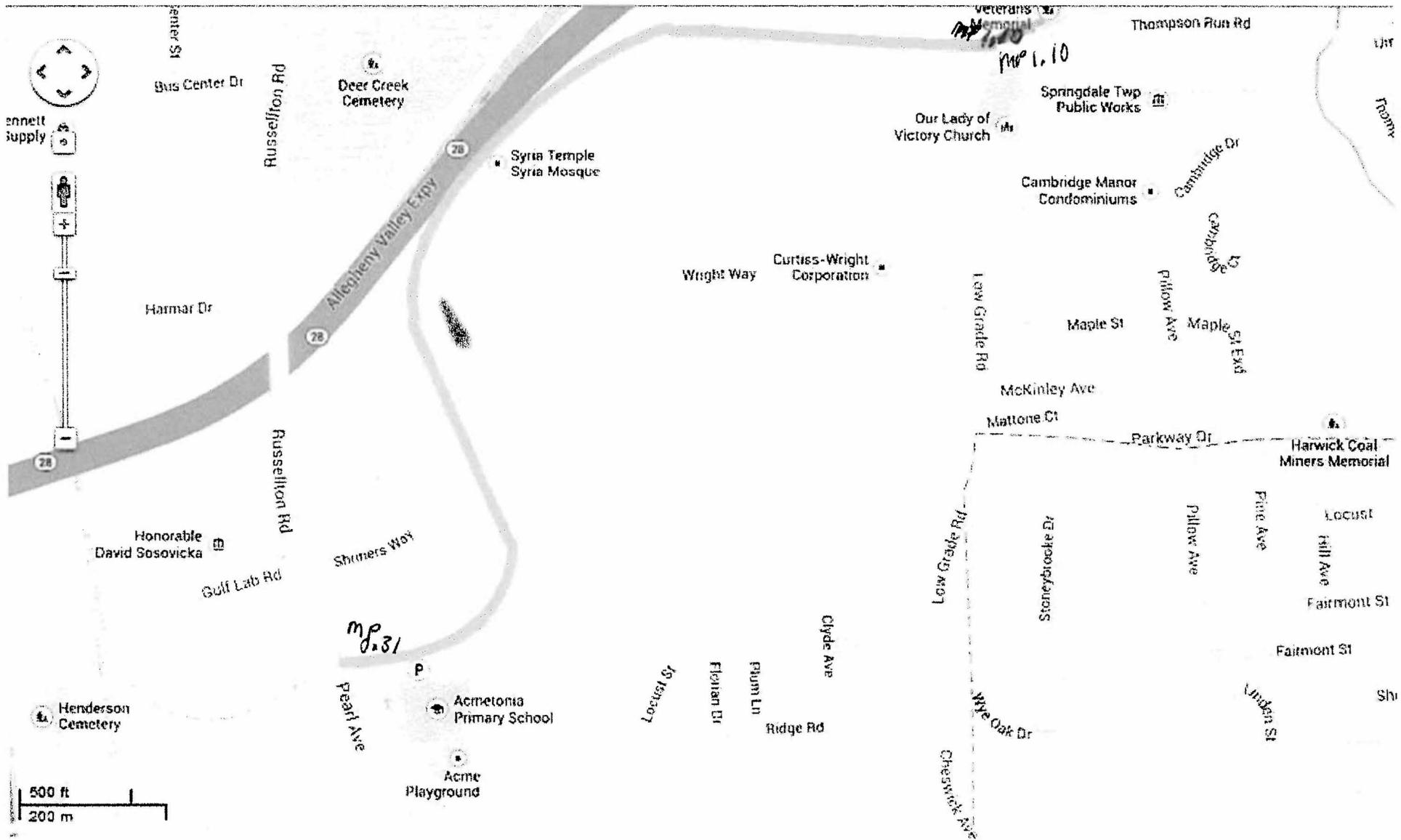
A certification that the foregoing Report has been served on each of the agencies designated in 49 C.F.R. § 1105.7(b) and that B & LE has consulted with all appropriate agencies in preparing this Report is attached hereto as Appendix N. A certification that, in accordance with 49 C.F.R. § 1105.12, B &LE has published notice of the proposed abandonment in a newspaper of general circulation in the county through which the Line passes is attached hereto as Appendix N.

Dated: August 29, 2013

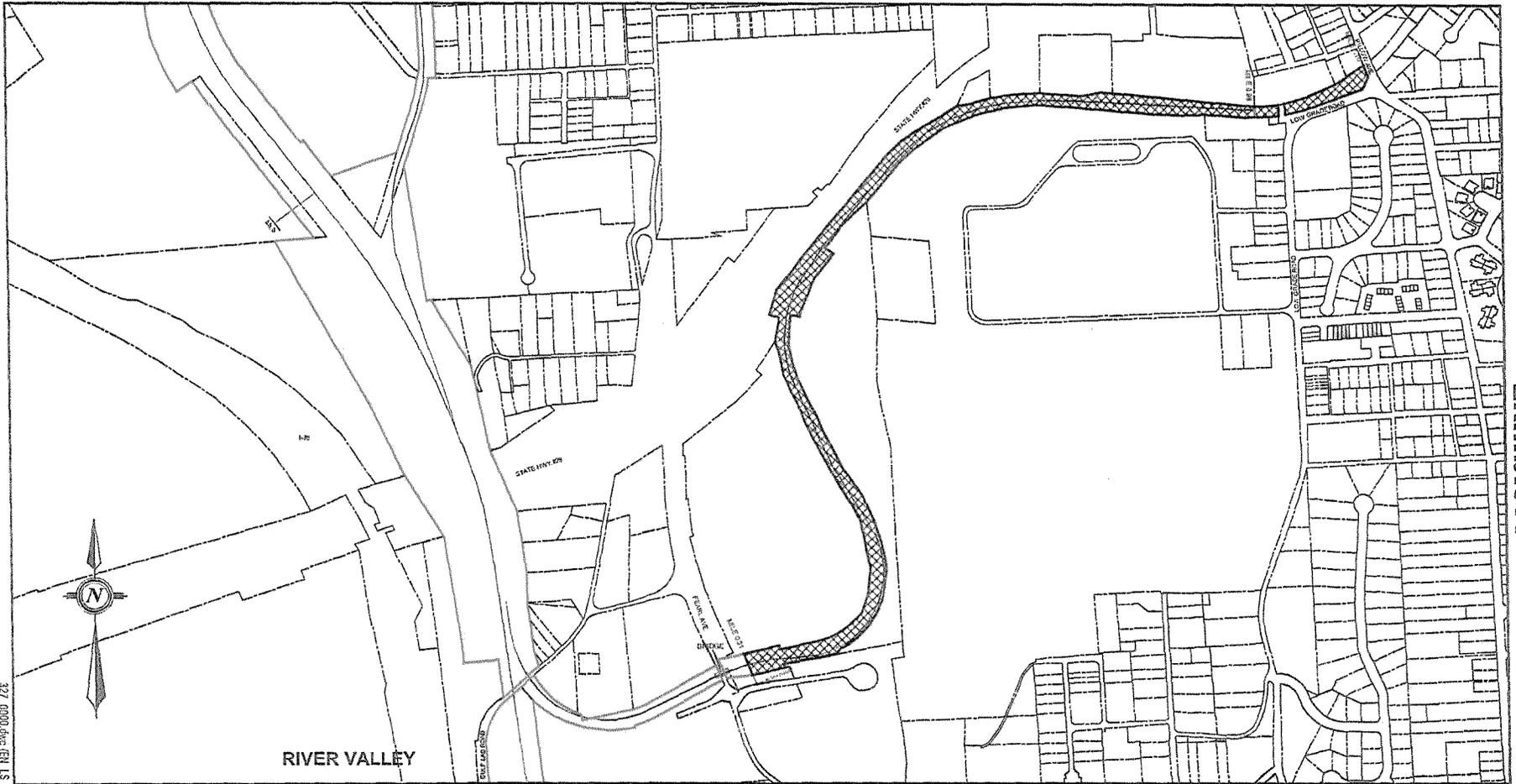
Respectfully submitted,



Audrey E. Brodrick  
Fletcher & Sippel LLC  
29 N. Wacker Dr., Suite 920  
Chicago, Illinois 60606  
312-252-1500 Telephone  
312-252-2400 Facsimile  
[abrodrick@fletcher-sippel.com](mailto:abrodrick@fletcher-sippel.com)



