

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 33 303X and AB 980 1X

March 25, 2013

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

() Notice of Exemption (X) Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

RECOMMENDATION: Remove Section 106 Condition in AB-33 (Sub-No. 303X) – Union Pacific Railroad Company - Abandonment of Freight Easement Exemption and AB 980 (Sub-No. 1X) Santa Clara County Transportation Authority - Abandonment of Residual Common Carrier Obligation Exemption - In Alameda and Santa Clara Counties, CA

By decision served on July 23, 2012, the Board imposed the following Section 106 condition:

Union Pacific Railroad Company (UP) and Santa Clara Valley Transportation Authority (VTA), shall retain their interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. UP and VTA shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the SHPO and the public. UP and VTA may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

New Comment

In a letter dated February 27, 2013, OEA initiated Section 106 consultation with the Office of Historic Preservation, Department of Parks and Recreation (SHPO) regarding the above referenced Section 106 condition imposed by the Board by a decision dated July 23, 2012.

The SHPO, in a letter dated March 12, 2013, stated the following:

The proposed abandonment has been reviewed and was consulted upon under a Federal

Transit Administration project, the Silicon Valley Rapid Transit Corridor, and a Programmatic Agreement with a finding of "No Historic Architectural Properties Will Be Affected" was executed on March 25, 2010. The Programmatic Agreement also established protocols for the handling of unevaluated and unanticipated archeological resources that may be encountered during construction.

The Area of Potential Effects for the proposed abandonment is included in the Area of Potential Effects of the Programmatic Agreement. Therefore, the SHPO is able to concur that the Board's responsibilities under Section 106 of the National Historic Preservation Act are complete.

The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the UP and VTA's Historic Report, letter from OEA to the SHPO dated February 27, 2013, letter from the SHPO dated March 12, 2013, and the June 1, 2012 Environmental Assessment, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Accordingly, we recommend that the Section 106 condition imposed in the Board's July 23, 2012, Decision be removed.

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