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VIA E-FILING

November 12, 2021

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

**Re: Consolidated Rail Corporation—Abandonment
Exemption—In Schuylkill & Carbon Counties, PA, STB
Docket No. AB-167 (Sub-No. 1195X)**

Dear Ms. Brown:

Enclosed for filing in the referenced docket is a Verified Notice of Exemption for Consolidated Rail Corporation to abandon a line of railroad. The filing fee of \$4,400 has been paid via pay.gov. If there are any questions regarding this filing, please contact me.

Sincerely,



Tara Summerville
*Counsel for Consolidated
Rail Corporation*

Enclosure

FILED
November 12, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
November 12, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-167 (Sub-No. 1195X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN
SCHUYLKILL & CARBON COUNTIES, PA

VERIFIED NOTICE OF EXEMPTION

MICHAEL L. ROSENTHAL
TARA SUMMERVILLE
Covington & Burling LLP
One CityCenter,
850 Tenth Street, NW
Washington, DC 20001-4956

*Counsel for Consolidated
Rail Corporation*

Dated: November 12, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-167 (Sub-No. 1195X)

CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—IN
SCHUYLKILL & CARBON COUNTIES, PA

VERIFIED NOTICE OF EXEMPTION

Consolidated Rail Corporation (“Conrail”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for Conrail to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between milepost 0.0 and milepost 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). Conrail seeking Board authority to abandon the Line out of an abundance of caution. As discussed Conrail’s Combined Environmental and Historic Report, there is some evidence that the Line, which was identified in the records of the United States Railway Association (“USRA”) as Line Code 0523 and USRA Line No. 1030, was not designated for transfer to Conrail in the USRA’s Final System Plan.

The Line has been out of service for far longer than two years, so no change in operations will occur as a result of the abandonment. Based on information in the possession of Conrail, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

1. Proposed consummation date: The abandonment will not be consummated until at least 50 days after the filing of this Verified Notice of Exemption.
2. Certification required by 49 C.F.R. § 1152.50(b): See Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4):

(a) General.

(a)(1) Exact name of applicant: Consolidated Rail Corporation.

(a)(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, chapter 105: Conrail is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

(a)(3) Relief sought: Conrail seeks to use the class exemption at 49 C.F.R.

§ 1152.50 to abandon the an out-of-service line that runs between milepost 0.0 and milepost 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania

(a)(4) Detailed map of the subject line: *See Exhibit B.*

(a)(7) Name, title, and address of representative of applicant to whom correspondence should be sent: Michael L. Rosenthal, Covington & Burling, LLP, One CityCenter, 850 Tenth Street, NW, Washington, DC 20001-4956, (202) 662-6000, mrosenthal@cov.com.

(a)(8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses: The Line traverses U.S. Postal ZIP Codes 18237 and 18255.

(e) Rural and community impact.

(e)(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which

would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed:

Conrail believes that the property proposed for abandonment may be suitable for other purposes. Conrail intends to convey the portion of the right-of-way from milepost 0.0 to milepost 1.55 to a property developer. Conrail does not believe the property may be subject to reversionary interests that may affect transfer of title for other than rail purpose. Conrail notes, however, that a portion of the Line is currently the subject of an ongoing civil action. Freya Land Company, a Pennsylvania limited liability company (“FLC”), filed a Civil Action to Quiet Title with the Court of Common Pleas of Schuylkill County, docketed at S-892-21, naming Conrail as a defendant, seeking to confirm FLC’s title through adverse possession in two parcels of land in Kline Township that include a portion of the Line. Conrail is currently engaged in settlement discussions with FLC.

4. The level of labor protection: Because the Line has been inactive for well over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of Conrail’s employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

5. Certification: Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. *See* Exhibit D.

Respectfully submitted,

/s/ Michael L. Rosenthal
MICHAEL L. ROSENTHAL
TARA SUMMERVILLE
Covington & Burling LLP
One CityCenter,
850 Tenth Street, NW
Washington, DC 20001-4956

*Counsel for Consolidated
Rail Corporation*

Dated: November 12, 2021

EXHIBIT A – VERIFICATION AND CERTIFICATION

EXHIBIT B – MAP



Consolidated Rail Corporation
Proposed Tresckow Branch Abandonment
Milepost 0.0 to Milepost 7.7
Schuylkill & Carbon Counties, PA

-  TRESCKOW BRANCH
-  AREA SUBJECT TO SALE
-  ABANDONED LINES
-  ACTIVE LINES

AREA SUBJECT TO SALE

MP 7.7

MP 1.55

MP 0.0

1 km
3000 ft

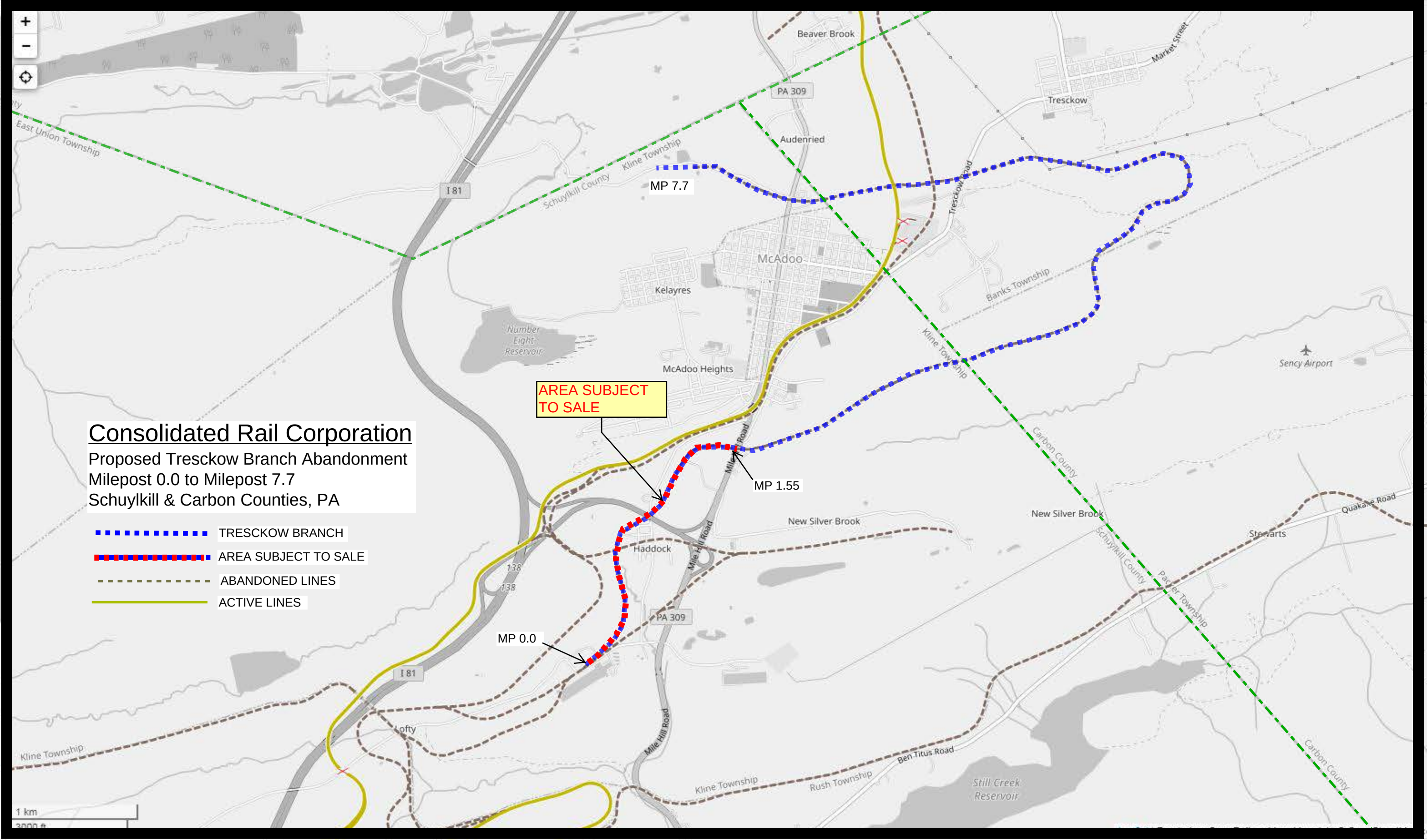


EXHIBIT C- CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that at least ten days prior to filing this notice of exemption, with the Board, notice of the proposed abandonment in Docket No. AB-167 (Sub-No. 1195X) was served via first class mail or a more expeditious manner of delivery on the following:

Pennsylvania Public Utility Commission

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
2nd Floor, Room-N201
Harrisburg, PA 17120

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense Program)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service

U.S. Department of Interior
National Park Service
1849 C Street NW
Washington, DC 20240

Kym Hall, Area Director
National Park Service
1100 Ohio Drive, SW
Washington, DC 20242

National Park Service, Northeast Regional Office
Rivers, Trails, and Conservation Assistance Program
200 Chestnut St., Third Floor
Philadelphia, PA 19106

U.S. Department of Agriculture

Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

A handwritten signature in black ink, appearing to read 'Tara Summerville', with a stylized, flowing script.

Tara Summerville

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that a notice of intent to abandon rail service was published in the form prescribed by the Board. (Copy attached hereto as Attachment 1.) The notice was published on October 27th in the Times News, a newspaper of general circulation in Schuylkill and Carbon Counties, Pennsylvania, as required by 49 C.F.R. § 1105.7(c) and .12.

A handwritten signature in black ink, appearing to read 'Tara Summerville', with a stylized, flowing script.

Tara Summerville

TIMES NEWS

— MEDIA GROUP —

LEHIGHTON, CARBON COUNTY, PENNSYLVANIA
TAMAQUA, SCHUYLKILL COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania)
)
County of Carbon) SS.

Scott A. Masenheimer, being duly sworn according to law does depose and say:

1. THAT Times News, LLC is a newspaper of general circulation published each weekday, except holidays. Its places of business are Lehigh, Carbon County, Pennsylvania and Tamaqua, Schuylkill County, Pennsylvania.

2. THAT Times News, LLC was established on May 1, 1967, as the immediate successor to the Jim Thorpe News, which was established on April 1, 1927.

