

Kirkpatrick & Lockhart LLP

205537

1800 Massachusetts Avenue, NW
Suite 200
Washington, DC 20036-1221
202.778.9000
www.kl.com

Tracie D. Spear
202.778.9390
Fax: 202.778.9100
tspear@kl.com



DID# 0101961001

June 3, 2002

VIA HAND DELIVERY

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**Re: CSX Transportation, Inc. – Abandonment – Northeast Region,
Baltimore Division, P&W Subdivision, in Allegheny County,
Pennsylvania AB – 55 (Sub-No. 606X)**

Dear Secretary Williams:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of a **Letter Requesting Issuance of a Notice of Interim Trail Use (“NITU”)**, pursuant to **49 C.F.R. § 1152.29**. A check in the amount of \$150.00, representing the appropriate fee for this filing, also is enclosed.

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

Respectfully submitted,

Tracie D. Spear

Enclosures

FEE RECEIVED

JUN 03 2002

**SURFACE
TRANSPORTATION BOARD**

FILED

JUN 03 2002

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of the Secretary
JUN 04 2002
Part of
Public Record**



City of Pittsburgh
Office of the Mayor

May 31, 2002

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW, Room 711
Washington, DC 20423

Re: CSX Transportation, Inc. – Abandonment – Northeast Region, Baltimore Division, P&W
Subdivision, in Allegheny County, Pennsylvania

Dear Mr. Williams:

This letter is filed on behalf of the City of Pittsburgh, Pennsylvania (hereinafter referred to as the “City”) which is interested in promoting trail development in the City of Pittsburgh.

The City requests issuance of a Notice of Interim Trail Use (“NITU”) for a portion of a line of railroad of CSX Transportation, Inc. (“CSX”) in its Northeast Region, Baltimore Division, P&W Subdivision extending between milepost BFH 0.0 and milepost BFH 2.1, a distance of approximately 2.1 miles in Allegheny County, Pennsylvania (the “Subject Line”). The Subject Line is located in two municipalities, the City of Pittsburgh and the Borough of Millvale, both in Allegheny County, Pennsylvania. The portion of the Subject Line in the City is approximately 1.6 miles long commencing at milepost BFH 0.5 and¹ terminating at BFH 2.1, a distance of approximately 1.6 miles.

CSX filed a petition for exemption to abandon the Subject Line on February 25, 2002. The Surface Transportation Board (“STB”) served and published notice of the petition for exemption in the Federal Register on March 15, 2002, thereby commencing an exemption proceeding pursuant to 49 U.S.C. § 10502(b). A final decision on the exemption petition is anticipated to be issued by June 14, 2002.

The March 15 notice provided that any request for a public use condition under 49 CFR § 1152.28 or for trail use/rail banking under 49 CFR § 1152.29 must be filed no later than

¹ It is our understanding that The Borough of Millvale will file a similar letter with The Surface Transportation Board regarding the portion of the Subject Line located in Millvale.

DC-507190 v3 0225960-0601

512 City - County Building, Pittsburgh, Pennsylvania 15219 (412) 255-2626

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Mr. Vernon A. Williams
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April 4, 2002. This request is being filed almost two months after expiration of such deadline. The STB has, however, previously ruled that late-filed trail use requests may be accepted provided that the STB retains jurisdiction over the involved right-of-way.² The STB has not issued a final decision on the petition for exemption. The STB retains jurisdiction over the Subject Line and may grant the City's request for interim trail use.

The STB's rules state that late-filed trail use statements must be supported by a statement showing good cause for late filing. 49 C.F.R. § 1152.29(b)(3). The City has been in the process of reviewing its options with respect to the use of property in the area in the vicinity of the Subject Line. This somewhat extended process culminated in a decision to file this NITU. For the foregoing reasons, the City respectfully requests rail banking and interim trail use.

In support of its request, the City makes the following statement:

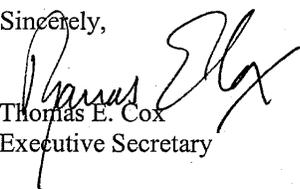
STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 CFR § 1152.29, the City of Pittsburgh is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way. The property extends from approximately milepost BFH 0.5 to milepost BFH 2.1, a distance of approximately 1.6 miles in Allegheny County, Pennsylvania. The right-of-way is a portion of a line of railroad proposed for abandonment in Finance Docket No. STB AB-55 (Sub-No. 606X).

A map of the property depicting the right-of-way is attached.

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

Sincerely,


Thomas E. Cox
Executive Secretary

² See Southeast Kansas Railroad Company – Abandonment Exemption – In Vernon and Barton Counties, MO, AB-470X (STB served September 15, 2000); Track Tech, Inc. – Abandonment Exemption – In Adair and Union Counties, IA, AB-493 (Sub-No. 7X) (STB served July 2, 1998) (citing Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, STB Ex Parte No. 537 (STB served Dec. 24, 1996, and June 27, 1997)).

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Enclosure

cc: CSX Transportation, Inc.
Attention: Natalie Rosenberg, Counsel
Joanna Griffith, Asset Management



Pittsburgh, Allegheny County
 Pennsylvania

CSX Transportation

----- 2.1 Miles of track to be abandoned

CSX Transportation Pittsburgh, Allegheny County, Pennsylvania

ATTACHMENT 2

