

The Honorable Daniel Webster
Chairman
Subcommittee on Railroads,
Pipelines, and Hazardous Materials
House Transportation and
Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

The Honorable Dina Titus
Ranking Member
Subcommittee on Railroads,
Pipelines, and Hazardous Materials
House Transportation and
Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

September 23, 2025

Dear Chairman Webster and Ranking Member Titus:

We write to respectfully urge you to include language in the Surface Transportation Reauthorization legislation directing the Advisory Council on Historic Preservation (ACHP) to comply with Section 11504 of the FAST Act by issuing the long-overdue exemption from Section 106 review for railroad rights-of-way. Congress was unequivocal: this exemption must mirror the one adopted for the interstate highway system. Nearly a decade later, that mandate remains unfulfilled.

Section 106 requires federal agencies to consider the impact of projects on historic properties. While such reviews may be appropriate for certain structures or sites, Congress has previously recognized that they are not suitable for all projects and can unnecessarily delay critical infrastructure with no historic relevance. The consequences extend far beyond rail. Section 106-related delays and uncertainty ripple across the economy—affecting freight movement, construction timelines, and the transportation networks that businesses and communities depend on. In an era where efficiency and resilience are essential to national competitiveness, imposing a duplicative and impractical regulatory regime on rail infrastructure undermines the very goals Congress intended to advance.

Congress has acted before to correct this course. In SAFETEA-LU, lawmakers prohibited a blanket historic designation for the interstate system and established a practical, exception-based framework that has successfully kept projects moving while preserving historic features where appropriate. Congress reaffirmed this approach in Section 11504 of the FAST Act, directing ACHP to apply the same model to railroads. Yet today, ACHP remains out of compliance with that legislative directive. Instead, they have proposed a framework that reverses Congressional intent—presuming all rail rights-of-way are subject

to review unless specifically exempted. This burdensome, site-by-site exemption process is unsustainable for both the private sector and government agencies.

We respectfully urge you to include language in the Surface Transportation Reauthorization directing ACHP to adopt a rail rights-of-way exemption fully consistent with the highway model. Doing so will align federal policy with Congressional intent, reduce unnecessary regulatory burdens, and enable vital freight, transportation, and construction projects to proceed efficiently.

The undersigned organizations and their members stand ready to partner with ACHP and Congress to achieve this outcome through the upcoming Surface Transportation Reauthorization. We urge your leadership to ensure that federal agencies uphold the law and honor Congress's directive.

Sincerely,

American Association of State Highway and Transportation Officials

American Short Line and Railroad Association

Association of American Railroads

National Association of Manufacturers

National Railroad Construction and Maintenance Association

Railway Engineering-Maintenance Suppliers Association

Railway Supply Institute

U.S. Chamber of Commerce