



**COMMONWEALTH OF PENNSYLVANIA**  
 PENNSYLVANIA PUBLIC UTILITY COMMISSION  
 COMMONWEALTH KEYSTONE BUILDING  
 400 NORTH STREET  
 HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE  
 REFER TO OUR FILE

February 5, 2024

A-2023-3042929

**TO ALL PARTIES OF RECORD**

Application of Allegheny Valley Railroad Company for approval of the suspension of nine public highway-rail crossings of the tracks of its Brilliant Line located in the City of Pittsburgh and the Borough of Aspinwall, Allegheny County.

To Whom It May Concern:

This matter is before us by reason of an application filed with the Commission on September 11, 2023, by Allegheny Valley Railroad Company (AVR) seeking Commission approval to abolish nine (9) public crossings where various highways cross the tracks of Allegheny Valley Railroad Company located in the City of Pittsburgh and the Borough of Aspinwall, Allegheny County.

The crossings are defined further in the table below:

Crossing No.	Highway/Railroad Name	Municipality	DOT No.	Crossing Type
1	River Avenue	Aspinwall Borough	Unknown	Highway under
2	Norfolk Southern Railway Company (NS)	Aspinwall Borough	Unknown	AVR over NS
3	Lock Way East	City of Pittsburgh	511 003 G	Highway under
4	Allegheny River Boulevard	City of Pittsburgh	511 004 N	Highway under
5	Allegheny River Boulevard	City of Pittsburgh	511 005 V	Highway under
6	Leech Farm Road	City of Pittsburgh	511 006 C	Highway under
7	Larimer Avenue	City of Pittsburgh	511 007 J	Highway over
8	Lincoln Avenue	City of Pittsburgh	511 008 R	Highway under
9	Silver Lake Drive	City of Pittsburgh	933 769 E	Highway under

In its application, AVR states they intend to file before the Surface Transportation Board a notice of intent to abandon portions of AVR’s Brilliant Branch as further described in its application. Those portions of the Brilliant Branch include the nine (9) grade-separated public crossings included in this proceeding. In its application, AVR states they intend to convey all its rights, title, and interest (if any), subject to the right to reactivate rail service, in the subject line to the Redevelopment Authority of Allegheny County (RAAC).

In its application, AVR avers that no physical changes are planned for the subject crossings as the result of the abandonment process. Following conveyance of the Subject Line, RAAC has agreed to accept all future maintenance of the subject crossings except for the Larimer Avenue (DOT 511 007 J) crossing structure that was assigned to the City of Pittsburgh in a previous Commission Order entered March 12, 1992, in a proceeding docketed to I-860015.

A field investigation and conference was arranged by a Commission staff engineer and held on November 17, 2023 at AVR's office in Oakmont, Pennsylvania. Representatives of AVR, RAAC, Pittsburgh Water and Sewer Authority, Aspinwall Borough, Allegheny County Department of Public Works, Peoples Gas Company, City of Pittsburgh Department of Mobility and Infrastructure, and the Pennsylvania Department of Transportation attended the field conference. Although notified by letter dated October 26, sent via electronic mail, there were no representatives of Duquesne Light Company, Verizon Pennsylvania LLC, DQE Communications LLC, Crown Castle, Comcast, Norfolk Southern Railway Company, or Sargent Electric Company in attendance. Following the field conference meeting, the Commission staff engineer, RAAC and AVR completed site visits of the subject crossings.

At the field conference, AVR described the details of the proceeding and the parties determined that the public crossings subject to this proceeding would be suspended in Commission lexicon as opposed to abolished due to the desire of RAAC to develop the subject line into a rail-trail facility in the future and AVR's right to reactivate rail service in the future if necessary.

At Crossing 1 (Unknown DOT), the structure consists of a steel plate girder superstructure supported by stone masonry/concrete abutments and steel pier bents. The bridge spans over River Avenue, with the underpass located approximately 25 feet north of an at-grade crossing (DOT 510 972 C) of Norfolk Southern Railway Company. River Avenue provides a public access to Aspinwall Riverfront Park and the adjacent Aspinwall Marina.

