

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

ED-617
LP

POST POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-170 (Sub-No. 2X)

29 October 2007

ABANDONMENT TYPE

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

The decision in this proceeding, served April 18, 2005, imposed a condition requiring Sunset Railway Company (SRY) to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the Section 106 process of the National Historic Preservation Act, 16. U.S.C. 470f (NHPA).

The attached correspondence dated August 7, 2007, from Union Pacific Railroad Company (UP), who is joint owner of SRY with BNSF, indicates that UP erroneously undertook salvaging activities on the mistaken belief that the 106 process had been fulfilled. The California Office of Historic Preservation (CA SHPO) cannot comment on the effects that the abandonment may have on historic properties given that the salvage activities have already taken place.

In subsequent correspondence dated September 18, 2007 (also attached), UP indicates that UP's historic preservation representative responsible for the oversight no longer works for UP. To prevent a recurrence of this situation and to ensure that the Section 106 process is complied with, the Law Department of UP has assigned a paralegal to oversee the Section 106 process for abandonment proceedings. The paralegal has already undertaken these activities and is coordinating efforts with the administrative staff and attorneys that are charged with responsibility for UP's abandonment program. The paralegal will coordinate with state SHPO's and obtain necessary documentation that confirms completion of Section 106 requirements. This process should provide for a more efficient, accurate, and comprehensive fulfillment of the Section 106 process of the National Historic Preservation Act.

It is believed that the only structures located on the line were timber pile bridges and metal deck bridges with timber piles. It is impossible for UP to restore any historic property that may have existed prior to the salvaging process. UP has instituted new procedures to prevent similar mistakes in the future. SEA therefore recommends that the Section 106 condition imposed by the Board in this proceeding be removed at this time.

Please let me or Kenneth Blodgett know if you need further information or justification.

SEA CONTACT: Kenneth Blodgett (202-245-0305)