3. THAT the affiant is the Vice President of Operations of Times News, LLC and as such is authorized by the publisher, Times News, LLC, to take this affidavit.

4. THAT the affiant is not interested in the subject matter of the notice or advertising.

5. THAT all of the allegations of this affidavit as to time, place and character of publication are true.

6. THAT copy of the notice or advertising attached hereto was printed and published in the regular daily editions and issues of Times News, LLC on the following dates:

OCTOBER 27, 2021

Scott A. Masenheimer

Sworn to and subscribed before me, this 28th day of October, A.D. 2021

Patricia L. Selt

PUBLIC NOTICE

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Consolidated Rail Corporation (Conrail) gives notice that on or about November 9, 2021, it intends to file with the Surface Transportation Board, Washington, DC, a Notice of Exemption under 49 CFR 1152 Subpart F-Exempt Abandonments, permitting Conrail to abandon an approximately 7.7-mile line of railroad known as the Trescow Branch, running from milepost 0.0, near Silverbrook Junction, to milepost 7.7, near Audenried, which traverses through United States Postal Zip Codes 18237 and 18255 in Schuylkill and Carbon Counties, PA. The proceeding will be docketed as No. AB-167 (Sub-No. 1195X).

The Board's Office of Environmental Analysis (OEA) generally will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA become available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, or by calling that office at (202) 245-0245.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0230. Copies of any comments or requests for specific Board action should be served on the applicant's representative: Michael L. Rosenthal, Covington & Burling LLP, 850 Tenth Street, NW, Washington, DC 20001-4956; phone: (202) 662-6000.

Oct. 27

EXHIBIT D – COMBINED ENVIRONMENTAL AND HISTORIC REPORT

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB 167 (Sub-No. [1195X])

**CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—
IN SCHUYLKILL AND CARBON COUNTIES, PA**

Dated: October 18, 2021

Consolidated Rail Corporation (“Conrail”) submits this Combined Environmental and Historic Report in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Conrail has fulfilled the requirements of §§ 1105.7 and 1105.8 by consulting with the specified and appropriate public agencies by sending letters requesting comments on the effect of this proposed abandonment on the environment and on matters of historic preservation. Copies of the letters and all responses received to date by Conrail are attached to this Report in Exhibit 2B. Any responses received in the future will be promptly furnished to the Board.

ENVIRONMENTAL REPORT

1. Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: Conrail proposes to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between mileposts 0.0 and 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”).

As the Line has been out of service for more than two years, no commodities are transported on the Line, and no changes in current operations or maintenance practices will result from the proposed abandonment.

Conrail does not intend to salvage the Line. The Line was inactive when it was conveyed to Conrail, and the Line was apparently salvaged long ago. There are no structures on the Line. Following abandonment, Conrail will convey the portion of the right-of-way from milepost 0.0 to milepost 1.55 to a property developer.

Conrail is not aware of any other reasonable alternative to the proposed abandonment.

A map of the proposed abandonment is attached as Exhibit 1.

2. Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: The proposed abandonment will not have any effects on regional or local transportation systems and patterns because the Line has been out of service for more than two years. There is no freight or passenger traffic on the Line to be diverted to other transportation systems or modes as a result of the proposed abandonment.

3. Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

Response:

- (i) Conrail is unaware of any inconsistencies between the proposed abandonment and existing land use plans. Conrail consulted with the Townships of Kline, Packer, and Banks, as

well as Schuylkill and Carbon Counties on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) Kline Township replied on October 15, 2021, stating that it had no concerns regarding the environmental effects of the proposed abandonment. (*See Exhibit 2B.*) No other comments have been received to date.

(ii) Conrail does not believe the proposed abandonment will have any effect on any prime agricultural land that will be affected. Conrail consulted with the United States Department of Agriculture Natural Resources Conservation Service (“USDA NCRS”) (the agency succeeding to the responsibilities of the Soil Conservation Service) on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(iii) Conrail does not believe the proposed abandonment would have any effect on a designated coastal zone. However, Conrail mailed a copy of the preliminary CEHR to the Pennsylvania Coastal Management Program (“PCMP”) on September 21, 2021, for its information and to provide PCMP an opportunity to comment. (*See Exhibit 2A.*) No comments have been received to date.

(iv) Conrail does not believe the right-of-way is suitable for alternative public use. Following the abandonment, Conrail intends to convey a portion of the right-of-way to a property developer.

4. Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: The Line is out of service and has not handled any local or overhead traffic for over two years. Therefore, the proposed abandonment will have no effect on the transportation of energy resources or recyclable commodities, will not result in any change in overall energy efficiency, and will not cause any diversion from rail to motor carriage.

5. Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) an increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: Because the Line has been out of service for more than two years and has handled no traffic within that period, the propose abandonment will have no impact on rail traffic, rail yard activity, or motor carrier traffic. In addition, the abandonment would not affect the air quality or the transportation of ozone depleting materials.

6. Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels

Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: This assessment inapplicable to the proposed abandonment because the thresholds identified in item 49 C.F.R. § 1105.7(5)(i) have not been surpassed.

7. Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

(i) Because the Line is out of service, the proposed action would have no effect on public health and safety.

(ii) No hazardous materials would be transported as a result of the proposed abandonment.

(iii) Conrail is unaware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

8. Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

(i) Conrail does not believe that the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. Conrail consulted the U.S. Fish and Wildlife Service ("USF&W") on this matter by letter dated September 21, 2021,

requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(ii) Conrail does not believe the proposed abandonment would affect any wildlife sanctuaries or refuges, National or State parks or forests. Conrail consulted with the National Parks Service on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

9. Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

Response:

(i) Conrail is aware of no inconsistency of the proposed abandonment with Federal, State, or local water quality standards. Conrail consulted with the State Environmental Protection Agency (“SEPA”) and the United States Environmental Protection Agency (“USEPA”) on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(ii) Conrail believes no permits under section 404 of the Clean Water Act would be required for the proposed abandonment and that no designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Conrail consulted with the U.S. Army Corps of Engineers on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) The U.S. Army Corps of Engineers replied on September 30, 2021, stating it could not “make any determinations of federal permitting without specific project plans showing any proposed work in relation to existing waters and

wetlands.” (See Exhibit 2B.) As indicated above, however, Conrail does not plan to engage in any salvage activities.

(iii) Conrail believes that no permits under section 402 of the Clean Water Act would be required for the proposed abandonment. Conrail consulted with SEPA and the USEPA on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (See Exhibit 2A.) No comments have been received to date.

10. Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Conrail does not expect any adverse environmental impact from the proposed abandonment and, therefore, believes there is no need for any mitigating actions.

HISTORIC REPORT

Proposed Action and Alternatives

Conrail proposes to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between mileposts 0.0 and 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). The Line runs through the U.S. Postal Zip Codes 18237 and 18255.

As the Line has been out of service for more than two years, no commodities are transported on the Line, and no changes in current operations or maintenance practices will result from the proposed abandonment.

Conrail does not intend to salvage the Line. The Line was inactive when it was conveyed to Conrail, and the Line was apparently salvaged long ago. There are no structures on the Line. Following abandonment, Conrail will convey the portion of the right-of-way from milepost 0.0 to milepost 1.55 to a property developer.

Conrail is not aware of any other reasonable alternative to the proposed abandonment.

A map of the proposed abandonment is attached as Exhibit 1.

Additional Information

1. A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

Response: A topographic map is attached as Exhibit 3 and was furnished to the Pennsylvania State Historic Preservation Office along with the preliminary CEHR.

2. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

Response: The right-of-way is approximately 64 feet wide and 7.7 miles long. The Line begins at Milepost 0.0, at a point historically known as Silverbrook Junction, located in Kline Township, Schuylkill County, then runs in a generally northeasterly direction through Packer Township in Carbon County, then into Banks Township in Carbon County, where it turns in a westerly direction and ends at Milepost 7.7 in Kline Township, Schuylkill County. The surrounding area is rural and has a hilly topography.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.

Response: There are no railroad structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

Response: There are no railroad structures on the property that are 50 years old or older.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

Response: The Line, which extends approximately 7.7 miles from Silverbrook Jct., PA, to Audenried, PA, was built in 1870 by the Tresckow Railroad, which was controlled Lehigh Coal & Navigation Company (“Lehigh”). *See Central R. Co. of N.J.*, 149 ICC 659, 826 (1929). In 1871, Lehigh leased the Line, which was part of a collection of railroad properties known as the Lehigh & Susquehanna Railroad System (“L & S System”), to the Central Railroad Company of New Jersey (“CNJ”) for 999 years. In 1963, the Interstate Commerce Commission (“ICC”) authorized the Reading Company (“Reading”) to purchase the L & S System from Lehigh, subject to CNJ’s rights. *See Reading Co.—Purchase—Lehigh & S.R. System*, 317 I.C.C. 633 (1963). In 1971, the ICC authorized CNJ to abandon the Line. *See R.D. Timpany, Trustee of the Property of the Central Railroad Co. of New Jersey Abandonment of Its Tresckow Branch, In*

Carbon County, PA, FD 26659 (Sub-No. 7) (ICC served Aug. 24, 1971). The Line was apparently taken over by the Lehigh Valley Railroad Company in 1972. See United States Railway Association, *Final System Plan*, Vol. II, p. 504 (1975). The Line, which was identified in the records of the United States Railway Association (“USRA”) as Line Code 0523 and USRA Line No. 1030, was not designated for transfer to Conrail in the USRA’s Final System Plan. In 1976, Conrail acquired the property associated with the Line from the Trustees of the Property of the Reading Company, pursuant to the Order of the Special United States District Court established pursuant to Section 209(b) of the Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, by conveyance document RDG-CRC-RP-17.

The Line is out of service and has handled no traffic within the past two years.

Consequently, no change in operations is contemplated as a result of the proposed abandonment.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

Response: Conrail possesses valuation maps of the line; however, there are no structures on the property that are 50 years old or older.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

Response: Based on readily available information in Conrail’s possession, Conrail believes that the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. Conrail does not believe that there are any archeological resources or other previously unknown historic properties in the project area. Moreover, there are no bridges or structures on the Line that are 50 years old or older.

Conrail has consulted with the Pennsylvania Historic Preservation Office on this matter by letter dated September 21, 2021, requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties in the project area, and included a copy of the preliminary CEHR. (*See* Exhibit 2A.) No comments have been received to date.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Response: Based on readily available information in its possession, Conrail is unaware of any prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.*, prehistoric or native American).