APPENDIX A



327\_00001.dwg (REV. L.S. 07/01/13)1/ward.selling

<b>DESCRIPTION:</b> River Valley State of Pennsylvania United States of America	<b>PROPERTY SKETCH</b>		<b>SUBDIVISION:</b> Bessemer (327)
	☒ Subject Lands/Terrain Sujet	0ft 175 350 875ft 0m 70 140 260m	<b>SPUR / ANTENNE:</b> C&H RR (RV02)
<b>THIS IS NOT A PLAN OF SURVEY / CECI N'EST PAS UN PLAN D'ARPENTAGE</b>			<b>MILEAGE / MILLIAIRE:</b> H.B 4.32 (0.31 - 1.10)
			<b>DATE:</b> April 22, 2013
			<b>SCALE / ÉCHELLE:</b> 1:7000



# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Mr. Rich Fitzgerald  
Board of Commissioners  
Allegheny County Chief Executive  
436 Grant Street, Room 101  
Pittsburgh, PA 15219

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. Fitzgerald:

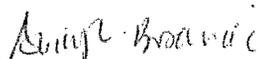
Bessemer and Lake Erie Railroad Company ("B&LE") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .79 miles of railroad line from approximately MP 0.31 east of Pearl Avenue to approximately milepost and ending at MPI.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. B&LE is advising you of the proposed action so 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 conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

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 filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX B**

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

PennDOT Central Office  
Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Madam/Sir:

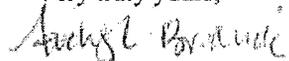
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX C**

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

April 23, 2013

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

Ms. Juliana P. Blackwell  
National Geodetic Survey  
CORS, Harrisburg, PA  
N/NGS1, SSMC3, 1315 East-West Highway  
Silver Spring, MD 20910-3282

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Ms. Blackwell:

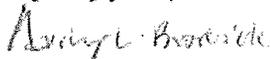
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX D**

**Deborah Guzman**

---

**From:** Audrey Brodrick  
**Sent:** Monday, June 03, 2013 3:58 PM  
**To:** Deborah Guzman  
**Subject:** Fwd: NGS Response, STB Docket AB-88 (SUB NO. 013X)

For file

Sent from my iPhone

Begin forwarded message:

**From:** Simon Monroe <[simon.monroe@noaa.gov](mailto:simon.monroe@noaa.gov)>  
**Date:** June 3, 2013, 3:57:18 PM CDT  
**To:** Audrey Brodrick <[abrodrick@fletcher-sippel.com](mailto:abrodrick@fletcher-sippel.com)>  
**Cc:** Surface Transportation Board <[sea@stb.dot.gov](mailto:sea@stb.dot.gov)>, Lucy Hall <[Lucy.Hall@noaa.gov](mailto:Lucy.Hall@noaa.gov)>, Simon Monroe <[Simon.Monroe@noaa.gov](mailto:Simon.Monroe@noaa.gov)>  
**Subject:** NGS Response, STB Docket AB-88 (SUB NO. 013X)

Thank you for sharing your railroad abandonment environmental report for RIVER VALLEY, Allegheny County, PENNSYLVANIA.

Approximately 00 geodetic survey marks may be located in the area described.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

|---|-----|  
-|-----|-----|-----|---|-----

SORRY - No Stations Found.



# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
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AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Natural Resources Conservation Service  
Allegheny County Field Office  
625 Evans City Road, Suite 102  
Butler, PA 16001

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Madam/Sir:

Bessemer and Lake Erie Railroad Company ("B&LE") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .79 miles of railroad line from approximately MP 0.31 east of Pearl Avenue to approximately milepost and ending at MP1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. B&LE is advising you of the proposed action so 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 conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

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 filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX E**

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Pennsylvania Coastal Resources  
Management Program  
Water Planning Office  
400 Market Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17105-2063

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Madam/Sir:

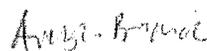
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX F**

# FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

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Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
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www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Ms. Tammy Palmaher  
U.S. Fish & Wildlife Service  
Pennsylvania Field Office  
315 South Allen Street, Suite 322  
State College, PA 16801-4850

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Ms. Palmaher:

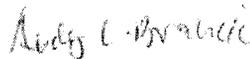
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX G**

# 1. PROJECT INFORMATION

Project Name: **B & LE rail line abandonment**  
 Date of review: **5/9/2013 4:12:13 PM**  
 Project Category: **Transportation,Railroads (track, bridge, roadway crossing - new, maintenance, removal**  
 Project Length: **5508.6 feet**  
 County: **Allegheny Township/Municipality: Springdale Twp,Harmar**  
 Quadrangle Name: **NEW KENSINGTON WEST ~ ZIP Code: 15024,15049**  
 Decimal Degrees: **40.554194 N, -79.810352 W**  
 Degrees Minutes Seconds: **40° 33' 15 N, W**



# 2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

### 3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

#### PA Game Commission

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Department of Conservation and Natural Resources

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Fish and Boat Commission

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### U.S. Fish and Wildlife Service

**RESPONSE:** No impacts to federallyet seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

### 4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. For cases where a "Potential Impact" to threatened and endangered species has been identified before the application has been submitted to DEP, the application should not be submitted until the impact has been resolved. For cases where "Potential Impact" to special concern species and resources has been identified before the application has been submitted, the application should be submitted to DEP along with the PNDI receipt. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. DEP and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <http://www.naturalheritage.state.pa.us>.

### 5. ADDITIONAL INFORMATION

The PNDI environmental review website is a **preliminary** screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page ([www.naturalheritage.state.pa.us](http://www.naturalheritage.state.pa.us)). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

### 6. AGENCY CONTACT INFORMATION

**PA Department of Conservation and Natural Resources**

Bureau of Forestry, Ecological Services Section  
 400 Market Street, PO Box 8552, Harrisburg, PA.  
 17105-8552  
 Fax:(717) 772-0271

**U.S. Fish and Wildlife Service**

Endangered Species Section  
 315 South Allen Street, Suite 322, State College, PA.  
 16801-4851  
 NO Faxes Please.

**PA Fish and Boat Commission**

Division of Environmental Services  
 450 Robinson Lane, Bellefonte, PA. 16823-7437  
 NO Faxes Please

**PA Game Commission**

Bureau of Wildlife Habitat Management  
 Division of Environmental Planning and Habitat Protection  
 2001 Elmerton Avenue, Harrisburg, PA. 17110-9797  
 Fax:(717) 787-6957

### 7. PROJECT CONTACT INFORMATION

Name: \_\_\_\_\_  
 Company/Business Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City, State, Zip: \_\_\_\_\_  
 Phone:(\_\_\_\_) \_\_\_\_\_ Fax:(\_\_\_\_) \_\_\_\_\_  
 Email: \_\_\_\_\_

### 8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.

\_\_\_\_\_ date  
 applicant/project proponent signature



# FLETCHER & SIPPEL LLC

Ms. Tammy Palmaher  
U.S. Fish & Wildlife Service  
August 1, 2013  
Page 2

Your comments should reference Docket No. AB-88 (Sub-No. 13X) and, if written, should include a copy to the undersigned. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the Office of Environmental Analysis would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, you should feel free to contact me directly at 312-252-1518. Thank you for your assistance on this matter. Kind regards.

