

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 03-26281 Filed 10-17-03; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-167 (Sub-No. 1095X)]

Consolidated Rail Corporation— Abandonment Exemption—Lancaster and Chester Counties, PA

AGENCY: Surface Transportation Board,
Department of Transportation.

ACTION: Notice responding to comments
received on the October 2002 notice to
the parties and requesting comments on
an attached proposed draft
memorandum of agreement.

SUMMARY: This Notice to the Parties
responds to the comments received on
the October 2002 Notice to the Parties
in this rail line abandonment
proceeding, discusses the possibility of
trail use for the rail line right-of-way,
describes and solicits comments on the
attached proposed draft Memorandum
of Agreement, and provides information
for a public meeting to be held on
November 19, 2003.

DATES: Comments are due by December
3, 2003.

ADDRESS: If you wish to file written
comments regarding the attached
proposed draft Memorandum of
Agreement, please send an original and
two copies to the Surface Transportation
Board, Case Control Unit, 1925 K Street,
NW., Washington, DC 20423-0001, to
the attention of Troy Brady. Please refer
to Docket No. AB-167 (Sub-No. 1095X)
in all correspondence addressed to the
Board.

FOR FURTHER INFORMATION CONTACT: If
you have questions regarding this
Notice, you should contact Troy Brady,
the environmental contact for this case,
by phone at (202) 565-1643 or by fax at
(202) 565-9000. Assistance for the
hearing impaired is available through
the Federal Information Relay Service
(FIRS) at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: On
October 24, 2002, the Surface
Transportation Board (Board) issued a
Notice to the Parties (October 2002
Notice) in the above-titled rail
abandonment proceeding. The October
2002 Notice set forth the background of
the case, described the Board's
reinitiation of the section 106 process of
the National Historic Preservation Act

(NHPA), 16 U.S.C. 470f, pursuant to the
decision of the United States Court of
Appeals for the Third Circuit in *Friends
of the Atglen-Susquehanna Trail, Inc. v.
Surface Transportation Bd.*, 252 F.3d
246 (3rd Cir. 2001) (FAST), and solicited
comments on certain issues regarding
this reinitiation. In response to the
October 2002 Notice, the Board received
18 comment letters, as well as a letter
replying to the comments of other
parties, all of which were placed on the
Board's Web site.

The Board's Section of Environmental
Analysis (SEA) has reviewed the
comments. Based on the information
therein as well as ongoing consultations
with the Advisory Council on Historic
Preservation (ACHP), the Pennsylvania
State Historic Preservation Officer
(SHPO), and Norfolk Southern Railway
Corporation (NS), SEA has developed a
plan to complete the section 106 process
for this proceeding. The ACHP, the
SHPO, and NS have indicated their
approval of SEA's plan, as well as their
willingness to sign the attached
proposed draft Memorandum of
Agreement (MOA). Changes suggested
pursuant to consulting party and public
review and comment will be
considered. Below, SEA (1) summarizes
and responds to the comments,
including those that favor converting
this railroad right-of-way to interim trail
use/rail banking pursuant to 16 U.S.C.
1247(d) (Trails Act), or a privately
negotiated trail use agreement entered
into after the abandonment is
consummated, (2) discusses the
remaining steps in the section 106
process for this case, assuming that trail
use here is unsuccessful, and (3)
describes the attached proposed draft
Memorandum of Agreement (MOA)
setting forth proposed section 106
mitigation. As discussed in more detail
below, SEA has also scheduled a public
meeting on this case and the proposed
draft MOA and is providing a 45-day
period for interested parties to file
written comments on the proposed draft
MOA.

I. Comment Summary and Response

A. Historic Eligibility of the Enola Branch Rail Line

Comment. NS states that it disagrees
with the designation of the Keeper of
the National Register of Historic Places
(Keeper) that the entire line is historic.

Response. As explained in the
October 2002 Notice, pursuant to the
Keeper's determination, the ACHP
regulations, and the court's holding in
FAST, the entire line is historic. NS has
not provided any compelling reasons

that would undermine the conclusions
of the Keeper, the ACHP, and the court.

B. Clarification of the Length and Location of NS's Remaining Line

Comment. NS's reply comments
attempt to clarify the name, exact length
and location of the rail line that is the
subject of this proceeding. NS states that
the proper name for the rail line was the
Atglen and Susquehanna Branch,
because the rail line runs from a
location near Atglen, PA to a location
near the Susquehanna River. According
to NS, the notice of exemption
Consolidated Rail Corporation (Conrail)
filed in 1989 was for 66.5 miles of track,
but only 33.9 miles of this is actual rail
right-of-way. NS states that the rail line
extends from Milepost 0.0 at CP "Park"
in Parkesburg, PA to Milepost 33.9 near
a connection with the Port Road Branch
at CP "Port" in Manor Township, PA.
The other 32.6 miles of track referred to
in the notice of exemption refer to the
second track of the double tracked rail
line between approximately Milepost
1.1 and Milepost 33.7. Subsequently, NS
has indicated that it will return to the
use of the designation "Enola Branch"
for this line in this proceeding because
of Conrail's use of this name during the
period that it operated the line and the
long use of this name in this proceeding.

NS also states that it currently intends
to retain the property between Milepost
27.0 at Safe Harbor, PA and Milepost
33.9 at Port, PA in connection with its
operation of the Port Road Branch; and
between Milepost 0.0 at Parkesburg, PA
and Milepost 1.5 at Lenover, PA, except
for Amtrak's bridge, for use as the
Parkesburg Industrial Track. According
to NS, no abandonment authority or
exemption was necessary because these
line segments will continue to be owned
by NS and used for railroad purposes;
only one of the two tracks will be
removed. For the same reason, NS states
that there will be no adverse effect on
historic properties on these segments.

NS also states that Conrail sold the
portion of the rail line between Milepost
1.5 at Lenover to Milepost 4.0 near the
Chester County-Lancaster County line to
Southeastern Pennsylvania
Transportation Authority (SEPTA) in
1996. Thus, according to NS, the only
portion of the rail line (if any) that is
subject to this section 106 process is
from about Milepost 4.0 in Chester
County, PA (the end of a bridge over
Noble Road and Octoraro Creek and
about 50 yards of access to the bridge)
to Milepost 27.0 at Safe Harbor, or
approximately 23 miles of rail right-of-
way.

Response. Conrail described the line
to be abandoned in its 1989 notice of