Response: Conrail does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment. But, if any additional information is requested, Conrail will promptly supply the necessary information.

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-167 (Sub-No. 1195X) was mailed via first class mail and electronic mail where available on October 18, 2021 to the following parties:

United States Department of Agriculture Natural Resources Conservation Service 359 East Park Drive, Suite 2 Harrisburg, PA 17111-2747	PennDOT Engineering District 5 1002 Hamilton Street Allentown, PA 18101
Environmental Protection Agency Region 3 1650 Arch St. Philadelphia, PA 19103	Pennsylvania Department of Environmental Protection 400 Waterfront Drive Pittsburgh, PA 15222-4745
U.S. Army Corp of Engineers Philadelphia District 100 E. Penn Square East Philadelphia, PA 19107-3390	U.S. Army Corp of Engineers Baltimore District 2 Hopkins Plaza Baltimore, MD 21201
U.S. Fish & Wildlife Service 110 Radnor Rd., Suite 101 State College, PA 16801	Barron L. Hetherington, Chairman Schuylkill County Board of Commissioners 401 North Second Street Pottsville, PA 17901
National Park Service Northeast Region 1234 Market Street, 20th Floor Philadelphia, PA 19107	Wayne E. Nothstein, Chairman Carbon County Board of Commissioners P.O. Box 129 Jim Thorpe, PA 18229
Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #8716 1315 East-West Highway Silver Spring, MD 20910-3282 ngs.infocenter@noaa.gov	Dale Wesner, Chairman Kline Township Board of Supervisors 30 5th Street, P.O. Box 338 Kelayres, PA 18231
Department of Environmental Protection Coastal Zone Management Program P.O. Box 2063 400 Market Street, 15th Floor Harrisburg, PA 17105-2063	Cory Gerhard, Chairman Packer Township Board of Supervisors 2234 Hudson Drive Weatherly, PA 18255
Pennsylvania Department of Transportation Rail Freight & Ports 555 Walnut St. #8 Harrisburg, PA 17101	Joseph Clark, Chairman Banks Township Board of Supervisors PO Box 231 Treskow, PA 18254

Pennsylvania Historical and Museum Commission State Historic Preservation Office Commonwealth Keystone Building, Second Floor, 400 North Street Harrisburg, PA 17120-0093	Mayor Dane Watro Borough of McAdoo 23 N Hancock St McAdoo, PA 18237
---	--



Tara Summerville
Counsel for Consolidated Rail
Corporation

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-167 (Sub-No. 1195X) was mailed via first class mail on October 18, 2021 to the following parties:

Pennsylvania Historical and Museum Commission
State Historic Preservation Office
Commonwealth Keystone Building, Second Floor,
400 North Street
Harrisburg, PA 17120-0093



Tara Summerville
Counsel for Consolidated
Rail Corporation

EXHIBIT 1 – MAP



Consolidated Rail Corporation
Proposed Tresckow Branch Abandonment
Milepost 0.0 to Milepost 7.7
Schuylkill & Carbon Counties, PA

