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December 22, 2016

Via Federal Express

Josh Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Board Transportation
395 E Street, S.W.
Washington, DC 20423-0001
Joshua.Wayland@stb.gov

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance 2.23 miles located in Harris County and Chambers County, Texas, STB Docket No. AB-33 (Sub-No. 324X)

Dear Mr. Wayland:

This is in response to the letter dated July 27, 2016 outlining the work Union Pacific Railroad Company (UP) has undertaken to meet the requests of Mark Wolfe and Lydia Woods, East Texas Project Review for the Division of Architecture of the Texas Historical Commission ("THC") regarding the Cedar Bayou Rail Bridge at River Mile 7.0 near Baytown, Texas (the "Bridge" or "Cedar Bayou Bridge") located on the UP's line of railroad from milepost 2.4 near Baytown to milepost 4.63 near Cedar Bayou (the "Line"). Specifically, the Division of Architecture, led by Lydia Woods, completed review of the project documentation provided and due to the rarity and significance of the Cedar Bayou Bridge, determined that the demolition of the Cedar Bayou Bridge will have an adverse effect. In order to complete the Section 106 process Union Pacific has been asked to provide (1) a condition report of the bridge; (2) an assessment on why demolition would be preferable over keeping the Bridge in place, (3) a draft of a Memorandum of Agreement ("MOA") to be approved by the THC; and (4) after completion of MOA, the THC requires notice to the public with opportunity to comment on the possible demolition of the Cedar Bayou Bridge. (*See* Exhibit 1). In fulfillment of these requests, Union Pacific has completed the following work:

1) On or about 11/21/2016 Union Pacific delivered to the THC and to you at the Office of Environmental Analysis at the Surface Transportation Board ("STB") a condition report on the Cedar Bayou Bridge. (*See* Exhibit 2).

2) With regard to an assessment on why demolition is preferable to keeping the Cedar Bayou Bridge in place Union Pacific states as follows:

Based on Union Pacific's investigation to date, Union Pacific is of the reasoned opinion that the only real option available is historical documentation of the Cedar Bayou Bridge followed by demolition of the Cedar Bayou Bridge and restoration of Cedar Bayou for navigation. In order to preserve the Cedar Bayou Bridge it needs to be restored and used in transportation (*See* Exhibit 5). The Bridge will not be used for commercial or passenger rail transportation because

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the Line the Bridge is on and the surrounding property has been rezoned by local government to livable centers which excludes heavy industry use. The Eastern terminus of the Line is the east side of the existing Cedar Bayou Bridge. The tracks to the East of the Bridge are private tracks owned and operated by a local industry and are not part of the National Rail Network. Therefore, the potential for use of the Line and the Cedar Bayou Bridge for interim trail use under the National Trails Acts does not exist East of the bridge. In addition, use of the Cedar Bayou Bridge is part of a trail system would require extensive repair to the bridge with a minimum cost of $5.5 million dollars and the requirement that a bridge tender be present to raise and lower the Bridge during active trail hours (*See* Exhibit 2).

Both the local Cedar Bayou Navigation District and the Chambers County Commissioners supports removal of the Bridge as does the Texas Department of Transportation ("TEX DOT"). Specifically, Tex DOT and the Union Pacific are in the process of final negotiations of a Memorandum of Agreement ("MOA") that provides for abandonment of the Line and demolition of the Cedar Bayou Bridge and the Highway 146 Bridge to permit reconstruction and widening of the Tex DOT Route 146 without reconstruction of the Route 146 Bridge over the Line.

a. Attached hereto as Exhibit 3 is a Resolution of the Cedar Bayou Navigation District registering its support of the removal of the railroad Bridge over the Cedar Bayou and a resolution of the Chambers County Commissioners Court of Chamber County, Texas registering their support for removal of the Cedar Bayou Bridge.

b. Attached hereto as Exhibit 4 is Union Pacific Railroad Company's letter to the Bridge Office of the US Coast Guard requesting guidance concerning the future disposition of the Cedar Bayou Rail Bridge over Cedar Bayou.

c. Attached hereto as Exhibit 5 is the letter in response to Union Pacific request for guidance received from the Chief, Bridge Administrative Branch of the Eight Coast Guard District (the "USCG"). This response gives four (4) options for the Bridge that will no longer be used in transportation. (1) The Bridge may be repaired and placed into active use for transportation. (2) If portions of the Bridge will remain in the waterway after removal of the main navigation span, permission to keep any portion must be obtained from the US Army Corps of Engineers. (3) If UP opts to completely remove the Bridge, the USCG needs to coordinate and review the removal plan to assure reasonable navigation is maintained during the process and (4) if the Bridge is sold to Tex DOT ("Tex DOT") or any other party, the new owner must assume responsibility for the Bridge. Tex DOT has informed Union Pacific that it has no interest in keeping the Bridge.

d. Attached hereto as Exhibit 6 is the rough cost estimate with regard to removal of the existing Cedar Bayou Bridge and the related Highway 146 Bridge that Tex DOT has agreed to fund to save construction costs for a new Highway 146 bridge. Removal of the two (2) bridges will be approximately $3 million with a 75% cost allocation for removal of the Cedar Bayou Bridge and a 25% cost allocation for removal of the old Highway 146 Bridge.

e. Attached hereto as Exhibit 7 is the rough cost estimate prepared by Union Pacific's Director of Bridge Standards and Assessment to return the existing

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Cedar Bayou Bridge back to 286K service. This cost is estimated at between $5.5 million to $8.5 million. The lower cost would be expected for use of the Bridge for trail purposes only.

Tex DOT will fund the removal of both bridges as part of its Route 146 Highway improvement Project. Once the Route 146 railroad bridge is removed there will no longer be a connection of the Cedar Bayou Bridge to the National Railroad Network to the West. As indicated above, there is no railroad carrier connection to the National Railroad Network to the East of the Cedar Bayou Bridge. Even though interim trail use is voluntary on the part of the railroad, the railroad and trail sponsor may not place a railroad line into interim trail use unless a connection to the National Railroad Network remains. Removal of the Route 146 Bridge over the Line isolates the Line East of Route 146 including the Cedar Bayou Bridge from the National Railroad Network and eliminates the possibility of Interim Trail Use under the National Trails Act. Tex DOT to save the costs of rebuilding the Route 146 Bridge for its public highway use purposes not only supports but effectively requires removal of the Cedar Bayou Bridge and such removal is in the public's best interest.

The Surface Transportation Board provided the Advisory Council on Historic Preservation ("ACHP") with its responses in accordance with the Electronic Section 106 Documentation Submittal System (e106) Form MS Word format. On November 18, 2016 the ACHP by letter informed the parties that they concluded that their participation in the consultation under Protection of Historic Properties did not apply to this matter and that their participation to resolve adverse effects is not needed. (The submittal to the ACHP and their response are included with Exhibit 8).

3) A draft MOA has been drafted and will be circulated to the STB, the THC and UP as directed by the ACHP. (*See* Exhibit 8).

4) The notice to the public in the vicinity of the Cedar Bayou Bridge will be accomplished under the ten (10) day notice and newspaper publication procedure under 49 CFR 1152.50 and 49 CFR 1105.12 and the appendix thereto. The notice to the public at large will be accomplished by the STB when it files the Board's notice in the Federal Register in accordance with 49 CFR 1152.50(f)(3).

For the reasons outlined above Union Pacific Railroad Company respectfully requests that the Surface Board Transportation Board inform the Texas Historical Commission in its negotiations regarding the MOA covering the Cedar Bayou Bridge that the Union Pacific has acted in good faith to satisfy the Section 106 condition process in advance of filing the Notice of Exemption for abandonment authority of the Line and that such Section 106 condition should be deemed completed and satisfied and that demolition of the Cedar Bayou Bridge by Tex DOT may proceed.

