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Preserving America's Heritage

February 15, 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:

On January 23, 2007, the Advisory Council on Historic Preservation (ACHP) received your letter indicating STB's intent to re-initiate consultation regarding the referenced project in order to prepare a new Memorandum of Agreement (MOA) to replace the 2004 MOA that expired without the stipulations being met. Since the ACHP was a signatory to the 2004 MOA, it is appropriate for the ACHP to participate in the re-initiated Section 106 consultation process.

As previously discussed with STB, we recommend that the agency include in the "whereas" section of the new MOA an explanation of why the 2004 MOA lapsed and why a new MOA is necessary at this time. The substance of your "project background" information included in your letter addresses this issue and could be incorporated into the new MOA.

We have provided written notification, copy enclosed, of the ACHP's decision to enter the consultation on this project to the Chairman of the Surface Transportation Board, as required by Section 800.6(a)(1)(iii) of our regulations. We look forward to receiving from STB the comments of the other consulting parties and to continuing our consultation in this undertaking. 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,

Charlene Dwin Vaughn, AICP

Assistant Director

Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

Enclosure

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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NOTTINGHAM

February 15, 2007

Honorable Charles D. Nottingham
Chairman
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Dear Mr. Nottingham:

We have received an invitation to participate in consultation for a new Memorandum of Agreement (MOA) regarding the proposed Abandonment Exemption by Consolidated Rail Corporation for the Enola Branch Rail Line in Lancaster and Chester Counties, Pennsylvania. The STB Docket number is AB 169 (Sub-No. 1095X).

We are notifying you that the Advisory Council on Historic Preservation (ACHP) will participate in consultation under Section 800.6(a)(1)(iii) of its regulations, "Protection of Historic Properties," (36 CFR Part 800) to assist STB in meeting the requirements of Section 106 of the National Historic Preservation Act for this undertaking. Since the ACHP was a signatory to the 2004 MOA, it is warranted for the ACHP to participate in the current consultation. Accordingly, we will participate in this consultation.

A copy of our letter to the Chief of the Section of Environmental Analysis, Victoria Rutson, notifying her of our intention to participate in consultation is enclosed. If you or your staff have any questions, do not hesitate to call me at (202) 606-8505.

Sincerely,

John M. Fowler
Executive Director

Enclosure