-  TRESCKOW BRANCH
-  AREA SUBJECT TO SALE
-  ABANDONED LINES
-  ACTIVE LINES

AREA SUBJECT TO SALE

MP 7.7

MP 1.55

MP 0.0

1 km
3000 ft

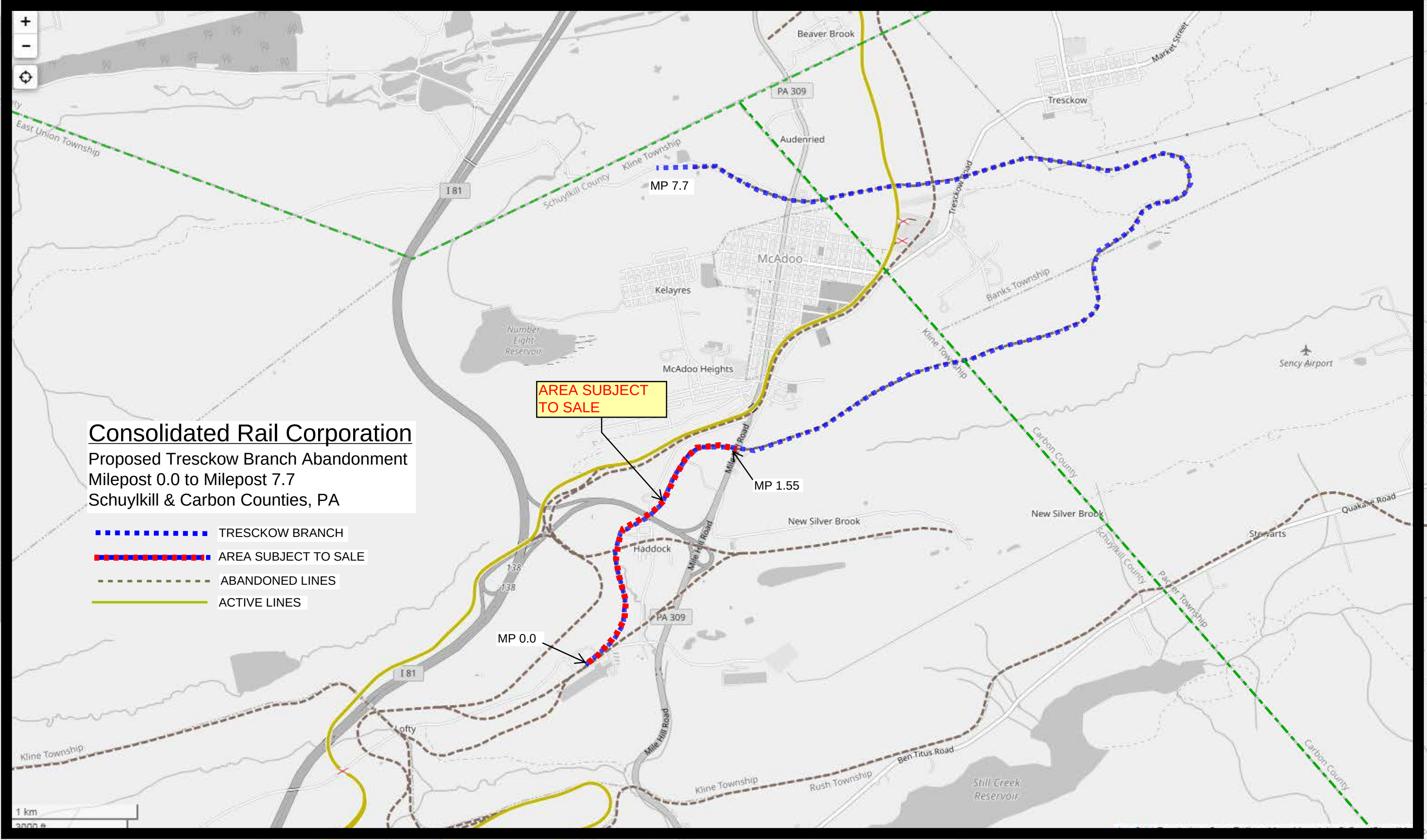


EXHIBIT 2A – CONSULTATION LETTERS

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG
LONDON LOS ANGELES NEW YORK PALO ALTO
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 6000

By First-Class Mail

September 21, 2021

All Agencies and Officials on the Attached Service List

**Re: Consolidated Rail Corporation—Abandonment
Exemption—In Schuylkill & Carbon Counties, PA, STB
Docket No. AB-167 (Sub-No. 1195X)**

To Whom It May Concern:

Consolidated Rail Corporation (“Conrail”) plans to request authority from the Surface Transportation Board (“STB”) to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between milepost 0.0 and milepost 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). The Line runs through the U.S. Postal Zip Codes 18237 and 18255. A map showing the Line is enclosed.

In advance of preparing an environmental report as required by STB regulations, Conrail is consulting with appropriate government agencies and officials to identify concerns they may have regarding environmental effects of the proposed abandonment. To assist in the process, Conrail has prepared a preliminary report which is enclosed. We would appreciate your comments on the portions of the preliminary report within the area of your authority.

In addition, we are specifically requesting the assistance of officials and agencies in identifying certain types of potential effects of the proposed action as indicated below:

LOCAL AND/OR REGIONAL PLANNING AGENCIES: State whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.

U.S. DEPARTMENT OF AGRICULTURAL NATURAL RESOURCES CONSERVATION SERVICE: State the effects of the proposed on any prime agricultural land.

U.S. FISH AND WILDLIFE SERVICE: State whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

NATIONAL PARKS SERVICE: State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

COVINGTON

September 21, 2021

Page 2

STATE WATER QUALITY OFFICIALS: State whether the proposed action is consistent with applicable Federal, State, or Local water quality standards. Please describe any inconsistencies.

U.S. ARMY CORPS OF ENGINEERS: State (1) whether permits under Section 404 of the Clean Water Act are required for the proposed action, and (2) whether any designated wetlands or 100-year flood plains will be affected. Please describe any effects.

U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION AGENCY (OR EQUIVALENT AGENCY): (1) identify the location of hazardous waste and known hazardous material spills on the right of way and list the types of hazardous materials involved, and (2) state whether permits under Section 402 of the Clean Water Act are required for the proposed action.

We would appreciate your response by email to tsummerville@cov.com or by first-class mail to the above address, within 20 days of the date of this letter, so Conrail can include and analyze your comments in the environmental report it will submit to the STB.

If you have any questions about Conrail's proposal or if you need assistance in this matter, please call me at 443-370-9330.

Thank you for your cooperation.

