

#E7-16253
DAN
AB-1019X

December 5, 2008

Brendon P. Fowler
D 202.778.9237
F 202.778.9100
brendon.fowler@klgates.com**Hand Delivery**Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20024**Attention: Victoria Rutson, Section of
Environmental Analysis****Re: Transit America, LLC - Abandonment Exemption in Buchanan
County, Missouri, STB Docket No. AB-1019X**

Dear Ms. Rutson:

On December 1, 2008, the Board issued its decision in the above-captioned proceeding, granting Transit America LLC's ("TA") requested abandonment exemption, subject to environmental and standard employee protective conditions. *See Transit America, LLC – Abandonment Exemption – In Buchanan County, MO*, STB Docket No. AB-1019X (Board served December 1, 2008). SEA had previously recommended in its Environmental Assessment of the proposed abandonment, dated October 10, 2008, that as a condition of the abandonment TA 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 until the section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, was completed. Consequently, in its recent decision the Board directed TA to report to SEA regarding any consultations with the Missouri SHPO, and indicated that SEA's recommended condition would not be removed until the section 106 process was completed. *Id.* at 4.

As directed, TA submitted the additional requested project information to the Missouri SHPO, and has since received the results of the Missouri SHPO's section 106 review process. An original and ten (10) copies are attached. As indicated therein, the Missouri SHPO has determined that there will be "no historic properties" affected by the proposed abandonment, and that the SHPO "has no objection to the initiation of project activities." *See Missouri SHPO Cultural Resource Assessment, Section 106 Review*, at 1. TA understands that the SHPO has also provided a copy of this report directly to SEA.

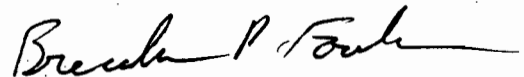
Surface Transportation Board – Section of Environmental Analysis

December 5, 2008

Page 2

As the section 106 review has been completed and the Missouri SHPO has no objection to the proposed abandonment, TA respectfully requests that the related condition be removed. Please do not hesitate to contact me with any questions related to this submission.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendon P. Fowler", with a long horizontal flourish extending to the right.

Brendon P. Fowler
Counsel for Transit America, LLC

Enclosures

CULTURAL RESOURCE ASSESSMENT
Section 106 Review

CONTACT PERSON/ADDRESS

Brendon P. Fowler
K&L Gates, LLP
1601 K Street N.W.
Washington, D.C. 20006-1600

C:

Victoria Rutson, STB

PROJECT:

Abandonment of 2.0 Miles of Transit American LLC Railroad

FEDERAL AGENCY

FHWA

COUNTY:

BUCHANAN

The State Historic Preservation Office has reviewed the information submitted on the above referenced project. Based on this review, we have made the following determination:

☐

After review of initial submission, the project area has a low potential for the occurrence of cultural resources. A cultural resource survey, therefore, is not warranted.

☒

Adequate documentation has been provided (36 CFR Section 800.11). There will be "no historic properties affected" by the current project.

☐

An adequate cultural resource survey of the project area has been previously conducted. It has been determined that for the proposed undertaking there will be "no historic properties affected".

For the above checked reason, the State Historic Preservation Office has no objection to the initiation of project activities. PLEASE BE ADVISED THAT, IF THE CURRENT PROJECT AREA OR SCOPE OF WORK ARE CHANGED, A BORROW AREA IS INCLUDED IN THE PROJECT, OR CULTURAL MATERIALS ARE ENCOUNTERED DURING CONSTRUCTION, APPROPRIATE INFORMATION MUST BE PROVIDED TO THIS OFFICE FOR FURTHER REVIEW AND COMMENT. Please retain this documentation as evidence of compliance with Section 106 of the National Historic Preservation Act, as amended.

By:



Mark A. Miles, Deputy State Historic Preservation Officer

November 21, 2008

Date

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
P.O. Box 176, Jefferson City, Missouri 65102

For additional information, please contact Judith Deel, (573) 751-7862. Please be sure to refer to the project number:
006-BN-09