



Mack H. Shumate, Jr.
Senior General Attorney, Law Department

April 22, 2009

VIA E-FILING

The Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

**Re: Abandonment of the Henderson Industrial Lead from M.P. 0.59
near Overton to M.P. 16.28 near Henderson, a distance of
15.69 miles in Rusk County, Texas;
STB Docket No. AB-33 (Sub-No. 275)**

Dear Secretary Quinlan:

Attached for filing in the above-referenced docket is the Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing an Application for Abandonment in this matter on or after May 13, 2009.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a horizontal line.

Attachment

cc: All Concerned Parties

O:\ABANDONMENTS\33-275\STB-EHR.doc

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 275)

UNION PACIFIC RAILROAD COMPANY
-ABANDONMENT-
IN RUSK COUNTY, TEXAS
(HENDERSON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: April 22, 2009
Filed: April 22, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 275)

UNION PACIFIC RAILROAD COMPANY
-ABANDONMENT-
IN RUSK COUNTY, TEXAS
(HENDERSON INDUSTRIAL LEAD)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 CFR §1105.8(d), respectively, for authorization to abandon its Henderson Industrial Lead (the "Line") from Milepost 0.59 near Overton, to Milepost 16.28 near Henderson, a distance of 15.69 miles in Rusk County, Texas. The Line traverses U.S. Postal Service Zip Code 75652. UP anticipates that it will file an Application for Abandonment and Discontinuance of Service on the Line with the STB on or after May 13, 2009.

A map of the Line (**Attachment No. 1**) and UP's letter to federal, state and local government agencies (the "UP Letter") (**Attachment No. 2**) are attached hereto and hereby made a part hereof. Responses received thus far to the UP Letter are attached and are referenced and incorporated herein in appropriate sections of this Combined Environmental and Historic Report.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) Proposed action and alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service on the Line from Milepost 0.59 near Overton, to Milepost 16.28 near Henderson, a distance of 15.69 miles in Rusk County, Texas. Recent shipping histories on the Line are as follows:

SHIPPERS:

- (1) West Fraser Timber Co. Ltd.
858 Beatty Street, Suite 501
Vancouver, B.C.
Canada V6B 1C1
(Ships from Henderson, Texas)

2007 Lumber, STCC 24211, 167 cars, 16,473 tons.
2008 Lumber, STCC 24211, 124 cars, 12,211 tons.
Base Year, 2008, Lumber, STCC 24211, 124 cars, 12,211 tons.
Forecast Year, Lumber, STCC 24211, 124 cars, 12,211 tons.

- (2) Boral Bricks
1309 Kilgore Drive
Henderson, TX 75652
(Ships from Henderson, Texas)

2007 Bricks, STCC 32511, 1 car, 75 tons.
2008 0
Base Year, 2008, 0
Forecast Year, 0

SUMMARY:

Forecast Year (2/09-1/10): Lumber, STCC 24211, 124 cars, 12,211 tons
Bricks, STCC 32511, 0 cars, 0 tons
Total: 124 cars, 12,211 tons

Reasons for the abandonment: Traffic on the Line has declined significantly in

recent years. Not only is revenue from current traffic insufficient to cover day to day operating expenses of the Line, the estimated cost for necessary rehabilitation of the Line required to bring the Line back to an FRA Class I standard substantially exceeds the potential revenue that will be generated on the Line under current projections. There is no imminent location of new rail oriented industry that would justify either the Line's continued operation nor rehabilitation.

There is no overhead traffic on the Line.

Alternatives: After abandonment, the closest rail service would continue to remain available at the west end of the subject Line on the UP, at Overton, Texas on UP's Palestine Subdivision. The Henderson, Texas area is served by several highways, including U.S. Routes 79 and 259 and State Routes 64 and 43.

A map of the Line is attached as **Attachment No. 1**.

(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Given the base year and forecast year volume of 124 cars of lumber, a truck to railcar ratio of four to one, and a 100% empty return rate for the trucks, the abandonment could potentially result in approximately 992 additional loaded and empty trucks annually on area roads, or about four (4) per weekday. The area highway network, especially the two federal highways, is sufficiently capable of handling this minor increase in potential daily truck volume.

(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state

whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP has no current plans for the property which makes up the right-of-way after completion of the proposed abandonment. UP has contacted the Office of County Commissioner in the county in which the Line runs, Rusk County, Texas. As of this date, UP has not received response from Rusk County.

(ii) The United States Natural Resources Conservation Service has been contacted and by letter dated January 13, 2009 has stated that the proposed abandonment would not be considered a conversion of farmland. The FPPA does not apply. The United States Natural Resources Conservation Service's response is attached as **Attachment No. 3** and is hereby made a part hereof.

