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SEA

SERVICE DATE – FEBRUARY 13, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 236X)

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

STB DOCKET NO. AB-576 (Sub-No. 2X)

**Alamo Gulf Coast Railroad Company – Discontinuance Exemption –
In Bexar County, TX**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) and Alamo Gulf Coast Railroad Company (AGCR) filed a petition for exemption under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 for UP to abandon and AGCR to discontinue service over an approximately 2.74-mile line of railroad in Bexar County, Texas. The rail line extends between milepost 253.26 and milepost 256.0. A map depicting the rail line in relationship to the area served is appended to the Environmental Assessment (EA). If the petition is granted, UP would be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

ENVIRONMENTAL REVIEW

Petitioners 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. UP 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.

¹ The 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. 236X).

Diversion of Traffic

According to petitioners, there are two lumber distributors that currently receive materials on the line from AGCR. Petitioners note that there are plans to construct a transload facility at milepost 253.09, and that the lumber distributors have agreed to support the proposed abandonment. Petitioners state that a total of 106 carloads were moved on the line during the base year (calendar year 2005). Using a rail-to-truck conversion factor of four trucks per railcar,² SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 424 new trucks per year (848 truck trips assuming an empty backhaul). This equates to approximately four trucks per day being added to area roads during a 240 workday year.³ This increase in truck traffic will not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e).

Salvage Activities

According to UP, the line runs through the northwestern suburbs of San Antonio in an area where residential, commercial, and retail development is occurring. UP states that the right-of-way is generally not suitable for other public purposes because the property, which is located adjacent to significant new private commercial development, has been sold, and UP believes it will be developed as a shopping and entertainment center.⁴

The National Geodetic Survey (NGS) has submitted comments stating that two geodetic station markers have been identified that may be affected by the proposed abandonment and requests 90 days notification in advance of any activities that will disturb or destroy these markers in order to plan for their relocation. Accordingly, we will recommend that PSR notify NGS 90 days prior to beginning salvage activities to plan for the possible relocation of the station markers by NGS.

SEA contacted the Texas Coastal Management Program, and Bexar County is not located with the coastal zone. Accordingly, no mitigation is recommended.

The Natural Resource Conservation Service (NRCS) has submitted comments stating that the proposed project does not contain important farmland soils. Accordingly, there are no potential impacts to prime farmland and, thus, no mitigation measures are necessary.

² The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

³ 240 workdays result when weekends and holidays are subtracted from a 365 day year.

⁴ UP states that it has retained an easement and it still has ownership of the track structure.

The U.S. Army Corps of Engineers' Fort Worth District (Corps) reviewed the proposed abandonment and determined that there would be no discharge of dredged or fill materials into waters of the United States, including wetlands. Accordingly, the Corps submitted comments stating that no Corps permits would be required for the proposed project.

SEA has contacted the U.S. Fish and Wildlife Service (USFWS) regarding potential impacts to Federally listed threatened and endangered species. Ms. Allison Arnold with the USFWS has indicated that there is Golden-cheeked Warbler (*Dendroica chrysoparia*) habitat in the area of the proposed abandonment. Because the Golden-cheeked Warbler is a Federally listed endangered migratory bird, USFWS has expressed concerns and has requested a copy of this EA. Accordingly, SEA is sending a copy of this EA to USFWS for its review, and we request comments regarding possible mitigation measures.

The Texas Parks and Wildlife Department (TPWD) also submitted comments stating that the proposed abandonment could impact habitat of the Golden-cheeked Warbler. The species occurs in oak-juniper woodlands of central Texas, and portions of the line proposed for abandonment are located in wooded areas that may provide suitable habitat for the species. Because existing fencing on the right-of-way helps to maintain higher quality wildlife habitat by allowing vegetation growth and precluding livestock grazing, TPWD has recommended leaving fencing in place following abandonment of the line.⁵ Because habitat for the Golden-cheeked Warbler may be located within the right-of-way, we recommend that UP contact USFWS and TPWS regarding possible avoidance and impact mitigation measures. We also recommend that UP report the results of this consultation in writing to the Board's Section of Environmental Analysis prior to the onset of salvage activities.

In addition, TPWD has stated that converting the line to a trail could potentially preserve habitat for the Golden-cheeked Warbler. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned.⁶ The Trails Act is intended to preserve railroad rights-of-

⁵ It is well settled that in conducting environmental review in abandonment cases, the Board's role is limited to the anticipated impacts of the abandonment proposal before the agency, e.g., the likely diversion of traffic to other lines or transportation modes and the likely disruptive consequences of removing the track and related structures. Iowa Southern R. Co.-Exemption-Abandonment, 5 I.C.C.2d 496, 501(1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990). Accordingly, it would not be appropriate or consistent with Board precedent for SEA to recommend a condition regarding responsibility for maintenance of fencing or post-abandonment use of the right-of-way.

⁶ The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as

way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned. In this proceeding, however, the railroad has sold the land and has retained only an easement. So, it does not appear that interim trail use is likely to occur.

The U.S. Environmental Protection Agency's Region 6 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA is sending a copy of this EA to USEPA for its review and comment.

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 groups and agencies for review and comment: USFWS; TPWD; and USEPA.

HISTORIC REVIEW

Petitioners submitted the historic report to the Texas Historical Commission (the State Historic Preservation Office or SHPO), pursuant to 49 CFR 1105.8(c). There are four bridges on the line that are 50 years old or older. The bridges were built between 1918 and 1948, and range in length from 26-feet to 180-feet long. The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and agree that no historic properties would be affected by the proposed abandonment.

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 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not 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 Environmental Assessment, which have been provided to the SHPO and made available to the public.

SEA also conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Mescalero Apache Tribe of the Mescalero Reservation, New Mexico may have an interest in the proposed abandonment. Accordingly, SEA will ensure that this tribe receives a copy of this Environmental Assessment for their review and that this tribe is added to the service list for this proceeding.

to qualify as a major Federal action under NEPA. Only major actions by Federal agencies require environmental review.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities in order to plan for the possible relocation of the geodetic station markers by NGS.
2. Prior to the commencement of any salvage activities, Union Pacific Railroad Company (UP) shall consult with the U.S. Fish and Wildlife Service (USFWS) and the Texas Parks and Wildlife Department (TPWD) to determine if avoidance or impact mitigation measures are necessary to protect habitat for the Golden-cheeked Warbler, a Federally listed endangered species. UP shall report the results of this consultation in writing to the Board's Section of Environmental Analysis prior to the onset of salvage activities.

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 and discontinuance 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 petition for 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 236X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 565-1606, fax at (202) 565-9000, or e-mail at deanc@stb.dot.gov.

Date made available to the public: February 13, 2007.

Comment due date: March 15 2007.

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

Vernon A. Williams
Secretary

Attachment