Sincerely,



Tara Summerville
Counsel for Consolidated Rail
Corporation

Enclosures

COVINGTON

September 21, 2021

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Service List:

United States Department of Agriculture
Natural Resources Conservation Service
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

Environmental Protection Agency
Region 3
1650 Arch St.
Philadelphia, PA 19103

U.S. Army Corp of Engineers
Philadelphia District
100 E. Penn Square East
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Services
110 Radnor Rd.
Suite 101
State College, PA 16801

National Park Service
Northeast Region
1234 Market Street
20th Floor
Philadelphia, PA 19107

Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #8716
1315 East-West Highway
Silver Spring, MD 20910-3282
ngs.infocenter@noaa.gov

Department of Environmental Protection
Coastal Zone Management Program
P.O. Box 2063
400 Market Street, 15th Floor Harrisburg,
PA 17105-2063

Pennsylvania Department of Transportation
Rail Freight & Ports
555 Walnut St. #8
Harrisburg, PA 17101

PennDOT Engineering District 5
1002 Hamilton Street
Allentown, PA 18101

Pennsylvania Department of Environmental
Protection
400 Waterfront Drive
Pittsburg, PA 15222-4745

Pennsylvania Historical and Museum
Commission
State Historic Preservation Office
Commonwealth Keystone Building,
Second Floor, 400 North Street
Harrisburg, PA 17120-0093

Barron L. Hetherington, Chairman
Schuylkill County Board of Commissioners
401 North Second Street
Pottsville, PA 17901

Wayne E. Nothstein, Chairman
Carbon County Board of Commissioners
P.O. Box 129
Jim Thorpe, PA 18229

Dale Wesner, Chairman
Kline Township Board of Supervisors
30 5th Street, P.O. Box 338
Kelayres, PA 18231

Cory Gerhard, Chairman
Packer Township Board of Supervisors
2234 Hudson Drive
Weatherly, PA 18255

Joseph Clark, Chairman
Banks Township Board of Supervisors
PO Box 231
Treskow, PA 18254

Mayor Dane Watro
Borough of McAdoo
23 N Hancock St
McAdoo, PA 18237

EXHIBIT 2B – AGENCY RESPONSES

Summerville, Tara

From: Boyer, James N CIV USARMY CENAP (USA) <James.N.Boyer@usace.army.mil>
Sent: Thursday, September 30, 2021 10:46 AM
To: Summerville, Tara
Cc: Gible, John A CIV USARMY CENAB (USA); Chandler, Wade B CIV USARMY CENAB (USA); Harrison, Brenda L CIV USARMY CENAB (USA); Schaible, Todd A CIV USARMY CENAP (USA); Weitknecht, Glenn R CIV USARMY CENAP (USA)
Subject: FW: Consolidated Rail Corporation - Abandonment of Out-of-Service Rail Line Known as the Tresckow Branch between Kline, Schuylkill County and Packer/Banks in Carbon County, PA
Attachments: [Untitled].pdf
Follow Up Flag: Follow up
Flag Status: Flagged

[EXTERNAL]

Ms. Summerville -- I have attached a scanned copy of a letter from you dated September 21, 2021. It was in regard to plans by Conrail to abandon an out-of-service rail line known as the Tresckow Branch that runs between Kline Township in Schuylkill County and the towns of Packer and Banks in Carbon County, PA. You were inquiring as to whether any permits would be required for the proposed abandonment of the rail line. We are currently teleworking, but someone was able to retrieve the letter in the office and send me a scanned copy.

This is to inform you that we cannot make any determinations of federal permitting without specific project plans showing any proposed work in relation to existing waters and wetlands. The Corps of Engineers regulates the discharge of dredged or fill material into Waters of the U.S., including regulated wetlands. We also regulate structures and other work in, over or affecting navigable waters; but there does not appear to be any such navigable waters in the vicinity of this project. Your letter did not indicate whether Conrail (or anyone else) may be proposing any work, such as culvert removal, replacement or modification, that would include any proposed regulated work. You indicate that a portion will be turned over to a developer. I recommend that you share this information with that developer and anyone else who may be proposing any work or improvements associated with this rail line.

I do not see any prior permits for Conrail in Schuylkill or Carbon County indicated in our data base; but since we are not currently in the office, I cannot say for certain whether there may be any older paper permits which do not show up in the electronic file. If you had any such prior permits, such as for culverted crossings of creeks, and you were abandoning those crossings, with no further plans to maintain them, then we would want to coordinate further with you regarding the need to remove any previously authorized, but now abandoned, culverts.

Finally, please be aware that this section of rail line appears to be located partially within the Regulatory boundary of the Philadelphia District of the Corps of Engineers, and partially within the Baltimore District. We are divided based on river basins. Any proposed regulated work (by you or by others) within the Lehigh/Delaware River basin would come under the review of the Philadelphia District. Any such work in the Susquehanna River basin would be reviewed by the Baltimore District. I have copied several individuals at the Baltimore District, so that they are aware of your letter and our response. They may contact you separately, if necessary, regarding any specific information they may have regarding the portion of the line that is within their District. If you have any questions, please let me know.

Jim Boyer
U.S. Army Corps of Engineers
Philadelphia District
Regulatory Branch
(215) 656-5826 (desk)

(215) 873-9303 (cell)

Law Office of
===== *Mark Semanchik, Esquire* =====

44 North Balliet Street
Frackville, PA 17931

(570) 874-4700

(570) 874-4034 (fax)

Writer's E-Mail:
marksemanchiklaw@gmail.com

October 15, 2021

VIA EMAIL: tsummerville@cov.com

Ms. Tara Summerville
Covington & Burling, LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956

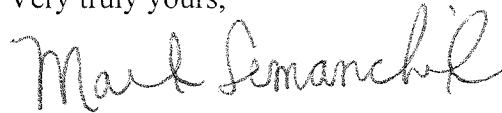
**RE: Consolidated Rail Corporation – Abandonment Exemption –
In Schuylkill & Carbon Counties, PA, STB
Docket No. AB-167 (Sub-No. 1195X)**

Dear Ms. Summerville:

I serve as Solicitor for the Kline Township Board of Supervisors and have been authorized to forward this response to your correspondence of September 21, 2021 related to the above.