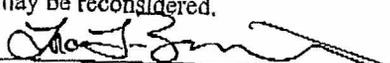
Very truly yours,

Audrey L. Brodrick  
Attorney for Bessemer & Lake Eric Railroad  
Company

ALB:dg  
Enclosure

**U.S. FISH AND WILDLIFE SERVICE**  
 Pennsylvania Field Office  
 315 South Allen Street, Suite 322  
 State College, Pennsylvania 16801-4850

No federally listed species under our jurisdiction is known or likely to occur in the project area. This determination is valid for two years. Should project plans change, or if additional information on listed species become available, this determination may be reconsidered.

, Supervisor 8/16/13

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

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www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Natural Resources Conservation Service  
Allegheny County Field Office  
625 Evans City Road, Suite 102  
Butler, PA 16001

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Madam/Sir:

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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 filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



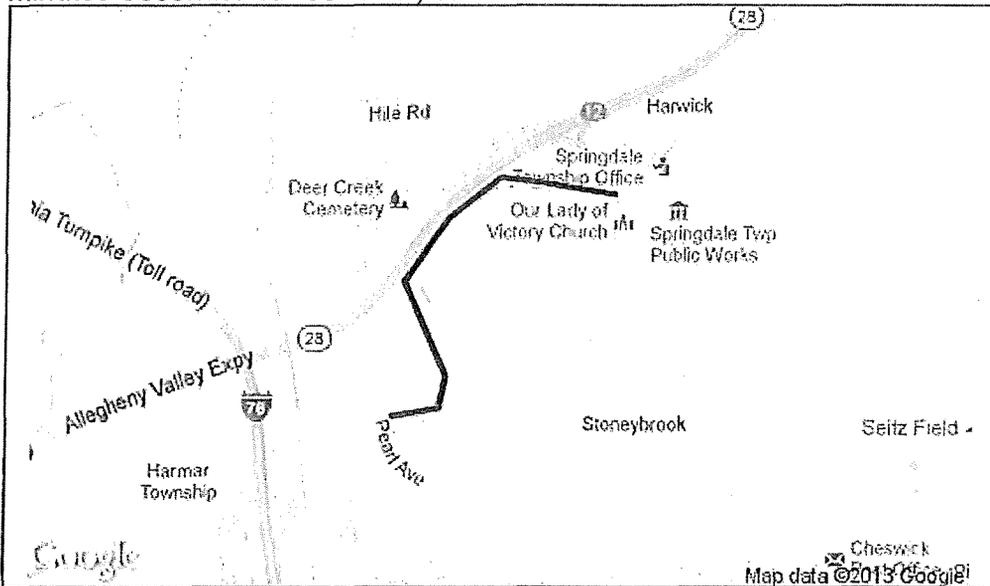
Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX H**

### 1. PROJECT INFORMATION

Project Name: **B & LE rail line abandonment**  
 Date of review: **5/9/2013 4:12:13 PM**  
 Project Category: **Transportation,Railroads (track, bridge, roadway crossing - new, maintenance, removal**  
 Project Length: **5508.6 feet**  
 County: **Allegheny** Township/Municipality: **Springdale Twp,Harmar**  
 Quadrangle Name: **NEW KENSINGTON WEST ~ ZIP Code: 15024,15049**  
 Decimal Degrees: **40.554194 N, -79.810352 W**  
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### 2. SEARCH RESULTS

Agency	Results	Response
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As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

### 3. AGENCY COMMENTS

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#### PA Game Commission

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

#### PA Department of Conservation and Natural Resources

**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

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**RESPONSE:** No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

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Bureau of Wildlife Habitat Management  
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Fax:(717) 787-6957

### 7. PROJECT CONTACT INFORMATION

Name: \_\_\_\_\_  
Company/Business Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Phone:(\_\_\_\_) \_\_\_\_\_ Fax:(\_\_\_\_) \_\_\_\_\_  
Email: \_\_\_\_\_

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\_\_\_\_\_ date  
applicant/project proponent signature

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www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Mr. Dennis Reidenbach, Regional Director  
Northeast Region-National Park Service  
U.S. Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. Reidenbach:

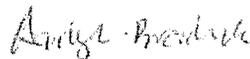
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Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

APPENDIX I

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Mr. Shawn M. Garvin  
U.S. EPA Region 3  
1650 Arch Street (3PM52)  
Philadelphia, PA 19103-2029

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. Garvin:

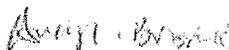
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Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

APPENDIX J

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

Ms. Susan Malone, Regional Director  
Pennsylvania Department of Environmental  
Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Ms. Malone:

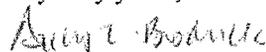
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Audrey L. Brodrick  
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ALB:dg  
Enclosure

APPENDIX K



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHWEST REGIONAL OFFICE

April 30, 2013

Audrey L. Brodrick  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 920  
Chicago, IL 60606-2832

Re: Proposed Abandonment – Bessemer & Lake Erie Railroad Company  
MP 0.31 east of Pearl Ave. ending at MP1.10 at the western edge of Pillow Ave.  
Environmental Assessment  
Allegheny County

Dear Ms. Brodrick:

DEP's regional program staff reviewed the above project for environmental regulatory and policy requirements, and submits the following comments for your attention. These comments are only based on project information you provided, and may not be comprehensive. The applicant has the responsibility of complying with all relevant environmental laws and regulations for the project.

## General

1. The applicant should contact the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation, Box 1026, Harrisburg, PA 17108-1026, telephone number 717.783.8946, to determine if the project will pass through or otherwise impact historic or archaeological sites. Any review comments by the commission should be included with the appropriate DEP permit applications.
2. The Pennsylvania Natural Diversity Inventory List (PNDI) should be cross-checked against the site location to determine if any resources of special concern are located within the project area.
3. Any utility company with transmission lines within the project area should be contacted at least 30 days prior to work start by the contractor. The applicant or contractor should call 1.800.242.1776 before beginning any excavation.

## Air Quality

4. Demolition waste cannot be burned.
5. Fugitive dust emissions must be controlled according to 25 Pa. Code Section 123.1.

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400 Waterfront Drive, Pittsburgh, PA 15222-4745

412.442.4000 FAX 412.442.4194

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[www.dep.state.pa.us](http://www.dep.state.pa.us)

6. For any project located in Allegheny County, notification of the project should be sent to Allegheny County Health Department, Air Quality Division, Clack Health Center, Building 7, 3901 Penn Avenue, Pittsburgh, PA 15224, 412.578.8103.

#### **Environmental Cleanup and Brownfield Development**

7. If you encounter contaminated soil during excavation, contact the Southwest Region's Waste Management representative at 412.442.4125, and Environmental Cleanup Program representative at 412.442.5217, for proper management.
8. If above or below-ground storage tanks are to be removed, contact the Department's Storage Tank Program representative at 412.442.4091 to ensure that the requirements of 25 Pa. Code Chapter 245 are met. If existing or new storage tanks will be used to store material, contact our Division of Storage Tanks at 717.772.5599 regarding requirements for tank registration.

#### **Oil and Gas**

9. The applicant or contractor should contact DCNR's Bureau of Topographic and Geologic Survey at 412.442.4235, 500 Waterfront Drive, Pittsburgh, PA 15222, in order to determine whether any existing or abandoned oil and gas wells are known to exist within the project boundary. Adequate plugging of such wells is required.

#### **Waterways and Wetlands**

10. Work in and along streams and wetlands requires a Water Obstruction and Encroachment Permit from the Permitting & Technical Services Section. The area regulated is the stream and any area within the 100-year flood boundaries of any Federal Flood Insurance Study or 50 feet from the top of each stream bank if no flood insurance study exists. All wetland impacts are regulated. Please contact the Permitting & Technical Services representative at 412.442.4315.
11. Persons proposing or conducting earth disturbance activities must develop accelerated erosion and sedimentation and to manage post construction stormwater. Written Erosion and Sedimentation Control Plans are required for projects if earth disturbance activities will result in a total disturbance of equal to or greater than 5,000 square feet, or if the activity has the potential to discharge to a water classified as a High Quality (HQ) or Exceptional Value (EV) water under DEP's Chapter 93 regulations. If your project involves construction activities, including clearing and grubbing, grading and excavation activities, involving 1 acre or more of earth disturbance an NPDES Permit for Stormwater Discharges Associated with Construction Activities is required. The NPDES permit will typically be a General Permit PAG-2 unless the project is located in a HQ or EV Watershed or there is a potential for contaminated soil on site. If the project is located within an HQ or EV Watershed or there is a potential for contaminated soil on site an individual NPDES permit is required.

