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SERVICE DATE – JUNE 9, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 223X)

UNION PACIFIC RAILROAD COMPANY–ABANDONMENT EXEMPTION–IN SMITH
COUNTY, TX

Decided: June 7, 2006

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 7.25-mile line of railroad, the Tyler Industrial Lead, extending from milepost 0.25 near Troup to milepost 7.50 near Whitehouse, in Smith County, TX. Notice of the exemption was served and published in the Federal Register on May 11, 2006 (71 FR 27531-32). The exemption is scheduled to become effective on June 10, 2006.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on May 16, 2006. In the EA, SEA indicated that the U.S. Department of Commerce, National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, SEA recommends that a condition be imposed on any decision granting abandonment authority requiring UP to notify NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of the station marker.

In the EA, SEA also indicated that, based on all information available to date, it did not believe that salvage activities would cause significant environmental impacts. However, SEA had not received comments from the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Park Service or the Natural Resources Conservation Service regarding the proposed abandonment. Consequently, SEA indicated that a copy of the EA would be provided to these federal agencies and appropriate local and state agencies for their review and comment. In addition, SEA stated that the Texas Historical Commission (SHPO) had submitted comments to UP on August 9, 2004, indicating that no historic properties eligible for listing or listed in the National Register of Historic Places would be affected by the proposed abandonment. However, because the SHPO's comments were submitted over a year ago, SEA indicated that it would provide a copy of the EA to the SHPO for its review.

Comments to the EA were due May 30, 2006. No comments were received by the due date. Accordingly, the environmental condition recommended by SEA in the EA will be imposed.

As conditioned, this action 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 condition requiring UP to notify NGS at least 90 days prior to beginning salvage activities so that NGS may plan for the possible relocation of any station markers.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary