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SERVICE DATE – FEBRUARY 9, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-859 (Sub-No. 1X)

PENNSYLVANIA LINES LLC–ABANDONMENT
EXEMPTION–IN NORTHAMPTON COUNTY, PA

Decided: February 8, 2005

Pennsylvania Lines LLC (PPR) and Norfolk Southern Railway Company (NSR) (collectively, petitioners) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service for PRR to abandon and NSR to discontinue service over, a 3.7- mile line of railroad between milepost EK-53.0 at Hellertown and milepost EK-56.7 at Bethlehem, in Northampton County, PA. Notice of the exemption was served and published in the Federal Register on February 10, 2004 (68 FR 6373).¹ In the February 10 notice, the Board stated that, if consummation has not been effected by PRR’s filing of a notice of consummation by February 10, 2005, and there are no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.²

By facsimile received on February 1, 2005, NSR, on its own behalf and that of PRR, filed a request to extend for one year (until February 10, 2006), the time to consummate the abandonment. NSR stated that the lengthy extension is necessary because long-term plans for the line and provisions for funding to carry out those plans have not been finalized. NSR further states that the extension will give greater flexibility for it, the City of Bethlehem and any other party interested in making the most productive future use of the right-of-way without requiring several shorter extensions of time. NSR states that, if the circumstances change, especially if it determines that consummation of the abandonment should take place at an earlier date, it will advise the Board. Under 49 CFR

¹ The notice issued February 10, 2004, embraced STB Docket No. AB 290 (Sub-No. 254X), Norfolk Southern Railway Company–Discontinuance of Service Exemption–in Northampton County, PA.

² By decision served March 10, 2004, the proceeding was reopened and the exemption was made subject to several environmental conditions and a historic preservation condition. By decision served October 6, 2004, the proceeding was reopened and the section 106 condition was removed. The October 6 decision also noted that the other conditions imposed in the March 10 decision remain.

1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings. Good cause has been shown. Accordingly, the deadline for filing the notice of consummation will be extended to February 10, 2006.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. NSR's request for a 1-year extension of time to exercise the abandonment authority is granted.
2. The authority to abandon must be exercised, and the notice of consummation must be filed, on or before February 10, 2006.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary