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SERVICE DATE – OCTOBER 5, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-33 (Sub-No. 256X)**  
**Union Pacific Railroad Company – Abandonment Exemption –**  
**in Dallas County, TX**

**STB Docket No. AB-585 (Sub-No. 2X)**  
**Dallas, Garland & Northeastern Railroad Company –**  
**Discontinuance of Service Exemption – in Dallas County, TX**

**BACKGROUND**

In this proceeding, the Union Pacific Railroad Company (UP) and Dallas, Garland & Northeastern Railroad Company (DGNO) (the Applicants), jointly filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903. In this proceeding, UP seeks to abandon and DGNO seeks to discontinue service over the Trinity Industrial Lead, between milepost 0.0 near Terminal Junction and milepost 4.1 near Monkingbird Lane, a distance of 4.1 miles in Dallas County, TX (Line). The line traverses United States Postal Service Zip Codes 75207 and 75247 and varies in width from 41.5 to 100 feet. The topography is urban lying west of downtown Dallas, TX, and is bordered on the south by the Trinity River Levee and a light industrial neighborhood to the north. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the petition becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

The Applicants have 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. That Applicants have 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)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

The Applicants state that the last active shipper on the Line, Cargill Foods (Cargill) and a UP transload facility, Union Pacific Distribution Services (UPDS), operated under contract from UPDS by Kinder Morgan (KM), have relocated their operations with rail shipments ceasing by the end of 2006.

According to the Applicants, in 2005, Cargill received 1,493 carloads, 1,737 carloads in 2006, and five carloads in 2007. Likewise, KM handled 381 carloads in 2005, 45 carloads in 2006, and zero carloads in 2007. Additionally, the Applicants state that the city is served by DGNO, UP, BNSF, and the Kansas City Southern railroads. According to the Applicants, abandonment and discontinuance of service would permit them to rationalize their systems, avoid rehabilitation and maintenance costs, and dispose of the Line. Therefore, if the abandonment is approved, no adverse effect would result. The Applicants also state that there is no reasonable alternative to the proposed abandonment. There are no other current or potential rail customers and there is no overhead traffic.

The Applicants state that if the abandonment and discontinuance is approved, it intends to salvage the right-of-way including the three bridges. Salvage would likely entail removal of the rail, other track material, and ties from the right-of-way. Salvage operations are normally conducted entirely within the right-of-way by use of rail mounted equipment that removes the spikes and plates that hold the rails to the ties. After the rail, ties and other track material are removed, a vehicle equipped with magnets is generally used to travel over the right-of-way to remove any remaining spikes or plates inadvertently left behind. At that time, any ties or parts of ties left behind would be removed. The ballast and sub-ballast would remain undisturbed. Furthermore, the Applicants state that they also intend to salvage the bridges unless any new owner of the right-of-way, including potential rail trail, requests that they remain in place.

The Applicants state that the right-of-way proposed for abandonment contains some reversionary property but contains no federally granted right-of-way. The Applicants are of the opinion that the property is not necessary for public purposes, including roads, highways and other means of mass transportation, conservation, energy production or utility transmission lines. The Applicants also note that the right-of-way is parallel and adjacent to the Trinity River, a high power overhead electric transmission line and an underground high pressure gas line.

In a letter dated September 14, 2007, the City of Dallas (City) submitted a letter indicating its interest in securing the Line for one or more of the following public purposes: 1) rails-to-trails corridor, 2) conversion of the property and existing track to a passenger line as part of a new modern street car system currently under review, 3) portions of the right-of-way may be required for a new road system under construction as part of the City's Trinity River Corridor Project, 4) portions of the right-of-way may be needed for the City to facilitate construction of a new "Baker Pumping Station" as part of the City's upgraded drainage system, and 5) portions of the right-of-way may be required to expand and/or reconfigure portions of the existing internal drainage sump system, which is located along the entire length of the east levee of the Trinity River.

In a letter dated July 13, 2007, Ms. Nancy Fagan, Multimedia Planning and Permitting Section, U.S. Environmental Protection Agency, Region 6, states that there are no known hazardous materials releases or hazardous waste sites within the proposed project area.

In a letter dated July 3, 2007, the Texas Parks & Wildlife Commission determined that the project, as proposed, would result in minimal impacts to fish and wildlife resources including threatened and endangered species. The Applicants state that they are not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that would be affected by the proposed abandonment.

