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SERVICE DATE – MARCH 17, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 244X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN
SAN PATRICIO COUNTY, TX

Decided: March 14, 2008

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 1.52-mile line of railroad known as the Sinton Industrial Lead, extending from milepost 122.82 to milepost 121.30, in San Patricio County, TX. Notice of the exemption was served and published in the Federal Register on February 15, 2008 (73 FR 8929). The exemption is scheduled to become effective on March 18, 2008.

The Board’s Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on February 22, 2008. In the EA, SEA noted that the National Geodetic Survey (NGS) has advised it that seven geodetic station markers have been identified that may be affected by the proposed abandonment. Therefore, SEA has recommended that UP be required to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any of the seven geodetic station markers.

SEA also noted that the Texas Parks and Wildlife Department (TPWD) has advised it of the potential occurrence of one plant species of concern that may be affected by the proposed abandonment. Review of the TPWD Natural Diversity Database (NDD) indicates that a population of Welder Machaeranthera (*Psilactis heterocarpa*) has been observed near the intersection of U.S. Highways 77 and 181. TPWD has recommended, during salvage operations, the use of techniques that avoid or minimize negatively impacting available wildlife habitat in or near the right-of-way, and if clearing vegetation is necessary, that the clearing activities be scheduled to occur outside of the migratory bird nesting season to ensure compliance with the Migratory Bird Treaty Act. Therefore, SEA has recommended that UP be required to consult with TPWD prior to commencement of any salvage activities on this project to address TPWD’s concerns about the potential occurrence of species of concern in the project area and to ensure compliance with the Migratory Bird Treaty Act.

No comments to the EA were received by the March 7, 2008 due date. Accordingly, the conditions recommended by SEA will be imposed. Based on SEA’s recommendations, the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the exemption of the abandonment of the rail line described above is subject to the conditions that UP shall: (1) consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any of the seven geodetic station markers; and (2) prior to commencing salvage activities, consult with TPWD to address TPWD's concerns about the potential occurrence of species of concern in the project area and to ensure compliance with the Migratory Bird Treaty Act.

3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan
Acting Secretary