For specific guidance on your project please contact the County Conservation District office for the county in which your project is located. The Conservation District will review and approve Erosion and Sedimentation Control Plans and NPDES General Permits (PAG-2). Individual NPDES permits are reviewed by the Conservation District however the permits are issued by the DEP's Regional Office after final review and concurrence.

### **Waste Management**

12. For construction/demolition and deconstruction projects, you should evaluate the materials generated to determine what can be recycled, salvaged or processed for reuse. Please visit DEP's website: [www.dep.state.pa.us](http://www.dep.state.pa.us) and enter DEP Key word: "Construction and Demolition Waste" to find further information on handling construction/demolition material.

Any remaining solid waste including non-useable construction and demolition waste, asbestos, and other materials must be properly stored and disposed of promptly at an approved facility. For further information, call 412.442.4156.

### **Safe Drinking Water**

13. All downstream public water supplies which may potentially be affected by sedimentation or stream flow changes must be directly contacted by the contractor at least 30 days prior to work start. Any public water supply problem resulting from this project must immediately be reported to DEP's Bureau of Water Standards & Facility Regulation at this address.

### **Clean Water**

14. Any activities utilizing pollutants are required by Section 91.34 of Title 25 to take all necessary measures to prevent the substances from reaching waters of the Commonwealth. A Preparedness, Prevention and Contingency Plan (PPC Plan) must be developed and maintained on site for this project in accordance with the "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" which can be found at <http://www.depweb.state.pa.us/dep/site/default.asp>. Click on "Technical Guidance" and type 400-2200-001 into the search field.
15. Wastewater Discharges - Any discharge to a waterway or the ground surface requires either an NPDES discharge permit, Water Quality Management Part II Permit or temporary discharge approval. Temporary discharge approvals must meet the current guidelines. If treatment facilities are needed to meet the effluent limitations imposed by the NPDES permit, a Part II permit is required for the construction of those treatment facilities. If wastewater from an industrial process is recirculated/reused, an NPDES permit would not be needed. Contact DEP's Water Management Program representative at 412.442.4038.

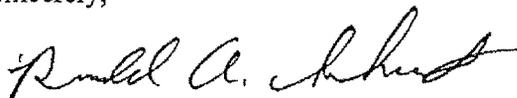
16. Waste concrete and concrete truck wash down can be harmful to aquatic life. Care should be taken to keep waste concrete and concrete truck wastewater from reaching storm drains, streams, drainage ditches and catch basins.

You may access our eMapPA website at:  
<http://www.emappa.dep.state.pa.us/emappa/viewer.htm> to view the facilities of environmental interest or concern that are near your proposed project.

DEP will coordinate the review of multiple permits for proposed projects to ensure efficient use of its resources, thorough environmental review, and consistent department action on proposed projects before the commencement of operations, construction or other activities that require DEP permits or approvals.

Should you have any questions or if the project is significantly modified in the future, please contact this office at the telephone number listed above.

Sincerely,



Ronald A. Schwartz, P.E., BCEE  
Assistant Regional Director  
Southwest Regional Office

cc: Allegheny County Health Department



# pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

INTERSTATE WATERS OFFICE

July 18, 2013

Ms. Audrey L. Brodrick  
Fletcher and Sippel, LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Ill 60606-283

Re: Docket AB 88 (Sub No. 13X)-Bessemer and Lake Erie Railroad Company, Proposed  
Abandonment in Allegheny County, Pennsylvania

Dear Ms. Brodrick:

The Pennsylvania Coastal Resource Management Program (CRM) has reviewed the information received in this office on May 29, 2013 for the Bessemer and Lake Erie Railroad abandonment proposed in Allegheny County, Pennsylvania. Approximately 0.79 miles of railroad from approximately mile post 0.31 east of Pearl Avenue to approximately mile post 1.10 at the western edge of Pillow Avenue is proposed to be abandoned.

Under 15 CFR Part 930 Subpart D – Consistency for Federally Licensed and Permit Activities, the proposal is subject to CRM's federal consistency review. We have determined that the proposed project is located outside of Pennsylvania's coastal zones and will not impact upon them.

Please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection review or other Departmental permits.

Sincerely,

Matthew D. Walderon  
Federal Consistency Coordinator  
Coastal Resources Management Program

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

April 23, 2013

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

Re: Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

Dear Madam/Sir:

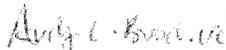
Bessemer and Lake Erie Railroad Company ("B&LE") is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately .79 miles of railroad line from approximately MP 0.31 east of Pearl Avenue to approximately milepost and ending at MP1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania. For your convenience, we have attached a map for your reference. B&LE is advising you of the proposed action so 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 conservations;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need or permits under Sections 402 or 404 of the Clean Water Act.

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 filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosure

**APPENDIX L**



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

REPLY TO  
ATTENTION OF

May 9, 2013

Operations Division  
Regulatory Branch

Audrey L. Brodrick  
Fletcher & Sippel, LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Dear Ms. Brodrick:

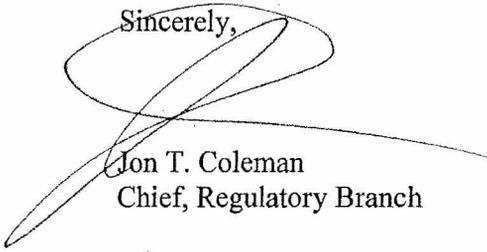
I refer to your letter and drawing, received in this office April 29, 2013, regarding the Bessemer and Lake Erie Railroad Company proposed abandonment of approximately .79 miles of railroad line from MP 0.31 east of Pearl Avenue at MP 1.10 at the western edge of Pillow Avenue located in Allegheny County, Pennsylvania. (Docket AB 88 – Sub No. 13X)

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. Enclosed is a list of wetland consultants. If impacts to streams or wetlands are in fact proposed, you should again contact this office to discuss permitting requirements.

Your project will likely qualify for a Nationwide Permit. 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.

If you have any questions, please contact Linda Everley at 412-395-7152 or by e-mail: [Linda.L.Everley@usace.army.mil](mailto:Linda.L.Everley@usace.army.mil).

Sincerely,



Jon T. Coleman  
Chief, Regulatory Branch

Enclosure

## Wetland Consultant List

The following is a list of contractors for environmental and engineering services. This list is not all inclusive. This list contains only firms who have requested listing. The Corps of Engineers provides this list as a service to the public. No recommendation or guarantee of competence or experience is implied by this listing. The Corps of Engineers neither endorses nor accepts responsibility for work performed by any firm on this list. We suggest that prospective clients ask for credentials before contracting for professional services.

NOTE: The Corps is the final authority with respect to the delineation of wetland areas and other waters of the U.S., as well as the determination of activities requiring Department of the Army permits. All wetland delineations must be conducted and documented in accordance with the "1987 Wetland Delineation Manual." The Corps will review all preliminary jurisdictional determinations to verify their accuracy.

