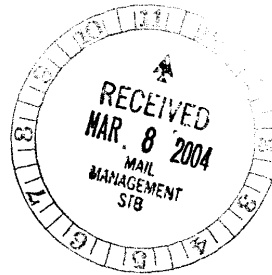


Thursday, March 4, 2004

Mr. Vernon A. Williams
Office of the Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC
20423-0001

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Mr. Williams,

I am writing this letter with regards to STB Docket No. AB-859 (Sub-No. 1X). In this docket, the Norfolk Southern Railway Company (NS) wishes to abandon the right of way and discontinue service in between Hellertown, PA (EK 53.0) and Bethlehem, PA (EK 56.7). This is a distance of 3.70 miles, which is entirely located within Northampton County.

I have some specific issues with the NS filing for Docket AB-859 (Sub.No.1X) that I will address here:

- Section 1152.50(b) and (d)2 on page three states that no traffic has originated or moved overhead on this line segment for at least two years. I have attached a photograph (*figure 1*) which was taken in 2002, showing a string of hopper cars by the HEM signal (around EK 55.0), which is on the railroad tracks that are to be abandoned.
- Section 1152.22(e)(4) on page four states "PRR and NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and are unaware of any potential public purposes to which the right of way may be suited." This is simply not true. The City of Bethlehem has been publicly approaching the Norfolk Southern Railway about purchasing this railroad line, since at least September 19, 2002, when the attached article (*item 1*) was published in the Morning Call newspaper. This article states that the City of Bethlehem is actively negotiating a final price for the right of way and Rudy Husband, director of public relations for Norfolk Southern Railways is quoted as saying "This is a property transaction. We're not a charity" "It would be irresponsible to our shareholders to give away property that has value."

I admit that I am not well versed in the operating procedures of railroads as related to government regulations, but it seems odd to me that the Norfolk Southern Railway has destroyed the tracks in question, well before the official abandonment or discontinuance of service order was issued. Here are some examples of what I mean:

- In September of 2002, the Norfolk Southern Railway removed a section of rail (*figure 2*) in front of the former Bethlehem Union Station (EK 56.6), and they also removed a section of rail (*figure 3*) by the HEM signal (around EK 55.0) accompanied by the installation of a portable derail.
- In July of 2003, the tracks were severed at EK 56.4 and a new public road was built across the tracks (*figure 4*). I did not find an approval on file with the Pennsylvania Public Utility Commission, for this new road to be constructed across these railroad tracks.
- Shortly before August of 2003, the Norfolk Southern Railway removed the turnout at EK 57.0 which connects the tracks that are up for abandonment, with those of the Norfolk Southern Railway's main line (former Lehigh Valley Railroad). At this same time, the contractors who were refinishing the former Bethlehem Union Station covered the tracks with dirt and grass (*figure 5*).

My interest in this proposed abandonment lies with the vital importance that this right of way has with regards to the restoration of passenger railroad service in between Philadelphia and the Lehigh Valley (Allentown, Bethlehem and Easton PA). As noted on page 76 of the NS filing for Docket AB-859 (Sub.No.1X), the right of way from EK 53.0, South to Philadelphia, is owned by the Southeastern Pennsylvania Transportation Authority (SEPTA), who used to operate passenger rail service to the Bethlehem Union Station (EK 56.6) up until the year of 1981 (see *item 2*).

The Norfolk Southern drawing number TA00-0157, [page 25 of the NS filing for Docket AB-859 (Sub.No.1X)], shows that the right of way which Norfolk Southern intends to abandon, is divided up into two separate sections; the **Saucon Running Track** (EK 53.0 to EK 55.7) and the **Bethlehem Secondary** (EK 55.7 to EK 56.7). The sole remaining function of the **Saucon Running Track** is to connect the SEPTA owned tracks at EK 53.0 to the Lehigh Valley's railroad system to the North. The existing right of way permits a connection to both the PB&NE tracks and the NS tracks. If the **Saucon Running Track** right of way is destroyed, the SEPTA owned tracks would be unable to connect to any railroad on the Northern end of the line, and it would become physically impossible to restore passenger railroad service to the Lehigh Valley.

