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SERVICE DATE – DECEMBER 17, 2004

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-281 (Sub. No. 1X)

**Texas North Western Railway Company– Abandonment Exemption –
in Moore, Hutchinson and Hansford Counties, TX**

BACKGROUND

In this proceeding, Texas North Western Railway Company (TXNW) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C.10903 for TXNW to abandon 21.9 miles of rail line in Moore, Huthinson and Hansford Counties, Texas. The rail line begins in Capps, Texas (milepost 20.0), extends easterly to Morse Junction, Texas (milepost 29.9), and continues south to Pringle, Texas (milepost 37.8). The proposed abandonment also includes a 4.1 mile section of rail line extending north from Morse Junction, TX (milepost 29.9) to Morse, TX (milepost 34). A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, TXNW 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 TXNW, the rail line proposed for abandonment was originally part of the Chicago, Rock Island & Gulf Railroad, a company affiliated with the Chicago, Rock Island & Pacific Railroad Company (Rock Island). The Atchison, Topeka & Sante Fe Railway Company (ATSF) had trackage rights on part of the line until 1990. TXNW acquired the rail line in 1982 and provided rail freight service along the rail line through the 1990s. TXNW has seen no service on the line since 2000. As a result, there is now no demand for or prospect of rail service over the line, and no traffic has originated, terminated, or moved overhead on this line segment for at least two years. No rail traffic will be diverted to highway mode as a result of the abandonment.

According to TXNW, the line is located in a rural, unforested region of the northern Texas panhandle. The land along the right-of-way is flat and generally utilized for agricultural purposes. The line crosses nine streams, each spanned by a timber pile trestle bridge. The right-of-way width for the line is a total of 100 feet. According to TXNW, abandonment of the proposed line will improve safety in the area through the elimination of 15 rail/roadway grade crossings.

TXNW has not received any inquiries regarding use of the rail line for alternative public use

and does not believe such use would be appropriate for this line. TXNW does not make note of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes. Where TXNW does not own the right-of-way, the owner, local zoning, and development ordinances will control future land use.

TXNW indicates that it does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. In general, the rail line abandonment or any potential subsequent salvage operations do not appear to have the potential to impact any known natural or human resources. Following abandonment of the proposed line, TXNW will limit its salvage operations to removal of rail and track materials. TXNW states that the bridges, rail-bed and sub-grade areas will not be disturbed.

ENVIRONMENTAL REVIEW

TXNW 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. TXNW 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)]. We have reviewed and investigated the record in this proceeding.

The National Geodetic Survey (NGS) has advised us that 16 geodetic station markers have been identified that may be affected by the proposed abandonment.

The Panhandle Regional Planning Commission in Amarillo, Texas, indicates that no adverse environmental or historic effects will result from activities associated with the proposed abandonment.

The U.S. Army Corps of Engineers, Tulsa District, will not require any permits for the abandonment, as no harm to any wetlands along the line is indicated and no placement of dredge or fill material is needed to complete the abandonment activities as currently proposed.

The Natural Resources Conservation Service in Temple, Texas, has no objections to the proposed abandonment and states that no permits, easements or approvals are needed prior to the completion of salvage activities for the proposed action.

HISTORIC REVIEW

TXNW submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. TXNW served the report on the Texas Historical Commission (SHPO) pursuant to 49 CFR 1105.8 (c). 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 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 800.4(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 TXNW's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

CONDITION

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

1. The National Geodetic Survey (NGS) has identified 16 geodetic station markers that may be affected by the proposed abandonment. Therefore, TXNW shall notify NGS 90 days prior to salvage activities in order to plan their relocation.

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 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 notice 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 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, Washington, DC 20423.

ENVIRONMENTAL 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 Catherine Glidden, who prepared this environmental assessment. **Please refer to Docket No. AB-281 (Sub No. 1X) in all correspondence addressed to the Board.** If you have any questions regarding this environmental assessment, you should 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.

Date made available to the public: December 17, 2004.

Comment due date: **January 3, 2005 (15 days).**

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

Vernon A. Williams
Secretary

Attachment