At Crossing 2 (Unknown DOT), the structure consists of a steel plate girder superstructure supported by stone masonry/concrete abutments and steel pier bents. The structure spans a single track of Norfolk Southern Railway Company located approximately 110-feet west of Crossing No. 1.

At Crossing 3 (DOT 511 003 G), the structure consists of a steel plate girder superstructure with an open deck supported by stone masonry/concrete abutments. The structure span length is 92-feet and is supported by reinforced concrete abutments with flared wingwalls. The bridge was originally constructed in 1908. Records provided by the AVR indicate the structure is in overall good to fair condition. The structure spans over a single track of Allegheny Valley Railroad Company and Lock Way East, a two (2) lane, bi-directional bituminous paved roadway.

At Crossing 4 (DOT 511 004 N), the structure consists of a single span deck plate girder superstructure with a ballast-filled steel deck supported by concrete abutments. The structure span length is 63-feet 3-inches and was originally constructed in 1930. Records provided by the AVR indicate the structure is in overall good to fair condition. The structure spans over Allegheny River Boulevard, a two (2) lane, bi-directional bituminous paved roadway.

At Crossing 5 (DOT 511 005 V), the structure consists of a single span through plate girder superstructure with a ballast-filled steel deck supported by steel pier bents and concrete abutments and wingwalls. The structure span length is 180-feet and was originally constructed in 1903. Records provided by the AVR indicate the structure is in overall fair condition. The structure spans over Allegheny River Boulevard, a two (2) lane, bi-directional bituminous paved roadway.

At Crossing 6 (DOT 511 006 C), the structure consists of a three-span stone arch superstructure supported by stone masonry/concrete abutments. The structure span length is 92-feet and was originally constructed in 1903. Records provided by the AVR indicate the structure is in overall good to fair condition. The structure spans over Leach Farm Road, a two (2) lane, bi-directional bituminous paved roadway.

At Crossing 7 (DOT 511 007 J), the structure consists of a highway bridge carrying Larimer Avenue above the track of AVR. The bridge structure is a single span deck girder superstructure with a concrete deck and bituminous roadway supported on concrete abutments. The condition of the structure is unknown.

At Crossing 8 (DOT 511 008 R), the structure consists of a single span through girder superstructure with a ballast-filled steel deck supported by stone masonry abutments. The structure span length is 59-feet and is connected to the adjacent Silver Lake Viaduct. Records provided by the AVR indicate the structure is in overall good to fair condition. The structure spans over Lincoln Avenue, a two (2) lane, bi-directional bituminous paved roadway.

At Crossing 9 (DOT 933 769 E), the structure consists of a six-span stone arch superstructure supported by stone masonry/concrete abutments. The structure span length is 590-feet and is supported by masonry abutments. The bridge was originally constructed in 1903. Records provided by the AVR indicate the structure is in overall good to fair condition. The structure spans over Silver Lake Drive, a two (2) lane, bi-directional concrete paved roadway.

Allegheny County agrees to inspect and maintain crossings 1, 2, 3, 4, 5, 6, 8 and 9 grade separated crossings, at its sole cost and expense, and in accordance with the requirements of the Allegheny County Department of Public Works Trail and Pedestrian Bridge and Tunnel Inspection Program Procedures. The City of Pittsburgh is directed to inspect and maintain crossing No. 7 in accordance with the requirements of the National Bridge Inspection Standards as established by the Federal Highway Administration.

It will not be necessary for the Commission to appropriate any property to accommodate the project.

It does not appear that any other facilities of any non-carrier public utilities will be affected by the suspensions of the public crossings.

