

SURFACE TRANSPORTATION BOARD

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

EO-91
CD

April 12, 2004

Pennsylvania Department of Transportation
400 North Street
Harrisburg, PA 17120

**Re: Docket No. AB - 167 (1095X), Consolidated Rail Corporation -
Abandonment Exemption - in Lancaster and Chester Counties,
Pennsylvania**

To Whom it May Concern:

The Surface Transportation Board's Section of Environmental Analysis (SEA) has completed its review of Consolidated Rail Corporation's proposed abandonment exemption in Lancaster and Chester Counties, Pennsylvania, pursuant to Section 106 of the National Historical Preservation Act (NHPA).

Enclosed for your signature is the Final Memorandum of Agreement (MOA), which resulted from the Section 106 consultation process. The Final MOA sets forth measures to avoid or minimize adverse effects on historic properties resulting from the proposed abandonment. Copies of the Final MOA have been sent to: the Advisory Council on Historic Preservation; Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (the State Historic Preservation Officer or SHPO); Norfolk Southern Railway; Friends of the Atglen-Susquehanna Trail; Historic Preservation Trust of Lancaster County; Lancaster County; Lancaster County Conservancy; Lancaster Farmland Trust; Northeast Regional Field Office of the Rails-to-Trails Conservancy; Pennsylvania Department of Transportation; Southern End Community Association; Township of Bart; Township of Conestoga; Township of Eden; Township of Martic; Township of Providence; Township of Sadsbury; and Township of West Sadsbury.

If agreed upon, the Final MOA will be signed by the signatory and concurring parties, and the NHPA review will be complete.¹ Thereafter, the Section 106 condition imposed in this case would be removed. If no agreement on mitigation is reached by the signatory parties, the

¹ Under the ACHP's regulations for implementing the Section 106 process at 36 CFR 800.6, the concurrence of consulting parties in the final outcome of the Section 106 process is not required.

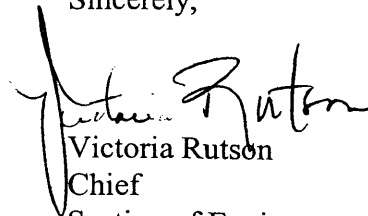
would be removed. If no agreement on mitigation is reached by the signatory parties, the consultation may be terminated, and the agency must request and take into account ACHP's formal comments prior to issuing a final decision. See 36 CFR 800.6 and 800.7.

Pursuant to Section 106 of the NHPA, SEA is submitting the Final MOA for your review. In the interest of completing the Section 106 process in a timely manner, we request that signatory parties and concurring parties respond within 20 days after receipt of this letter. Please reference Docket No. AB-167 (Sub-No. 1095X) in all correspondence for this proceeding. We request that you sign at the appropriate line and return the original signature page for your agency to:

Troy Brady
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW Suite 500
Washington DC 20423-0001

The Final MOA is available on the Board web site at "WWW.STB.DOT.GOV," if you need additional copies. If you have questions regarding the Final MOA or require further information, please do not hesitate to contact me or Troy Brady at (610) 793-4301. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

cc: Advisory Council on Historic Preservation
Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation
Norfolk Southern Railway Company
Friends of the Atglen-Susquehanna Trail
Historic Preservation Trust of Lancaster County
Lancaster County
Lancaster County Conservancy
Lancaster Farmland Trust
Northeast Regional Field Office of the Rails-to-Trails Conservancy

¹(...continued)

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Pennsylvania Department of Transportation
Quarryville Borough
Southern End Community Association
Township of Bart
Township of Conestoga
Township of Eden
Township of Martic
Township of Providence
Township of Sadsbury
Township of West Sadsbury
SEA Chron