Sincerely,

Olin H. Dirks
Sr. Manager Rail Line Planning

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cc: Andrew Schmidt
Director of Cultural Resources
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EXHIBIT 1

TEXAS HISTORICAL COMMISSION
real places telling real stories

July 27, 2016

Andrew Schmidt
Director of Cultural Resources
Summit Envirosolutions
1217 Bandana Boulevard North
St. Paul, MN 55108

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, proposed abandonment (demolition) of Union Pacific railroad ROW in Baytown, Jefferson County, Texas (STB/106)
THC Tracking #201609257

Dear Mr. Schmidt,

Thank you for your correspondence regarding the above referenced project, which we received on July 11, 2016. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The History Programs Staff, led by Justin Kockritz, has completed its review and determined that the above referenced property is eligible for the National Register under Criterion C and meets Criterion Consideration B. The period of significance for the bridge is 1912.

The Division of Architecture, led by Lydia Woods, has completed its review of the project documentation provided and due to the rarity and significance of this bridge, determined that the demolition of the bridge will have an adverse effect. In order to complete the Section 106 process, we are requesting a condition report of the bridge and an assessment on why demolition would be preferable over keeping the bridge in place. During the Section 106 process you will need to draft an MOA to be approved by the THC. After completion of the MOA we are requesting written evidence that the public has been notified and had a chance to comment on the possible demolition.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. We look forward to further consultation with your office and hope to maintain a partnership that fosters effective historic preservation. **If you have any questions concerning our review or if we can be of further assistance, please contact Lydia Woods at 512/463-9122.**

Sincerely,

Lydia Woods, East Texas Project Reviewer
For: Mark Wolfe, State Historic Preservation Officer

MW/lw

Cc: Theresa Goodness, Chair, Jefferson County Historical Commission

August 12, 2016

VIA EMAIL
Ms. Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Union Pacific U.S. Steel Industrial Lead, Baytown, TX
STB Docket No. AB-33 (Sub-No. 324X)

Dear Ms. Rutson:

The Union Pacific Railroad (UP) is seeking to abandon the U.S. Steel Industrial Lead, a 2.23-mile railroad right of way in Baytown, Texas. In a filing dated April 1, 2016, UP submitted a combined Environmental and Historical Report to your office and to the Texas State Historic Preservation Officer (SHPO). On behalf of the Texas SHPO in a letter dated April 20, 2016, staff of the Texas Historical Commission (THC) requested a historical evaluation of the Cedar Bayou Bridge, which is within the proposed abandonment area. On behalf of UP, Summit Envirosolutions, Inc. (Summit) submitted the requested historic resources evaluation report to the THC (see Attachment 1). In a letter dated July 27, 2016, THC staff concurred that the Cedar Bayou Bridge is eligible for listing in the National Register of Historic Places and concluded that its demolition would be an adverse effect (see Attachment 2).

UP now requests from your office a Finding of Adverse Effect for the proposed abandonment of the U.S. Steel Industrial Lead in order that a Memorandum of Agreement (MOA) for resolution of the adverse effect may be executed, and the Section 106 consultation may be completed. UP understands that the steps for completing the Section 106 process are:

- Notifying the Advisory Council on Historic Preservation (ACHP) and the Texas SHPO of the Finding of Adverse Effect;
- Development of an MOA in consultation with the Texas SHPO and the ACHP, should they choose to participate; and
- Completion of mitigation measures stipulated in the MOA.

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On behalf of UP, I thank you for your assistance in this matter and look forward to working with your office. If you have any questions or require additional information, please do not hesitate to contact me at 651-842-4202.

Sincerely,

Summit Envirosolutions, Inc.

Andrew J. Schmidt
Director of Cultural Resources

CC: Mack Shumate, Union Pacific Railroad (via email)
Olin Dirks, Union Pacific Railroad (via email)

EXHIBIT 2

U.S. STEEL LEAD BAYTOWN: Data last refreshed on 11/21/2016 1:18:03 PM.

B2>>> 4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX)
**** *STRC_KEY = 2347* ****
[Cedar Bayou Lift Bridge]

Segment A	75'	DPGOD	1 span	1912	
Segment B	163'	TTROD-M/L	1 span	1912	Lift
Segment C	75'	DPGOD	1 span	1912	
Segment D	312'	BMOD	8 spans	1967	
Segment E	228'	DPGOD	5 spans	1967	
Total	853'				

NON-STANDARD SEGMENT LIST: E
NON-STANDARD SUBSTRUCTURE LIST: E1,E2,E3,E4,E5
MGT: 0 TPD: 1
ACCESS: ROW Road PHOTO/DOC(S): 5 (02/16/07)
LATITUDE: 29.71694* LONGITUDE: 94.94611* * - ESM GPS (Not PMV)
TRESPASS: SIGN(S) NOT VERIFIED
UTILITIES: Signal - Right; Electrical - Left/Right

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
SEGMENT A
(1)DPG-OD (Deck Plate Girder) LENGTH: 75' BUILT: 1967 / 1912
INSPECTED: 08/22/2007

1 C Concrete Abutment 13

S DECK PLATE GIRDER 75

ASBESTOS: NOT VERIFIED
STRINGERS: 12.50" X 85.00" Steel
WALKWAY: RIGHT: Steel
HANDRAIL: RIGHT: Steel Cable
APPROACHES LOW: BEGINNING (3T) RC: O
TIES: 8.00" X 10.00" X 10.00' TIMBER 1960 18 BAD / 76 TOTAL
TIES/SPAN: 1:18/76
SPACER BLOCKS: NO
GUARD TIMBERS: YES
RAIL ANCHORS: NOT PER STANDARD
END PATTERN: NOT PER STANDARD
RAIL: 112 LB Jointed
SPEED: 10 MPH (FREIGHT)
FRA CLAS: 1
ALIGN: TANGENT
GUARDRAIL ON BRIDGE SEGMENT TRACK
APPROACH TIES NON-STANDARD
BRIDGE PROFILE: GOOD
NO STANDING WATER
UNDERWATER INSPECTION REQUIRED

	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
S	06/06/2000	3	A1	Sub, Abutment, Bridge Seat, Dirt/Debris Accumulat., Abutment #A1 Center, [AG]	#34 | BALLAST COVERING BRG 1 & 2 INBOARD

S 06/06/2000	3	A1	Sub, Abutment, Bridge Seat, Vegetation Growth, Abutment #A1 Left, [AG]	#35 | VEGETATION GROWING AT GIRDER 1 OUTBOARD
S 06/16/1999	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Girder #1 Right Bottom Web Stiffeners, Section Loss (30-50%), [AG]	#23 | 3 " from btm @ every crossframe conn inboard
S 09/18/2002	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #1 Thru 7 Girder #1 & 2 Both Left & Right, Section Loss (15-30%), [AG]	#59 | Meas: 30 % | All btm lat conn to girders 1 & 2 have pack rust
S 06/06/2000	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Panel #3 Girder #1 Left Bottom Web Stiffener #2, Section Loss (15-30%), [AG]	#36 | 30 % SEC LOSS AT BTM OF WEB STIFFENER
S 06/06/2000	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #3 Left Lateral #1, Section Loss (15-30%), [AG]	#37 | BTM LATT CONN PLATE AT CROSS FRAME # 4 HAS 2 " HOLE
S 10/18/2001	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #5 Left Lateral #2, Section Loss (15-30%), [AG]	#53 | APPROX 20 % CORROSION
S 10/18/2001	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Panel #7 Girder #1 & 2 Pier #B1 Bottom, Section Loss (>50%), [AG]	#52 | GIRDERS 1 & 2 HAS 80 % CORROSION BETWEEN STIFFENERS

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
SEGMENT B
(1)TTR-OD (Through Truss Riveted) LENGTH: 163'1" BUILT: 1967 / 1912
INSPECTED: 08/22/2007

1 C Concrete Pier 22 W

S THROUGH TRUSS RIVETED P-0 163 1

ASBESTOS: NOT VERIFIED
STRINGERS: 12.50" X 47.50" Steel
NBR OF STRINGERS: 2
WALKWAY: RIGHT: Steel
HANDRAIL: RIGHT: Steel Cable
TIES: 8.00" X 10.00" X 10.00' TIMBER 1960 5 BAD / 156 TOTAL
TIES/SPAN: 1:5/156
SPACER BLOCKS: NO
GUARD TIMBERS: YES
RAIL ANCHORS: NOT PER STANDARD

U.S. STEEL LEAD BAYTOWN 4.36

END PATTERN: NOT PER STANDARD
RAIL: 112 LB Jointed
SPEED: 10 MPH (FREIGHT)
FRA CLAS: 1
ALIGN: TANGENT
GUARDRAIL ON BRIDGE SEGMENT TRACK
APPROACH TIES NON-STANDARD
BRIDGE PROFILE: GOOD
STANDING WATER: 1
UNDERWATER INSPECTION REQUIRED

	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
S	10/18/2001	3	B1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #1 Right Lateral #1, Section Loss (15-30%), [AG]	#54 | 1 1/2 " X 1 1/2" HOLE @ TOP LATT PLATE CONN TO STR 2
S	06/06/2000	3	B1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #4 Right At Stringer #1 Lateral #2 & 3, Section Loss (> 50%), [AG]	#39 | TOP LATT PLATE CONN HAS 75 % SEC LOSS @ STR 1 TOP LAT 1 & 2
S	10/18/2001	3	B1	Super, Truss Bracing, Portal Frame, Corrosion, Member #U1R, Section Loss (15-30%), [AG]	#45 | 15 % CORROSION IN MIDDLE OF PORTAL FRAME
S	10/18/2001	3	B1	Super, Truss Bracing, Portal Frame, Corrosion, Member #U7L TO U7R, Section Loss (>50%), [AG]	#47 | 40 TO 50 % CORROSION AT PORTAL FRAME BTM STRUT CONN
S	06/16/1999	3	B1	Super, Truss Bracing, Bottom Laterals, Corrosion, Panel #1 At Stringer #1 & 2, Section Loss (30-50%), [AG]	#29 | Pnls 1 - 8 , Strs 1 - 2 Btm Lat to str conn angles corroded approx 30 %
S	06/06/2000	3	B1	Super, Truss Bracing, Top Laterals, Corrosion, Panel #1 Member #U1L Left, [AG]	#38 | 1 " HOLE AT TOP LAT BTM CONN PLATE AT MEMBER # U1L PNL 1
S	06/06/2000	3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #6 Member #L5L-L6R At Stringer #1, [AG]	#40 | 4 LOOSE RIVETS OUT OF 4 AT BTM LATT CONN TO MEMBER # L5L TO L6R
S	06/06/2000	3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #6 Member #L5R-L6L At Stringer #1, [AG]	#41 | 4 LOOSE RIVETS OUT OF 4 AT BTM LATT CONN TO MEMBER # L5R TO L6L
S	09/18/2002	3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #7 Member #L6L-L7R At Stringer #1, [AG]	#64 | Meas: 30 % | 4 of 4 rivets loose @ btm lat to strng conn angle

S	10/18/2001	3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U8R Right Truss, [AG]	#48 | COTTER PIN MISSING IN MIDDLE OF ROW 1 PIN # 2 @ U8R PNL 8
S	09/18/2002	3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U1R Right Truss Upper Connection, [AG]	#63 | Meas: 30 % | Pin 2 Row 2 Cotter pin missing & pin backed out approx 1 " in lift cable conn
S	09/18/2002	3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U8R Right Truss Upper Connection, [AG]	#62 | Meas: 30 % | Pin 2 Row 2 Cotter pin missing in lift cable conn
S	10/18/2001	3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U1L Left Truss, Section Loss (>50%) , [AG]	#51 | 90 % CORROSION @ PORTAL FRAME TO STRUT CONN PLATE
S	10/18/2001	3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U7L Left Truss, Section Loss (>50%) , [AG]	#50 | 75 % CORROSION @ PORTAL FRAME TO STRUT CONN PLATE
S	10/18/2001	3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U7R Right Truss, Section Loss (30-50%), [AG]	#46 | 50 % CORROSION AT PORTAL TO STRUT LOWER CONN PLATE

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
SEGMENT C
(1)DPG-OD (Deck Plate Girder) LENGTH: 75' BUILT: 1967 / 1912
INSPECTED: 08/22/2007

1 C Concrete Pier 26 W

S DECK PLATE GIRDER 75

ASBESTOS: NOT VERIFIED
STRINGERS: 12.50" X 85.00" Steel
WALKWAY: RIGHT: Steel
HANDRAIL: RIGHT: Steel Cable
TIES: 8.00" X 10.00" X 10.00' TIMBER 1960 7 BAD / 66 TOTAL
TIES/SPAN: 1:7/66
SPACER BLOCKS: NO
GUARD TIMBERS: YES
RAIL ANCHORS: NOT PER STANDARD
END PATTERN: NOT PER STANDARD
RAIL: 112 LB Jointed
SPEED: 10 MPH (FREIGHT)
FRA CLAS: 1
ALIGN: TANGENT
GUARDRAIL ON BRIDGE SEGMENT TRACK
APPROACH TIES NON-STANDARD
BRIDGE PROFILE: GOOD

STANDING WATER: 1
UNDERWATER INSPECTION NOT REQUIRED

	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
S	06/06/2000	3	C1	Super, Floor System/Bracing, Girder, Collision Damage, Panel #1 Girder #1 Bottom Flange, [AG]	#42 | BTM FLANGE AT OUTBOARD GIRDER 1@ WEB STIFFENER 5 DEFLECTED 5 " OVER A LENGTH OF 12 "
S	06/16/1999	3	C1	Super, Floor System/Bracing, Stringer Top Lateral, Corrosion, Panel #2 Left At Stringer #1 Top Plate connection to 3 Lateral #1, Section Loss (30-50%), [AG]	#30 | Meas: 30 % | TOP LAT CONN PLATE TO GIRDER 1 HAS 50 % CORROSION
S	09/18/2002	3	C1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #3 Girder #1 Lateral #1, Section Loss (30-50%), [AG]	#60 | Meas: 30 % | Top lat to girder plate conn has a 3 " x 3 " L shaped hole

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
SEGMENT D
(8)BM-OD (Steel Beam Span) LENGTH: 312' BUILT: 1967 / 1967
INSPECTED: 08/22/2007

1		C C	Concrete Pier				O	18		
	S		STEEL BEAM SPAN						39	
2		S S	O	O	O	O	O	18		W
	S		STEEL BEAM SPAN						39	
3		S S	O	O	O	O	O	18		W
	S		STEEL BEAM SPAN						39	
4		S S	O	O	O	O	O	18		W
	S		STEEL BEAM SPAN						39	
5		S S	O	O	O	O	O	18		W
	S		STEEL BEAM SPAN						39	

```
6      S S    O  O  O  O                          O       18          W

     S       STEEL BEAM SPAN                                  39

7      S S    O  O  O  O                          O       18          W

     S       STEEL BEAM SPAN                                  39

8      S S    O  O  O  O                          O       18   X      W

     S       STEEL BEAM SPAN                                  39

ASBESTOS:           NOT VERIFIED
PILING:             2-8                                (4)  SIZE: 14 x 89  HP  A-588  S
CAPS:               1                                  (1)  48.0" X  48.0" X  15.0'  C
                    2-8                                (1)  16.0" X  15.0" X  16.0'  S
NBR OF BEAMS:       4
WALKWAY:            RIGHT: Timber
HANDRAIL:           RIGHT: Steel Rail or Tube
TIES:               10.00" X 10.00" X 10.00'   TIMBER      1960    32 BAD / 225 TOTAL
TIES/SPAN:          N/S
SPACER BLOCKS:      NO
GUARD TIMBERS:      YES
RAIL ANCHORS:       NOT PER STANDARD
END PATTERN:        NOT PER STANDARD
RAIL:               112 LB Jointed
SPEED:              10 MPH (FREIGHT)
FRA CLAS:           1
ALIGN:              TANGENT
GUARDRAIL ON BRIDGE SEGMENT TRACK
APPROACH TIES NON-STANDARD
BRIDGE PROFILE:     GOOD
STANDING WATER:     2-8
UNDERWATER INSPECTION NOT REQUIRED
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	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
A	06/06/2002	3T	D	Track System, Guard Timbers, Decayed, Both Sides, [RMY]	#56 | 8 on the left and 2 on the right

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
SEGMENT E
(5)DPG-OD (Deck Plate Girder) LENGTH: 228' BUILT: 1967 / 1967
INSPECTED: 08/22/2007

```
1      S S    O  O  O  O                          O       18   X      W K

     S       DECK PLATE GIRDER                                45 7
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2      S S    O  O  O  O  O                          O       18   X        K

     S      DECK PLATE GIRDER                                    45 7

3      S S    O  O  O  O  O  O                       O       18   X        K

     S      DECK PLATE GIRDER                                    45 7

4      S S    O  O  O  O  O  O                       O       18   X        K

     S      DECK PLATE GIRDER                                    45 7

5      S S    O  O  O  O  O  O                       O       18   X        K

     S      DECK PLATE GIRDER                                    45 7

6      S S    O  O  O  O                             O       12
ASBESTOS:           NOT VERIFIED
PILING:             1,6                                 (4)  SIZE: 14 x 89  HP  A-588  S
                    2                                   (5)  SIZE: 14 x 89  HP  A-588  S
                    3-5                                 (6)  SIZE: 14 x 89  HP  A-588  S
CAPS:               1-5                                 (1)  16.0" X  15.0" X  18.0'  S
                    6                                   (1)  16.0" X  15.0" X  16.0'  S
WALKWAY:            RIGHT: Timber
HANDRAIL:           RIGHT: Steel Rail or Tube
APPROACHES LOW:     ENDING  (3T)          RC: O
TIES:               10.00" X 10.00" X 10.00'   TIMBER      1960    76 BAD / 231 TOTAL
TIES/SPAN:          N/S
SPACER BLOCKS:      NO
GUARD TIMBERS:      YES
RAIL ANCHORS:       NOT PER STANDARD
END PATTERN:        NOT PER STANDARD
RAIL:               112 LB Jointed
SPEED:              10 MPH (FREIGHT)
FRA CLAS:           1
ALIGN:              TANGENT
NO GUARDRAIL ON BRIDGE SEGMENT TRACK
APPROACH TIES NON-STANDARD
BRIDGE PROFILE:     GOOD
STANDING WATER:     1
UNDERWATER INSPECTION NOT REQUIRED
```

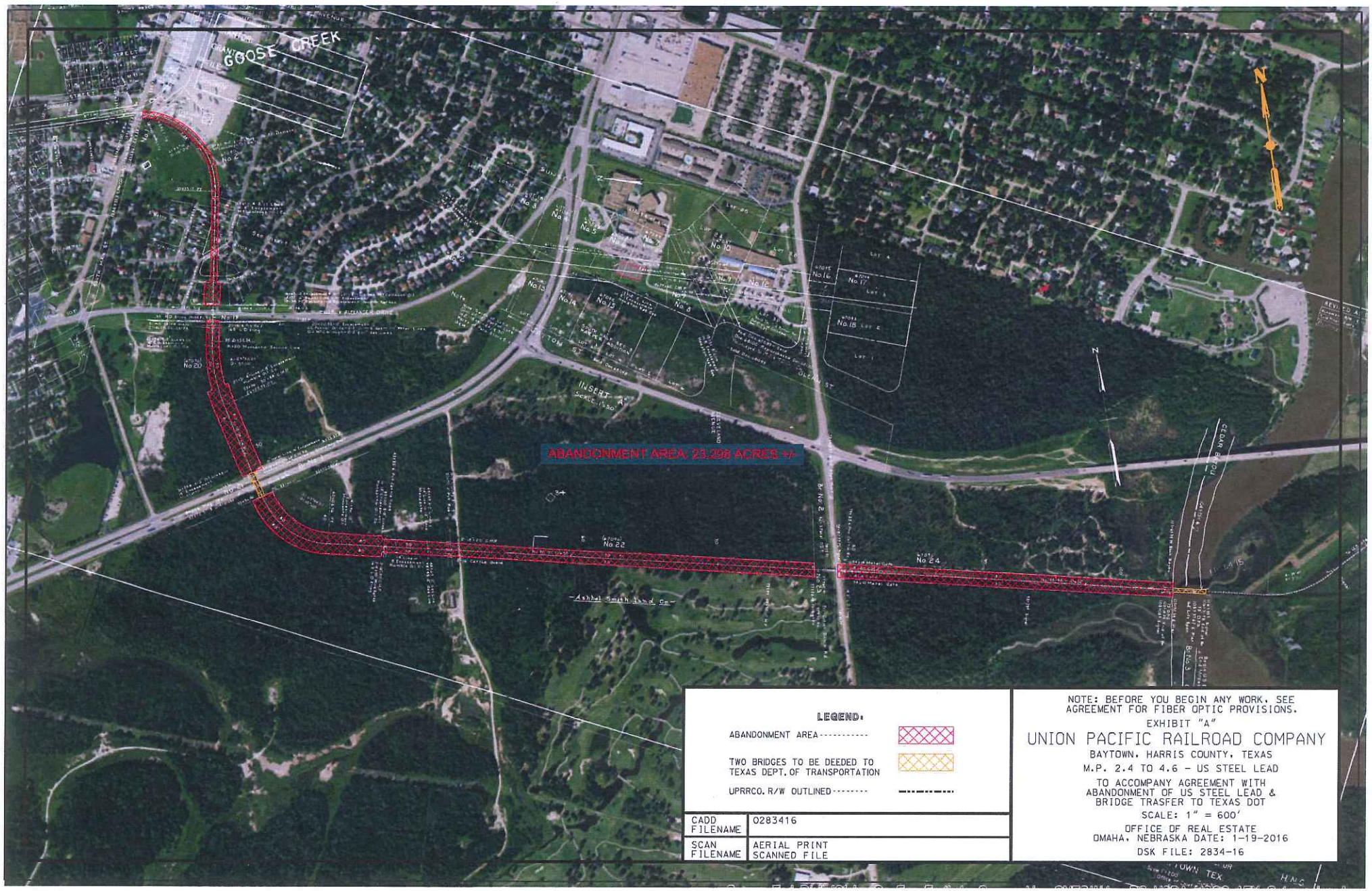
	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
A	06/06/2002	3T	E	Track System, Ties, Spike Kill, [RMY]	#58 | Spike kill throughout Seg E
A	06/06/2002	3T	E	Track System, Guard Timbers, Decayed, Both Sides, [RMY]	#57 | 3 on the left and 1 on the right

U.S. STEEL LEAD BAYTOWN 4.36

	INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # | COMMENTS
I	08/22/2007			Bridge, Inspection, [JRN]	#78 |
I	10/18/2006			Bridge, Inspection, [JRN]	#76 | Track is out of servise
A	01/30/2007			Bridge, Inspection, [JRN]	#77 | Track is out of servise
A	01/30/2006			Bridge, Inspection, [WDM]	#75 |
I	10/10/2005			Bridge, Inspection, [SFK]	#74 |
X	12/07/2004			Bridge, Inspection, [SFK]	#72 | Underwater Inspection Performed by G & G Marine
S	11/13/2003			Bridge, Inspection, [AG]	#69 |
A	01/29/1998	3T		Track System, Track, Low Approach Both Ends, [RMY]	#14 |

GENERAL NOTES:

09/16/2002: Segment E is non standard. The DPG is welded plates w/o fastners anywhere, (Spans are still fracture critical). UP maintenance stops at the end of Segment C.



LEGEND:

ABANDONMENT AREA ----------

TWO BRIDGES TO BE DEEDED TO TEXAS DEPT. OF TRANSPORTATION

UPRRCO. R/W OUTLINED --------

CADD FILENAME	0283416
SCAN FILENAME	AERIAL PRINT SCANNED FILE

NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

BAYTOWN, HARRIS COUNTY, TEXAS

M.P. 2.4 TO 4.6 - US STEEL LEAD

TO ACCOMPANY AGREEMENT WITH ABANDONMENT OF US STEEL LEAD & BRIDGE TRASFER TO TEXAS DOT

SCALE: 1" = 600'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 1-19-2016

DSK FILE: 2834-16

EXHIBIT 3

A RESOLUTION OF THE CEDAR BAYOU NAVIGATION DISTRICT REGISTERING ITS SUPPORT OF THE REMOVAL OF UNION PACIFIC RAILROAD'S LONG-ABANDONED RAIL LINE AND THE BASCULE BRIDGE OVER CEDAR BAYOU STREAM.

WHEREAS, the rail line of Union Pacific Railroad ("UPRR"), which runs from ExxonMobil property line to the bascule bridge ("Bridge") over Cedar Bayou Stream, has long been abandoned; and

WHEREAS, the removal of such rail line by UPRR and its approval of the State's removal of the rail overpass at Business 146 and the Bridge/trestle over Cedar Bayou would be of benefit to the citizens of Texas; and

WHEREAS, particularly, the removal of the rail line is estimated to save the citizens of Texas approximately $7.5 Million in the construction of the Grand Parkway; and

WHEREAS, the removal of the Bridge will improve the safety and navigability of Cedar Bayou for all users, commercial and recreational; and

WHEREAS, the Navigation District desires to register its support of the removal of such rail line and Bridge;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS;

Section 1: That the Navigation District hereby registers its support of the removal of Union Pacific Railroad's rail line, which runs from the ExxonMobil property line to and across the bascule bridge over Cedar Bayou Stream and the removal of said Bridge, its foundations and all component parts;

Section 2: That the Project Director, Guido Persiani, is authorized to take all actions necessary to register the Navigation District's support of the aforementioned rail line and Bridge removal.

Section 3: This resolution shall take effect immediately from and after its passage by the Board of Directors of the Cedar Bayou Navigation District.

INTRODUCED, READ and PASSED, by the affirmative vote of the Board of Directors of the Cedar Bayou Navigation District this 19th day of March, 2014.

CALVIN MUNDINGER, Chair
Board of Directors

ATTEST:

J. W. (Don) Johnson, Counsel and Secretary

X:\NAVIGATION DISTRICT\Resolution re RR.docx

A RESOLUTION OF THE CHAMBERS COUNTY COMMISSIONERS COURT OF CHAMBERS COUNTY, TEXAS, REGISTERING ITS SUPPORT OF THE REMOVAL OF UNION PACIFIC RAILROAD'S LONG-ABANDONED RAIL LINE, WHICH RUNS FROM EXXONMOBIL PROPERTY LINE TO THE BASCULE BRIDGE OVER CEDAR BAYOU STREAM; OPPOSING LEGISLATIVE CHANGES THAT WOULD ALLOW RAIL-SERVED BUSINESSES BE LOCATED IN THE GOOSE CREEK OIL FIELD; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the rail lineof Union Pacific Railroad ("UPRR"), which runs from ExxonMobil property line to the Bascule Bridge over Cedar Bayou Stream, has long been abandoned; and

WHEREAS, the removal of such rail line by UPRR and its approval of the State's removal of the rail overpass at Business 146 would be of benefit to the citizens of Texas; and

WHEREAS, particularly, the removal of the rail line is estimated to save the citizens of Texas approximately $7.5 million dollars in the construction of the Grand parkway; and

WHEREAS, the Chambers County Commissioners Court desires to register its support of the removal of such rail line; and

WHEREAS, the Chambers County Commissioners Court further desires to oppose any legislation which would allow rail-served businesses to be located in the Goose Creek Oil Field, through which a portion of the rail line is located; NOW THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF CHAMBERS COUNTY, TEXAS:

Section 1: That the Commissioners Court hereby registers its support of the removal of Union Pacific Railroad's rail line, which runs from ExxonMobil property line to the Bascule Bridge over Cedar Bayou Stream.

Section 2: That the County Judge is authorized to take all actions necessary to register the County's support of the aforementioned rail line removal.

Section 3: That the Commissioners Court hereby registers its opposition to any legislative changes that would allow rail-served businesses be located in the Goose Creek Oil Field.

Section 4: This resolution shall take effect immediately from and after its passage by the Chambers County Commissioners Court of Chambers County, Texas.

INTRODUCED, READ AND PASSED, by the affirmative vote of the Commissioners Court of Chambers County, Texas this 14th day of January, 2014.

Jimmy Sylvia, County Judge

ATTEST:

