

#EO-1190
D7W
AB-33 237X

SURFACE TRANSPORTATION STB
SECTION OF ENVIRONMENTAL ANALYSIS

POST POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-33 (Sub-No. 237X)

April 20, 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. 237X)
Union Pacific Railroad Company and Salt Lake City
Corporation – Abandonment Exemption – In Salt Lake City,
Utah

In this proceeding, the Union Pacific Railroad Company (UP) and the Salt Lake City Corporation (City) filed a joint petition for exemption with the Surface Transportation Board (Board) seeking approval authority to abandon 2.22 miles of railroad in Salt Lake City, Utah. By decision served on June 2, 2006, the STB imposed four environmental conditions.

Comments on the EA

Historic Conditions

In this proceeding two bridges were found to be eligible for listing in the National Register of Historic Places (National Register). Accordingly, condition 3 required UP and the City to 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 until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed and the Board has removed this condition. Condition 4 required UP and the City to report to SEA any consultations with the Utah Department of Community and Culture (Utah State Historic Preservation Office or UT SHPO) and any other party consulted in the Section 106 process.

Pursuant to the Section 106 regulations of the NHPA at 36 CFR 800.5(b), and following consultations with the UT SHPO, we determined that the proposed petition for exemption would likely have an adverse effect on the line and that UP would provide a narrative history of the bridges, photographs of the bridges, and archival materials related to the bridges as part of its mitigation. The attached correspondence includes an executed Memorandum of Agreement (MOA) that was negotiated between the UT SHPO, UP and the Board to comply with the Section 106 process, and letters from the UT SHPO and the Advisory Council on Historic Preservation (ACHP) indicating that the Section 106 consultation process has been completed. As required, SEA has filed the executed MOA with ACHP. This completes the Board's responsibilities under Section 106 of the NHPA.

Accordingly, we recommend that the Section 106 conditions imposed by the Board in this proceeding be removed.

Other Environmental Conditions

Condition 1 required UP and the City to consult with the U.S. Environmental Protection Agency (USEPA) and the Utah Department of Environmental Quality (UDEQ) prior to commencement of any salvage activities for stormwater discharges under the National Pollutant Discharge Elimination System (NPDES) of the Clean Water Act and that UP comply with the NPDES requirements. UP and the City have not consulted with USEPA and UDEQ yet. Therefore, this condition remains unchanged.

Condition 2 required UP and the City to consult with the U.S. Army Corps of Engineers (Corps) prior to commencement of any salvage activities in and around major bodies of water, and if applicable, comply with the requirements of the Corps. UP and the City have not consulted with the Corps. Therefore, this condition remains unchanged.

SEA CONTACT: Diana Wood *DW*
(202) 245-0302
woodd@stb.dot.gov

Distribution: Ann Newman, Office of Proceedings
SEA Chron
ECT

Attachments (3)



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Community and Culture

PALMER DePAULIS
Executive Director

State History

PHILIP F. NOTARIANNI
Division Director

#E1-17225
DPL
AB-33 237X

April 2, 2009

Victoria Rutson and Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423

RE: STB Docket No. AB-33 (Sub-No. 237X) - Union Pacific Railroad Company and Salt Lake City Corporation - Abandonment Exemption - in Salt Lake City, Utah: Notification of Adverse Effects

In reply please refer to Case No. 97-1748

Dear Ms. Rutson and Ms. Wood:

The Utah State Historic Preservation Office received the *Historic Documentation of Two Bridges on the Union Pacific Railroad Company's 900 South Line, SLC*, completed by Sagebrush Consultants, LLC, on February 24, 2009. The submitted documentation meets the Stipulations outlined in the Memorandum of Agreement; these materials will be placed on file within the Division of State History. We appreciate your efforts; this fulfills the Section 106 responsibilities for this project.

Regards,

Chris Hansen
Preservation Planner

c: Gabe Meyer, Assistant General Attorney, Union Pacific Railroad, Stop 1580, 400 Douglas Street, Omaha, NE 68179

D.J. Baxter, Executive Director, Salt Lake City Redevelopment Agency, 451 South State Street Room 418, P.O. Box 145518, Salt Lake City, UT 84114-5518

Michael R. Polk, Principal Archaeologist, Sagebrush Consultants, 3670 Quincy Avenue, Suite 203 Ogden, UT 84403

UTAH STATE
HISTORY

UTAH STATE HISTORICAL SOCIETY
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#E1-16219

Preserving America's Heritage

December 12, 2008

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
Office of Economics, Environmental Analysis
and Administration
Washington, DC 20423

REF: *Proposed Rail Abandonment and Transfer Project*
STB Docket No. AB-33 (Sub-No. 237X)
Salt Lake City, Utah

Dear Ms. Wood:

On December 10, 2008, the Advisory Council on Historic Preservation (ACHP) received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of the MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact me at (202) 606-8509 or ljohnson@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

**MEMORANDUM OF AGREEMENT BETWEEN
THE SURFACE TRANSPORTATION BOARD,
UNION PACIFIC RAILROAD COMPANY,
AND THE UTAH STATE HISTORIC PRESERVATION OFFICE
REGARDING TWO BRIDGES ON THE 900 SOUTH RAIL LINE
IN SALT LAKE CITY, UTAH**

