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**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-1022 (Sub No. 1X)

March 2, 2010

ABANDONMENT TYPE

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

☐ Notice of Exemption ☒ Petition for Exemption ☐ Regulated Abandonment

☐ **NO NEW COMMENTS WERE RECEIVED**

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RECOMMENDATION: Remove Section 106 Condition in AB-1022 (Sub-No. 1X) –
Arizona & California Railroad Company - Abandonment
Exemption - In San Bernardino and Riverside Counties, California

By decision served on June 30, 2009, the Board imposed a condition requiring Arizona & California Railroad Company to retain its 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.

Comments on the EA

In a letter dated February 4, 2010, the California Office of Historic Preservation, Department of Parks and Recreation (SHPO) submitted comments concurring that no historic properties would be affected by this proposed action.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the May 11, 2009 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 June 30, 2009 Decision be removed.

SEA CONTACT: Troy Brady – (202) 245-0301 or Troy.Brady@stb.dot.gov

**LAW OFFICES OF
LOUIS E. GITOMER**

LOUIS E. GITOMER
LOU_GITOMER@VERIZON.NET

THE ADAMS BUILDING, SUITE 301
600 BALTIMORE AVENUE
TOWSON, MARYLAND 21204-4022
(202) 466-6532
FAX (410) 332-0885

February 24, 2010

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-1022 (Sub-No. 1X), *Arizona & California Railroad
Company-Abandonment Exemption-in San Bernardino and Riverside
Counties, CA (Between Rice and Ripley)*

Dear Ms. Brown:

Enclosed for e-filing by the Arizona & California Railroad Company ("ARZC") is a letter from the California Office of Historic Preservation ("CSAHPO") concluding that "Because there are no historic properties present in the APE, I am able to concur with 'No Historic Properties Affected' for the undertaking." ARZC Respectfully requests the removal of the historic condition.

Pursuant to the decision in this proceeding served on June 30, 2009, abandonment was conditioned on

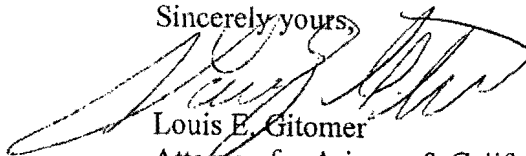
(1)(a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed; (b) report back to SEA regarding any consultations with the California Office of Historic Preservation, Department of Parks and Recreation and the public; and (c) 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.

ARZC has not altered the historic integrity of any historic properties. Pursuant to the attached letter from the CASHPO, ARZC has completed consultation with the CASHPO, and by this letter, ARZC is reporting back to SEA as to the consultations with CASHPO. Having complied with the above-quoted condition and received a statement from the CASHPO that there are "No Historic Properties Affected," ARZC respectfully requests the Board to remove condition 1 that was imposed in the decision served on June 30, 2009.

Ms. Cynthia T. Brown
February 24, 2010

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Louis E. Gitomer", written over the typed name.

Louis E. Gitomer
Attorney for Arizona & California Railroad
Company

Enclosure

Cc: Ms. Rutson
Mr. McFarland

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942806
SACRAMENTO, CA 94296-0001
(916) 653-8624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov
www.ohp.parks.ca.gov



4 February 2010

Reply To: STB090519A

Louis E. Gitomer
The Adams Building, Suite 301
600 Baltimore Avenue
Towson, Maryland 21204-4022

Re: Docket No. AB-1022 (Sub-No. IX), Arizona & California Railroad Company-Abandonment Exemption, San Bernardino and Riverside Counties (Between Rice and Ripley), CA

Dear Mr. Gitomer:

Thank you for your letter of 25 June 2009 on behalf of the Surface Transportation Board (STB) initiating consultation for the above referenced undertaking in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulation at 36 CFR Part 800. With this submittal you have requested I review the information for compliance with Section 106.

As I presently understand it, the undertaking consists of abandonment and salvage of tracks and materials of the Arizona & California Railroad line between Rice and Ripley in San Bernardino and Riverside Counties. As indicated in the Environmental and Historic Report the only structures on the line are culverts.

STB concluded that none of culverts were eligible for inclusion in the NRHP and the line itself does not maintain sufficient integrity.

Because there are no historic properties present in the APE, I am able to concur with "No Historic Properties Affected" for the undertaking.

Thank your for considering historic properties in your planning process. If you have any questions, please contact Amanda Blosser of my staff at (916) 654-7372 or e-mail at ahlosser@parks.ca.gov.

Sincerely,

A handwritten signature in cursive script that reads "Susan H. Stratton for".

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

MWD:ab