

EO-203  
CD



Christa Dean/STB  
03/18/2005 11:14 AM

To James.Paschall@nscorp.com  
cc martictwp@comcast.net, providence.township@comcast.net,  
sandsbury-lanc@comcast.net, [REDACTED]@msn.com,  
Vicki Rutson/STB@STB, ktheimer@achp.gov,  
bcc

Subject Enola Branch Final MOA [AB-167 (Sub-No. 1095X)]

Dear Mr. Paschall,

The Surface Transportation Board's January 19, 2005 decision removed the Section 106 historic preservation condition. However, NS must still comply with the the Final Memorandum of Agreement (Final MOA) and the historic preservation mitigation measures agreed to by all the signatories. The Board also continues to have a role as a signatory of the Final MOA, and Troy Brady is working with you to ensure that the terms of the Final MOA are carried out.

It has come to our attention that Norfolk Southern Railway Company (NS) is considering a transfer of its historic preservation obligations to Lancaster County. In your last e-mail to the Board's Section of Environmental Analysis you wrote:

*"As you know, in their recent submissions to the Board, Lancaster County offered to take over the historic preservation obligations with respect to the line if they obtain control of it in the State proceedings. The County's attorney has reiterated that offer since the Board's decision was served in January. I think the County also has discussed this with the SHPO. If so, they have not expressed any different position on taking this over. If not, they certainly have expressed the willingness to do so."*

*"We also are considering a formal agreement with the County under which the County would take over much of the remaining portion of the Line that was not the subject of the agreement with the Townships if they are able to obtain the main segment that is covered by that agreement. We would expect that either the performance or the cost of the performance of the historic preservation obligations to be part of that agreement. Under the circumstances, we believe the prudent course is to see how this develops over the next few months."*

The Board's January decision explained that there are procedures to follow if any signatory wants to amend or terminate the Final MOA: "As part of the MOA process, any signatory that is concerned that the terms of the Final MOA cannot or are not being carried out may seek to amend or terminate under the procedures set forth in 36 CFR 800.6(C)(7) and (8). See Final MOA, Parts IV and V."

Accordingly, if NS wants to transfer any responsibilities that it agreed to in the Final MOA, then it must follow the proper procedures and present any proposed changes to all of the signatories (the Board; Advisory Council on Historic Preservation; Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation; and the Townships of Martic, Providence, and Sadsbury).

We look forward to working with NS and all the signatories in carrying out the Final MOA in an

efficient manner. If you have questions, please contact Troy Brady at (202) 565-1643.

Thank you

Christa L. Dean, Attorney Adviser  
Surface Transportation Board  
Section of Environmental Analysis  
202.565.1606



Christa Dean/STB  
03/18/2005 11:22 AM

To James.Paschall@nscorp.com,  
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szacher@state.pa.us, ktheimer@achp.gov  
cc [REDACTED]@msn.com, sadsbury-lanc@comcast.net

bcc

Subject address correction

There is one change regarding the contact information for the signatories to the Final MOA. The correct e-mail address for the Township of Sadsbury is: <sadsbury-lanc@comcast.net>

Thank you

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Surface Transportation Board  
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