

**GWILYM A. PRICE, III**

ATTORNEY AT LAW

129 SOUTH MCKEAN STREET  
BUTLER, PENNSYLVANIA 16001-6029  
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JUL 30 2013

July 29, 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PUC Secretary's Bureau  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: APPLICATION OF ALLEGHENY VALLEY LAND TRUST  
AT DOCKET NC**

Dear Sirs:

Enclosed please find an application of the Allegheny Valley Land Trust, an original and three copies, for filing with the Commission. Should you require any further information, please contact the undersigned. I was unable to determine whether or not there was any filing fee associated with this matter, so if that is the case please advise.

Yours Truly,



Gwilym A. Price, III

GAP/bnp

Enclosure

CC: Allegheny Valley Land Trust

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SECRETARY'S BUREAU

**BEFORE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application  
Docket No.** \_\_\_\_\_

In re: Application of Allegheny Valley Land Trust for approval of the alteration of all public crossings between Milepost 6.0 and Milepost 4.0, in the Township of Madison, Clarion County, and Between Milepost 0.0 and Milepost 9 in the Township and Boroughs of Madison, Toby and Sligo, Clarion County, as further identified in Exhibit A attached hereto and relating to the same rail corridor formerly owned by Shannon Transport Inc. and Buffalo & Pittsburgh Railroad, Inc. as described in Docket No. A-2008-2046604.

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To Pennsylvania Public Utility Commission:

1. The name and address of applicant are Allegheny Valley Land Trust, P.O. Box 777, 200 North Jefferson Street, Kittanning, PA 16201.

2. The name and address of applicant's attorney are Gwilym A. Price, III, 129 S. McKean Street, Butler, PA 16001-6029.

3. The rail corridor is owned by Allegheny Valley Land Trust ("AVLT") as purchaser on June 24, 2010, from Shannon Transport Inc. and Buffalo and Pittsburgh Railroad, Inc. In a decision served July 27, 2007, the Surface Transportation Board imposed public use and interim trail/rail banking conditions on the abandonment exemption granted to the railroads. AVLT, in cooperation with Redbank Valley Trails Association, is improving the trail corridor for rails to trails use. AVLT as owner of the corridor, and a financially responsible nonprofit, with a recreation or conservation purpose as defined in 66 Pa. C.S.A. 2701(h), has the corporate right to alter the crossings for safe public use of the trail corridor in accordance with the Sales Agreement and rail banking requirements.

4. All of the crossings that are the subject of this application are at grade crossings. Applicant requests that the Commission allow painted crosswalks and/or "trail crossing ahead" or similar warning signs at each at grade crossing listed on Exhibit A as agreed to with the applicable municipality in consultation with our engineer. This request does not involve alteration of the crossings so as to include installation or removal of any fixed utility facilities at the suspended subject crossings and therefore approval is requested without the necessity of a hearing.

Applicant requests that the PUC enforce the terms in paragraphs 2 and 5 on page 4 of the secretarial letter of August 20 2008, by requiring that Shannon Transport, Buffalo & Pittsburgh Railroad, Inc. and/or utilities remove their utility and telephone service poles and railroad control boxes, at the crossing of SR 861 as shown in photographs on Exhibit B.

5. The following entities are or may be affected by the proposed alteration of the crossing: Pennsylvania Department of Transportation; Townships and Boroughs of Madison, Toby and Sligo, in Clarion County. It is intended that no utilities located at the crossings, if any, will be affected. No objections have been received nor has written consent to crosswalk alterations been received as of yet from any municipality or department of the government of the Commonwealth of Pennsylvania. Consents will be filed as received.

6. Applicants have no information other than that shown on Exhibit A regarding the number of persons and vehicles of all kinds using the highways at the crossings on a 24-hour basis. Applicant believes that as the trail is being developed more people are using the improved trail corridor and therefore requests prompt action on this application for safety reasons.

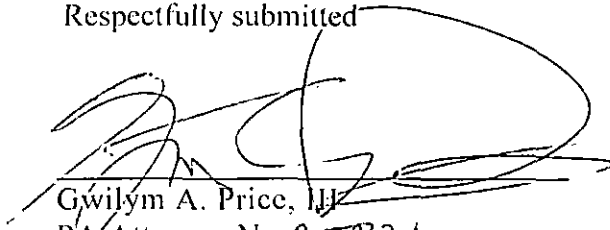
7. Applicant proposes that it and the Redbank Valley Trails Association will be responsible for the cost and performance of the work proposed through fundraising, grants and donation of materials and labor in cooperation with municipalities and Clarion County as possible sponsors for grant funding. Some engineering services have been donated and other plans and designs have or will be paid for by the Applicant. In the event any additional work is required by the Public Utility Commission beyond Applicant's proposal, it is requested that the Public Utility Commission apportion such additional costs as allowed by law.

8. The construction and alterations are necessary and proper for the following reasons:

The STB has imposed public use and interim trail/rail banking conditions on the corridor; the public is using the corridor even in its unimproved and current state; and safety improvements are needed for pedestrian and bicycle traffic at road crossings. The improvements will maintain the integrity and continuity of the rail corridor for rail banking/interim trail use as required by the STB decision.

Wherefore, applicant prays your Honorable Commission to approve the application as submitted.