**AGES, Inc.**

2402 Hookstown Grade Road  
Suite 200  
Clinton, PA 15026  
412-264-6453  
412-264-6567 Fax  
[www.appliedgeology.net](http://www.appliedgeology.net)

**Alliance Consulting**

Raleigh County Airport Industrial Park  
124 Philpott Lane  
Beaver, WV 25813  
304-255-0491  
[www.aci-wv.com](http://www.aci-wv.com)

**Allstar Ecology, LLC.**

1580 McKinney Cave Road  
Reedsville, WV 26547  
Phone/Fax: 1-866-213-2666

**ARM Group, Inc.**

1129 West Governor Road  
P.O. Box 797  
Hershey, PA 17033  
717-533-8600  
[www.armgroup.net](http://www.armgroup.net)

**ASC Group, Inc.**

4620 Indianola Avenue  
Columbus, OH 43214  
614-268-2514  
[www.ascgroup.net](http://www.ascgroup.net)

**Atlantic Environmental Group, Inc.**

453 S.R. 227  
Oil City, PA 16301  
814-677-3139

**Blazosky Associates, Inc.**

787 Pine Valley Drive  
Suite C  
Pittsburgh, PA 15239  
724-733-2060  
724-733-2077 Fax  
[www.blazosky.com](http://www.blazosky.com)  
[craigb@blazosky.com](mailto:craigb@blazosky.com)

**Bob Beran**

2322 W. Sunbury Road  
Boyers, PA 16020  
724-735-2766

**Patrick Bonislowsky**

3220 Maine Street, Apt. C  
Aliquippa, PA 15001  
724-774-3494

(Updated March 2013)

**Boord, Benchek & Associates**

345 Southpointe Blvd.  
Canonsburg, PA 15317  
724-984-5482  
724-746-1244 Fax  
[www.boordbenchek.com](http://www.boordbenchek.com)  
[ebenchek@boordbenchek.com](mailto:ebenchek@boordbenchek.com) Email

**Bowser Morner**

4518 Taylorsville Road  
Dayton, OH 45424  
937-236-8805  
[www.bowser-morner.com](http://www.bowser-morner.com)

**Buckeye Mineral Services, Inc.**

P.O. Box 546  
New Philadelphia, OH 44663

**Civil & Environmental Consultants, Inc.**

333 Baldwin Road  
Pittsburgh, PA 15205  
412-429-2324  
[www.cecinc.com](http://www.cecinc.com)

**CME Management, LLC**

165 East Union Street  
Somerset, PA 15501  
814-443-3344

**Collective Efforts, LLC**

462 Perry Highway, 2<sup>nd</sup> Floor  
Pittsburgh, PA 15229  
412-459-0114

**CTL**

733 Fairmont Road  
Morgantown, WV 26501  
304-292-1135  
[www.ctleng.com](http://www.ctleng.com)

**Davey Resource Group**

1500 N. Mantua Street  
P.O. Box 5193  
Kent, OH 44240  
330-673-5685  
[www.davey.com](http://www.davey.com)

**Dieffenbauch & Hritz, LLC**

827 Fairmont Road, Suite 203  
Morgantown, WV 26501  
304-241-1694  
[www.dandhengineers.com](http://www.dandhengineers.com)

**Duda Environmental**

429 Jumonville Road  
Hopwood, PA 15445  
724-438-3036  
724-438-3929 Fax  
[duda-environmental@hotmail.com](mailto:duda-environmental@hotmail.com)

**The EADS Group**

1126 Eighth Avenue  
Altoona, PA 16602  
814-944-5035  
[www.eadsgroup.com](http://www.eadsgroup.com)

**E.A. Thaner & Environment, Inc.**

9951 Old Perry Highway  
Wexford, PA 15090  
724-935-8188

**Ecology & Environment, Inc.**

5098 West Washington Street  
Suite 406  
Cross Lanes, WV 25313  
304-769-0207  
[www.ene.com](http://www.ene.com)

**Ecotune**

215 Executive Drive  
Suite 204  
Cranberry Township, PA 16066  
724-779-9011

**Environmental Solutions & Innovations, Inc.**

4525 Este Avenue  
Cincinnati, OH 45232  
513-451-1777  
[www.environmentalsi.com](http://www.environmentalsi.com)  
[vbrack@environmental.com](mailto:vbrack@environmental.com)

(Updated March 2013)

**EnviroScience**

3781 Darrow Road  
Stow, OH 44224  
330-688-0111  
[www.enviroscienceinc.com](http://www.enviroscienceinc.com)

**Flickinger Wetland Service Group, Inc.**

554 White Pond Drive, Suite D  
Fairlawn, OH 44320  
330-865-0688  
[www.flickingerwetlandgroup.com](http://www.flickingerwetlandgroup.com)

**GAI Consultants**

385 East Waterford Drive  
Homestead, PA 15120  
412-476-2000  
[www.gaiconsultants.com](http://www.gaiconsultants.com)

**Garvin Boward Beitko Engineering, Inc.**

632 South Center Avenue, Apt A  
Somerset, PA 15501  
814-443-2548  
<http://garvinbowardeng.com/>  
[stoki@garvinbowardeng.com](mailto:stoki@garvinbowardeng.com) Email

**Jack A. Hamilton & Associates, Inc.**

342 High Street, Box 471  
Flushing, OH 43977  
740-968-4847  
[www.hamiltonandassoc.com](http://www.hamiltonandassoc.com)

**Keystone Consultants, Inc.**

32 East Main Street  
Carnegie, PA 15106  
412-278-2100  
[www.keystoneconsultants.net](http://www.keystoneconsultants.net)

**Kleski Environmental Services**

P.O. Box 812  
46071 State Route 124  
Racine, OH 45771  
740-949-2240  
[www.kleskienviro.com](http://www.kleskienviro.com)

**L. Robert Kimball & Associates**

415 Moon Clinton Road  
Coraopolis, PA 15108  
412-262-5400  
[www.lrkimball.com](http://www.lrkimball.com)

**Lee Simpson Associates, Inc.**

203 West Weber Avenue  
P.O. Box 5504  
DuBois, PA 15801  
814-371-7750  
[www.leesimpson.com](http://www.leesimpson.com)

**Lennon, Smith, & Souleret Engineering, Inc.**

846 Fourth Avenue  
Coraopolis, PA 15108  
412-265-4400  
[www.lsse.com](http://www.lsse.com)

**MAD Scientist & Associates, Inc.**

253 N. State Street, Suite 101  
Westerville, OH 43081-1472  
614-818-9156  
[www.madscientistassociates.net](http://www.madscientistassociates.net)

**Maguire Group, Inc.**

D.L. Clark Building, 6<sup>th</sup> Floor  
503 Martindale Street  
Pittsburgh, PA 15212-5746  
412-322-8340  
[www.maguiregroup.com](http://www.maguiregroup.com)

**Melius & Hockenberry**

2402 William Penn Highway  
Suite 2  
Johnstown, PA 15909  
814-322-4822  
[www.mhesinc.com](http://www.mhesinc.com)

**Michael Baker Corporation**

Airside Business Park  
100 Airside Drive  
Moon Township, PA 15108  
412-269-4618  
[www.mbakercorp.com](http://www.mbakercorp.com)

(Updated March 2013)

**Morris Knowles & Associates**

443 Athena Drive  
Delmont, PA 15626  
724-468-4622  
[www.morrisknowles.com](http://www.morrisknowles.com)

**MS Consultants, Inc.**

1 South Main Street, 8<sup>th</sup> Floor  
Akron, OH 44308-1864  
330-928-9617  
[www.msconsultants.com](http://www.msconsultants.com)

**The Orin Group, LLC**

10 North West Avenue  
Suite 200  
Tallmadge, OH 44278  
330-630-3937  
[www.theoringroup.com](http://www.theoringroup.com)

**Pennsylvania Soil & Rock, Inc.**

570 Beatty Road  
Monroeville, PA 15146  
412-372-4000  
[www.pasoilrock.com](http://www.pasoilrock.com)

**Pgh Wildlife & Environmental, Inc.**

853 Beagle Club Road  
McDonald, PA 15057  
724-796-5137  
[nbossart@winstream.net](mailto:nbossart@winstream.net)

**Porter Consulting Engineers**

814 North Main Street  
Meadville, PA 16335  
814-337-4447  
[www.pceengineers.com](http://www.pceengineers.com)

**Potesta & Associates, Inc.**

7012 MacCorkle Avenue, SE  
Charleston, WV 25304  
304-342-1400  
[www.potesta.com](http://www.potesta.com)

**R.A. Smith National, Inc.**

300 Corbet Street, Suite 200B  
Tarentum, PA 15084  
724-224-2330  
[www.rasmithnational.com](http://www.rasmithnational.com)

