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SEA

SERVICE DATE – FEBRUARY 22, 2008

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-33 (Sub-No. 245X)**

**Union Pacific Railroad Company – Abandonment Exemption –  
In Jefferson County, Texas**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) filed a notice under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a section of the Port Arthur Lead of railroad in Jefferson County, Texas. The Port Arthur Lead (the line) extends from Milepost 2.00 to Milepost 3.21, a distance of 1.21 miles. UP certifies that no rail cars have used the line for at least two years and that no overhead traffic would have to be rerouted over other lines as a result of the abandonment. Following abandonment of the rail line, UP indicates that the closest rail lines serving the area will be the remaining segment of the Port Arthur Lead and a line owned by Kansas City Southern Railway Company. In addition, the Port will continue to be served by BNSF Railway and Norfolk Southern Railway Company, as well as highway and marine transportation systems. The portion of rail line to be abandoned was constructed in 1907 by the Texas & New Orleans Railroad using 136-pound and 110-pound rail. The rail line travels through industrial sections of Port Arthur and traverses Zip Code 77640. UP indicates that it initially intended to file a notice to abandon 1.51 miles of rail line, beginning at Milepost 1.70, as is indicated in its agency consultation letters, but later reduced the length to 1.21 miles. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

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

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<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. 245X).

### *Diversion of Traffic*

UP states that no local traffic has moved over the line for at least two years and no overhead traffic would be rerouted. 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*

Impacts from salvage and disposal of a rail line 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. UP indicates that portions of the rail line to be abandoned have been removed. However, if the petition is granted, UP would be able to salvage the remaining track, ties and other railroad appurtenances, and dispose of the right-of-way.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

The Natural Resources Conservation Service (NRCS) commented that the area of the proposed abandonment is exempt from the Farmland Protection Policy Act because the area is urban and does not contain any prime farmland soils. SEA has therefore concluded that no further consultation with NRCS is necessary.

The U.S. Army Corps of Engineers (USACE) commented that the proposed abandonment does not contain waters of the United States, including adjacent wetlands, and is not subject to the Section 404 permitting requirements of the Clean Water Act. SEA has therefore concluded that no further consultation with USACE is necessary.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the area of the proposed abandonment. SEA has therefore concluded that no further consultation with NGS will be necessary.

SEA has not yet received responses from several Federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. Therefore, SEA is sending a copy of this EA to the following agencies for review and comment: the U.S. Environmental Protection Agency; the National Park Service; the U.S. Fish and Wildlife Service; the Governor's Office of Budget and Planning; the Jefferson County Planning

Commissioners; the Texas Natural Resources Conservation Commission; and the Texas Department of Parks and Wildlife.

## **HISTORIC REVIEW**

UP served the historic report on the Texas Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment would not affect any known archaeological sites or historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

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 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely 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 EA, which have been provided to the SHPO and made available to the public.

Pursuant to 36 CFR 800.2, SEA 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 there were no Federally recognized tribes with interests in the area. Therefore, SEA has determined that no further consultation is necessary.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes 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.

## **CONDITIONS**

Based on all information available to date, we recommend that no conditions be imposed on any decision granting abandonment authority.

## **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 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) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **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 Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 245X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at [woodd@stb.dot.gov](mailto:woodd@stb.dot.gov)

Date made available to the public: February 22, 2008.

**Comment due date: March 10, 2008.**

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

Anne K. Quinlan  
Acting Secretary

Attachment