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To: ["e106@achp.gov"](mailto:e106@achp.gov)
Cc: [Rutson, Vicki](#); ["Jenny Bellville-Marrion"](#)
Subject: e106 form filing - STB Docket No. AB 290-394X
Date: Monday, June 04, 2018 12:31:00 PM
Attachments: [e106 form \(AB 290 394X\).docx](#)
[244696.pdf](#)
[Aurora.EnvironmentalAssesment.pdf](#)
[Aurora.Consultationletter.pdf](#)

Please see attached e106 forms and related documents.

Thanks,
Danielle

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Preserving America's Heritage

**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: *e106@achp.gov*

I. Basic information

- 1. Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

Surface Transportation Board

- 2. Name of undertaking/project** (Include project/permit/application number if applicable):

Surface Transportation Board Docket No. AB 290 (Sub-No. 394X)
Rail line abandonment and Discontinuance in Portage County, Ohio

- 3. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

The undertaking would occur within the City of Aurora in Portage County, Ohio. All potentially affected property is privately owned. The undertaking would not take place on or in the vicinity of tribal lands.

- 4. Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

Federal agency official:

Victoria Rutson
Director
Office of Environmental Analysis
Surface Transportation Board

Federal agency contact:

Danielle Gosselin
Deputy Director
Office of Environmental Analysis

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5. Purpose of notification. Indicate whether this documentation is to:

The purpose of this notification is to (1) notify the ACHP of a finding that an undertaking may adversely affect historic properties, and (2) invite the ACHP to participate in a Section 106 consultation.

II. Information on the Undertaking*

6. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

Norfolk Southern Railway Company (NSR) and Cleveland Commercial Railroad Company jointly filed a Notice of Exemption under 49 C.F.R. § 1152 with the Surface Transportation Board (Board) to abandon and discontinue service over approximately 5.5 miles of rail line. If the Board grants abandonment authority, NSR would be able to salvage the railroad line, dismantle any structures located within the rail corridor, and dispose of the right-of-way. The Board's Office of Environmental Analysis (OEA), which is responsible for ensuring the Board's compliance with the National Historic Preservation Act (NHPA), has reviewed the record in this proceeding.

7. Describe the Area of Potential Effects:

In railroad abandonment cases, OEA typically considers the Area of Potential Effect (APE) to be the rail right-of-way.

8. Describe steps taken to identify historic properties:

Railroad applicants seeking to abandon a rail line have been delegated the authority to contact appropriate State Historic Preservation Officers before the Section 106 process under NHPA officially begins. Pursuant to the Board's environmental rules at 49 C.F.R. § 1105.7(b), NSR prepared a combined Environmental and Historic Report and served the report on a number of appropriate federal, state, and local agencies, including the Ohio State Preservation Officer (SHPO).

9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

In its response, SHPO indicated that the Aurora Train Station is listed on the National Register of Historic Places and is located in the APE for this undertaking. SHPO stated that

removal of the train station would constitute an adverse effect to the historic property. SHPO also stated that there are several buildings listed in the Ohio Historic Inventory located along the rail right-of-way, that may be eligible for listing on the National Register.

After reviewing the available information provided by NSR, and in consultation with the SHPO, OEA has determined that the Aurora Train Station is a historic property that is eligible for inclusion in the National Register.

10. Describe the undertaking's effects on historic properties:

When the Board grants abandonment authority in a railroad abandonment case, the railroad applicant is able to remove rail, ties, and related track material, dismantle any rail-related structures, and dispose of the rail right-of-way, provided that the railroad has complied with any environmental and historic mitigation conditions imposed by the Board.

Alternatives to proposed railroad abandonments include rejection, discontinuance of service without abandonment, and continued operation by another operator. In cases where there are no shippers located on the rail line, however, denial of abandonment authority is rare and must be based on extraordinary economic need for the continued service over the line. The Board cannot deny authority for a railroad to abandon a rail line solely on the grounds that it would adversely affect historic resources.

11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The granting of abandonment authority in railroad abandonment cases meets the criteria for an adverse effect to historic properties under 36 C.F.R. § 800.5(a)(2)(vii). Once the Board approves a Notice of Exemption or a Petition for Exemption in an abandonment case, the railroad applicant is able to abandon its common carrier authority over the rail line proposed for abandonment. The rail line and any historic properties located within the APE are thereby transferred out of federal control. The Board cannot force the applicant to sell off or donate its property or impose a restrictive covenant upon the deed. Documentation of the historic resources, which may include taking photographs or preparing a history, before they are altered or removed, is generally the only form of nonconsensual mitigation the Board can impose.

Although the Board has limited authority to protect historic properties, if the railroad and/or consulting parties agree to undertake additional mitigation beyond what the Board may require, such consensual mitigation can be incorporated into a memorandum of agreement (MOA). The execution of a MOA completes the Section 106 process for Board actions that may adversely affect historic properties. In this case, NSR has indicated that it would be willing to leave a section of track in place (approximately 455 feet) connected to the Aurora Train Station to mitigate any adverse effect.

OEA has begun the consultation process and will develop a Memorandum of Agreement (MOA) with the SHPO, NSR, and other concerned parties, to mitigate the adverse effect of the proposed undertaking.

12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

The following documents are enclosed for your review pursuant to 36 CFR 800.11(e): 1) NSR's Notice of Exemption that describes the proposed action and contains information about the rail line, including the environmental and historic reports and response letter from SHPO; 3) the Environmental Assessment prepared by OEA; and 4) a copy of the letter inviting the proposed Section 106 consulting parties to participate in the Section 106 process, including the attached distribution list.

All of these documents have been made available to the public on the Board's website at www.stb.gov.

* see *Instructions for Completing the ACHP e106 Form*

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

OEA has invited 42 individuals and organizations to participate as consulting parties in the Section 106 process. See distribution list attached to consultation letter included for your review.

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

All case information is available on the Board's website at www.stb.gov.

The specific link to all filings, Board decisions, and other formal case documents is:
https://www.stb.gov/home.nsf/case?openform&caseID=31908&caseDocket=AB_290_394_X

Correspondence with the SHPO and other parties can be viewed at:
<https://www.stb.gov/ect1/ecorrespondence.nsf/public%20incoming%20by%20docket%20number?OpenView> under the heading AB_290_394_X.

15. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:

No.

The following are attached to this form (check all that apply):

☒ Section 106 consultation correspondence

☒ Maps, photographs, drawings, and/or plans

___ Additional historic property information

___ Other: