

31685

SERVICE DATE - MARCH 19, 2001

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

DOCKET NO. AB-33 (Sub. No. 159X)

Union Pacific Railroad Company - Abandonment Exemption - In Bowie County, Texas

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) and Texas Northeastern Railroad (TNER) (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon and TNER to discontinue service of 1.2 miles of railroad in the City of New Boston, Bowie County, Texas.¹ The portion of the rail line proposed for abandonment and discontinuance extends from Milepost 21.8 west to the end of the line at Milepost 23.0 (the line). A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to the applicants, there has been no local traffic on the line since at least 1990. The applicants state that the line has not been used for rail service since at least December 1996, except for rail equipment storage. The right-of-way is about 100 feet wide and the applicants state that the line is in poor condition. No shippers have been on the line since at least 1990.

The applicants describe the area surrounding the line as predominantly residential and commercial, and within the City of New Boston. The line parallels two highways, US 30 and US 82, and applicants state that it is unlikely that the rail corridor would be needed for a transit or highway corridor.

ENVIRONMENTAL REVIEW

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental and historical reports on a number of appropriate Federal, state, and

¹ This case embraces STB Docket No. AB-364 (Sub. No. 5X), Texas and Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc. – Discontinuance Exemption – in Bowie County, Texas.

local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

Comments have been received from the Texas Natural Resource Conservation Commission (TNRCC). TNRCC advises applicants to devise methods to prevent any surface and groundwater contamination that may occur during and after salvage. TNRCC states that abandonment activities may cause minimal dust and particulate emissions, but these emissions will not significantly impact air quality. However, TNRCC suggests that standard dust mitigation techniques be used to minimize dust and particulate emissions.

CONDITIONS

We recommend that the following environmental condition be placed on any decision granting abandonment authority.

Prior to beginning any abandonment activities, we recommend that UP consult with the Texas Natural Resource Conservation Commission to devise methods (1) to prevent surface and groundwater contamination during and after salvage and (2) to develop standard dust mitigation techniques to minimize particulate emissions during salvage.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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

If abandonment and salvage of the rail line does take place, 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 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 10 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 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) 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 Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 159X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to Rini Ghosh at (202) 565-1539.**

Date made available to the public: March 19, 2001.

Comment due date: **April 3, 2001 (15 days).**

By the Surface Transportation Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

MAP TO BE SCANNED