Respectfully submitted



Gwilym A. Price, III  
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Butler, PA 16001-6029  
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Fax: 724-285-2897  
Email: gprice@zoominternet.net

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Attorney for Applicant  
Allegheny Valley Land Trust

**EXHIBIT A to AVLT's PUC Application For Road Crossing Alterations**

**Mile 4.0 to 6.0 at Lawsonham**

#	MP	DOT#	Type	Position	County	Municipality	Rt. #	Name	ADT	Proposed Alteration
1.	5.79	528 401 M	Public	At Grade	Clarion	Madison Twp.	S. R. 2009	Lawsonham Rd.	650	Signage or crosswalks

**Mile 0 to Mile 9 at Lawsonham to Sligo Segment of Redbank Valley Trails**

2.	2.00	unknown	Public	At Grade	Clarion	Madison Twp.	T-442	Solida Rd.	n/a	Signage or crosswalks
3.	3.07	528 213 X	Public	At Grade	Clarion	Madison Twp.	T-452	Lobaugh Hill Rd.	n/a	Signage or crosswalks
4.	3.96	528 397 A	Public	At Grade	Clarion	Toby Twp.	S. R. 861	Rimersburg Rd.	800	Signage or crosswalks
5.	4.78	528 398G	Public	At Grade	Clarion	Toby Twp.	S. R. 68*		3800	Signage or crosswalks
6.	5.30	unknown	Public	At Grade	Clarion	Toby Twp.	T-452	Carwick Rd.	n/a	Signage or crosswalks
7.	7.20	unknown	Public	At Grade	Clarion	Toby Twp.	S. R. 3012	Huey Rd.	500	Signage or crosswalks
8.	9.00	528 399 N	Public	At Grade	Clarion	Toby Twp.	T-481	Walker Farm Rd.	n/a	Signage or crosswalks

\*By Commission Secretarial Letter dated May 15, 2007 at Docket A-00123610, the S. R. 0068 crossing was suspended by removal of the track with pavement replacement, including removal of all warning devices and therefore was not included in the Application under Docket No. A-2008-2046604.

ADT = Average Daily Traffic, Based on Feasibility Study, Table 3.1, by Mackin Engineering Company, June 2011  
Penn Dot 2010 Statewide Traffic Volume Map, Clarion County, Published January 2012

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EXHIBIT B to AVL T's PUC Application For Road Crossing Alterations

Utility Pole and box left at corridor crossing on Route 861 in violation of secretary's letter



## VERIFICATION

I, Michael T. Steimer, Director of the Allegheny Valley Land Trust hereby states that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: 6-18-2013 Michael T Steimer  
(Signature)

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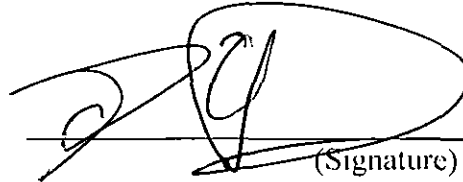
JUL 30 2013

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SECRETARY'S BUREAU

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the participants, shown on attached service list, in accordance with the requirements of § 1.54 (*relating to service by participant*):

Dated this 30th day of July, 2013.

  
\_\_\_\_\_  
(Signature)

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**Certificate of Service for PUC Application of Allegheny Valley Land Trust for Redbank Valley Trails –  
January 14, 2013**

Pennsylvania Dept. of Transportation  
Attn: Gary C. Fawyer, P.E., Chief  
ROW & Utility Division  
Bureau of Design  
P.O. Box 3362  
Harrisburg, PA 17105-3362

Pennsylvania Dept. of Transportation  
Office of Chief Counsel  
P.O. Box 8212  
Harrisburg, PA 17105-8212

Pennsylvania Dept. of Transportation  
Engineering District 10-0  
Attention: James G. Vauter  
2550 Oakland Ave.  
P.O. Box 429  
Indiana, PA 15701

William G. Gentilman, Property Manager  
Buffalo & Pittsburgh Railroad, Inc.  
P.O. Box 336  
Warren, PA 16365-0336

Eric M. Hocky, Esquire  
Attorney for Shannon Transport  
Thorp Reed & Armstrong, LLP  
One Commerce Square  
2005 Market Street, Suite 1910  
Philadelphia, PA 19103

Shannon Transport, Inc.  
P.O. Box 69  
Clarion, PA 16214

Mr. David C. Baer, Chief Engineer  
Buffalo & Pittsburgh Railroad, Inc.  
201 North Penn Street  
P.O. Box 477  
Punxsutawney, PA 15767

Twila Rifenberrick, Director of Planning  
Clarion County Administration Building  
330 Main Street  
Clarion, PA 16214

Mrs. Nancy Murray, Secretary  
Madison Township Supervisors  
1183 Madison Shop Road  
Rimersburg, PA 16248

Mrs. Janey Corle, Secretary  
Toby Township Supervisors  
25 Elder Road  
Rimersburg, PA 16248

Columbia Gas of Pennsylvania  
121 Champion Way, Suite 100  
Canonsburg, PA 15317

Columbia Gas Transmission Corp.  
115 Allegheny Blvd.  
Brookville, PA 15825

Windstream  
1720 Galleria Boulevard  
Charlotte, NC 28270

West Penn Power.  
Customer Service Center  
2550 Oakland Ave.  
Fairmont, WV 26555-1392