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SERVICE DATE - MARCH 15, 2005

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: March 14, 2005

Pennsylvania Lines LLC (PRR) and Norfolk Southern Railway Company (NSR) 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

By decision served March 10, 2004, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the condition that PRR consult with the U.S. Fish and Wildlife Service (USFWS) (Pennsylvania Field Office) (State College, PA) prior to conducting any abandonment or salvaging activities to assess potential impacts to the bog turtle or other Federally threatened or endangered species, identify any appropriate mitigation measures that may be warranted, and report the results of the USFWS consultations to SEA. On February 23, 2005, NS submitted a letter from the USFWS, indicating that no Federally listed endangered or threatened species are known to occur within the project area, and that no mitigation measures were recommended. SEA also states that the Pennsylvania Department of Natural Resources has concluded that the project, as proposed, should not have any negative impacts to plant species of special concern, as long as the railroad does not revegetate the area with any invasive species. Therefore, SEA recommends that the endangered species condition imposed in the March 10, 2004 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed endangered species consultation condition will be removed.²

¹ While the notice embraced the proposed discontinuance in STB Docket No. AB-290 (Sub-No. 245X), Norfolk Southern Railway Company-Discontinuance of Service Exemption-in Northampton County, PA, the environmental conditions discussed in this decision are imposed on the proposed abandonment.

² The March 10, 2004 decision also imposed several environmental conditions and a
(continued...)

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

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the endangered species condition imposed in the March 10, 2004 decision is removed.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary

²(...continued)

historic preservation condition. By decision served October 6, 2004, the historic preservation condition was removed. The October 6 decision also noted that the other conditions imposed in the March 10, 2004 decision remain.

On February 1, 2005, NSR filed a request on behalf of PRR to extend the consummation due date until February 10, 2006. By decision served February 9, 2005, the consummation deadline was extended to February 10, 2006.