**R.D. Zande & Associates**

1500 Lake Shore Drive  
Suite 100  
Columbus, OH 43204  
614-486-4383  
[www.zande.com](http://www.zande.com)

**Skelly and Loy**

2500 Eldo Road, Suite 2  
Monroeville, PA 15146  
412-856-1676  
[www.skellyloy.com](http://www.skellyloy.com)

**S&ME, Inc.**

6190 Enterprise Court  
Dublin, OH 43016  
614-793-2226  
[www.smeinc.com](http://www.smeinc.com)  
[msharrett@smeinc.com](mailto:msharrett@smeinc.com)

**Terradon Corporation**

401 Jacobson Drive  
Poca, WV 25159  
304-729-9133  
[www.terraddon.com](http://www.terraddon.com)

**Thrasher Engineering**

30 Columbia Boulevard  
P.O. Box 1532  
Clarksburg, WV 26301  
304-624-4108  
[www.thrashereng.com](http://www.thrashereng.com)

**Triad**

P.O. Box 228  
Hagerstown, MD 21740  
301-797-6400  
[www.triadeng.com](http://www.triadeng.com)

(Updated March 2013)

**Tri- County Engineering, LLC**

319 Paintersville Road  
Hunker, PA 15639  
724-635-0210  
[www.tricountyeng.com](http://www.tricountyeng.com)

**Urban Engineers**

1319 Sassafras Street  
Erie, PA 16501  
814-453-5702  
[www.urbanengineers.com](http://www.urbanengineers.com)

**URS Corporation**

1375 Euclid Ave., Suite 600  
Cleveland, OH 44115  
216-622-2400  
[www.urscorp.com](http://www.urscorp.com)

**URS Corporation**

Foster Plaza 4  
501 Holiday Drive, Suite 300  
Pittsburgh, PA 15220  
412-503-4700  
[www.urscorp.com](http://www.urscorp.com)

**Virginia Waters & Wetlands, Inc.**

274 Corporate Circle  
Manassas, VA 20110  
703-330-9992

**Wallace & Pancher, Inc.**

1085 S. Hermitage Road  
Hermitage, PA 16148  
724-981-0155  
[www.wallacepancher.com](http://www.wallacepancher.com)

**Western Reserve Land Consultants**

8650 Market Street  
Boardman, OH 44512  
330-965-2337

**Wetlands Studies and Solutions, Inc.**

5300 Wellington Branch Drive, Suite 100  
Gainesville, VA 20155  
703-679-5637  
[www.wetlandstudies.com](http://www.wetlandstudies.com)

**Wilson Ecological Consulting**

515 Henderson Road  
Julian, PA 16844  
814-933-2488  
[www.wilsonecological.com](http://www.wilsonecological.com)

**Widmer Engineering**

806 Lincoln Place  
Beaver Falls, PA 15010  
724-847-1696  
[www.widmerengineering.com](http://www.widmerengineering.com)

(Updated March 2013)



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

REPLY TO  
ATTENTION OF

August 14, 2013

Operations Division  
Regulatory Branch  
**2013-1495**

Audrey L. Brodrick  
Fletcher & Sippel LLC  
29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Dear Ms. Brodrick:

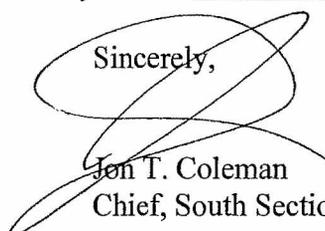
I refer to your letter, received in this office August 12, 2013, regarding Docket No. AB-88 (Sub-No 13X), Bessemer & Lake Erie Railroad Company (B &LE) -Abandonment Exemption - in Allegheny County, Pennsylvania. B & LE is proposing abandonment of its line of railroad extending from milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue near Harwick, Pennsylvania.

The U.S. Army Corps of Engineers regulates earth moving activities within streams or wetlands. This includes any placement of fill material, temporary or permanent. If you are proposing a new project that entails the placement of fill material in waters (including wetlands), or if you are proposing a modification to an existing project that entails the placement of fill material in waters, then this letter serves as your notice that your project may require a permit from this office.

If impacts to waters are proposed we recommend that you hire a qualified wetland consultant to evaluate the entire project area in order to determine if any streams or wetlands are present. Enclosed is a list of wetland consultants. If impacts to streams or wetlands are in fact proposed, you should again contact this office to discuss permitting requirements. 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 **2013-1495**. Please refer to this number in all future correspondence. If you have any questions, please contact Linda Everley at 412-395-7152 or by e-mail: [Linda.L.Everley@usace.army.mil](mailto:Linda.L.Everley@usace.army.mil).

Sincerely,



Jon T. Coleman  
Chief, South Section, Regulatory Branch

Enclosure

Copy Furnished:

Surface Transportation Board  
Office of Environmental Analysis  
395 E. Street, S.W., Room 1106  
Washington, DC 20423-0001

## Wetland Consultant List

The following is a list of contractors for environmental and engineering services. This list is not all inclusive. This list contains only firms who have requested listing. The Corps of Engineers provides this list as a service to the public. No recommendation or guarantee of competence or experience is implied by this listing. The Corps of Engineers neither endorses nor accepts responsibility for work performed by any firm on this list. We suggest that prospective clients ask for credentials before contracting for professional services.

NOTE: The Corps is the final authority with respect to the delineation of wetland areas and other waters of the U.S., as well as the determination of activities requiring Department of the Army permits. All wetland delineations must be conducted and documented in accordance with the "1987 Wetland Delineation Manual." The Corps will review all preliminary jurisdictional determinations to verify their accuracy.

**A.D. Marble & Company**

1000 Gamma Drive, Suite 203  
Pittsburgh, PA 15238  
412-968-5977  
Fax: 412-968-5978  
[www.admarble.com](http://www.admarble.com)

**ARM Group, Inc.**

1129 West Governor Road  
P.O. Box 797  
Hershey, PA 17033  
717-533-8600  
[www.armgroup.net](http://www.armgroup.net)

**AGES, Inc.**

2402 Hookstown Grade Road  
Suite 200  
Clinton, PA 15026  
412-264-6453  
412-264-6567 Fax  
[www.appliedgeology.net](http://www.appliedgeology.net)

**ASC Group, Inc.**

4620 Indianola Avenue  
Columbus, OH 43214  
614-268-2514  
[www.ascgroup.net](http://www.ascgroup.net)

**Alliance Consulting**

Raleigh County Airport Industrial Park  
124 Philpott Lane  
Beaver, WV 25813  
304-255-0491  
[www.aci-wv.com](http://www.aci-wv.com)

**Atlantic Environmental Group, Inc.**

453 S.R. 227  
Oil City, PA 16301  
814-677-3139

**Allstar Ecology, LLC.**

1580 McKinney Cave Road  
Reedsville, WV 26547  
Phone/Fax: 1-866-213-2666

**Blazosky Associates, Inc.**

787 Pine Valley Drive  
Suite C  
Pittsburgh, PA 15239  
724-733-2060  
724-733-2077 Fax  
[www.blazosky.com](http://www.blazosky.com)  
[craigb@blazosky.com](mailto:craigb@blazosky.com)

(Updated August 2013)

**Ecology & Environment, Inc.**

5098 West Washington Street  
Suite 406  
Cross Lanes, WV 25313  
304-769-0207  
[www.ene.com](http://www.ene.com)

**Ecotune**

215 Executive Drive  
Suite 204  
Cranberry Township, PA 16066  
724-779-9011

**Environmental Solutions & Innovations,  
Inc.**

4525 Este Avenue  
Cincinnati, OH 45232  
513-451-1777  
[www.environmentalsi.com](http://www.environmentalsi.com)  
[ybrack@environmental.com](mailto:ybrack@environmental.com)

**EnviroScience**

3781 Darrow Road  
Stow, OH 44224  
330-688-0111  
[www.enviroscienceinc.com](http://www.enviroscienceinc.com)

**Envirens, Inc.**

Michael S. Hollins  
410-299-6898  
[envirens.com](http://envirens.com)  
[envirens@aol.com](mailto:envirens@aol.com)

**Flickinger Wetland Service Group, Inc.**

554 White Pond Drive, Suite D  
Fairlawn, OH 44320  
330-865-0688  
[www.flickingerwetlandgroup.com](http://www.flickingerwetlandgroup.com)

**GAI Consultants**

385 East Waterford Drive  
Homestead, PA 15120  
412-476-2000  
[www.gaiconsultants.com](http://www.gaiconsultants.com)

**Garvin Boward Beitko Engineering, Inc.**

632 South Center Avenue, Apt A  
Somerset, PA 15501  
814-443-2548  
<http://garvinbowardeng.com/>  
[stoki@garvinbowardeng.com](mailto:stoki@garvinbowardeng.com) Email

**Jack A. Hamilton & Associates, Inc.**

342 High Street, Box 471  
Flushing, OH 43977  
740-968-4847  
[www.hamiltonandassoc.com](http://www.hamiltonandassoc.com)

**Keystone Consultants, Inc.**

32 East Main Street  
Carnegie, PA 15106  
412-278-2100  
[www.keystoneconsultants.net](http://www.keystoneconsultants.net)

**Kleski Environmental Services**

P.O. Box 812  
46071 State Route 124  
Racine, OH 45771  
740-949-2240  
[www.kleskienviro.com](http://www.kleskienviro.com)

**L. Robert Kimball & Associates**

415 Moon Clinton Road  
Coraopolis, PA 15108  
412-262-5400  
[www.lrkimball.com](http://www.lrkimball.com)

**Lee Simpson Associates, Inc.**

203 West Weber Avenue  
P.O. Box 5504  
DuBois, PA 15801  
814-371-7750  
[www.leesimpson.com](http://www.leesimpson.com)

**Lennon, Smith, & Souleret Engineering,  
Inc.**

846 Fourth Avenue  
Coraopolis, PA 15108  
412-265-4400  
[www.lsse.com](http://www.lsse.com)

(Updated August 2013)

**S&ME, Inc.**

6190 Enterprise Court  
Dublin, OH 43016  
614-793-2226  
[www.smeinc.com](http://www.smeinc.com)

**Terradon Corporation**

401 Jacobson Drive  
Poca, WV 25159  
304-729-9133  
[www.terradon.com](http://www.terradon.com)

**Thrasher Engineering**

30 Columbia Boulevard  
P.O. Box 1532  
Clarksburg, WV 26301  
304-624-4108  
[www.thrashereng.com](http://www.thrashereng.com)

**Triad**

P.O. Box 228  
Hagerstown, MD 21740  
301-797-6400  
[www.triadeng.com](http://www.triadeng.com)

**Tri- County Engineering, LLC**

319 Paintersville Road  
Hunker, PA 15639  
724-635-0210  
[www.tricountyeng.com](http://www.tricountyeng.com)

**Urban Engineers**

1319 Sassafras Street  
Erie, PA 16501  
814-453-5702  
[www.urbanengineers.com](http://www.urbanengineers.com)

**URS Corporation**

1375 Euclid Ave., Suite 600  
Cleveland, OH 44115  
216-622-2400  
[www.urscorp.com](http://www.urscorp.com)

**URS Corporation**

Foster Plaza 4  
501 Holiday Drive, Suite 300  
Pittsburgh, PA 15220  
412-503-4700  
[www.urscorp.com](http://www.urscorp.com)

**Virginia Waters & Wetlands, Inc.**

274 Corporate Circle  
Manassas, VA 20110  
703-330-9992

**Wallace & Pancher, Inc.**

1085 S. Hermitage Road  
Hermitage, PA 16148  
724-981-0155  
[www.wallacepancher.com](http://www.wallacepancher.com)

**Western Reserve Land Consultants**

8650 Market Street  
Boardman, OH 44512  
330-965-2337

**Wetlands Studies and Solutions, Inc.**

5300 Wellington Branch Drive, Suite 100  
Gainesville, VA 20155  
703-679-5637  
[www.wetlandstudies.com](http://www.wetlandstudies.com)

**Wilson Ecological Consulting**

515 Henderson Road  
Julian, PA 16844  
814-933-2488  
[www.wilsonecological.com](http://www.wilsonecological.com)

**Widmer Engineering**

806 Lincoln Place  
Beaver Falls, PA 15010  
724-847-1696  
[www.widmerengineering.com](http://www.widmerengineering.com)

(Updated August 2013)

# FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

May 16, 2013

AUDREY L. BRODRICK  
(312) 252-1518  
abrodric@fletcher-sippel.com

Mr. Douglas C. McLearen, Chief  
Bureau for Historic Preservation  
Commonwealth Keyston Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

Re: Docket AB 88 (Sub No. 13X) – Bessemer and Lake Erie Railroad Company,  
Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. McLearen:

Bessemer and Lake Erie Railroad Company ("B&LE") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of B&LE's line of railroad extending from Milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue, a distance of approximately .79 miles in Allegheny County, Pennsylvania. The notice for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. §§ 1121 and 1152.50. A map showing the location of the line to be abandoned is attached for your reference. After abandonment, the track will largely remain in place and will be transferred to the line's sole shipper for continued rail service.

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the line that you may determine whether this action will have any effect on any historic structures or sites. To our knowledge, there are no railroad buildings, bridges or other structures on the line to be abandoned, and thus none should be adversely affected. B&LE is also unaware of any historic sites involved in the proposed abandonment.

Any written comments should reference Docket No. AB-88 (Sub-No. 13X) and be sent to the undersigned, as counsel for Bessemer and Lake Erie Railroad Company.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before B&LE's notice of exemption is filed at the Board.

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1518. Thank you for your assistance.

Very truly yours,



Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

ALB:dg  
Enclosures

APPENDIX M

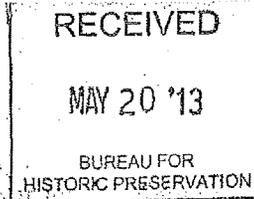
# FLETCHER & SIPPEN LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com

Mr. Douglas C. McLearen, Chief  
Bureau for Historic Preservation  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093



Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

May 16, 2013

ER No. 10-1046-003-B

The project will have  
NO EFFECT  
on historic properties

Date 5/21/2013 REVIEWER KUH

Re: Docket AB 88 (Sub No. 13X) – Bessemer and Lake Erie Railroad Company,  
Proposed Abandonment in Allegheny County, Pennsylvania

Dear Mr. McLearen:

Bessemer and Lake Erie Railroad Company ("B&LE") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of B&LE's line of railroad extending from Milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue, a distance of approximately .79 miles in Allegheny County, Pennsylvania. The notice for exemption will be filed pursuant to 49 U.S.C. § 10502 and 49 C.F.R. §§ 1121 and 1152.50. A map showing the location of the line to be abandoned is attached for your reference. After abandonment, the track will largely remain in place and will be transferred to the line's sole shipper for continued rail service.

In accordance with the Board's environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the line that you may determine whether this action will have any effect on any historic structures or sites. To our knowledge, there are no railroad buildings, bridges or other structures on the line to be abandoned, and thus none should be adversely affected. B&LE is also unaware of any historic sites involved in the proposed abandonment.

Any written comments should reference Docket No. AB-88 (Sub-No. 13X) and be sent to the undersigned, as counsel for Bessemer and Lake Erie Railroad Company.

