

**SURFACE TRANSPORTATION BOARD
Washington, DC 20423**

OFFICE OF ECONOMICS, ENVIRONMENTAL ANALYSIS, AND ADMINISTRATION

February 27, 2013

Carol Roland-Nawi, SHPO
California State Parks
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

**Re: Concurrence with Stipulations of Programmatic Agreement - STB
Docket No. AB 33 (Sub-No. 303X) and STB Docket No. AB-980 (Sub-
No. 1X), The Union Pacific Railroad Company Abandonment of Freight
Easement Exemption and Santa Clara Valley Transportation Authority
Abandonment of Residual Common Carrier Obligation Exemption in
Alameda and Santa Clara counties, CA**

Dear Ms. Roland-Nawi:

I am with the Office of Environmental Analysis (OEA) within the Surface Transportation Board (Board). We are a federal agency with approval authority over rail abandonments including the proceeding in the above docket. To give you some background, the Santa Clara Valley Transportation Authority (VTA), the applicants in this case, filed a petition with the Board to abandon 8.95 miles of rail line in Alameda and Santa Clara counties, CA. The Board's approval of this proceeding is an undertaking subject to Section 106 of the National Historic Preservation Act.

On July 23, 2012, the Board granted the abandonment but made the approval subject to a condition preventing the railroad from consummating the abandonment until completion of the Section 106 process.

The condition reads as follows:

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.

As you know, a Programmatic Agreement (PA) was executed on March 25, 2010 by the Federal Transit Administration (FTA), California State Historic Preservation Officer (SHPO) and VTA that included the area of potential effect for the abandonment action discussed here. The abandonment action was filed after the PA was executed, and consequently, the Board was not included in the development of the PA. However, we have reviewed the PA and concur with its stipulations mitigating adverse effects to historic properties.

We conclude that our concurrence with the agreement document satisfies our Section 106 obligations in this case.

If you DO NOT AGREE with our conclusion, please let us know at your earliest convenience by contacting Troy Brady of my staff at (610) 793-4301 or bradyt@stb.dot.gov. Thank you very much for assistance.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis