

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

Robert A. Wimbish

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

December 19, 2011

Douglas C. McLearen, Chief
Division of Archaeology & Protection
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093

RE: *Norfolk Southern Railway Company – Abandonment Exemption – In Marietta,
Lancaster County, PA,
STB Docket No. AB-290 (Sub-No. 328X)*

ER 2012-0185-071-A

Dear Mr. McLearen:

I am writing on behalf of my client, Norfolk Southern Railway Company (“NSR”), in response to your letter of November 7, 2011, addressed to NSR’s Marcellus C. Kirchner, concerning the above-referenced rail line abandonment proceeding. Your letter on behalf of the Bureau for Historic Preservation (“BHP”) – attached hereto – states that, in the opinion of BHP, the proposed abandonment and anticipated post-abandonment activities “should have no effect on [archaeological] resources.” Your letter adds that BHP is interested in whether or not there are any “railroad related resources” located along the two mile rail line that NSR proposes to abandon, and you ask NSR to identify any such resources.

This morning, I spoke with BHP’s Susan Zacher via telephone, and confirmed with her that, as is indicated in the consolidated environmental and historic report (“E&HR”) that NSR sent to you on November 3, 2011, there are no railroad related resources located along the subject two-mile-long rail line. Specifically, aside from the rail and track material along the line segment to be abandoned, there are no bridges, stations, switch towers, signals, or other such lineside structures. I also clarified with Ms. Zacher that, as NSR indicated in its E&HR, the rail and track material will be taken up and salvaged once NSR obtains authority to abandon the

BAKER & MILLER PLLC

Douglas C. McLearen

December 19, 2011

Page 2 of 2

subject rail line. Finally, I advised Ms. Zacher that NSR has no plans to undertake any excavation or other ground disturbance along the line's right-of-way following abandonment.

I am prepared to discuss this matter further if you believe it necessary to do so. My contact information is listed atop this letter. Otherwise, I encourage you to confer with the Surface Transportation Board's Office of Environmental Analysis ("STB-OEA") if BHP wishes to revisit its feedback offered in connection with the proposed rail line abandonment. STB-OEA may be contacted by mail at 395 E Street, SW, Washington, D.C. 20423-0001, or by telephone at (202) 245-0305.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. A. Wimbish".

Robert A. Wimbish

Counsel for Norfolk Southern Railway Company

Attachment

cc: Marc Kirchner (NSR)
Kearston Comegys (NSR)
Victoria Rutson (STB)



Commonwealth of Pennsylvania
Pennsylvania Historical and Museum Commission
Bureau for Historic Preservation
Commonwealth Keystone Building, 2nd Floor
400 North Street
Harrisburg, PA 17120-0093
www.phmc.state.pa.us

November 7, 2011

Marcellus C. Kirchner
Norfolk Southern Railroad
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207

Re: ER 2012-0185-071-A
STB Docket AB-290(Sub-No. 328X): Proposed Abandonment of 2.00 Miles of Norfolk
Southern Railway Company line, Marietta, Lancaster County, Pennsylvania

Mr. Kirchner:

The Bureau for Historic Preservation (the State Historic Preservation Office) has reviewed the above named project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended in 1980 and 1992, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised in 1999 and 2004. These regulations require consideration of the project's potential effect upon both historic and archaeological resources.

There is a high probability that archaeological resources are located in this project area. In our opinion, the activity described in your proposal should have no effect on such resources. Should the scope of the project be amended to include additional ground disturbing activity, this office should be contacted immediately and a Phase I Archaeological Survey may be necessary to locate all potentially significant archaeological resources.

This railroad is part of the Pennsylvania Railroad Mainline, a resource determined eligible for the National Register of Historic Places. Please identify any and all railroad related resources located in this two mile section, including stations, switch towers, etc. and supply an affect finding for the above listed undertaking.

Page 2
M. Kirchner
Nov. 7, 2011

If you need further information in this matter please consult Susan Zacher at (717) 783-9920.

Sincerely,

A handwritten signature in cursive script that reads "Susan Zacher for".

Douglas C. McLearen, Chief
Division of Archaeology &
Protection

DCM/smz