Heather H. Hawthorne

Heather H. Hawthorne, County Clerk

EXHIBIT 4

BUILDING AMERICA®

August 29, 2016

Commander
Eighth Coast Guard District DTD
Attn: Bridge Office
Hale Boggs Federal Building
500 Poydras St., Room: 1313
New Orleans, LA 70130
D8PDBALL@USCG.mil

VIA ELECTRONIC MAIL

Re: Request for Guidance on Disposition for the Cedar Bayou Rail Bridge over Cedar Bayou, at River Mile 7.0 near Baytown, Texas

Dear Mr. Frank,

Union Pacific Railroad (UPRR) is preparing to file in Docket No. AB33 (Sub No. 324X) a Notice of Exemption from the provisions of 49 U.S.C. 10903 in accordance with 49 CFR §1152.50 with the United States Surface Transportation Board (STB) to abandon that portion of the US Steel Industrial Lead between Milepost 2.4 and Milepost 4.63 for a distance of 2.23 miles. This portion includes the vertical lift bridge at river Mile 7.0 (the "Line"), near Baytown, between Harris and Chambers Counties, Texas, for which UPRR is hereby requesting guidance on disposition.

If the abandonment authority requested is granted by the STB, and UPRR is subsequently able to consummate the abandonment of the Line, the Bridge will no longer be part of nor connected to the national rail network. At this time there is no known interest to include the Bridge as part of any interim trail use request. In addition, the track East of the Bridge is private industrial track not owned by UPRR. The Texas Department of Transportation has offered to fund dismantlement of the Bridge as part of its public project to reconstruct and reroute Grand Parkway (State Highway 146). To accomplish this Project a UPRR railroad over State Highway 146 will also be removed by TexDOT. A trail crossing at the grade over State Highway 146 would not be permitted by TexDOT for safety reasons and therefore prevents use of the Line for Trail use.

Sincerely,

Olin Dirks
Sr Manager Rail Line Planning

UNION PACIFIC RAILROAD COMPANY
1400 Douglas St., Stop 1350
Omaha, NE 68179

Olin Dirks
Sr Manager Rail Line Planning

P 402-544-3889
E ohdirks@up.com

EXHIBIT 5

U.S. Department of Homeland Security

United States Coast Guard

Commander
Eighth Coast Guard District
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: DPB
Phone: 504-671-2128
Fax: 504-671-2133
D8DPBALL@uscg.mil

16590
December 7, 2016

Mr. Olin Dirks, Senior Manager Rail Line Planning
Union Pacific Railroad Company
1400 Douglas Street, Stop 1350
Omaha, Nebraska 68179

Dear Mr. Dirks:

We are in receipt of your letter of August 29, 2016, requesting guidance on disposition for the Cedar Bayou railroad bridge at river mile 7.0, near Baytown, Texas. In that letter, you state that Union Pacific Railroad (UPRR) is preparing to file a request for abandonment of authority with the United States Surface Transportation Board (STB) to abandon a portion of the railroad line that includes the subject bridge. As such, there are three options that may be exercised as to a bridge that is no longer in an active transportation function:

1. UPRR may return the bridge to an active transportation function. If UPRR decides to exercise this option, please contact this office to negotiate a reasonable time period to return the bridge to service. After this time is set, the United States Coast Guard USCG will periodically monitor the bridge to ensure compliance.

2. Should UPRR opt to retain portions of the bridge in the waterway after removal of the main navigation span, UPRR should consult with the United States Army Corps of Engineers (USACE). Failure to obtain USACE approval to leave parts of the structure in the waterway after the structure has lost its character as a bridge will subject UPRR to a requirement to remove the bridge in its entirety down to or below the natural bottom of the waterway or such other elevation as deemed appropriate by the District Commander in consultation with the USACE.

3. UPRR may opt to completely remove the bridge from the waterway at no expense to the Federal Government. The USCG's involvement in the removal process will include early coordination and review of the proposed removal plan to allow the USCG to notify affected mariners and to ensure that the reasonable needs of navigation are met during removal operations.

Also, if ownership of the bridge is transferred to the Texas Department of Transportation

(TXDOT) or any party, the bridge permits and the rights and responsibilities therein would also be transferred. If you have further questions or comments, please contact this office.

Sincerely,

DAVID M. FRANK
Chief, Bridge Administration Branch
U.S. Coast Guard
By direction

CC: Texas Department of Transportation

EXHIBIT 6

Removal Cost Cedar Bayou Bridges

Michael P. Freeman to: Mack H. Shumate 12/20/2016 05:30 PM

History: This message has been replied to and forwarded.

$250 K for smaller bridge removal

$2.75M for lift span removal

These are ballpark estimates

Sent from my iPhone

Fw: US Steel Industrial Lead Bridge Estimate
Olin H. Dirks to: Mack H. Shumate
Sent by: Olin H. Dirks

11/22/2016 04:11 PM

----- Forwarded by Olin H. Dirks/UPC on 11/22/2016 04:11 PM -----

Michael P. Freeman/UPC
12/17/2013 01:15 PM

To Olin H. Dirks/UPC@UP
cc Jeff S. Mancuso/UPC
Subject US Steel Industrial Lead Bridge Estimate

Olin,

Have looked at the old inspection reports for the bridges on the referenced line and have put together a conservative estimate for the costs to put the line back into service at a 286K service level. This information is based on inspection data that is 10+ years old so it could be the same or even worse. Please advise if you need us to move forward on developing a more detailed and precise cost estimate.

US Steel Industrial Lead
Estimated Costs for Return to Service at 286K Capacity

Bridge No.	Over	Length	(#spans) Type	Estimated Costs*	Comments
1.13	Goose Creek	632	(2)RCT - 56,(1)TPGOD - 72,(10)RCT - 504	$350,000	$250K structural, $100K ties (OD only)
3.01	Hwy 146	168	(1)RCT - 28,(2)BMCOD - 112, (1)RCT - 28	$200,000	$100K structural, $100K ties (OD only)
4.36	Cedar Bayou	853	(1)DPGOD - 75,(1)TTROD-M/L - 163, (1)DPGOD - 75,(8)BMOD - 312,(5)DPGOD - 228	$5,5000,000 -$8,500,000	Movable span, $1.5M-$3.5M in structural, $2.5M-$3.5M in mechanical and electrical, $1.5M ties (OD Only)

* Estimates are conservative as they are based on inspection information which is in excess of 10 yrs old.
The costs projected are the totals to bring bridges to condition to operate at 286K capacity

US STEEL ESTIMATE.xlsx

EXHIBIT 7

EXHIBIT 8

Preserving America's Heritage

Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (*e*106) Form
MS Word format

Send to: *e106@achp.gov*

I. Basic information

1. **Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

   Surface Transportation Board

2. **Name of undertaking/project** (Include project/permit/application number if applicable):

   Surface Transportation Board Docket No. AB 33 (Sub-No. 324X)
   Rail line abandonment in Harris and Chambers Counties, Texas

3. **Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

   The undertaking would occur within the City of Baytown, Texas, in Harris and Chambers Counties. All potentially affected property is privately owned. The undertaking would not take place on or in the vicinity of tribal lands.

4. **Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

   Federal agency official:
   Victoria Rutson
   Director
   Office of Environmental Analysis
   Surface Transportation Board

   Federal agency contact:
   Josh Wayland
   Environmental Protection Specialist
   Office of Environmental Analysis

Surface Transportation Board

Mailing address:
Rm 1107
395 E Street, SW
Washington, D.C. 20423

Email: waylandj@stb.gov
Phone: (202) 245-0330

5. Purpose of notification. Indicate whether this documentation is to:

