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SERVICE DATE - MAY 9, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 159X)¹

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

Decided: May 8, 2001

Union Pacific Railroad Company (UP) and Texas and Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc. (TNER), filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments and Discontinuances of Service for UP to abandon and TNER to discontinue service over a 1.2-mile line of railroad between milepost 21.80 and milepost 23.0 in the city of New Boston, Bowie County, TX. Notice of the exemption was served and published in the Federal Register on March 14, 2001 (66 FR 14983-84). The exemption became effective on April 13, 2001.

By decision served April 11, 2001, the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that UP: (1) consult with the Texas Natural Resource Conservation Commission (TNRCC) to devise methods to prevent surface groundwater contamination during and after salvage activities and to develop standard dust mitigation techniques to minimize particulate emissions during salvage activities; and (2) consult with the U.S. Army Corps of Engineers (Corps) to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

Additionally, SEA states that the National Geodetic Survey (NGS) has indicated that the proposed abandonment could potentially affect two geodetic station markers. Therefore, SEA recommends that a condition be imposed requiring UP to consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers.

The recommended condition will be imposed. As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

¹ While this decision embraces STB Docket No. AB-364 (Sub-No. 5X), Texas and Northeastern Railroad, a Division of Mid-Michigan Railroad, Inc.--Discontinuance of Service Exemption--in Bowie County, TX, the environmental conditions discussed in this decision are imposed on the proposed abandonment.

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 condition that UP consult with the NGS and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic station markers.²
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² The TNRCC and Corps conditions imposed in the April 11, 2001 decision remain in effect.