

40008  
SEA

SERVICE DATE – JUNE 26, 2009

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 275)**

**Union Pacific Railroad Company – Abandonment – in Rusk County, TX**

**BACKGROUND**

In this proceeding, Union Pacific Railroad Company (UP or railroad) filed an application under 49 U.S.C. 10903 for permission to abandon its Henderson Industrial Lead. The rail line extends from Milepost 0.59, near Overton, to Milepost 16.28, near Henderson, a distance of 15.69 miles, in Rusk County, TX (the “Line”). A map depicting the Line in relationship to the area served is appended to this environmental assessment (EA). If the notice becomes effective, UP would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

The Line is located mostly on level terrain used as farmland. The right-of-way is generally between 100 and 150-feet wide. The Line was originally constructed in 1887 by the Henderson & Overton Branch Railroad. The Line is composed of 115-pound welded rail laid down in 1978. Ten bridges are located along the Line right-of-way. The construction dates for these bridges range from 1916 to 1937.

UP currently operates trains on the Line. According to UP, there is only one active customer on the Line, West Fraser Timber, Ltd. (“West Fraser”), located at Milepost 14.30. West Fraser operates a sawmilling facility in Henderson, TX, which ships processed logs out via rail and truck. Previous rail shippers on the Line include Boral Brick which received one rail car in 2007 and none in 2008. UP states that Boral Brick currently uses trucks to transport bricks to its facility. UP suggests that both West Fraser and Boral Brick appear to prefer to ship by truck rather than rail.

The total traffic for shippers in 2008 (the Base Year, January – December 2008) was 124 rail cars. UP estimated that it would move 124 railcars to and from West Fraser in 2009 (the Forecast Year, May 2009 – April 2010). UP explained that it excluded Boral Brick from its Forecast Year analysis because the company did not ship on the Line in 2008. There is no overhead or bridge traffic on the Line.

## **ENVIRONMENTAL REVIEW**

The railroad 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. The railroad 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)].<sup>1</sup> The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

In the event that no rail service would be provided to West Fraser, UP estimates that approximately 922 additional trucks (loaded and unloaded) would need to move across local roads and highways (using the forecast year of 124 cars of lumber that would need to be trucked). This would be approximately four additional trucks (loaded and unloaded) per business day moving and dispersing across the local road and highway network. This limited increase in truck traffic would result in negligible impacts to air quality and the local or regional transportation networks. According to UP, the area is well served by several highways including State Routes 64 and 43 and U.S. Routes 79 and 259. These roads, and others, are sufficient to handle any increase in traffic along the local road network that would result from the diversion of traffic from rail to truck.

### ***Salvage Activities***

Rail line salvaging activities typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the right-of-way, and regrading of the right-of-way. Salvage can be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. For the proposed abandonment, UP has not specified the nature of salvage activities for any track materials or the bridges.

The property within the Line right-of-way is reversionary. The Line does not contain any federally granted right-of-way. UP suggests that, following abandonment, the Line could be suitable for interim trail use.

UP is in discussions with both the Rusk County Rural Rail District and the Texas Department of Transportation about acquisition of the Line for continued rail use.

The Natural Resources Conservation Service (NRCS) stated that the proposed abandonment would not affect prime agricultural land.

---

<sup>1</sup> The railroad's environmental and historic reports are available for viewing on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-33 (Sub-No. 275).

The National Geodetic Survey (NGS) advised SEA that nine geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, SEA recommends a condition be imposed requiring UP to consult with NGS at least 90 days prior to beginning salvage activities that could disturb or destroy the geodetic station markers.

The National Park Service provided notice to UP indicating that the proposed abandonment would have no impact on parks.

In a November 5, 2008 letter to UP, the Texas Parks & Wildlife Department (TPWD) commented on the proposed action. TPWD stated that railroad right-of-way generally provide for higher quality wildlife habitat than the surrounding landscapes, which tends to be overgrazed or subject to intensive agricultural practices. In an effort to preserve such habitat within the right-of-way of this Line, TPWD recommends that UP continue to retain and use any existing fencing to control livestock grazing and maintain the growth of woody ground cover and vegetation diversity.

TPWD is also concerned about potential impacts of the proposed action on riparian areas located within the Line right-of-way described as “vegetated corridors along drainages that generally provide nesting habitat for birds, soil stabilization for enhanced water quality, and food, cover, and travel corridors for wildlife.” TPWD has suggested that, in the event the right-of-way is transferred to adjacent landowners, UP encourage landowners to fence off the right-of-way and develop a coordinated protection plan to maintain a vegetated buffer within riparian areas adjacent to wetlands, creeks, and other wetlands. In the event the Line right-of-way reverts to farmland, TPWD recommends the creation of streamside management zones to protect wildlife corridors, reduce sedimentation to waterways, and preserve existing vegetation. In its letter, TPWD also suggested that the Line should be considered for recreational trails use. While noting that some of TPWD’s recommendations are beyond the Board’s authority to require, SEA is recommending a condition that would require UP to consult with TPWD regarding its concerns prior to conducting any salvage operations along the Line.

SEA concludes that the proposed abandonment would have negligible or no adverse impact on the development, use and transportation of energy resources or recyclable commodities; or transportation of ozone-depleting materials.

No comments have been received from the Texas Natural Resource Conservation Commission, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the U.S. Fish and Wildlife Service regarding any concerns they may have regarding potential environmental impacts of the proposed action.

## **HISTORIC REVIEW**

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Texas Historical Commission, State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). In an October 29, 2008 reply, the SHPO concluded that no historic properties would be affected by the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places. 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 through posting on the Board's website at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at [www.cast.uark.edu/other/nps/nacd/](http://www.cast.uark.edu/other/nps/nacd/) to identify Federally recognized tribes that may have ancestral connections to the project area. The database identified no tribes.

## **CONDITIONS**

In order to mitigate the potential environmental impacts from the proposed abandonment, SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Prior to initiating salvage activities, the Union Pacific Railroad Company shall consult with the Texas Parks & Wildlife Department regarding the potential impact of the proposed abandonment on sensitive wildlife habitat and associated vegetated corridors within the right-of-way.
2. The Union Pacific Railroad Company (UP) shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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 and no salvage activities), 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 the time specified in the Federal Register notice. 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 (OPA) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPA 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 EA, please send an **original and one copy** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, <http://www.stb.dot.gov>, by clicking on the "E-FILING" link. **Please refer to STB Docket No. AB-33 (Sub-No. 275) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at 202-245-0293, fax at 202-245-0454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: June 26, 2009.

**Comment due date: July 24, 2009.**

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

Anne A. Quinlan  
Acting Secretary

Attachment