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SERVICE DATE – NOVEMBER 1, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 550X

R.J. CORMAN RAILROAD COMPANY/ALLENTOWN LINES, INC.—ABANDONMENT
EXEMPTION—IN LEHIGH COUNTY, PA.

Decided: October 31, 2011

By decision served on September 8, 1998, the Board, under 49 U.S.C. § 10502, granted R.J. Corman Railroad Company/Allentown Lines, Inc. (RJCN) an exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a 1.945-mile line of railroad known as the Barber's Quarry Industrial Track (Subject Track). The line extends from milepost 93.144 in the vicinity of Union and 3rd Streets in Allentown and milepost 95.089 in the vicinity of Lawrence Street and Lehigh Parkway in the township of Salisbury, Lehigh County, Pa. The exemption was scheduled to become effective, subject to standard employee protective conditions, on October 8, 1998.

By decision and notice of interim trail use or abandonment (NITU) under the National Trails System Act, 16 U.S.C. § 1247(d), served October 7, 1998, the Board reopened the proceeding and established a 180-day period for the County of Lehigh, Pa., to negotiate an interim trail use/rail banking agreement with RJCN for acquisition of the right-of-way. The latest extension of the negotiating period under the NITU, which was granted by decision served June 14, 2004, expired on July 14, 2004.

In a letter filed on July 16, 2004, RJCN notified the Board that it had transferred a portion of the line between approximately milepost 93.25 and milepost 95.089 to the City of Allentown, Pa., for interim trail use purposes and had retained for itself a portion of the line between approximately milepost 93.25 and milepost 93.14. On September 17, 2004, RJCN filed a Notice of Consummation to abandon a portion of the 1.945-mile line of the Subject Track from milepost 93.25 to milepost 93.14.

By petition filed on August 15, 2011, RJCN requested that the Board vacate the NITU pursuant to 49 C.F.R. § 1152.29(d)(2). RJCN states it intends to restore rail service over the line, and that it and Allentown Economic Development Corporation have executed a letter of intent for reactivating rail service, including re-construction of the connection to RJCN's existing and operational main line. RJCN requests that the NITU be vacated effective November 15, 2011.

RJCN has complied with the requirements of 49 C.F.R. § 1152.29(d)(2) regarding a request to vacate a NITU. Therefore, the Board will grant RJCN's request to vacate the NITU, effective November 15, 2011.

This action 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. RJCN's request to vacate the NITU is granted.
3. The NITU served on October 7, 1998, is vacated, effective November 15, 2011.
4. This decision is effective on its date of service.

By the Board, Rachel D. Campbell Director, Office of Proceedings.