The purpose of this notification is to (1) notify the ACHP of a finding that an undertaking may adversely affect historic properties, and (2) invite the ACHP to participate in a Section 106 consultation.

II. Information on the Undertaking*

6. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

Union Pacific Railroad Company (UP) intends to a Notice of Exemption or Petition for Exemption under 49 C.F.R. § 1152 with the Surface Transportation Board (the Board) in connection with the abandonment of a line of railroad in Harris and Chambers Counties, Texas. If the Board grants abandonment authority, UP would be able to salvage the railroad line, dismantle any structures located within the rail corridor, and dispose of the right-of-way. The Board's Office of Environmental Analysis (OEA), which is responsible for ensuring the Board's compliance with the National Historic Preservation Act (NHPA), has reviewed the record in this proceeding.

7. Describe the Area of Potential Effects:

In railroad abandonment cases, OEA typically considers the Area of Potential Effect (APE) to comprise the rail right-of-way. In the present case, the rail right-of-way extends from UP Milepost 2.4 in Baytown to UP Milepost 4.36 at the east side of Cedar Bayou, a distance of 2.23 miles and ranges in width from 50 to 160 feet. The rail line was constructed in approximately 1968. There are three bridges located within the APE, none of which have been in place for longer than 50 years.

8. Describe steps taken to identify historic properties:

Railroad applicants seeking to abandon a rail have been delegated the authority to contact appropriate State Historic Preservation Officers before the Section 106 process under NHPA officially begins. Pursuant to the Board's environmental rules at 49 C.F.R. § 1105.7(b), UP prepared a combined Environmental and Historic Report and served the report on a number of appropriate federal, state, and local agencies, including the Texas Historical Commission (the SHPO).

In its response, the SHPO requested that UP or OEA evaluate the eligibility of a vertical lift span bridge over Cedar Bayou (the Cedar Bayou Bridge) for listing in the National Register of Historic Places (the National Register). The SHPO noted that the Cedar Bayou Bridge was originally constructed in 1912 over the St. Francis River at Cody, Arkansas as part of the St. Louis, Iron Mountain and Southern Railway and was moved to its current location in 1967.

After receiving the SHPO's comments, UP engaged Summit Envirosolutions, Inc. (Summit) to undertake a Historic Resources Evaluation of the Cedar Bayou Bridge. UP provided the report to the SHPO and to OEA.

9. **Describe the historic property** (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

According to the Historic Resources Evaluation report prepared by Summit, the Cedar Bayou Bridge was designed by the firm Waddell & Harrington, whose principals were prominent bridge engineers in the early twentieth century and among the foremost designers of vertical lift span bridges during that period. Because only nine vertical lift span bridges are known to have been built nationwide prior to 1912, the Cedar Bayou Bridge is an early example of this bridge type and was an example of an unusual bridge type in its original location in Arkansas. In its current location, the bridge is a rare extant example of the bridge type, as it may be other only existing example of a pre-World War II vertical lift span bridge in Texas.

The Historic Resources Evaluation report concluded that the Cedar Bayou Bridge may be eligible for listing in the National Register under Criterion C, as a rare extant example of a vertical lift truss span dating from the early twentieth century. The report also concluded that the bridge meets Criteria Consideration B: Moved Properties because it retains excellent integrity of materials, design and workmanship; its major features are of original materials and those components that have been replaced are similar to the originals. Because it remained in use as a railroad crossing following its relocation, the bridge also retains integrity of feeling, association, and setting in its current location, according to Summit.

After reviewing the available information provided by Summit and UP, and in consultation with the SHPO, OEA has determined that the Cedar Bayou Bridge is a historic property that is eligible for inclusion in the National Register under Criterion C as an example of an uncommon and distinctive bridge type. Although it was moved to its present location in 1967, OEA concurs with UP and the SHPO that the move from its original location does not diminish the property's integrity or ability to convey historical significance and that the structure therefore meets Criteria Consideration B for moved properties.

10. **Describe the undertaking's effects on historic properties**:

When the Board grants abandonment authority in a railroad abandonment case, the railroad applicant is able to remove rail, ties, and related track material, dismantle any rail-related structures, and dispose of the rail right-of-way, provided that the railroad has compiled with any environmental and historic mitigation conditions imposed by the Board.

Alternatives to proposed railroad abandonments include rejection, discontinuance of service

without abandonment, and continued operation by another operator. In cases where there are no shippers located on the rail line, however, denial of abandonment authority is rare and must be based on extraordinary economic need for the continued service over the line. The Board cannot deny authority for a railroad to abandon a rail line solely on the grounds that it would adversely affect historic resources.

In the present case, OEA understands that UP intends to salvage rail and related track material from the rail right-of-way, remove and remediate all at-grade road crossings, dismantle rail-related structures, and vacate an overpass crossing a state highway (SR-146) to facilitate a highway expansion project proposed by the Texas Department of Transportation. UP would then dispose of the right-of-way in accordance with applicable reversionary land use agreements. OEA understands that UP is willing to negotiate a sale of the Cedar Bayou Bridge if an interested buyer can be identified. Otherwise, UP may dismantle the bridge as part of its salvage activities.

11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The granting of abandonment authority in railroad abandonment cases meets the criteria for an adverse effect to historic properties under 36 C.F.R. § 800.5(a)(2)(vii). Once the Board approves a Notice of Exemption or a Petition for Exemption in an abandonment case, the railroad applicant is able to abandon its common carrier authority over the rail line proposed for abandonment. The rail line and any historic properties located within the APE are thereby transferred out of federal control. In the present case, OEA understands that UP is willing to negotiate a sale of the Cedar Bayou Bridge. If no buyer can be identified, however, UP may elect to dismantle the bridge. In that case, the proposed undertaking would also meet the criteria for adverse effect under 36 C.F.R. § 800.5(a)(2)(i).

The Board's ability to mitigate adverse impacts to historic properties is limited. The Board cannot force the applicant to sell off or donate its property, or impose a restrictive covenant upon the deed. Documentation of the historic resources, which may include taking photographs or preparing a history, before they are altered or removed, is generally the only from of nonconsensual mitigation the Board can impose.

