

EL-3021



Preserving America's Heritage

July 29, 2007

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

RE: *Abandonment Exemption for Consolidated Rail Corporation
Lancaster and Chester Counties, Pennsylvania*
STB Docket No. AB 167 (Sub-No. 1095X)

Dear Ms. Rutson:

The Advisory Council on Historic Preservation (ACHP) recently received the draft Memorandum of Agreement (MOA) for the referenced undertaking. This draft MOA will replace the agreement executed in 2004 among the STB, the Pennsylvania State Historic Preservation Officer (SHPO) and the ACHP, which expired prior to STB's ability to evidence satisfactory completion of its terms. This new MOA, therefore, will supercede the original, and clarify which mitigation measures remain to be completed and the time frame in which this will be accomplished. The Agreement should also clarify the circumstances that led to the missed deadlines.

While the current draft is basically acceptable, we offer the following comments for your consideration.

- Whereas clause 9 – Please update this clause, which was included in the expired 2004 MOA, to reflect the current situation.
- Whereas clause 10 – Please update this clause, which was included in the expired 2004 MOA, to reflect the current situation; particularly the statements regarding interim trail use/rail banking.
- Correct footnote numbering on page 3.
- Whereas clause 15, paragraph 2 – An editorial change is needed that will replace “However,” with “Whereas” to create Whereas clause 16.

We look forward to receiving the final MOA soon. In the meantime, if you have any questions or wish to discuss this matter further, please contact Katry Harris at (202) 606-8520 or kharris@achp.gov.

Sincerely,

for Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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