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SERVICE DATE- FEBRUARY 13, 2007

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: February 12, 2007

Pennsylvania Lines LLC (PRR) 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).<sup>1</sup> In the February 10 notice, the Board stated that, if consummation had not been effected by PRR's filing of a notice of consummation by February 10, 2005, and there were no legal or regulatory barriers to consummation, the authority to abandon would automatically expire.<sup>2</sup> By decisions served on February 9, 2005, and February 9, 2006, the due date for filing a notice of consummation was extended to February 12, 2007.

Under 49 CFR 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. By facsimile received on February 8, 2007, NSR, as successor by merger to PRR, requested that the Board extend, for one year (until February 12, 2008), the time to consummate the abandonment. NSR states that it and the City of Bethlehem (City) are close to an agreement concerning the long-term disposition of the line, and that the agreement is outside of the public use condition or trail use condition procedures. NSR states that the lengthy extension is necessary because, although significant progress has been made in reaching an agreement and the parties believe that an agreement will be finalized in the near future, some details remain to be worked out before a

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<sup>1</sup> The notice issued on February 10, 2004, embraced STB Docket No. AB-290 (Sub-No. 245X), Norfolk Southern Railway Company—Discontinuance of Service Exemption—in Northampton County, PA.

<sup>2</sup> 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 historic preservation condition was removed. The October 6 decision also noted that the other conditions imposed in the March 10, 2004 decision remained. By decision served March 15, 2005, the proceeding was reopened and the endangered species condition was removed.

final agreement can be reached and committed to writing. NSR further states that the extension would provide greater flexibility for it, the City, 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 would advise the Board. Good cause has been shown, and the deadline for filing the notice of consummation will be extended to February 12, 2008.

This decision 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 12, 2008.
3. This decision is effective on its service date.

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

Vernon A. Williams  
Secretary