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SEA

SERVICE DATE – MAY 16, 2006

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub. No. 223X)  
Union Pacific Railroad Company - Abandonment Exemption – in  
Smith County, TX

### **BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP or railroad) 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 an approximately 7.25-mile rail line, known as the Tyler Industrial Lead, in Smith County, Texas. The rail line extends from milepost 0.25 near Troup, Texas and milepost 7.50 near Whitehouse, Texas. A map depicting the entire rail line in relationship to the area served is appended to this Environmental Assessment (EA). If this notice becomes effective, UP will be able to salvage the track, ties, and other railroad appurtenances and to dispose of the right-of-way.

### **ENVIRONMENTAL REVIEW**

UP 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, including salvage and disposition of the right-of-way. The railroad served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

#### ***Description of Rail Line***

According to UP, the subject rail line was constructed by the Houston & Great Northern Railroad in 1872. The rail line is currently constructed with 115-pound and 112-pound welded rail laid down in 1969. Most of the rail line is located in a heavily wooded area and crosses several waterways including the Mud Creek, Kickapoo Creek, and several smaller creeks.<sup>1</sup> The surrounding terrain is largely rural interspersed with trees and gently rolling farm and ranch lands. The railroad states that the right-of-way of the rail line varies between 100 and 200 feet wide.

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<sup>1</sup> The environmental report submitted by UP did not indicate how many bridges were located along the line nor did it state if any bridges would be removed during salvage operations following Board approval of the proposed abandonment.

According to UP, no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted as a result of the abandonment. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

### ***Salvage Activities***

Rail line salvage and disposal activities typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The National Geodetic Survey (NGS) identified one geodetic station marker that may be affected by the proposed abandonment. Therefore SEA will recommend a condition that UP should notify NGS at least 90 days prior to conducting salvage activities in order to plan for its possible relocation by NGS.

The Texas Commission on Environmental Quality has provided written comments to UP indicating that the proposed project is not likely to cause significant impacts to air quality in the region.

SEA believes that any noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor UP has received comments from the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Park Service or the Natural Resources Conservation Service regarding the proposed abandonment. Consequently, copies of the EA will be provided to these Federal agencies and appropriate local and state agencies for their review and comment.

### **HISTORIC REVIEW**

UP submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)].<sup>2</sup> The railroad served the report on the Texas Historical Commission (SHPO) pursuant to 49 CFR 1105.8(c) and Section 106 of the National Historic Preservation Act, 16 U.S.C. 470. The SHPO submitted comments to UP on August 9, 2004, indicating that no National

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<sup>2</sup> The combined environmental and historic report for this proceeding can be viewed on-line by conducting a "Full Text Search" using the Docket Number for this proceeding, AB-33 (Sub. No. 223X), at <http://www.stb.dot.gov> under E-library/Filings.

Register of Historic Places eligible or listed historic properties would be affected by the railroad abandonment and that the project may proceed as planned.<sup>3</sup>

SEA conducted a search of the Native American Consultation Database at <http://www.cast.uark.edu/other/nps/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database did not indicate any tribes that may have an interest in the proposed abandonment.

## **CONDITION**

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

The 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 any geodetic station markers by NGS.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended conditions are imposed, abandonment of the rail 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**

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 notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains

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<sup>3</sup> SEA will ensure that the SHPO receives a copy of this EA for its review as its comment letter was submitted well over a year ago.

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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, and Washington, DC 20423.

### **ENVIRONMENTAL 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 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 **Docket No. AB-33 (Sub-No. 223X)** 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) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: May 15, 2006.

Comment due date: **May 30, 2006.**

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

Vernon A. Williams  
Secretary

Attachment