The Lehigh Valley is the third most populous area in Pennsylvania and is only 57 miles away by rail from Philadelphia, which is the most populous area in Pennsylvania. Traffic, congestion and the associated pollution emissions are increasing in the area, and commuting between the Lehigh Valley and the Philadelphia area is pretty much a harrowing experience. A paper (*item 3*) that was written by Joseph P. Schwieterman, Ph.D., of the Chaddick Institute for Metropolitan Development, scientifically shows that the rail corridor in between Philadelphia and Bethlehem, is one of the most valuable passenger railroad corridors in the entire country, due to the passenger density and grouping of the cities. It seems rather shortsighted for the Lehigh Valley to throw away the potential of passenger rail service restoration, in exchange for a one mile long "greenway" that has to cross over at six busy streets, many of which currently have crossing signals and crossing gates for protection.

As noted on page 84 of the NS filing for Docket AB-859 (Sub.No.1X), SEPTA had the first right of refusal to purchase the right of way from NS, but they unwisely refused to purchase it. At this time, SEPTA is very cash strapped and their current operational style is in a mode of line abandonment, not line expansion. Combined with the fact that Bethlehem seems so distant from Philadelphia, SEPTA simply doesn't have the proper interest or foresight in this matter, and they are unwilling to listen. Luckily, the Bucks County Transportation Management Association (BCTMA) knows the importance of this rail corridor. The BCTMA is actively spearheading an effort to restore passenger rail service from Norristown, PA, to a destination just North of Quakertown, PA. The end location North of Quakertown, is a mere eight miles South of the trackage that Norfolk Southern intends to abandon. It would seem logical, that once passenger railroad service is restored to Quakertown, it could then be extended to reach the large population base in the Lehigh Valley.

The BCTMA knows the importance of the rail corridor that NS wishes to abandon, and they submitted a document to the STB, stating their opposition to the Norfolk Southern Railway abandonment. I fully agree with the BCTMA in saying that the STB needs to fully review the impact that the NS abandonment of this right of way will have on restoring passenger railroad service to the Lehigh Valley area.

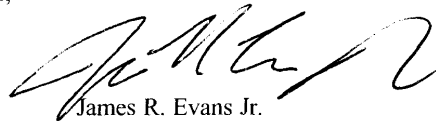
Tony Hanna, the City of Bethlehem's director of community and economic development said (*item 4*) "*The railroad tracks will be removed, but the development of a trail through the South Side will not prevent light rail from being added later, if there is a demand.*" "*But it would be senseless to deprive people of a greenway now, because of a dream that could take 40 or 50 years to realize.*" Statements like these show a total lack of planning for the future, and a misunderstanding of the current situation. It is not feasible or ecologically responsible to keep widening the highways in order to fit more cars on the roads. There is a definite need for passenger rail service (not light rail) in between Philadelphia and the Lehigh Valley, and the tracks that Norfolk Southern intends to abandon are the key to this plan. *Item 4* also says that the STB has already made the decision for abandonment, but I have not seen it listed in either the STB filings or the STB reading room.

And in *item 1* former Mayor Cunningham says "*The city is hoping to raise at least some of the money to buy the strip by selling off pieces to potential developers, such as Lehigh Valley Industrial Park, Cunningham said.*" Who knows what other motivations may be present here, but I have a feeling that the City of Bethlehem is more interested in buying this right of way as a profitable business investment, rather than to build a one-mile long "greenway" that goes nowhere, besides over a few busy streets.

In order to preserve this important rail corridor, it is imperative that the right of way of the Norfolk Southern **Saucon Running Track** (EK 53.0 to EK 55.7) not be destroyed. The tracks on this section have been mostly removed and disconnected for several years, but it is important that the right of way remains intact. Even if the **Bethlehem Running Track** (EK 55.7 to EK56.7) was removed and trains could no longer get to the former Bethlehem Union Station, trains could still utilize the PB&NE trackage to access the Norfolk Southern mainline. There is even the possibility of building a large "park and ride" facility on the location of the former Saucon Yard (EK 54), which is under a mile from an interchange with Interstate 78.