Although the Board has limited authority to protect historic properties, if the consulting parties agree to undertake additional mitigation beyond what the Board may require, such consensual mitigation can be incorporated into a memorandum of agreement (MOA). The execution of an MOA completes the Section 106 process for Board actions that may adversely affect historic properties.

In the present case, OEA has begun the consultation process and is developing a Memorandum of Agreement (MOA) with the SHPO, UP, and other concerned parties, to mitigate the adverse effect of the proposed undertaking.

12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

Copies of the following documents have been attached hereto as documentation of OEA's ongoing consultation with UP, the SHPO, and other interested parties:

- The Combined Environment and Historic Report submitted to OEA by UP;
- The Historic Resources Evaluation report prepared by Summit on behalf of UP;
- A Historic Summary Report prepared by OEA; and
- All relevant correspondences to date between UP, OEA, the SHPO, and other invited consulting parties.

All of these documents have been made available to the public on the Board's website at www.stb.gov.

* see *Instructions for Completing the ACHP* e*106 Form*

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

OEA has invited the following organizations to participate as consulting parties in the Section 106 process:

- The Historic Bridge Foundation (contact: Kate Johnson, President)
- Harris County Historical Commission (contact: Janet Wagner, Chair)
- Chambers County Historical Commission (contact: Sheryl Shaw, Chair)

To date, the Historic Bridge Foundation has indicated an interest in participating as a consulting party.

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

All case information is available on the Board's website at www.stb.gov.

The specific link to all filings, Board decisions, and other formal case documents is: https://www.stb.gov/home.nsf/case?openform&caseID=31613&caseDocket=AB_33_324_X.

Correspondence with the SHPO and other parties can be viewed at: https://www.stb.gov/ect1/ecorrespondence.nsf/public%20incoming%20by%20docket%20number?OpenView under the heading AB_33_324_X.

15. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:

No.

The following are attached to this form (check all that apply):

_X_ Section 106 consultation correspondence

_X_ Maps, photographs, drawings, and/or plans

_X_ Additional historic property information

___ Other:

Preserving America's Heritage

November 18, 2016

Mr. Joshua Wayland
Environmental Protection Specialist
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW, Room 1107
Washington, DC 20423

Ref: *Proposed Rail Line Abandonment Project*
Harris and Chambers Counties, Texas
STB Docket No. AB 33 (Sub-No. 324X)

Dear Mr. Wayland:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Texas State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Gabriel at 202-517- 0210 or via e-mail at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

MEMORANDUM OF AGREEMENT

AMONG

THE SURFACE TRANSPORTATION BOARD,

THE TEXAS STATE HISTORIC PRESERVATION OFFICER,

AND THE UNION PACIFIC RAILROAD COMPANY

REGARDING DOCKET NO. AB 33 (SUB-NO. 324X)
UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN BAYTOWN, TEXAS

WHEREAS, Union Pacific Railroad Company (UP) intends to file an application with the Surface Transportation Board (Board) under 49 U.S.C. § 10903 to abandon and discontinue service over a 2.23-mile line of railroad known as the U.S. Steel Industrial Lead (the Line) between Milepost 2.4 and Milepost 4.63 in Harris and Chambers Counties, Texas, in Docket No. AB 33 (Sub-No. 324X); and

WHEREAS, the abandonment will include removal and salvage of the vertical lift bridge at Cedar Bayou; and

WHEREAS, the Board has determined that the rail line abandonment constitutes an undertaking and has consulted with the Texas State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), and its implementing regulations, 36 C.F.R. § 800; and

WHEREAS, demolition is the only feasible option because the bridge is currently not operable, a buyer willing to preserve and maintain the bridge has not been identified, and the United States Coast Guard (USCG) considers the bridge to be a potential hazard to navigation; and

WHEREAS, based on the recommendation of a qualified historical consultant and in consultation with the Texas SHPO, the Board determined that the Cedar Bayou Bridge is eligible for listing in the National Register of Historic Places (National Register) under Criterion C for its design and engineering, as well as Consideration B for moved properties, pursuant to 36 C.F.R. § 800.4; and

DRAFT

WHEREAS, the Board, in consultation with the Texas SHPO pursuant to 36 C.F.R. § 800.5, determined that the proposed abandonment will have an adverse effect on the Cedar Bayou Bridge because the bridge shall be removed; and

WHEREAS, the Board consulted with the Advisory Council on Historic Preservation (ACHP), notifying the ACHP that an adverse effect determination had been made in accordance with 36 C.F.R. § 800.6(a)(1); and

WHEREAS, in a letter dated XXXXX, the ACHP declined to participate in the negotiation of this Memorandum of Agreement (MOA); and

WHEREAS, the Board is the lead federal agency for the purposes of compliance with the NHPA for this abandonment; and

WHEREAS, UP is the project proponent and has been invited to participate in this consultation and to sign this MOA as an Invited Signatory; and

WHEREAS, the Historic Bridge Foundation, the Harris County Historical Commission, and the Chambers County Historical Commission have been invited to participate in this consultation and to sign this MOA as an Concurring Parties; and

WHEREAS, pursuant to 36 C.F.R. § 800.6, the Board has consulted with the Texas SHPO and UP regarding ways to avoid, minimize, or mitigate potential effects to the historic resource as a result of the proposed abandonment, and the Board, Texas SHPO, and UP have all agreed upon the measures described below under "Stipulations;" and

WHEREAS, the definitions listed in 36 C.F.R. § 800.16 are applicable throughout this MOA.

NOW, THEREFORE, the Board, Texas SHPO, and UP agree that this Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties. The execution of this MOA by the parties hereto and its subsequent submission to the ACHP in accordance with 36 C.F.R. § 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R.§ 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(1) of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the ACHP an opportunity to comment on the proposed action relating to the Line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

STIPULATIONS

The Board shall ensure that the following measures are carried out:

I. DOCUMENTATION

As mitigation for removal of the Cedar Bayou Bridge, UP shall complete photographic and written documentation for the property subject to the provisions outlined below. Once the photographic documentation has been approved by Texas SHPO, the Board will notify UP that it may commence with the removal of the bridge. The actions that implement this MOA shall include the following:

1. Recordation of Historic Properties. Prior to removal of any portion of the Cedar Bayou Bridge, UP shall complete documentation that meets the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation, HABS/HAER Standards* (Standards). This shall include, as described below: measured drawings; professional quality black and white digital photographs, printed on archival paper with an accompanying archival "gold" compact disc (CD); and an architectural and historical narrative, all in an archive-stable format.

