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SEA

SERVICE DATE – DECEMBER 21, 2007

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-33 (Sub-No. 246X)

**Union Pacific Railroad Company - Abandonment Exemption -
In Walker County, TX**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of an approximately 1.67-mile line of railroad in Walker County, Texas. The rail line, known as the Huntsville Industrial Lead, extends from milepost 5.0 to milepost 6.67.¹ A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and dispose of the right-of-way.

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)].² The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ In its original filing, UP stated that the proposed abandonment extends from milepost 5.05 to milepost 6.67; however, in a correction that was filed on December 3, 2007, UP stated that the proposed abandonment actually extends from milepost 5.0 to milepost 6.67.

² The railroad's 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-33 (Sub-No. 246X).

Diversion of Traffic

UP states that the line has not generated any traffic for at least two years and that any overhead traffic on the line 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

According to UP, the line is located in the town of Huntsville, and the right-of-way is approximately 150 feet wide. UP plans to salvage the rail, crossties, and possibly the upper layer of ballast but states that the underlying roadbed would not be disturbed and no activities would be undertaken that would cause sedimentation or erosion.

There are two bridges on the line that cross waterways.³ In a December 5, 2007 call with SEA, UP stated that the bridges may be removed during salvage activities. However, dredging is not anticipated and debris from the removal activities would not be discarded along the right-of-way. In addition, no material would be placed in streams or wetland areas or along the banks of such waterways. The U.S. Army Corps of Engineers (Corps) has not submitted comments regarding this proposed abandonment. Accordingly, we have included the Corps on the service list for this proceeding to ensure that they receive a copy of this EA.

The National Geodetic Survey (NGS) submitted comments stating that one geodetic station marker might be affected by the proposed abandonment and requested notification at least 90 days in advance of any activities that would disturb or destroy the marker in order to plan for its relocation. Accordingly, we recommend a condition requiring UP to notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station marker in order to plan for the possible relocation of the marker by NGS.

The Natural Resources Conservation Service (NRCS) evaluated the area of the proposed project as required by the Farmland Protection Policy Act (FPPA) and has submitted comments stating that there are no Important Farmland Soils. In addition, the proposed project is exempt from FPPA because the area is considered as already converted to urban land.⁴

³ One bridge is 54 feet long and the other bridge is 68 feet long.

⁴ The FPPA excludes from the definition of “farmland” areas that contain more than 30 structures per 40 acres.

At the time of this EA, the U.S. Department of Fish and Wildlife (USFWS) had not submitted comments. SEA has included the USFWS on the service list for this proceeding to ensure that they receive a copy of this EA.

Texas Parks and Wildlife Department (TPWD) has reviewed the proposed abandonment and expressed concerns regarding possible impacts to vegetation and migratory birds. TPWD recommended that UP implement the following mitigation measures: 1) avoid clearing mature, native trees along the right-of-way; 2) use site planning and construction techniques designed to avoid and preserve trees, shrubs, grasses, and forbs;⁵ 3) avoid conducting any salvage activities, particularly clearing trees or vegetation, during the migratory bird nesting season (April 1 to July 15); 4) prior to any salvage activities, survey the project area for migratory bird nest sites, pursuant to the Migratory Bird Treaty Act;⁶ 5) conduct no salvage activities within 100 meters of any raptor nest during their nesting season (February 1 to July 15); and 6) reseed disturbed soils with a mixture of native grasses and forbs and avoid planting Bermuda grass. Accordingly, to address TPWD's concerns, we will recommend that UP: 1) comply with TPWD's specific recommendations pertaining to salvage activities on this proposed project and 2) consult with TPWD and USFWS in order to ensure that removal and salvage activities are conducted in a manner that avoids or minimizes impacts to migratory birds and vegetation.

There are no known hazardous waste sites located on the line proposed for abandonment.

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 groups and agencies for review and comment: NGS; Corps; TPWD; and USFWS.

Additional Comments

According to UP, Southern States Capital Corporation has expressed a desire to acquire the property for a public pedestrian and bicycling park. In addition, TPWD stated in its comments that converting the line to a recreational trail could potentially preserve habitat for listed species. SEA notes that the National Trails System Act (Trails Act), 16 U.S.C. 1247(d), gives interested parties the opportunity to negotiate voluntary agreements to use, for recreational trails, railroad right-of-way that otherwise would be abandoned.⁷ The Trails Act is intended to preserve railroad rights-of-way for future

⁵ Forbs are broad-leaved herbs that often grow in a field, prairie, or meadow.

⁶ Under the Migratory Bird Treaty Act, construction activities in grassland, wetland and woodland habitats, and those that occur on bridges that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided.

⁷ The Board does not conduct an environmental review of a potential conversion

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

UP submitted an Historic Report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Texas Historical Commission (State Historic Preservation Office or SHPO) pursuant to 49 CFR 1105.8(c). The line was originally constructed by the Huntsville Branch Railway in 1872, and there are two bridges on the line that are 50 years old or older. The timber pile trestle bridges were both constructed in 1927. Based on available information, 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 within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment.

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 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 identified no Federally recognized tribes in Walker County.

CONDITIONS

SEA recommends that the following environmental condition be placed on any decision granting abandonment authority:

1. Union Pacific Railroad Company 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.
2. Prior to commencement of any salvage activities, Union Pacific Railroad Company (UP) shall: 1) comply with the Texas Parks and Wildlife Department's (TPWD) specific recommendations pertaining to salvage activities on this

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.

proposed project and 2) consult with TPWD and the U.S. Fish and Wildlife Service (Region 2) in order to ensure that removal and salvage activities are conducted in a manner that avoids or minimizes impacts to migratory birds and vegetation. Prior to commencement of any salvage activities, UP shall report the results of these consultations to the Board's Section of Environmental Analysis.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, 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 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 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 (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 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-33 (Sub-No. 246X) 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 21, 2007.

Comment due date: January 7, 2008.

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

Vernon A. Williams
Secretary

Attachment