

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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 : : **Docket No. A-2023-3042929**
: : **Filed Electronically**
: :
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**MOTION OF ALLEGHENY VALLEY RAILROAD COMPANY TO AMEND ORDER
AND FOR EXTENSION OF TIME**

Allegheny Valley Railroad Company (“AVR”), by and through its undersigned counsel, submits this Motion to Amend the Secretarial Letter issued February 5, 2024, and for Extension of Time, pursuant to 52 Pa. Code § 5.103, based upon the following:

1. The Secretarial Letter issued February 5, 2024, in this proceeding suspended nine public rail-highway crossings on AVR’s former Brilliant Line.
2. The Secretarial Letter notes that AVR intends to convey all its rights, title and interest in the Brilliant Line, including the suspended rail-highway crossings, to the Redevelopment Authority of Allegheny County (“RAAC”) for development into a rail trail.
3. Following closing on the Brilliant Line conveyance, RAAC has agreed to accept all future inspection and maintenance responsibilities for the suspended crossings, with the exception of the Larimer Avenue crossing, that was assigned to the City of Pittsburgh in a previous Commission order.
4. Following conveyance of the rail line, Allegheny County has agreed to inspect and maintain the suspended crossings, with the exception of the Larimer Avenue crossing, on behalf of RAAC, pursuant to the Allegheny County Department of Public Works Trail and

Pedestrian Bridge and Tunnel Inspection Program Procedures (“County Inspection Program”), as memorialized in the February 5, 2024, Secretarial Letter.

5. Since the issuance of the aforementioned Secretarial Letter, AVR, RAAC and the National Railroad Passenger Corporation (“Amtrak”) have been negotiating an Easement Agreement for Amtrak to continue its current usage of 1,962 feet of track extending from AVR’s property line with Norfolk Southern Railway Company for the turning of trains by Amtrak.

6. Amtrak’s usage may at times extend over Crossings 8 (Lincoln Avenue) and 9 (Silver Lake Drive). Therefore, those two crossings will need to remain active rail-highway crossings following conveyance of the Brilliant Line property to RAAC.

7. Following the Brilliant Line conveyance, as a matter of contract between Amtrak and RAAC, Amtrak has agreed to regularly inspect Crossings 8 and 9 pursuant to Federal Railroad Administration standards for their continued use by Amtrak and to make any necessary repairs or upgrades to accommodate such usage, pursuant to Articles 17, 18 and 19 of its Easement Agreement with RAAC and AVR, however RAAC remains responsible for compliance with the Commission’s inspection, repair and replacement requirements pursuant to ordering paragraph 4 of the February 5, 2024, Secretarial Letter.

8. In addition, Allegheny County will inspect and maintain those two structures for trail purposes under the County Inspection Program, pursuant to ordering paragraph 4 of the February 5, 2024, Secretarial Letter.

9. Allegheny County and Amtrak have agreed in the Easement Agreement to share their inspection reports with each other within ten (10) days of their completion.

10. Due to delays in negotiating the Easement Agreement, conveyance of the Brilliant Line may extend beyond December 31, 2024. Therefore, AVR further requests that ordering

paragraph 3 of the aforementioned Secretarial Letter be amended to require all work to suspend the crossings to be completed by June 30, 2025.

11. As two of the crossings will remain active after conveyance, the caption of this matter should be amended to reflect that seven public rail-highway crossings will be suspended.

WHEREFORE, Allegheny Valley Railroad Company respectfully requests that this Honorable Commission amend its Secretarial Letter issued February 5, 2024, with the addition of the following:

1. The Commission acknowledges that National Railroad Passenger Corporation and the Redevelopment Authority of Allegheny County have agreed that National Railroad Passenger Corporation will regularly inspect Crossings 8 and 9 pursuant to Federal Railroad Administration standards for their continued use by National Railroad Passenger Corporation and make any necessary repairs or upgrades to accommodate such usage, pursuant to Article 17, 18, 19 of its Easement Agreement with the Redevelopment Authority of Allegheny County and Allegheny Valley Railroad; provided, however, Redevelopment Authority of Allegheny County and Allegheny Valley Railroad remain responsible to the Commission for such inspections, repairs or upgrades pursuant to ordering paragraph 4 of the February 5, 2024, Secretarial Letter.

2. That Ordering Paragraph 3 of the February 5, 2024, Secretarial Letter is amended to require all work to suspend the crossings to be completed by June 30, 2025.

3. That the caption of this matter is amended to reflect that seven public rail-highway crossings will be suspended.

4. That in all other respects, the terms of the Secretarial Letter dated February 5, 2024, shall remain in full force and effect.

Respectfully submitted,
FLETCHER & SIPPEL, LLC

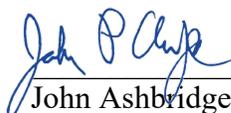
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Date: February 7, 2025

VERIFICATION

I, John Ashbridge, President & Chief Executive Officer, Allegheny Valley Railroad Company, in the foregoing proceeding, make the following statement subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsifications to authority, and do state that as President & Chief Executive Officer for Allegheny Valley Railroad Company, I am authorized to make this statement on behalf of Allegheny Valley Railroad Company and that the facts set forth in the foregoing **“Motion to Amend Order and For Extension of Time”** are true and correct to the best of my knowledge, information and belief.



John Ashbridge

Date: February 7, 2025

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nine public highway-rail crossings of the :
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City of Pittsburgh and the Borough of :
Aspinwall, Allegheny County :

CERTIFICATE OF SERVICE

I, Emily Gurney, hereby certify that I served one (1) copy of the Motion of Allegheny Valley Railroad to Amend Order, this day, via electronic mail addressed to:

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Date: February 7, 2025