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SERVICE DATE - APRIL 11, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 159X)¹

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN BOWIE COUNTY, TX

Decided: April 6, 2001

Union Pacific Railroad Company (UP) and Texas and Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc. (TNER), filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service for UP to abandon and TNER to discontinue service over a 1.2-mile line of railroad between milepost 21.80 and milepost 23.0 in the city of New Boston, Bowie County, TX. Notice of the exemption was served and published in the Federal Register on March 14, 2001 (66 FR 14983-84). The exemption is scheduled to become effective on April 13, 2001.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 19, 2001. In the EA, SEA indicates that the Texas Natural Resource Conservation Commission (TNRCC) advised UP to devise methods to prevent any surface and groundwater contamination that may occur during and after salvage activities. TNRCC also states that abandonment activities may cause minimal dust and particulate emissions, but that these emissions will not significantly impact air quality. TNRCC suggests, however, that standard dust mitigation techniques be used to minimize dust and particulate emissions. Therefore, SEA recommends that, prior to conducting any salvage operations, UP consult with the TNRCC to devise methods: (a) to prevent surface groundwater contamination during and after salvage activities; and (b) to develop standard dust mitigation techniques to minimize particulate emissions during salvage activities.

Additionally, based on comments on the EA, SEA has advised the Board that the U.S. Army Corps of Engineers (Corps) has indicated that it has not completed its review of the proposed abandonment. Therefore, SEA recommends that a condition be imposed requiring UP to consult with the Corps prior to salvage operations to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

¹ While this decision embraces STB Docket No. AB-364 (Sub-No. 5X), Texas and Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc.--Discontinuance of Service Exemption--in Bowie County, TX, the environmental conditions discussed in this decision are imposed on the proposed abandonment.

The recommended conditions will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the rail line described above is subject to the conditions that UP, prior to conducting any salvage operations: (1) consult with TNRCC to prevent surface groundwater contamination during and after salvage activities and to develop standard dust mitigation techniques to minimize particulate emissions during salvage activities; and (2) consult with the Corps to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary