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SERVICE DATE - OCTOBER 6, 2004

SURFACE TRANSPORTATION BOARD

DECISION

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

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

Decided: October 5, 2004

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).

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 retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act. On September 17, 2004, NSR submitted a letter requesting that the historic preservation condition be removed. In support of its request, NSR attached a letter from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (SHPO), indicating that there are no properties listed in or eligible for inclusion in the National Register of Historic Places and that no archaeological investigations are necessary in the project area. Therefore, SEA recommends that the historic preservation condition imposed in the March 10, 2004 decision be removed. Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.<sup>1</sup>

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<sup>1</sup> The March 10 decision also imposed six other conditions that required PRR to: (1) comply with the Pennsylvania state air quality rule 25 Pa. Code 123.1, regarding fugitive dust emissions, during salvage activities; (2) comply with the City of Bethlehem's noise regulations, which establish thresholds for noise levels; (3) 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, and identify any appropriate mitigation measures that may be warranted, and report results of the USFWS consultations to SEA; (4) consult with the Pennsylvania Natural  
(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 section 106 condition imposed in the March 10 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

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<sup>1</sup>(...continued)

Diversity Inventory prior to salvage activities regarding the endangered plant species, the Northern Water-Milfoil, the Western hairy rock-cress, the Sedge, and the Prairie Sedge; (5) contact the Pennsylvania Department of Environmental Protection, Hazardous Sites Cleanup Program, at (717) 783-7509, prior to any abandonment activities; and (6) notify the National Geodetic Survey 90 days prior to salvage activities in order to plan for the potential removal or relocation of the 12 geodetic station markers identified. Those conditions remain in effect.