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SERVICE DATE - MAY 23, 2003

**SURFACE TRANSPORTATION BOARD**

WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 163X)**

**Union Pacific Railroad Company - Abandonment Exemption - In Lamar and Fannin Counties,  
TX**

**STB DOCKET NO. AB-364 (Sub-No. 8X)**

**Texas Northeastern Division, Mid-Michigan Railroad, Inc. - Discontinuance of Service  
Exemption - In Lamar and Fannin Counties, TX**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP) and Texas Northeastern Division, Mid-Michigan Railroad, Inc. (TNER)(collectively, railroads), have filed a notice of exemption under 49 CFR 1152.50 for UP to abandon and TNER to discontinue service over a 33.5-mile portion of the Bonham Subdivision between milepost 94.0, near Paris, and milepost 127.5, east of Bonham, in Lamar and Fannin counties, Texas (TX). A map depicting the rail line in relationship to the area served is appended to this report. If the notice becomes effective, UP has indicated an intent to salvage the rails, ties and other track material, but does not have any plans to remove the bridge structures on the line.

**DESCRIPTION OF THE LINE**

The rail line is a portion of the Bonham Subdivision and is located in Lamar and Fannin counties in northeastern TX. According to the railroads, there has been no originating or terminating rail traffic on the subject line since September 2000. The railroads have also stated that there is no overhead rail traffic on the line. Previously, the rail line had been used to move plastics, fertilizer, wheat and other farm products.

Land use in the vicinity of the right-of-way (ROW) is largely rural. The line passes through the small communities of Brookston at milepost 100.0, Honey Grove at milepost 112.0, and Windom at milepost 117.3. The terrain is fairly level. The width of the ROW is generally about 100 feet but varies from as little as 30 feet to as much as 200 feet in a few locations. The line was constructed in 1873 by the Texas and Pacific Railway, a UP predecessor. According to the railroads, there are 23 bridges on the line that are 50 years of age or older, and most date back to the middle 1920s to middle 1930s.

## **ENVIRONMENTAL REVIEW**

The railroads submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The applicant served these reports 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)]. With an intention of filing a petition of exemption to abandon and discontinue service, the appropriate agencies were originally consulted in August 2000 and environmental and historic reports were originally served on the agencies in November 2000. However, a petition to abandon and discontinue service was never filed, and the railroads are reinitiating the process to abandon and discontinue service.<sup>1</sup> The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service had not responded to the reports at the time this document was prepared. However, the proposed abandonment would not be expected to have an adverse effect on prime agricultural land.

The U.S. Army Corps of Engineers - Fort Worth District (USACE) responded in October 2000 to the railroads' original inquiries (USACE Project Number 200000686), and concluded that the proposed abandonment, as outline by the railroads, would not involve the discharge of dredged or fill material in waters of the United States, including wetlands. Therefore, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not be required.

The U.S. Fish and Wildlife Service had not responded to the reports at the time this document was prepared. However, the Texas Department of Parks and Wildlife concluded that the proposed abandonment should result in minimal impacts to fish and wildlife resources.

The Texas Natural Resource Conservation Commission (TNRCC) concluded that the proposed abandonment would not result in significant long-term environmental impacts as long as construction and waste disposal activities are completed in accordance with applicable Federal, state and local environmental permits and regulations. However, TNRCC recommended that the railroads take necessary steps to ensure that best management practices (BMPs) are utilized to control runoff

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<sup>1</sup>The November 2000 reports addressed a 45.0-mile rail line between milepost 94.0, near Paris, TX, and milepost 139.0, at Bells, TX in Lamar, Fannin and Grayson counties TX. The present proceeding and this Environmental Assessment only address a 33.5-mile section of line between milepost 94.0, near Paris, TX and milepost 127.5, east of Bonham, TX in Lamar and Fannin counties, TX. The railroads revised the environmental and historic reports to address the shorter section of line, and served the revised reports on the appropriate agencies.

from construction sites. Therefore, SEA has recommended a condition that addresses the use of appropriate BMPs.

The railroads stated that there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

Because traffic has not moved on the subject rail line for the past two years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified 27 geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA has recommended a condition to address this concern

The Texas Historical Commission (the State Historic Preservation Office or SHPO) responded to the original inquiries in 2000 by stating that there are no properties associated with the proposed abandonment that are eligible for listing on the National Register of Historic Places. However, upon review of the revised reports, and additional information not included in the reports, the SHPO concluded in an April 24, 2003 letter that the rail line may have historical significance. The SHPO states that the line exhibits distinctive engineering features including the use of 85-pound rails and a unique, regional bridge construction method whereby the ties and rails "float" on a bed of gravel set in a closed metal pan. Additionally, the SHPO stated that the historic train stations at Bonham and Paris remain in their original locations, adjacent to the ROW. The SHPO states that the entire rail corridor between Paris and Bells could potentially qualify for listing on the National Register of Historic Places as a historic district. The SHPO stated that further survey and research efforts are needed to fully evaluate the rail line's historical significance and integrity. Therefore, SEA recommends a condition to ensure compliance with Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

## **CONDITIONS**

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. To address concerns of the Texas Natural Resource Conservation Commission, the railroads shall ensure that appropriate best management practices are utilized to control runoff during salvaging activities.
2. The National Geodetic Survey (NGS) has identified 27 geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroads shall notify NGS 90 days

prior to salvage activities in order to plan for their potential removal.

3. The applicant shall take no steps to alter the historic integrity of the ROW until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude 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**

If abandonment and salvage of the rail line do take place, the ROW 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 Surface Transportation 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 Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs 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 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL 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 David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-33 (Sub-No. 163X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: May 23, 2003.

Comment due date: **June 6, 2003.**

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

Vernon A. Williams  
Secretary

Attachment