We need to preserve our existing rail infrastructure and embrace the emergence of a new generation of passenger rail travel. We've all seen too many railroad right of ways permanently lost to abandonment, decimating the transportation infrastructure of our great country. With this in mind, I strongly suggest that the STB deny the Norfolk Southern Railway's request for abandonment and opt for alternative two ("*to discontinue service on the line and retain the trackage in place*") as listed on page 14 of the NS filing for Docket AB-859 (Sub.No.1X).

Regards,



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cc: Bucks County Transportation Management Association
Lehigh Valley Planning Commission
Senator Rick Santorum
Senator Arlen Specter
Senator Rob Wonderling
General Attorney, Norfolk Southern Corporation

Item 1:

Railroad land seen as city park - Bethlehem engineering \$2 million project for South Side land.

By Matt Assad of The Morning Call, September 19, 2002, matthew.assad@mcall.com 610-861-3617

Bethlehem has big plans for its greenway park on the old railroad track through the South Side, but they won't come cheap.

Mayor Don Cunningham this week said it will cost at least \$2 million to buy the railroad bed from Norfolk Southern Corp. and develop it into a park.

The spending is part of a \$36 million, five-year capital improvement plan unveiled by city officials Wednesday.

Anyone who thought the rail giant was simply going to give the 3-mile strip of land to the city was mistaken, Cunningham said.

"It sounds like a lot of money, but you have to understand that this is a lot of land," Cunningham said. "This strip goes all the way to Hellertown. We'd love to get it free, but it just doesn't work that way."

Actually, it will cost the city about \$1.5 million to buy the land, and an additional \$500,000 to prepare it for development.

"This is a property transaction. We're not a charity," said Rudy Husband, director of public relations for Norfolk Southern. "It would be irresponsible to our shareholders to give away property that has value."

It has great value for south Bethlehem's future, said Tony Hanna, director of community and economic development. The city is hoping to build the one-mile strip from Union Station to Polk Avenue into a meandering park that would include trees, benches, and a walking and biking path attractive enough to entice business owners to open restaurants and shops along the path.

But Hanna noted that the railroad bed's value doesn't stop there.

"The value is not in the land itself, but in what it allows adjacent landowners to do," Hanna said. "Getting control of that opens up a lot of possibilities."

The line bisects some parking lots that can be made whole, and it separates other properties that can be combined and sold for development. The city only plans to turn about a mile of the bed into a park, leaving the remaining two miles between Polk Street and Hellertown open for sale and development.

The city is hoping to raise at least some of the money to buy the strip by selling off pieces to potential developers, such as Lehigh Valley Industrial Park, Cunningham said.

But none of that is likely to happen before next spring. While the city negotiates a final price with Norfolk Southern, the railroad company is moving through the process of abandoning it. The Southeastern Pennsylvania Transportation Authority has the right of first refusal on the land, but it is expected to waive that right in the next 60 days.

The Bethlehem Planning Commission began debating the five-year plan and the bond issue Wednesday, but its passage will ultimately require City Council approval.

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[http://www.mcall.com/news/local/bethlehem/all-b1_4capitalsep19\(0,5002914\).story](http://www.mcall.com/news/local/bethlehem/all-b1_4capitalsep19(0,5002914).story)

Item 2:

There were several items that influenced SEPTA to discontinue passenger railroad service from Philadelphia to Bethlehem in 1981. SEPTA had inherited the passenger service operations on the railroad line to Bethlehem in 1976, after the bankrupt Reading Railroad was absorbed into Conrail. Although Conrail owned the tracks, SEPTA provided the passenger service utilizing Conrail crews. The cost of these crews was expensive as compared to the operating cost of other SEPTA operating employees. After the operational transfer to SEPTA, maintenance of both the railroad and the equipment began to suffer, resulting in less than stellar performance and service quality. This poor service quality in turn brought about low ridership numbers, coupled with the City of Bethlehem experiencing a decline in their main industry (steel). All of these reasons were contributing factors, but the primary reason that passenger railroad service to Bethlehem was discontinued, lies in an operational change within SEPTA. There was a large railroad project that was nearing completion in downtown Philadelphia, called the Center City Commuter Tunnel. This tunnel was built to connect SEPTA's two separate rail systems, but the nature of the tunnel insisted that only electrically powered trains could operate through it. Claiming that they were unable to afford the costs of maintaining two differently powered fleets of rail vehicles, SEPTA discontinued all diesel powered passenger train service in 1981, including the routes to Bethlehem, Pottstown and Newtown.

Item 3:

RAIL LINE ABANDONMENT IN
INTERCITY PASSENGER CORRIDORS:
A GEOGRAPHIC ASSESSMENT
January 2000
Joseph P. Schwieterman, Ph.D.
Chaddick Institute for Metropolitan Development
DePaul University
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(312)362-5731
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Item 4

Panel OKs railroad tracks removal

Bethlehem officials happy, but not two rail-service advocates.

By Matt Assad of The Morning Call, February 20, 2004, matthew.assad@mcall.com 610-861-3617

The national Surface Transportation Board has approved a Norfolk Southern Corp. plan to abandon railroad tracks in Bethlehem, paving the way for the city to build a pathway through its South Side business district.

The abandonment is welcome news for Bethlehem officials with visions of a scenic park winding through the South Side retail district, but two passenger-rail advocate groups argue that it could end hopes that the Lehigh Valley will ever get passenger train service.

The Bucks County Transportation Management Association and the Delaware Valley Association of Rail Passengers filed opposition to abandonment, but the transportation board approved the plan, arguing that it couldn't force Norfolk Southern to keep open a line it no longer uses.

"The proposed abandonment would forever eliminate any possibility of restoring commuter rail service through this area," wrote William D. Rickett, executive director of the Bucks County TMA, in his opposition letter.

That's simply not true, according to Tony Hanna, Bethlehem's director of community and economic development. The railroad tracks will be removed, he said, but the development of a trail through the South Side will not prevent light rail from being added later, if there is a demand.

"We're not building on the right of way, so the commuter rail option will remain," Hanna said. "But it would be senseless to deprive people of a greenway now, because of a dream that could take 40 or 50 years to realize."

Nancy Beiter, staff attorney for the transportation board, said the board could have blocked the abandonment only if someone had proved that Norfolk Southern is operating that section of line at a profit. However, the freight hauler has not used that section of rail in nearly two years.

Norfolk Southern is free to tear up the tracks along 3.7 miles of railroad bed between Union Station and Hellertown. Bethlehem plans to buy the bed to add benches, trees, lighting and a hiking and biking path from Union Station to Daly Avenue.

The abandonment is scheduled to take effect March 11, but Norfolk Southern is negotiating the sale of the right of way to Bethlehem.

"They can say they won't build on the line, but I don't believe them," said Donald Nigro, president of the Delaware Valley Association of Rail Passengers. "Besides, once they pull up the tracks and level the bed, it becomes that much more difficult to get rail service into that area."

Hanna said the city may be willing to discuss making a commitment not to build on the right of way.

Whether it does or not, rail service is a long way from coming to the Lehigh Valley. The Southeastern Pennsylvania Transit Authority has service into Lansdale, and Bucks County is raising money to commission a study on extending that SEPTA line into Quakertown.

Nigro and Rickett said that if that happens, it would be logical to continue the line into the Lehigh Valley, and ultimately into New York.

But Valley officials say it could be decades before the money and demand are there.

A study by the Lehigh and Northampton Transportation Authority in 1996 showed that the link from Quakertown to Bethlehem would cost more than \$100 million, according to authority Executive Director Armando Greco.

It would take 1,500 rail passengers per day to make the project feasible, Greco said. When passenger rail service to Bethlehem ended 22 years ago, ridership on the Philadelphia-bound train was 300 passengers per day.

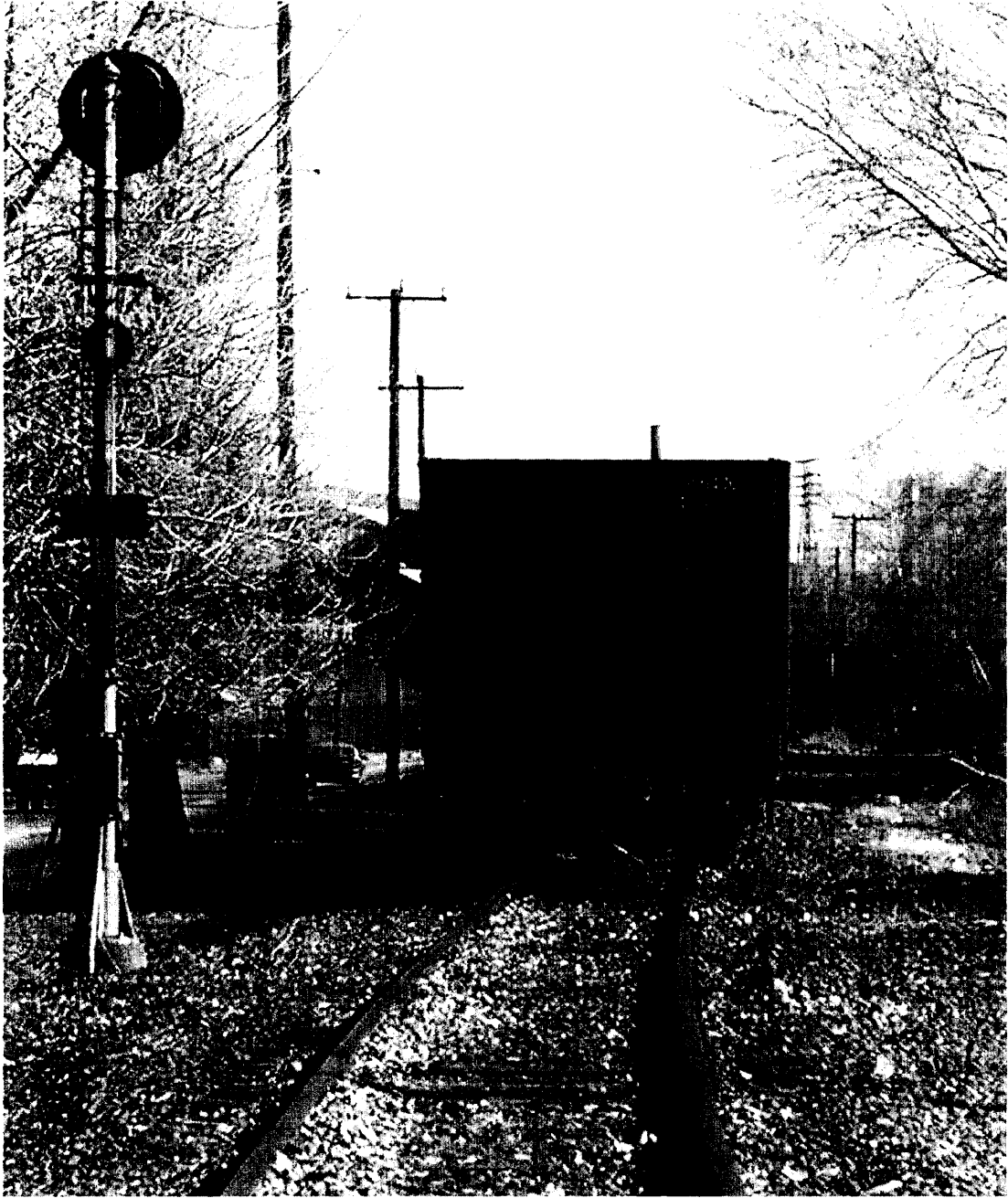
"Once they get a plan and funding, that option will still be there," Hanna said. "But right now, we're going to develop that bed so that it can be enjoyed by our residents."

