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SEA

SERVICE DATE – NOVEMBER 10, 2008

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 271X)

**Union Pacific Railroad Company – Abandonment Exemption –
In Bowie County, TX**

STB Docket No. AB-585 (Sub-No. 3X)

**Dallas, Garland & Northeastern Railroad Company –
Discontinuance of Service Exemption –
In Bowie County, TX**

BACKGROUND AND DESCRIPTION OF RAIL LINE

In this proceeding, the Union Pacific Railroad Company (UP) and Dallas, Garland & Northeastern Railroad Company (DGNO) jointly filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon, and for DGNO to discontinue service and lease operations over a line of railroad known as the Bonham Industrial Lead from milepost 21.5 to milepost 21.8, a distance of 0.3 miles near New Boston, Bowie County, Texas. UP indicates that the proposed abandonment and discontinuance of service would have no adverse effect on shippers because no local traffic has used the line for two years. UP states that if the abandonment is approved, DGNO would continue to provide the closest rail service in the area, and that other sources of transportation in the vicinity of New Boston include Texas Highway 8, U.S. Highway 82 and Interstate 30.

UP believes that if the abandonment is not approved, any revenue generated from future traffic would not be sufficient enough to cover operational or rehabilitation expenses. UP does not believe that the line proposed for abandonment is suitable for other modes of transportation due to the extensive highway network, or for recreational uses due to its limited length. UP indicates that the line was constructed by the Texas & Pacific Railway in 1873 and contains 90-pound rail from 1928. Based on information in its possession, UP states that the line proposed for abandonment does not contain any Federally granted right-of-way. UP states that the line contains reversionary property. The right-of-way width is generally 100 feet and the surrounding terrain is level. The line traverses U.S. Postal Service zip code 75570. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

UP and DGNO 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. UP and DGNO 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

UP and DGNO state that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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. UP and DGNO have not indicated if the line would be salvaged if the abandonment is approved.

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.

UP and DGNO state that the proposed abandonment would not affect the transportation of hazardous materials. Furthermore, UP and DGNO state that they have no knowledge of hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way or in adjacent areas.

The Natural Resources Conservation Service commented that the proposed abandonment would have no effect on prime farmland, therefore no further consultation is required.

¹ The railroad's environmental and historic reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-33 (Sub-No. 271X).

The Texas Parks and Wildlife commented that the proposed abandonment would have minimal impacts on fish and wildlife resources, including rare, threatened and endangered species at the state level. Therefore, no further consultation is required.

The National Park Service commented that the proposed abandonment would have no effect on Federal parkland. Therefore, no further consultation is required.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: U.S. Environmental Protection Agency, the Federal Emergency Management Agency, the National Geodetic Survey, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, the Governor's Office of Budget and Planning, and the Bowie County Commissioners.

HISTORIC REVIEW

UP and DGNO served the historic report on the Texas Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely 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 railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the National Park Service's Native American Consultation Database <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have an interest in the project. The data base indicated that there are no Federally recognized tribes that may have an interest in the proposed abandonment.

CONDITIONS

SEA recommends that no 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, and if the recommended condition is imposed, abandonment of the line will 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

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 271X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental

contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: November 10, 2008.

Comment due date: November 26, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment