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SERVICE DATE - APRIL 28, 2000

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB - 33 (SUB-NO.152X)

Union Pacific Railroad Company - ABANDONMENT EXEMPTION - In
Orange County, Texas.

BACKGROUND

In this proceeding, the Union Pacific Railroad Company (UP) has 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 and discontinuance of service and trackage rights, of 0.75 miles of railroad line between railroad milepost 486.75 to Milepost 487.5 near Kilowatt in Orange County, Texas, which traverses through United States Postal Code 77630. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

The Line to be abandoned was constructed in 1902 by the Orange and Northwestern Railroad. The Line consists of approximately 0.97 acres, which passes through agriculture and pasture-land. There has been no originating or terminating freight service on the Line within the past two years. In addition, there are no bridges or structures on the Line that are 50 years old or older.

ENVIRONMENTAL REVIEW

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR

1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Nation Geodetic Survey, Governors Office of Budget and Planning, Texas Natural Resource Conservation, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, National Park Service, U.S. Department of Agriculture, Texas Parks and Wildlife, Natural Resource Conservation Service, Texas Historical Commission and the Orange County Clerk.

CONDITIONS

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

1. The Texas Historical Commission has not yet completed their review of the proposed abandonment. Therefore, we recommend, that a condition be placed on any decision granting abandonment authority, requiring the railroad to take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 Process, National Historic Preservation Act, 16 U.S.C. 470f.
2. The U.S. Army Corps of Engineers (the Corps) has not completed their review of the proposed abandonment. Therefore, we recommend, that UP further consult with the Corps prior to salvage of the right-of-way 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.
3. The U.S. Fish and Wildlife Service (US FWS) has not yet completed their review of the proposed abandonment. Therefore, we recommend, that a condition be placed on any decision granting abandonment authority prohibiting UP from salvaging or disposing of the entire right-of-way until completion of the Section 7 process of the Endangered Species Act, 16 U.S.C. 1531.
4. The National Geodetic Survey (NGS) has identified three station markers that may be affected by the proposed abandonment. The NGS has requested that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their

relocation. Therefore, we recommend, that UP consult with NGS at least 90 days prior to salvage activities in order to plan for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition(s), we conclude that, as currently proposed, abandonment of the line will 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 of the petition 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental

assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-33 (Sub No. 152X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1554.

Date made available to the public: April 28, 2000.

Comment due date: May 14, 2000.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

PLEASE SCAN THE MAP