Be advised that during its regular monthly meeting held on Monday, October 11, 2021, the Board of Supervisors, by a unanimous 3-0 vote, declined making an offer to purchase the section of abandoned Conrail line known as the Tresckow Branch that runs in the Township of Kline. Therefore, please note the Township's disinterest in making an offer to purchase this property. Also, no concerns were raised regarding the environmental effects of the proposed abandonment.

Very truly yours,



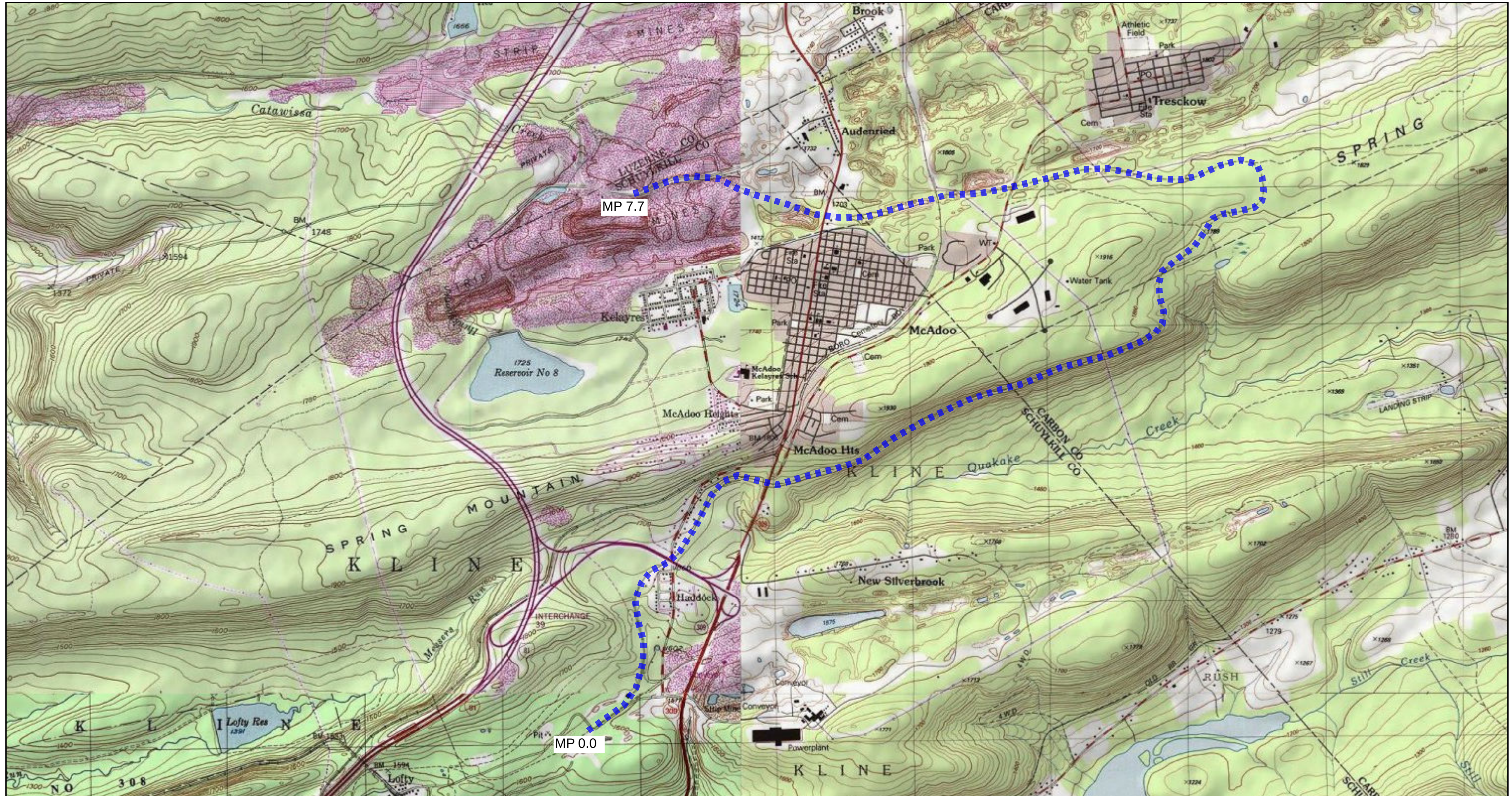
Mark Semanchik, Esquire

MS:alz

cc: Kline Township

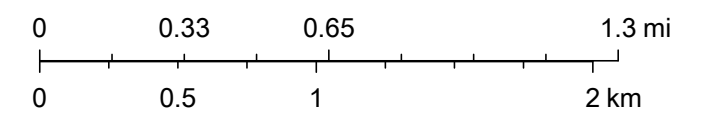
EXHIBIT 3 – TOPOGRAPHICAL MAP

Tresckow Branch



8/24/2021, 1:11:12 PM

1:36,112



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