

EI-20166

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

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March 12, 2013

Reply To: STB\_2013\_0301\_001

Victoria Rutson, Director  
Office of Environmental Analysis (OEA)  
Surface Transportation Board  
Washington, DC 20423

Re: Union Pacific Railroad Company Abandonment of Freight Easement Exemption and Santa Clara Valley Transportation Authority Abandonments of Residual Common Carrier Obligation in Alameda & Santa Clara Counties, Abandonments Docket No. AB 33 (Sub-No. 303X) and STB Docket No. AB-980 (Sub-No. 1X)

Dear Ms. Rutson:

Per your February 27, 2013 letter you have initiated consultation with my office and you are seeking my comments on behalf of Surface Transportation Board (STB) and Union Pacific Railroad Company (UP) pursuant to 36 CFR 800 regulations implementing Section 106 of the National Historic Preservation Act regarding the above referenced undertaking. You are seeking my concurrence that the above undertaking will not adversely affect historic properties.

As I presently understand it, the undertaking consists of the above referenced abandonments for 8.95 miles of rail line in Alameda and Santa Clara Counties. On July 23, 2012 the Surface Transportation Board granted the abandonment but made the approval subject to a condition preventing the railroad from consummating the abandonment until completion of the Section 106 process.

The "undertaking" has been reviewed and was consulted upon under a Federal Transit Administration (FTA) project, the Silicon Valley Rapid Transit Corridor, and a Programmatic Agreement (PA) with a finding of "No Historic Architectural Properties Will Be Affected" was executed (March 25, 2010). The PA also established protocols for the handling of unevaluated and unanticipated archeological resources that may be encountered during construction.

The Area of Potential Effects (APE) for the "undertaking", the abandonment action, is included in the APE of the PA.

I am able to concur that your responsibilities under Section 106 of the NHPA are complete.

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Thank you for considering historic properties in your planning process. If you have any questions, please contact Michelle C. Messinger, State Historian II of my staff at (916) 445-7005 or at [Michelle.Messinger@parks.ca.gov](mailto:Michelle.Messinger@parks.ca.gov).

Sincerely,

*Susan K Stratton for*

Carol Roland-Nawi, Ph.D.  
State Historic Preservation Officer

CC: Allison I. Fultz, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Ave., NW, Suite 800, Washington, DC 20036