A. Photographs. UP shall complete photographic documentation of the Cedar Bayou Bridge. This documentation shall include no more than 20 black and white digital photographs to include, to the extent feasible, all four elevations of the bridge, bridge details, and at least one context photograph. The documentation shall include a photograph key showing the location and view direction of each image. Final versions of the photographs shall be printed on 8½ x 11, acid-free, 100-year archival paper, and the digital photographs shall be submitted electronically on archival CDs.

B. Architectural and Historical Narrative. The narrative shall contain a description of the bridge and a history of its construction and move. The narrative shall include: a summary history of the Missouri Pacific Railroad in Arkansas and Texas, construction of the U.S. Steel Lead, and the acquisition by UP; a history of the development of truss bridges and movable spans, with particular emphasis on vertical lift bridges; and a history of the firm Waddell and Harrington, its two principal engineers, and its successor firms.

C. Measured Drawings of the Bridge. The documentation shall include reproduction of all existing drawings of the current bridge, minus duplicates. A site plan/aerial photograph of the bridge and the U.S. Geological Survey quadrangle map of the area shall also be included. The final version of these drawings shall be submitted on archival CDs and printed in hard copy on 11 x 17, acid-free, 100-year archival paper. No new drawings shall be produced.

II. REVIEW AND COMMENT

A. Prior to the start of construction activity, UP shall prepare the draft HAER photographic documentation in accordance with Stipulation I.A. and shall distribute it via electronic mail or CD to the Board and the SHPO for review. The Board and Texas SHPO shall review and provide comments to UP within 10 calendar day of receipt of the photographic documentation.

B. If comments are provided to UP regarding the photographic documentation, UP shall revise the photographic documentation in response to the comments, as needed, and resubmit the photographic documentation as described in Stipulation III.A. within 10 calendar days of receipt of comments. If no comments are provided to UP by the end of the 10-day comment period, the photographic documentation shall be considered complete and final.

C. UP shall prepare the draft HAER narrative and measured drawings in accordance with Stipulations I.B. and I.C. and shall distribute them via electronic mail or CD to the Board and the Texas SHPO for review within 180 calendar days of the execution of this MOA. The Board and the Texas SHPO shall review and provide comments to UP within 30 calendar days of receipt of the draft HAER narrative and measured drawings.

D. If comments are provided to UP regarding the HAER narrative and measured drawings, UP shall revise the narrative and drawings in response to the comments, as needed, and resubmit the report as described in Stipulation III.C. within 30 calendar days of receipt of comments. If no comments are provided to UP by the end of the 30-day comment period, UP shall finalize the HAER narrative and measured drawings as described in Stipulation IV and submit a final copy to the Board and the Texas SHPO within 15 calendar days of the end of the comment period.

III. FINALIZATION

A. Once photographic documentation is final as defined in Stipulation II.B., demolition of the bridge may proceed. No demolition of the bridge shall occur until the photographic documentation is declared final by the Texas SHPO, with the exception provided in Stipulation III.E.

B. Final HAER documentation shall be produced on acid-free, 100-year archival paper, with the photographs and drawings on archival CDs.

C. Upon finalization of the HAER documentation, UP shall submit one copy of the documentation to the Texas SHPO and shall offer one copy of the documentation to the Historic Bridge Foundation, and the Harris and Chambers County Historical Commissions. Documentation shall be made available in print on acid-free, 100-year archival paper and electronically on archival CDs. UP shall consult with the recipients to

determine which media the recipients wish to receive and whether they wish to receive all of the photographs and drawings or only selected images or sheets.

D. Evidence of transfer to the recipients listed in Stipulation III.C., which may include a copy of the transmittal letters, shall be provided to the Texas SHPO by UP.

E. The HAER documentation shall be considered final upon issuance of a written notice from the Board that all comments have been satisfactorily addressed. However, the parties acknowledge that, if the bridge is determined by UP to be subject to imminent failure or other physical breakdown, UP would notify the Board and the Texas SHPO and would commence the bridge removal immediately in coordination with the Board.

F. UP shall bear the cost for compliance with Stipulations I-III.

IV. DURATION

This MOA will expire if the terms have not been implemented within three years of execution. At such time, and prior to work continuing on the Undertaking, the Board shall either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6, or (b) request comment from, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, the Board may consult with the signatories to reconsider the terms of the MOA and amend it, including extension of its duration, in accordance with Stipulation VII below. The Board shall notify the signatories as to the course of action it will pursue.

V. UNANCTIPATED DISCOVERIES

If the Board determines after bridge removal has commenced, that the Undertaking will affect a previously unidentified property that may be eligible for inclusion in the National Register, the Board will address the discovery in accordance with 36 C.F.R. § 800.13(b)(3). The Board may assume the discovered property to be eligible for the National Register in accordance with 36 C.F.R. § 800.13(c).

V. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Board shall consult with such party to resolve the objection. If the Board determines that such objection cannot be resolved, the Board will:

A. Forward all documentation relevant to the dispute, including the Board's proposed resolution, to the ACHP. The ACHP shall provide the Board with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Board shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response.

The Board will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the Board may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Board shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

C. The Board's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

VI. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires, is terminated, or the stipulations are completed as noted in Stipulation III.E., UP shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such a report shall include all proposed scheduling changes and disputes or objections received in UP's efforts to carry out the terms of this MOA.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the Undertaking, the Board must either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6, or (b) request comment from, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The Board shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Board and Texas SHPO and implementation of its terms evidence that the Board has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

ACCEPTED AND AGREED

SIGNATORY PARTIES:

SURFACE TRANSPORTATION BOARD

BY: _____ **DATE:**_____

Victoria Rutson
Director, Office of Environmental Analysis

DRAFT

TEXAS STATE HISTORIC PRESERVATION OFFICER

BY: _____ **DATE:**_____

Mark Wolfe
State Historic Preservation Officer

DRAFT

Invited Signatory:

UNION PACIFIC RAILROAD COMPANY

BY: _____ **DATE:**_____

???????
[Title]

DRAFT

Concurring Signatory:

??????????

BY: _____ **DATE:**_____

???????
[Title]

DRAFT