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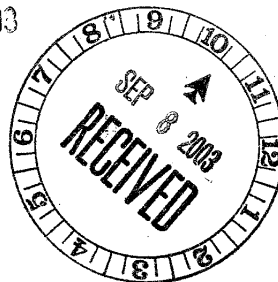


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September 5, 2003



Mr. Vernon Williams
Secretary
Surface Transportation Board
1925 "K" Street, N.W.
Washington, D.C. 29423-0001

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Re: Request to Reopen For removal of Section 106 Condition - STB Docket No. AB-33(Sub-No. 148X), Union Pacific Railroad Company - Abandonment Exemption - In Coos County, Oregon; and

STB Docket No. AB-515(Sub-No. 1X), Central Oregon & Pacific Railroad - Discontinuance Exemption - In Coos County, Oregon (Coquille Branch

Dear Mr. Williams:

The Surface Transportation Board's (Board) Decision in the above-referenced matter dated October 27, 2000 imposed the following conditions: (1) prior to any salvage activities UP is to consult with the Oregon Department of Environmental Quality, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Services, and the Oregon Department of Fish and Wildlife; and (2) that UP retain its interest in and take no steps to alter the historic integrity of the subject rail line located between milepost 785.5 and milepost 786.5 until the completion of the Section 106 process of the National Historic Preservation Act.

In reviewing our records, the Oregon Parks and Recreation Department, State Historical Preservation Office (SHPO) had sent a letter dated May 7, 2001, to the Board's Section of Energy and Environment indicating that "Review of this undertaking has resulted in a "No Historic Properties Affected" determination. UP respectfully requests that the Board reopen the proceeding and remove the Section 106 Historic Preservation condition based on said May 7, 2001 SHPO letter. Removal of this now unnecessary condition will permit UP to consummate the subject abandonment.

Attached is a copy of Oregon's SHPO letter dated May 7, 2001.

Sincerely,

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
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Oregon

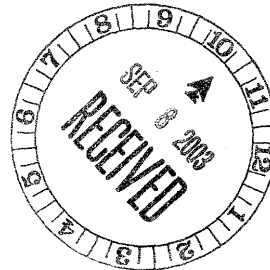
John A. Kitzhaber, M.D., Governor

Parks and Recreation Department
State Historic Preservation Office
 1115 Commercial St. NE
 Salem, OR 97301-1012
 (503) 378-4168
 FAX (503) 378-6447

May 7, 2001

File Code: Coos.

Bernard Brown
 Section of Energy and Environment
 Surface Transportation Board
 1925 K Street N.W.
 Washington, DC 20423-0001



RE: Docket No. AB-33 (Sub-no. 148X)

Dear Mr. Brown:

In June 2000, our office commented on the proposed abandonment of a one-mile section of the Union Pacific Railroad between M.P. 785.50 and M.P. 786.50 in the city of Coquille, Coos County, Oregon. Based on the information submitted at that time by the Central Oregon & Pacific Railroad, the lessee of the line, in compliance with Section 106 of the National Historic Preservation Act, our office determined that the rail line and trestle in question may be eligible for the National Register of Historic Places and that the proposed abandonment would result in a "Historic Properties Adversely Affected" determination. In a phone call between Liz Carter of our office and Bernard Brown of the Surface Transportation Board (STB) on September 28, 2000, the State Historic Preservation Office (SHPO) agreed to revisit the eligibility determination if the STB supplied our office with additional information on the rail line. Since that time, SHPO staff has restated the need for additional information to the STB as well as to Union Pacific Railroad, the owner of the line, through numerous documented telephone calls. These conversations failed to yield the information needed to complete the Section 106 review process for this undertaking. In the meantime, our adverse-effect determination and request for the initiation of a Memorandum of Agreement documented in our letter of June 2000, stood as the formal response to the undertaking. The STB took no action on our formal determination, nor did they supply us with additional information needed to revisit the question of eligibility. Out of frustration with the STB and the Union Pacific Railroad, the city of Coquille, which wants to develop the property in question, produced in April 2001 the requested information about the rail line, which, upon further scrutiny, does not appear to be eligible for the National Register. Review of this undertaking has resulted in a "No Historic Properties Affected" determination.

Our office is concerned with the STB's apparent lack of attention given to the Section 106 process in this case. In the absence of response from the STB to our requests, the city of Coquille was moved to submit the information in order to proceed with the project. To our knowledge, the city of Coquille was not formally or informally delegated to complete the STB's compliance

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tasks; it simply stepped in because the STB appeared unconcerned with its compliance responsibilities. The SHPO urges the STB to contact the Advisory Council on Historic Preservation if they have questions about responsibility under Section 106 and how and when to delegate compliance tasks. Compliance with Section 106 is ultimately the lead agency's responsibility, regardless of who completes the steps in the process. It is in the STB's best interest to take a more active role in Section 106 compliance in the future.

If you have further questions or need additional assistance, please feel free to contact me at the SHPO, extension 229.

Sincerely,



Christine Curran
Preservation Specialist

cc: James Hamrick, SHPO
Lee Keatinge, ACHP
Terrance O'Connor, City of Coquille

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