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SERVICE DATE - DECEMBER 22, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 162X)¹

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT
EXEMPTION--IN BEXAR COUNTY, TX

Decided: December 21, 2000

Union Pacific Railroad Company (UP) and Alamo Gulf Coast Railroad Company (AGCR) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service and Trackage Rights for UP to abandon a 3.49-mile line of railroad on the Kerrville Subdivision (the Line) near Leon Springs from milepost 256.00 near Russell Park to milepost 259.49 near Camp Stanley; and for AGCR to discontinue service over a 1.0-mile portion of the line from milepost 256.0 to milepost 257.0, in Bexar County, TX. Notice of the exemption was served and published in the Federal Register on November 24, 2000 (65 FR 70631-32). The exemption is scheduled to become effective on December 26, 2000.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on December 1, 2000. In the EA, SEA indicated that the Texas Historical Commission (SHPO), has not yet completed its determination of historic significance of the right-of-way and requested additional information from UP. Therefore, SEA recommends that a condition be imposed requiring UP to take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, and requiring UP to inform SEA when the process has been completed.

SEA also states the Texas Parks and Wildlife (TPW) indicated that vegetation assemblages occurring with the right-of-way generally provide higher quality habitat than surrounding areas due to the exclusion of livestock grazing and should be left in place. TPW stated that if livestock are grazed in surrounding areas, existing fencing should be retained to enhance the quality of wildlife habitat within the abandoned right-of-way by allowing the growth of woody cover and providing additional vegetation diversity. TPW also states, since the current plans are to abandon the current rail line as is, there should be minimal impacts to threatened and endangered species. However, if future development is planned, other than conversion to a hike bike trail, a review for potential impacts to threatened or endangered species will be required.

¹ The notice issued on November 24, 2000, embraced STB docket No. AB-576 (Sub-No. 1X), Alamo Gulf Coast Railroad Company--Discontinuance of Service Exemption--in Bexar County, TX.

Therefore, SEA recommends that UP consult with the TPW prior to abandonment activities to further assist TPW, if possible, in the preservation of material habitat of the rail right-of-way.

Finally, SEA states that the Texas Infrastructure Services Department of Public Works Division (Public Works Division) has expressed several concerns about salvage operations and final disposition of the right-of-way. Therefore, SEA recommends that UP consult with the Public Works Division prior to abandonment activities.

As conditioned, this decision 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: (a) retain its interest in and take no steps to alter the historic integrity of the of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470, and inform SEA when the process is completed; (b) consult with TPW prior to abandonment activities to further assist TPW, if possible, in the preservation of material habitat of the rail right-of-way; and (c) consult with the Public Works Division prior to abandonment activities.
3. This decision is effective on its service date.

By the Board, Joseph H. Dettmar, Acting Director, Office of Proceedings.

Vernon A. Williams
Secretary