



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

December 8, 2008

Don L. Klima
Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004

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: **Executed Memorandum of Agreement**

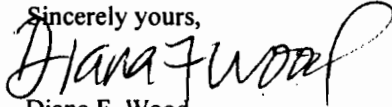
Dear Mr. Klima:

In this proceeding, the Union Pacific Railroad Company (UP) filed a petition for exemption with the Surface Transportation Board (Board) to abandon 2.22 miles of rail line in Salt Lake City, Utah. The Section of Environmental Analysis (SEA) is the office within the Board that is responsible for conducting the environmental review process pursuant to the National Environmental Policy Act and related environmental regulations, including the National Historic Preservation Act (16 U.S.C. 470f) (NHPA).

I am writing to notify you that SEA has executed a Memorandum of Agreement (MOA) with the Utah Department of Community and Culture and UP to resolve any adverse effects to historic properties for the proposed undertaking pursuant to 36 CFR 800.6 (b)(i)(iv). An original signed MOA is included for your files, and the filing of this document completes our compliance responsibilities under Section 106 of the NHPA.

If you need further information or have any questions, please do not hesitate to contact me at (202) 245-0302.

Sincerely yours,


Diana F. Wood
Section of Environmental Analysis

Enclosures (2)

cc: Gabe Meyer, Union Pacific Railroad
Chris Hansen, Utah State Historic Preservation Office

**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.

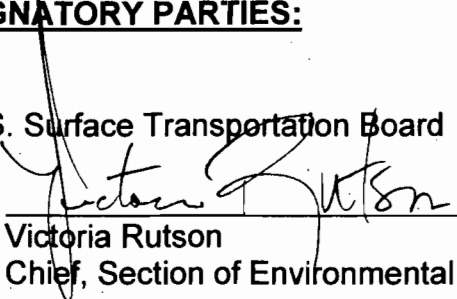
OTHER TERMS AND CONDITIONS

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

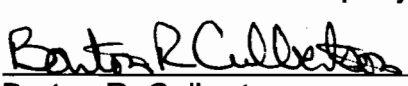
Date: Nov. 17, 2008

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