



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-941

Office of Economics, Environmental Analysis and Administration

June 3, 2008

Donald G. Avery
Slover & Loftus
1224 17th Street, NW
Washington, DC 20036

Re: Finance Docket No. 35131, Vaughn Railroad Company – Construction and Operation – Mongolia County, West Virginia; Approval of Third-Party Consultant

Dear Mr. Avery:

Thank you for your May 30, 2008 letter regarding the proposed construction and operation by the Vaughn Railroad Company (applicant) of an approximately 5-mile rail line near Morgantown, West Virginia. In your letter, you request a waiver of the six month prefiling notice generally required for construction projects under 49 CFR 1105.10(a)(1).

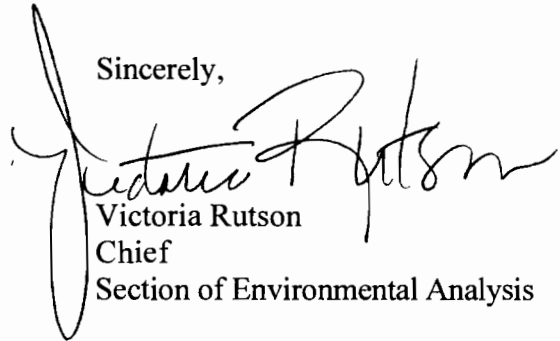
On October 2, 2007, the Surface Transportation Board's Section of Environmental Analysis (SEA) met with the applicant regarding the proposed project. At the meeting, SEA was provided with an overview of the project and viewed maps of the area surrounding the proposed rail line. SEA also presented an overview of the Board's environmental review process, SEA's role in the process, and the use of third-party consultants.

Following the meeting, the applicant retained Dawkins Environmental Consultants (Dawkins) as an independent third party consultant that will work solely under SEA's direction, supervision and control throughout the environmental review for this proceeding. Once we receive the executed disclosure statement from Dawkins, we will then circulate a draft Memorandum of Understanding, which summarizes the relationship among Dawkins, applicant and SEA and sets forth the responsibilities of each party in preparing the environmental documentation.

At this time, a waiver of the six month prefiling notice is not necessary because the initial meeting took place over six months ago, and the environmental review process has begun. However, we appreciate that you documented your waiver request in writing. We will place your letter in the file, and it will be included in the public record.

If we can be of further assistance, please do not hesitate to contact me or Danielle Gosselin at (202) 245-0300.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson
Chief
Section of Environmental Analysis