

**Wayland, Joshua**

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**From:** Lydia Woods <Lydia.Woods@thc.texas.gov>  
**Sent:** Tuesday, January 10, 2017 3:22 PM  
**To:** Wayland, Joshua; kitty@historicbridgefoundation.com; aschmidt@summite.com; mackshumate@up.com  
**Subject:** RE: Railroad abandonment in Harris and Chambers Counties

Mr. Wayland,

I have reviewed the attached materials and discussed the project with Kitty Henderson from the Historic Bridge Foundation. Ideally, the Texas Historical Commission would be given visual evidence of the corrosion on the bridge. This would merely consist of up close photos regarding the problems areas on the bridge. This kind of documentation is always requested from the THC for projects that involve a demolition request for a bridge.

In regards to the current MOA draft that you have written, we would like you to understand that just doing HAER documentation is no longer the preferred method of mitigation. This is simply because it is documentation that is not easily understood or found by the general public, which is the purpose of mitigation. Therefore, we would like to have a conference call with everyone on this email regarding the mitigation discussion. Please let me know when you all would be available to discuss the matter.

Thank You,

Lydia Woods

**Lydia Woods**  
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**From:** Wayland, Joshua [mailto:Joshua.Wayland@stb.gov]  
**Sent:** Tuesday, December 27, 2016 1:52 PM  
**To:** Lydia Woods <Lydia.Woods@thc.texas.gov>

**Cc:** kitty@historicbridgefoundation.com; aschmidt@summite.com; mackshumate@up.com

**Subject:** Railroad abandonment in Harris and Chambers Counties

Dear Ms. Woods,

I have received from Union Pacific Railroad Company some additional information regarding UP's proposed abandonment of a rail line in Harris and Chambers Counties, Texas. As you recall, if the Surface Transportation Board approves that abandonment, UP would be able to conduct salvage of the rail line, including the removal of the National Register-eligible bridge over Cedar Bayou.

According to the information that UP has submitted, the Cedar Bayou Bridge no longer serves a transportation purpose because there are no existing or potential rail customers in the area served by the rail line. Preservation of the bridge as part of a recreation trail under the National Trails Act appears to be impractical in this case because (1) the bridge is located at the eastern terminus of the rail line, (2) the bridge does not connect to any existing trail system on its eastern side, and (3) the estimated cost of rehabilitation of the bridge is likely prohibitively expensive for any potential trails use proponent. Accordingly, UP feels that there is no viable alternative to the demolition of the bridge. Since no parties have been identified that may be interested in purchasing and maintaining the bridge, my office is likely to concur with UP.

As discussed in the report that I submitted to your office several weeks ago, the Board's authority to impose involuntary mitigation on railroad applicants is very limited in abandonment cases. Typically, our process involves the execution of an MOA specifying the mitigation measures that the railroad has agreed to implement.

If an MOA can be executed in this case, UP would file its Notice of Exemption with the Board. UP would, as part of its filing requirements, post a public notice in a newspaper in the project area to ensure that the public aware of the project. At that point my office would prepare an Environmental Assessment and a Historic Review summarizing the Section 106 process and the mitigation agreed to in the MOA. That document would be made available to the public on the Board's website and hard copies would be provided to interested parties. From our perspective, the Section 106 process would not be complete until the public comment period has ended and the Board has issued its final decision.

I believe that it is in the interest of all the parties to move forward with this project. Toward that end, I have also attached draft language that I hope can be used as a starting point in developing an MOA. The language is based on similar Board cases involving historic bridges. Please feel free to call me at the number below with any questions or concerns.

Best regards,

Josh Wayland

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