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SEA

SERVICE DATE – OCTOBER 9, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 280X)
Union Pacific Railroad Company – Abandonment Exemption and Discontinuance of Service – in Tarrant County, TX

STB Docket No. AB-1038X
Fort Worth and Dallas Belt Railroad Company – Discontinuance of Service – in Tarrant County, TX

STB Docket No. AB-546X
Fort Worth and Western Railroad Company – Discontinuance of Service – in Tarrant County, TX

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP), Fort Worth and Dallas Belt Railroad Company (FWDB), and Fort Worth and Western Railroad Company (FWWR) (collectively, Applicants) filed a joint petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with UP's abandonment and discontinuance of service and FWDB's and FWWR's discontinuance of service on a line of railroad in Tarrant County, Texas. The rail line proposed for abandonment, known as the North Fort Worth Branch, extends 1.23 miles from Milepost 633.02 to Milepost 634.25 in Fort Worth. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition is granted, UP will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The line proposed for abandonment was originally constructed around 1888 by the St. Louis, Arkansas and Texas Railway Company (SLAT). SLAT was a predecessor to the St. Louis Southwestern Railroad, which was a predecessor to UP. Based upon information in UP's possession, the line is located on property owned in fee by UP and does not contain Federally granted right-of-way. The original 1888 vesting deed from Fort Worth City Company to SLAT did not contain reversionary language. The right-of-way width is 100 feet for the length of the line. Applicants indicate that the topography of the property on which the line is located is generally level. The line runs through an urban industrial neighborhood north of downtown Fort Worth.

The proposed abandonment stems from Tarrant Regional Water District's (TRWD) proposal to acquire a parcel of land between Milepost 633.05 and Milepost 634.00 (approximately 12 acres) from UP for a public flood control and redevelopment project in the north downtown area of Fort Worth (the Trinity Uptown Project). The Trinity Uptown Project consists of a combination of public improvements and private development. The public improvements involve the construction of a bypass channel parallel to the FWDB mainline track, which requires the purchase of the UP right-of-way by TRWD. This purchase would allow the removal of aging and inadequate levees and provide efficient flood protection. The private improvements would include the construction of approximately 10,000 new homes and multi-family dwellings.

UP, FWDB and FWRW seek to remove the encumbrances on the TRWD parcel. Commercial Metals Company (CM) is the only existing rail customer on the line and has agreed with TRWD to relocate its operations to another rail served location in Fort Worth. Both CM and TRWD support the Applicants' petition to abandon. CM's support is conditioned upon the continuation of full and uninterrupted rail service by FWDB to CM until CM completes relocation to its new location. FWRW has stated that it will provide continued and uninterrupted rail service to CM as part of the relocation of CM's operations. UP is retaining an easement for railroad operating purposes to assure continued rail service to CM.

Applicants have requested that the Board revoke the imposition of any public use conditions, any conditions under the Trails Act, and any Financial Assistance procedures because the purpose of the proposed abandonment is to permit transfer of ownership of the real property, which makes up the line to TRWD for the public flood control and redevelopment project.

ENVIRONMENTAL REVIEW

Applicants submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. Applicants served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Applicants, the only rail traffic on the line consists of movements of scrap material for CM. FWDB will continue providing rail service to CM until their relocation is complete. Because CM will be relocated to another rail served site, there will be no diversion to other transportation systems or modes as a result of the proposed abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or

result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

Applicants are unaware of any adverse effects the proposed abandonment would have on local and existing land use plans. Applicants indicate that there are no known hazardous materials waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

The Texas Parks & Wildlife Department has indicated that the proposed abandonment would have minimal impacts to fish and wildlife resources.

The National Geodetic Survey has advised SEA that no geodetic station markers have been identified that may be affected by the proposed abandonment.

Tarrant County is not located within a designated coastal zone and coastal zone management review is not applicable.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

Applicants submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Texas Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). Based on available information, the SHPO has indicated that no historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places (National Register) were identified within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO and the public, we have determined

that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the applicant's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally-recognized tribes which may have ancestral connections to the project area. The database did not identify any Federally recognized tribes that may have an interest in the undertaking.

CONDITIONS

We recommend that no environmental conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Although Applicants have indicated that the purpose of the proposed abandonment is to permit transfer of ownership to TRWD for the public flood control and redevelopment project, the right-of-way may be suitable for other public use following abandonment and salvage of the rail line. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 280X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: **October 9, 2009.**

Comment due date: **November 9, 2009.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment