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Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

RE: Docket No. AB 167 (Sub-No. 623N), Conrail Abandonment in Lehigh County, PA

Dear Ms. Brown:

By order served July 19, 1984, in Docket No. AB 167 (Sub-No. 623N), Conrail Abandonment in Lehigh County, PA, the Interstate Commerce Commission (ICC) authorized Consolidated Rail Corporation (Conrail) to abandon a portion of the Lehigh Secondary Track in Catasauqua, Pennsylvania. At the time the Lehigh line was subject to trackage rights held by the Delaware & Hudson Railway Company, Inc. (D&H), and Conrail had advised the ICC in its abandonment application that the application would not affect D&H's rights unless and until the ICC approved their discontinuance.

In Docket No. AB 156 (Sub-No. 27X), Del. & Hudson Ry. -- Discontinuance of Trackage Rights -- in Broome County, NY, D&H filed a verified notice of exemption to discontinue trackage rights on approximately 670 miles of rail line, including the Lehigh line. D&H's discontinuance of trackage rights exemption became effective on August 14, 2015. On September 22, 2015, D&H filed with the Board a notice of consummation stating that D&H had, as of September 18, 2015, effectuated discontinuance of the trackage rights that were the subject of the aforementioned discontinuance proceeding, thereby confirming to Conrail that D&H's discontinuance of its trackage rights over the Lehigh line has become effective.

Accordingly, Conrail hereby notifies the Board, pursuant to the ICC's July 19, 1984 order in Docket No. AB 167 (Sub-No. 623N), that Conrail has consummated its abandonment of that portion of the Lehigh Secondary Track between milepost 96.709 and milepost 98.0 as of September 18, 2015.¹

Respectfully submitted,

Jonathan M. Broder

cc: Attached Service List

¹ To the extent that the section of the Lehigh Secondary Track that is the subject of this abandonment proceeding may have remained a "railroad line" subject to the Board's jurisdiction pending discontinuance of D&H's trackage rights, the "line of railroad" has remained Conrail's. The line segment was not included among those ultimately conveyed to CSX Transportation, Inc. or Norfolk Southern Railway Company ("NSR") pursuant to *CSX Corp. et al. — Control — Conrail Inc. et al.*, 3 S.T.B. 196 (1998) (MergerDec. No. 89). To the extent that NSR may have acquired from Conrail an interest in the land underlying the subject line segment, NSR's ownership interest excludes any common carrier rights or obligations. Such a transaction limited to land interests would not have required advance Board authorization, and did not constitute the transfer of a railroad line. See, e.g., *Massachusetts Department of Transportation — Acquisition Exemption — Certain Assets of Housatonic Railroad Company, Inc.*, Docket No. FD 35866, slip op. at 6 (STB served May 22, 2015).

SERVICE LIST

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