Nigro said that because they could not block the abandonment, passenger rail advocates will urge Bethlehem to make a binding commitment to preserve the bed for passenger rail use.

"Other communities see the benefits of passenger rail service," Nigro said. "It's a shame Lehigh Valley leaders don't see the potential."

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Figure 1



This photograph was taken on February 16, 2002.

Figure 2



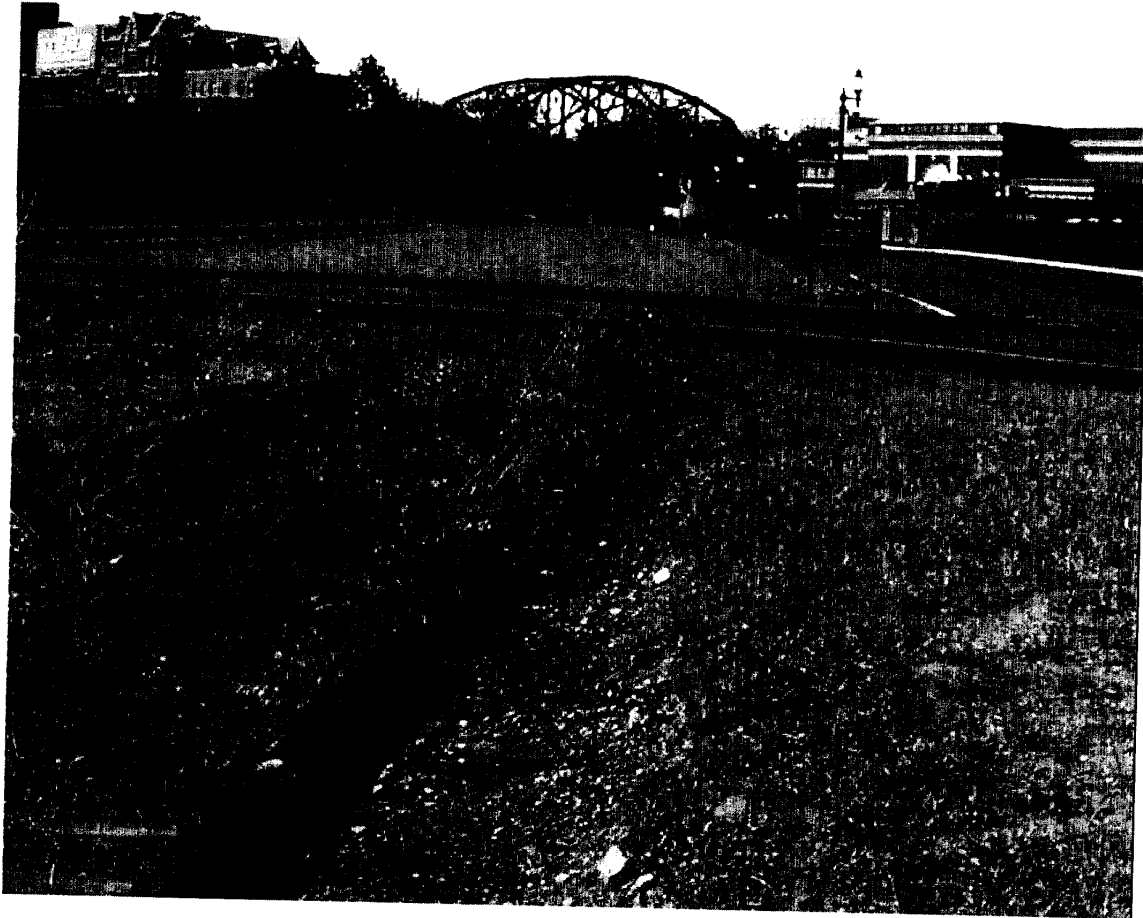
This photograph was taken in front of the Bethlehem Union Station on October 5, 2002.

Figure 3



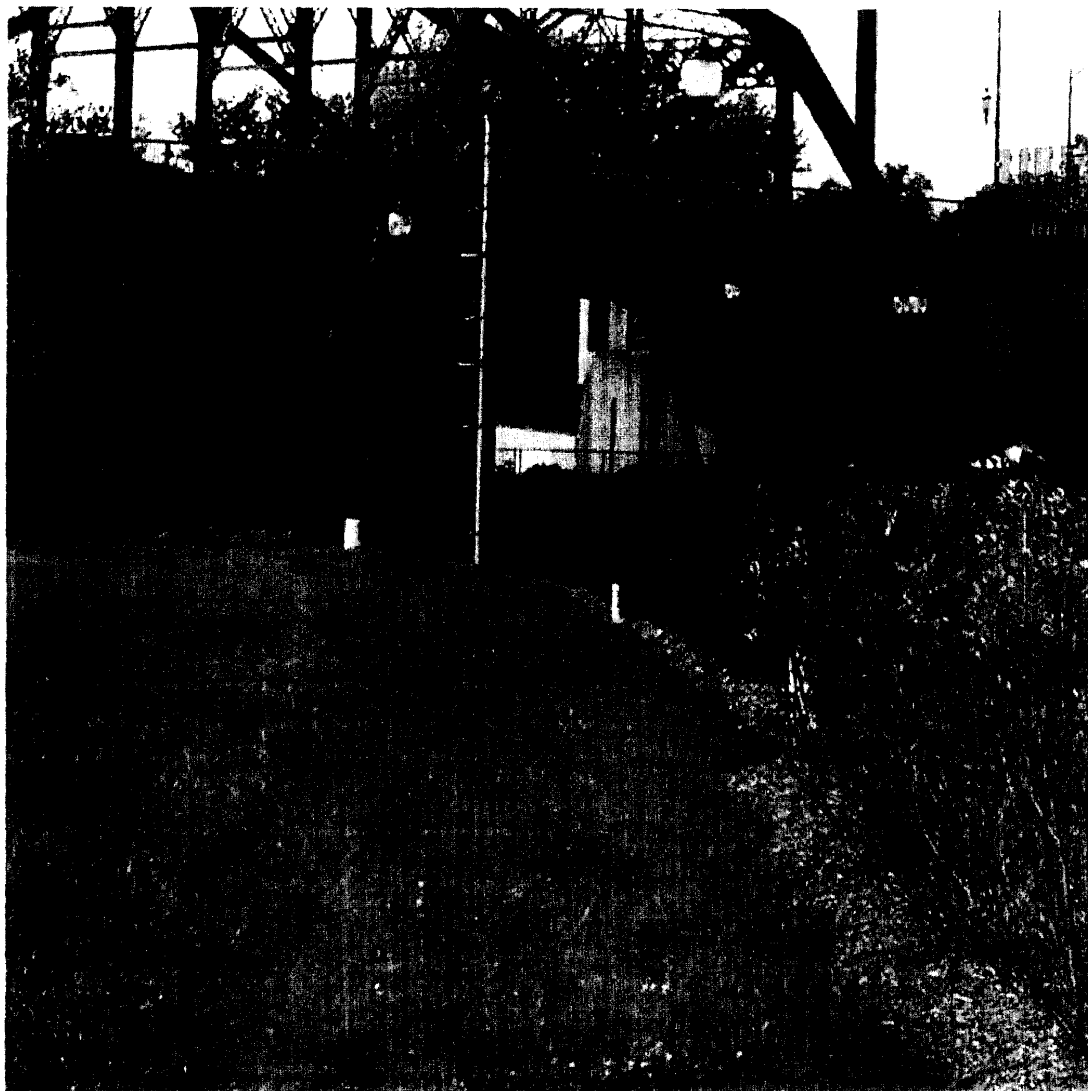
This photograph was taken near the location of *figure 1* on October 5, 2002.

Figure 4



This photograph was taken on October 25, 2003.

Figure 5



This photograph was taken on October 25, 2003.