The Commission hereby establishes its jurisdictional limits at the subject crossings as the area within the confines of the railroad right-of-way and the highway right-of-way.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission and no party in attendance at the field conference objected to the suspensions of the crossings, we find that a Secretarial Letter can be issued approving the application without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the suspension of the subject crossings is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Allegheny Valley Railroad Company is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. The public crossings where River Avenue (Unknown DOT) and Norfolk Southern Railway Company (Unknown DOT), located in Aspinwall Borough; and Lock Way East (DOT 511 003 G), Allegheny River Boulevard (DOT 511 004 N), Allegheny River Boulevard (DOT 511 005 V), Leach Farm Road (DOT 511 006 C), Larimer Avenue (DOT 511 007 J), Lincoln Avenue (DOT 511 008 R) and Silver Lake Drive (DOT 933 769 E) located in the City of Pittsburgh; all in Allegheny County, crosses, above or below grade, the tracks of Allegheny Valley Railroad Company be and are suspended upon satisfactory completion of the conveyance of all of Allegheny Valley Railroad Company's rights, title, and interest (if any), subject to the right to reactivate rail service, in the Subject Line to the Redevelopment Authority of Allegheny County.
3. All work necessary to suspend the crossings be completed in a manner satisfactory to this Commission on or before December 31, 2024, and that on or before said date, Allegheny Valley Railroad Company report in writing to this Commission the date of actual conveyance of its rights, title, and interest (if any) to the Redevelopment Authority of Allegheny County.
4. Upon completion of the suspension of the subject crossings, Allegheny County, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the former railroad structures at the all of the subject public crossings, except for the Crossing No. 7 (Larimer Avenue, DOT 511 007 J) , to include the superstructure, substructure, deck, railings and/or barriers, in a safe and satisfactory condition, exclusive of the facilities of any carrier or non-carrier public utility, and perform bridge inspections per the Allegheny County Department of Public Works Trail and Pedestrian Bridge and Tunnel Inspection Program Procedures, all in accordance with this Secretarial Letter.
5. Upon completion of the suspension of the subject crossings, City of Pittsburgh, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain the highway facilities at Crossing No. 7 (Larimer Avenue, DOT 511 007 J) , to include the superstructure, substructure, deck, railings and/or barriers, in a safe and satisfactory condition, exclusive of the facilities of any carrier or non-carrier public utility, and perform bridge inspections per the National Bridge Inspection Standards, all in accordance with this Secretarial Letter.

6. Upon completion of the suspension of the subject crossings, Aspinwall Borough, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway facilities at Crossing No. 1 (River Avenue, Unknown DOT) in a safe and satisfactory condition and provide Allegheny County at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

7. Upon completion of the suspension of the subject crossings, Norfolk Southern Railway Company, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its railroad facilities at Crossing No. 2 (Norfolk Southern Railway Company, Unknown DOT) in a safe and satisfactory condition and provide Allegheny County at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

8. Upon completion of the suspension of the subject crossings, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway facilities at Crossing Nos. 4 and 5 (Allegheny River Boulevard Crossings, DOT 511 004 N and DOT 511 005 V) in a safe and satisfactory condition and provide Allegheny County at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

9. Upon completion of the suspension of the subject crossings, City of Pittsburgh, at its sole cost and expense, furnish all material and do all work necessary thereafter to maintain its highway facilities at Crossing No. 3 (Lock Way East, DOT 511 003 G), Crossing No. 6 (Leach Farm Road, DOT 511 006 C), Crossing No. 8 (Lincoln Avenue, DOT 511 008 R), and Crossing No. 9 (Silver Lake Drive, DOT 933 769 E) in a safe and satisfactory condition and provide Allegheny County at least ten (10) business days advance notice when performing any work that may affect their facilities, as directed by this paragraph.

10. Upon completion of the suspension of the subject crossings, each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary thereafter to maintain its respective facilities, existing or altered, located within the limits of the crossings.

11. This Secretarial Letter is without prejudice to the right of any party to recover all or part of any costs incurred by said party in compliance with the provisions of this Secretarial Letter, in accordance with any lawful agreement between it and any other party.

12. Any interested party or entity seeking to alter the suspended crossings shall make formal application to this Commission for approval prior to any alteration of the subject crossings. Alterations include, but is not limited to, any installation, removal or modification of any fixed utility facilities, or trail related facilities at the subject suspended crossings.

13. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any remaining costs incurred by the non-carrier utility companies and other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an Efiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first name being particularly prominent.

Rosemary Chiavetta  
Secretary