

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-33 (Sub No. 266X)

October 5, 2009

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-33 (Sub-No. 266X) – Union Pacific Railroad Company - Abandonment Exemption - In Maricopa County, AZ

By decision served on September 15, 2008, the Board imposed a condition requiring Union Pacific Railroad Company (UP) shall 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. The UP shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Idaho Historical Society and the public. The UP 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.

Comments on the EA

In a letter dated September 14, 2009, Mr. William Collins, Deputy State Historic Preservation Officer, Arizona State Parks, states that his office has reviewed this project and is satisfied with the evaluation of the subject line and has no suggestions for changes. Furthermore, he concurs with the recommendation that no historic properties will be affected by the undertaking.

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 July 25, 2008, 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 September 15, 2008 Decision be removed.

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