WHEREAS, Union Pacific Railroad Company ("UP") filed a notice of exemption with the Surface Transportation Board ("STB") under 49 C.F.R. 1152 Subpart F – Exempt Abandonments to abandon a 2.2 mile line of railroad extending from milepost 780.1 west of Redwood Road to milepost 782.32 near 4th West Street in Salt Lake City, Utah (the "Line") – STB Docket Number AB-33 (Sub-No. 237X);

WHEREAS, in a decision served on June 2, 2006, the STB imposed a condition for the proposed abandonment requiring UP to retain its interest in and take no further steps to alter the historic integrity of the sites, buildings and structures within the railroad right-of-way that are eligible for listing or are listed in the National Register of Historic Places ("National Register") until completion of the Section 106 process of the National Historical Preservation Act ("NHPA"), 16 U.S.C. 470(f);

WHEREAS, based on consultation with the Utah State Historic Preservation Office ("USHPO"), UP and the STB have determined that two bridges on the line, located at milepost 780.94 and milepost 781.81 (the "Bridges"), respectively, are eligible for listing in the National Register;

WHEREAS, the STB has consulted with the USHPO, pursuant to 36 C.F.R. Part 800 and regulations implementing Section 106 of the NHPA, and has determined that the proposed abandonment will have an effect on the above-mentioned Bridges; and

WHEREAS, UP desires to transfer its interest in the Bridges to Salt Lake City ("City") pursuant to an April 7, 2004 agreement between UP and the City;

NOW, THEREFORE, the STB, USHPO, and UP agree that the execution of this Memorandum of Agreement ("Agreement") by the parties hereto and its subsequent submission to the Advisory Council on Historic Preservation ("Council") in accordance with 36 C.F.R. 800.6(b)(1)(iv), shall pursuant to 36 C.F.R. 800.6(c), be considered to be an agreement with the Council for the purposes of the NHPA. Execution and submission of this Agreement and implementation of its terms, evidences that STB has afforded the Council an opportunity to comment on the proposed action relating to the Line, and that STB has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA. STB, USHPO, and

UP agree that the transfer of the Bridges to the City shall be implemented in accordance with the following stipulations in order to take into account the effect of the transfer upon the Bridges.

STIPULATIONS

As mitigation measures, UP will provide to the USHPO the following documentation related to the Bridges, to record their present appearance and history, before UP transfers its interest in the Bridges to the City.

1. Narrative History: A history and description of the Bridges in narrative format, with selected historical views; and
2. Photographs: Two to three recent images of each Bridge, with each image labeled by location. Images will be digital images contained on a CD-ROM and submitted with prints on archival paper, or 35 millimeter black and white negatives submitted with prints.
3. Archival Materials: If available, UP will provide historic photographs, drawings, and construction plans, related to the Bridges.

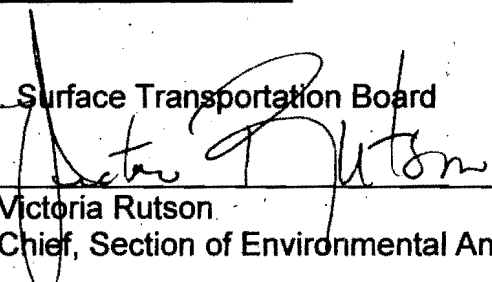
OTHER TERMS AND CONDITIONS

1. If any party determines that the terms of this Agreement cannot be or are not being carried out, the parties to this Agreement shall consult to seek amendment of the Agreement. If the Agreement is not amended, any party may terminate the Agreement, in accordance with 36 C.F.R. 800.6(c)(8). Any party seeking termination shall provide the other parties with thirty (30) days advance notice.
2. In accordance with 36 C.F.R. 800.6(c)(5), this Agreement shall be subject to termination or reconsideration if UP has not fulfilled its obligations within five years of the date this Agreement takes effect.
3. Failure to carry out the terms of the Agreement requires that the STB request the Council comment in accordance with 36 C.F.R. Part 800. If the STB cannot carry out the terms of the Agreement, it will not take or sanction any action or make any irreversible commitment that would result in adverse effects with respect to the National Register or eligible properties covered by the Agreement, or would foreclose the Council's consideration of modifications or alternatives that could avoid or mitigate the adverse effects, until the commenting process has been completed.

ACCEPTED AND AGREED

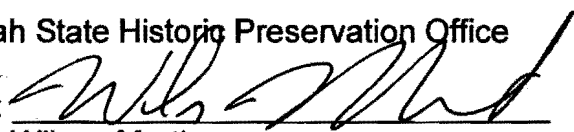
SIGNATORY PARTIES:

U.S. Surface Transportation Board

By: 
Victoria Rutson
Chief, Section of Environmental Analysis

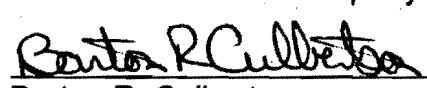
Date: Nov. 17, 2008

Utah State Historic Preservation Office

By: 
Wilson Martin
Utah State Historic Preservation Officer

Date: Nov 4, 2008

Union Pacific Railroad Company

By: 
Barton R. Culbertson
Assistant Chief Engineer—Structures

Date: October 30, 2008