In accordance with the Board's regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before B&LE's notice of exemption is filed at the Board.

If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1518. Thank you for your assistance.

Very truly yours,

Audrey L. Brodrick  
Counsel for Bessemer & Lake Erie Railroad Company

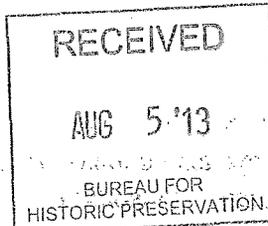
ALB:dg  
Enclosures

# FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive  
Suite 920  
Chicago, Illinois 60606-2832

AUDREY L. BRODRICK  
(312) 252-1518  
abrodrick@fletcher-sippel.com



Phone: (312) 252-1500  
Fax: (312) 252-2400  
www.fletcher-sippel.com

August 1, 2013

Mr. Douglas C. McLearen, Chief  
Bureau for Historic Preservation  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

Re: **Docket No. AB-88 (Sub-No. 13X)**  
**Bessemer & Lake Erie Railroad Company— Abandonment**  
**Exemption – In Allegheny County, Pennsylvania**

Dear Mr. McLearen:

Any time on or after August 21, 2013, Bessemer & Lake Erie Railroad Company ("B & LE") expects to file with the Surface Transportation Board a notice of exemption for the abandonment of B & LE's line of railroad extending from milepost 0.31 east of Pearl Avenue to approximately milepost 1.10 at the western edge of Pillow Avenue near Harwick, Pennsylvania ("the Line"). Your review of and comments on this project may have been previously requested by letter dated April 23, 2013.

In accordance with 49 C.F.R. §§ 1105.7(b) and 1105.11, we are providing for your information the enclosed Environmental/Historic Report which will accompany the notice of exemption and which describes the proposed action and any expected environmental or historic effects. The Report also includes a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental 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 Board's environmental review process, please contact the Office of Environmental Analysis at the following address:

Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, S.W., Room 1106  
Washington, DC 20423-0001  
(202) 245-0295

ER No. <u>10-1046-003-C</u>
The project will have NO EFFECT on historic properties
Date <u>8/6/2013</u> Reviewer <u>KUH</u>

BESSEMER & LAKE ERIE RAILROAD.

NOTICE OF EXEMPTION FOR  
ABANDONMENT IN  
ALLEGHENY COUNTY,  
PENNSYLVANIA

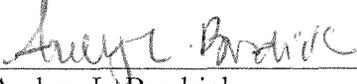
To: Ms. Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W., Room 1034  
Washington, DC 20024

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

I hereby certify that on August 1, 2013 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 Historical Society. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Bessemer and Lake Erie Railroad Company intends to file its Notice of Exemption in the above-captioned matter no earlier than August 24, 2013. 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 May 25, 2013, 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 text of the notice is attached to this certificate as Attachment B.

Dated this 29<sup>th</sup> day of August 2013.

  
\_\_\_\_\_  
Audrey L. Brodrick

Counsel for Bessemer and Lake Erie Railroad Company

**APPENDIX N**

ATTACHMENT A

Docket AB 88 (Sub No. 13X)—Bessemer and Lake Erie Railroad  
Company, Proposed Abandonment in Allegheny County, Pennsylvania

**SERVICE LIST**

Mr. Douglas C. McLearn, Chief  
Bureau for Historic Preservation  
Commonwealth Keyston Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120-0093

Mr. Rich Fitzgerald  
Board of Commissioners  
Allegheny County Chief Executive  
436 Grant Street, Room 101  
Pittsburgh, PA 15219

Pennsylvania Department of Transportation  
Bureau of Rail Freight, Ports and Waterways  
P.O. Box 2777  
Harrisburg, PA 17105

Via E-mail and U.S. Mail to:  
[NGS.InfoCenter@noaa.gov](mailto:NGS.InfoCenter@noaa.gov)  
Ms. Juliana P. Blackwell  
National Geodetic Survey  
CORS, Harrisburg, PA  
N/NGS1, SSMC3, 1315 East-West Highway  
Silver Spring, MD 20910-3282

Pennsylvania Department of Environmental Protection  
Water Planning Office  
P.O. Box 2063400  
Market Street 15th Floor  
Harrisburg, PA 17105-2063

Ms. Susan Malone, Regional Director  
Pennsylvania Department of Environmental  
Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222

Ms. Tammy Palmaher  
U.S. Fish & Wildlife Service  
Pennsylvania Field Office  
315 South Allen Street, Suite 322  
State College, PA 16801-4850

U.S. Fish and Wildlife, Region 5  
300 West Gate Center Drive  
Hadley, MA 01035-9589

Mr. Dennis Reidenbach, Regional Director  
Northeast Region-National Park Service  
U.S. Custom House  
200 Chestnut Street, 5<sup>th</sup> Floor  
Philadelphia, PA 19106

USDA, NRCS, Office of the Chief  
1400 Independence Ave., SW, Room 5105-A  
Washington, DC 20250

Natural Resources Conservation Service  
Allegheny County Field Office  
625 Evans City Road, Suite 102  
Butler, PA 16001

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

Mr. Shawn M. Garvin  
U.S. EPA Region 3  
1650 Arch Street (3PM52)  
Philadelphia, PA 19103-2029

Mr. Jim Rhea, Manager  
USDA  
Butler County Local Office  
625 Evans City Road, Suite 101  
Butler, PA 16001-8704

Pennsylvania Coastal Resources  
Management Program  
Water Planning Office  
400 Market Street, 2nd Floor  
Harrisburg, PA 17105-2063

## ATTACHMENT B

### NOTICE

#### THIS IS A CORRECTION OF A NOTICE THAT RAN ON APRIL 26, 2013

Bessemer and Lake Erie Railroad Company gives notice that on or after June 11, 2013 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 approximately .79 miles of railroad line from approximately MP 0.31 east of Pearl Avenue to approximately MP 1.10 at the western edge of Pillow Avenue in Allegheny County, Pennsylvania, which traverses through United States Postal Service ZIP Codes 15024 and 15049 in Allegheny County, Pennsylvania. The proceeding will be docketed as No. AB 88 (Sub-No. 13X).

The Board's Section of Environmental Analysis (SEA) 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 Section of Environmental Analysis (SEA), 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 Office of the Secretary, 395 E. Street, SW., Washington, DC 20423 [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 Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Audrey L. Brodrick, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.



# 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# 5577841, RE: CORRECTION / NOTICE OF EXEMPTION; 25<sup>TH</sup> DAY OF MAY, 2013.**

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.

*[Signature]*  
Classified Advertising Manager,  
Trib Total Media, Inc.

Sworn to and subscribed before me this  
28<sup>TH</sup> day of MAY, 2013.

*[Signature]*  
Notary Public

### Statement of Advertising Costs

ATTN: AUDREY L. BRODRICK  
FLETCHER & SIPPEL LLC  
29 NORTH WACKER DRIVE  
SUITE 920  
CHICAGO, IL 60606-2832

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
JoAnn M. Callahan, Notary Public  
City of Greensburg, Westmoreland County  
My Commission Expires July 1, 2016  
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

To TribTotal Media, Inc.  
For Publishing the notice or advertisement attached  
hereto on the above stated dates \$308.58  
Probating Same \$ 0  
Total \$ 308.58

### Publisher's Receipt for

The Trib Total Media, Inc., publisher of  
acknowledges a receipt of the aforesaid advertising an  
fully paid.

Trib Total Media Inc., Publisher  
of The Tribune-Review, a Daily Newspaper.

By \_\_\_\_\_

### NOTICE THIS IS A CORRECTION OF A NOTICE THAT RAN ON APRIL 26, 2013

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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 Office of the Secretary, 395 E. Street, SW., Washington, DC 20423 [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 Congressional and Public Services at 202-245-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sippel LLC, Attention: Audrey L. Brodrick, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606.  
5577841(5-25-13)