

40467
SEA

SERVICE DATE – DECEMBER 31, 2009

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-1050X

**Regional Rail Right of Way Company - Abandonment Exemption –
In Collin and Dallas Counties, TX**

STB DOCKET NO. AB-585 (Sub-No. 4X)

**Dallas, Garland and Northeastern Railroad, Inc. - Discontinuance Exemption –
In Collin and Dallas Counties, TX**

STB DOCKET NO. AB-33 (Sub-No. 288X)

**Union Pacific Railroad Company - Discontinuance Exemption –
In Collin and Dallas Counties, TX**

BACKGROUND

In this proceeding, Regional Rail Right of Way Company (RRROW); Dallas, Garland and Northeastern Railroad, Inc. (DGNO); and Union Pacific Railroad Company (UP) (collectively, applicants) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for RRROW to abandon and DGNO and UP to discontinue trackage rights over an approximately 5.34-mile rail line in Collin and Dallas Counties, Texas. The line extends between milepost 592.43 at Renner Junction and milepost 597.77 at Knoll Trail Road. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

The applicants 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. As discussed in detail below, RRROW does not own the line; rather, it has a freight rail operating easement over the line. Consequently, RRROW does not intend to conduct any salvage activities. The applicants 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)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to the applicants, no local traffic has moved over the line for at least two years and any overhead traffic can be rerouted over other lines. 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

RRROW states that the line was originally constructed in 1888 by the St. Louis, Arkansas and Texas Railway Company as part of a route between Mt. Pleasant and Fort Worth. Dallas Area Rapid Transit (DART)² currently owns the line, including the right-of-way, trackage, and other physical assets associated with the line. RRROW has a freight rail operating easement over the line (including the attendant residual common carrier obligation to provide freight service), and DGNO has local trackage rights over the line. While RRROW does not believe that UP retains any trackage rights over the line, UP is joining this action out of an abundance of caution to discontinue any trackage rights that UP may have over the line.

The right-of-way is approximately 100-feet wide. The land surrounding the line includes primarily suburban, residential and light industrial areas, and the topography is generally flat. Because RRROW does not own the line, it has no plans to conduct any salvage activities, and there are no plans to remove the bridges on the line. In the event that the Board grants abandonment authority, RRROW states that the line may either be converted into a trail pursuant to the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), or DART may use the underlying right-of-way as part of its public transit system in the future.

The Natural Resources Conservation Service (NRCS) submitted comments stating that the proposed project would have no significant adverse effect on the environment or natural resources in the area. Accordingly, the NRCS did not request any mitigation.

There are no known hazardous waste sites or hazardous material spills on the right-of-way.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-1050X.

² DART is a transit agency that operates buses, light rail, commuter rail, and HOV lanes in Dallas and 12 of its suburbs. RRROW is an affiliate of DART.

Based on all information available to date, SEA does not believe that the proposed abandonment and discontinuance of trackage rights would cause significant environmental impacts.

Trails Use

RRROW states that it may railbank the line for trails use. SEA notes that the Trails Act gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned.³ The Trails Act is intended to preserve railroad rights-of-way for future railroad use. Under the Trails Act and the Board's implementing procedures (49 CFR 1152.29), a state or local government or private organization can request a trail condition. This process allows railroad rights-of-way to be preserved by allowing interim trail use on lines that otherwise would be abandoned.

HISTORIC REVIEW

RRROW submitted an Historic Report as required by the Board's environmental rules (49 CFR 1105.8(a)) and served the report on the Texas Historic Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). In the Historic Report, RRROW states that there are four bridges on the line that are 50 years old or older, and RRROW believes that these structures were built between 1917 and 1937. The first bridge, known as Spanky Branch Bridge 1, is located at approximately milepost 595.27, and it is a through plate girder bridge. The second bridge, known as Spanky Branch Bridge 2, is located at approximately milepost 595.68, and it is an open deck pile trestle bridge. The third bridge, known as McCamy Branch Bridge, is located at approximately milepost 596.16, and it is an open deck pile trestle bridge. The fourth bridge, known as White Rock Creek Bridge, is located at approximately milepost 597.23, and it is a pony truss bridge. In addition, the applicants are aware of one archaeological site, which is located along White Rock Creek, west of Preston Road. The center of the archaeological site is approximately 113 meters from the line.

Spanky Branch Bridge 2 and McCamy Branch Bridge are not eligible for listing in the National Register of Historic Places (National Register), because both bridges have been repaired and very little of the original bridge materials remain. RRROW believes that White Rock Creek Bridge is the only resource that meets the criteria for listing in the National Register. The SHPO concurred with that eligibility determination but stated that there is insufficient information to determine whether Spanky Branch Bridge 1 is also eligible for listing on the National Register. Nevertheless, in a letter dated December 21, 2009, the SHPO submitted comments stating that the proposed abandonment and discontinuance of trackage rights would have no effect on National Register historic properties located within the right-of-way (the Area of Potential Effect or APE).

³ The Board does not conduct an environmental review of a potential conversion to interim rail use/railbanking because it does not exercise sufficient Federal control so as to qualify as a "major Federal action" under NEPA. Only major actions by Federal agencies require environmental review pursuant to NEPA.

Accordingly, pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.5(b), and following consultation with the SHPO 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(e), 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 website 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 that may have ancestral connections to the project area. The database identified no Federally-recognized tribes in Collin County or Dallas County.

CONDITIONS

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment of the 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 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 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 Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

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 Christa Dean who prepared this EA. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-1050X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Christa Dean the environmental contact for this case, by phone at (202) 245-0299, fax at (202) 245-0454, or e-mail at christa.dean@stb.dot.gov.

Date made available to the public: December 31, 2009.

Comment due date: January 15, 2010.

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

Attachment