In a letter dated July 2, 2007, Mr. James Greenwade, USDA-NRCS, states that the proposed abandonment does not contain Important Farmland Soils and are therefore exempt from the Farmland Protection Policy Act.

In a letter dated July 17, 2007, Mr. Wayne Lea, Chief, Regulatory Branch, U.S. Army Corps of Engineers, Fort Worth District (Corps), states that due to current permit workload, they will require additional time to complete their review.

In an e-mail dated August 10, 2007, Mr. Simon Monroe, National Geodetic Survey (NGS), stated that there are seven geodetic station markers that may be located in the project area.

Therefore, SEA will recommend that the Board impose a condition requiring the Applicants to shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

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.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

## **HISTORIC REVIEW**

In its Historic Report, the Applicants state that the Line was constructed by the Texas & Pacific Railway Company (TPR) in two phases. The first 1.3 miles of the Line was constructed in the early 1930's while the remaining portion was constructed in the middle 1950's.

The TPR was the only railroad in Texas to operate under a federal charter. Congress granted it a charter on March 3, 1871. With the conclusion of the Civil War, TPR was given the right to construct a southern transcontinental railroad from Marshall, TX, to San Diego, CA.

Construction of various lines commenced in October 1872, and the 125 miles of line between Longview, TX, and Dallas, TX, was placed in service on July 1, 1873. Work also was begun at San Diego, CA; however, the construction company failed due to the panic of 1873

when it could not negotiate the TPR securities it received in payment. The Missouri Pacific Railroad (MPR) leased the TPR from 1881 to 1885 and continued a cooperative relationship until the lease ended. The MPR gained a majority ownership of the TPR in 1928, but allowed it to continue operations as a separate entity until they merged on October 15, 1976. On December 22, 1982, the MPR merged with UP.

The Applicants state that there are three bridges on the Line that are 50 years old or older. According to the Applicants, two of the bridges are located at Milepost 1.85. The first bridge is 33 feet long, constructed of deck plate girder and built in 1956. The second bridge is 104 feet long, constructed of Timber Pile Trestle design and built in 1956. The third bridge is located at Milepost 3.40, is 120 feet long, constructed of Timber Pile Trestle design and built in 1900. However, the Applicants believe all of the bridges are of common design and construction and is therefore not likely to be of historical significance.

The Applicants state that they know of no historic sites or structures or archeological resources on the Line or within the proposed project area. The Applicants served the historic report on the Texas Historical Commission, State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c).<sup>1</sup> In a letter dated June 6, 2007, the SHPO states that the bridges are not listed in or eligible for inclusion in the National Register of Historic Places (National Register) and that the project may proceed.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the SHPO, the Applicants, and the public, we have determined that the proposed abandonment would 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 EA, which have been provided to the SHPO and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

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, which may have ancestral connections to the project area. The database indicated that there are no known Native American Tribes which may have ancestral connections to the proposed project area.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following agencies for review and comment: Mr. Wayne Lea, Chief, Regulatory Branch, U.S. Army Corps of Engineers, Fort Worth District and the National Park Service, Midwest Regional Office.

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<sup>1</sup> Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

## **CONDITIONS**

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

**The Union Pacific Railroad Company (UP) and Dallas, Garland & Northeastern Railroad Company (DGNO), shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is 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.

UP states that the right-of-way proposed for abandonment is non-reversionary and furthermore, it does not believe that the right-of-way is suitable for other public purposes, including road or highways, other forms of mass transit, conservation energy production or transmission, in that the area is adequately served by existing roads and utilities.

As stated earlier, the City indicated in a letter dated September 14, 2007, that it is interested in securing the Line for a number of possible projects for the public, all of which are summarized above.

## **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).

In a letter dated September 14, 2007, the City of Dallas (City) submitted a letter indicating its interest in securing the Line for one or more public purposes, including a rails-to-trails corridor.

### **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 Troy Brady, 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. 256X) and AB-565 (Sub-No. 2X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Troy Brady, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at [Troy.Brady@stb.dot.gov](mailto:Troy.Brady@stb.dot.gov).

Date made available to the public: October 5, 2007.

**Comment due date: November 5, 2007.**

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

Vernon A. Williams  
Secretary

Attachment