



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

IN REPLY PLEASE
REFER TO OUR FILE

March 3, 2025

A-2023-3042929

TO ALL PARTIES OF RECORD

Application of Allegheny Valley Railroad Company for approval of the suspension of seven (7) 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:

By Secretarial Letter dated February 5, 2024, the Commission approved the subject application, allocation of costs, and assignment of future maintenance responsibilities for nine (9) total crossings involved with the subject proceeding.

Following the issuance of the Commission's Secretarial Letter, Allegheny Valley Railroad Company (AVR) and National Railroad Passenger Corporation (Amtrak) entered into negotiations for an Easement Agreement allowing for Amtrak's continued use of 1,962 feet of track extending from AVR's property line with Norfolk Southern Railway Company. The said Easement Agreement will allow for the turning of trains by Amtrak and may at times extend over Crossing No. 8 and 9 (DOT 511 008 R and DOT 933 769 E) respectively.

By petition received by the Commission on February 7, 2025, AVR requests an amendment of our Secretarial Letter dated February 5, 2024, allowing Crossing No. 8 and 9 to remain active, in addition to requesting an extension of time to complete the conveyance of the Brilliant Line.

In its petition AVR stated that the conveyance of the Brilliant Line was delayed due to its negotiations with Amtrak regarding the new Easement Agreement, AVR is therefore requesting an extension of time that establishes a completion date of June 30, 2025.

Following the conveyance of the Brilliant Line, as a matter of private agreement between Amtrak and the Redevelopment Authority of Allegheny County, Amtrak has agreed to regularly inspect Crossing No. 8 and 9 pursuant to Federal Railroad Administration standards, in addition to making any necessary repairs or upgrades required for Amtrak's continued use of the crossings.

This Secretarial Letter is without prejudice to the right of any party to recover costs its incurred in performing work associated with this Secretarial Letter, in accordance with any lawful agreement between parties. The terms of said agreement do not preclude the Commission from taking any action necessary to protect public interest.

We have carefully reviewed the record in this proceeding and will amend our Secretarial Letter dated February 5, 2024, and grant Allegheny Valley Railroad Company an extension of time to June 30, 2025, to complete the conveyance of the Brilliant Line.

This Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code.

THEREFORE:

The petition of Allegheny Valley Railroad Company received by the Commission on February 7, 2025, requesting an amendment of our Secretarial Letter dated February 5, 2024, and an extension of time to complete the conveyance of the Brilliant Line, be and is hereby granted to the extent herein directed:

1. The caption of the subject proceeding is hereby revised as shown herein.
2. Paragraph 2 of our Secretarial Letter dated February 5, 2024, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

2. The public crossings where River Avenue (DOT 510 402 P) 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), and Larimer Avenue (DOT 511 007 J); 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. Paragraph 3 of our Secretarial Letter dated February 5, 2024, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

3. All work necessary to suspend the crossings be completed in a manner satisfactory to this Commission on or before June 30, 2025, 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. Paragraph 9 of our Secretarial Letter dated February 5, 2024, which reads as follows, to wit:

“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.”

be and is hereby modified to read:

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) and Crossing No. 6 (Leach Farm Road, DOT 511 006 C) 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.

5. This Secretarial Letter is without prejudice to the right of any party to recover part or all 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.

6. The terms of any agreement established in accordance with this Secretarial Letter shall not preclude the Pennsylvania Public Utility Commission from taking any action necessary to protect the public interest, including but not limited to the reassignment or enforcement of any costs or responsibilities assigned or transferred as a result of this Secretarial Letter.

7. City of Pittsburgh, at its sole cost and expense, furnish all material and do all work necessary to maintain its highway facilities at 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 National Railroad Passenger Corporation and Allegheny County at least ten (10) business days advance notice when performing any work that may affect their facilities, all in accordance with this Secretarial Letter.

8. Each non-carrier public utility company and municipal authority, at its sole cost and expense, furnish all material and perform all work necessary to maintain its respective facilities, located at Crossing No. 8 (Lincoln Avenue, DOT 511 008 R) and Crossing No. 9 (Silver Lake Drive, DOT 933 769 E); all in accordance with the provisions of this Secretarial Letter.

9. Upon completion of the conveyance of the Brilliant Line, National Railroad Passenger Corporation and Allegheny County have agreed that National Railroad Passenger Corporation will regularly inspect and maintain the railroad bridge structures to Federal Railroad Administration standards, at Crossing No. 8 (Lincoln Avenue, DOT 511 008 R) and Crossing No. 9 (Silver Lake Drive, DOT 933 769 E), for their continued use by National Railroad Passenger Corporation and pursuant to their Easement Agreement with Allegheny County, and will provide Allegheny County and the City of Pittsburgh at least ten (10) business days advance notice when performing any work that may affect their facilities, all in accordance with this Secretarial Letter.

10. Upon completion of the conveyance of the Brilliant Line, Allegheny County, at its sole cost and expense, furnish all material and do all work necessary thereafter to inspect and maintain the railroad bridge structures at Crossing No. 8 (Lincoln Avenue, DOT 511 008 R) and Crossing No. 9 (Silver Lake Drive, DOT 933 769 E), for trail purposes per the Allegheny County Department of Public Works Trail and Pedestrian Bridge and Tunnel Inspection Program Procedures, and provide National Railroad Passenger Corporation and the City of Pittsburgh at least ten (10) business days advance notice when performing any work that may affect their facilities, all in accordance with this Secretarial Letter.

11. In all respects not inconsistent herewith, our Secretarial Letter dated February 5, 2024, remains in full force and effect.

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.

Sincerely,

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

Rosemary Chiavetta
Secretary