(iii) Not Applicable.

(iv) The Line's right-of-way may be suitable for alternative public use.

(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response:

(i) The only commodity currently handled on the Line is lumber, and the abandonment will therefore have no impact on the transportation of energy resources.

(ii) The abandonment will not affect the transportation of recyclable commodities.

(iii) The proposed transaction may result in a limited decrease in overall energy efficiency, due to the need for shippers to move their traffic at least part of the distance to and from their respective facilities via motor carrier.

(iv)(A) 124 railcars will be diverted from rail to motor carriage during the Forecast Year.

(iv)(B) The Line is 15.69 miles long. All current and forecast year traffic originates at Henderson, Texas at the east end of the Line. Therefore, the potential 124 railcars annually spread over 15.69 miles works out to less than eight (8) railcars per mile annually.

(5) Air (i).

(i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. 10901 (or 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

Response:

(i) (A-C) The low total traffic level on the Line, 124 railcars on 15.69 miles, does not surpass the thresholds for rail traffic increases, rail yard activity, motor carrier activity, and rail to motor diversion referenced in items 5(i)(A-C). Therefore, there is no significant adverse impact on these action items as a result of the proposed abandonment.

(5) Air (ii).

(ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. 10901 (or 49 U.S.C. 10505), or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response:

(ii)(A-C) The low total traffic level on the Line, 124 railcars on 15.69 miles, does not surpass the thresholds for rail traffic increases, rail yard activity, motor carrier activity, and rail to motor diversion referenced in items 5(i)(A-C). Therefore, there is no significant adverse impact on these action items as a result of the proposed abandonment.

(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) an incremental increase in noise levels of three decibels Ldn or more or
- (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: The low total traffic level on the Line, 124 railcars on 15.69 miles, does not surpass the thresholds for rail traffic increases, rail yard activity, motor carrier activity, and rail to motor diversion referenced in items 5(i)(A-C). Therefore, there is no significant adverse impact on these action items as a result of the proposed abandonment.

(7) Safety.

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).
- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.
- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response:

NONE

(8) Biological resources.

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response:

(i) The Texas Parks & Wildlife Service has reviewed the proposed abandonment and made no indication that any federally listed species or designated critical habitat areas are located within the proposed abandonment area. The Texas Parks and Wildlife Service did indicate that the Line, or portions thereof, should be considered for recreational trail use. UP is in discussions with the Rusk County Rural Rail District and the Texas Department of Transportation regarding potential acquisition of the Line for continued rail service. If the Line is abandoned and salvaged, the recommendations of the Texas Parks and Wildlife Service will be coordinated with UP's salvage contractor. The Texas Parks and Wildlife Service's response, dated November 5, 2008 is attached as **Attachment No. 4** and is hereby made a part hereof.

(ii) The National Park Service has been contacted, has reviewed the proposed abandonment and determined that no parks will be affected by the project. The response is attached as **Attachment No. 5** and hereby made a part hereof.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response:

(i) UP has contacted the U.S. Natural Resources Conservation Service. The response received on January 13, 2009 and attached hereto as **Attachment No. 3** is silent as to any clean water issues.

(ii) UP has contacted the U.S. Army Corps of Engineers. To date UP has received no response.

(iii) UP has contacted Texas Natural Resource Conservation Commission. To date, UP has received no response.

(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: See **Attachment No. 2.**

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Response: UP has provided the Texas Department of Natural Resources State Historic Preservation Office ("SHPO") photographs of each of the structures on the

property that are 50 years old or older. A copy of the letter, pictures and their response is attached hereto as **Attachment No. 6** and hereby made a part hereof.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: See **Attachment No. 2** and **Attachment No. 6**.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

Response: See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

Response: Not applicable.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR §60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

Response: See **Attachment No. 6**.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

Response: UP does not have any such readily available information.

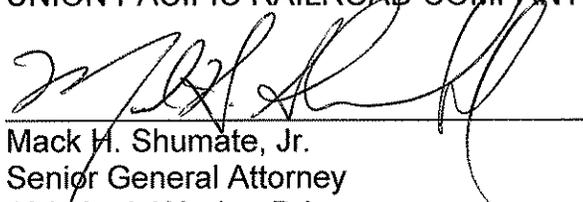
(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified non-railroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 22nd day of April, 2009.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", is written over a horizontal line. The signature is stylized and cursive.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
312/777-2055
312/777-2065 FAX

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 275) for UP's Henderson Industrial Lead in Rusk County, Texas and an associated transmittal letter (**Attachment No. 2**), was served by first class mail on the 22nd day of April, 2009 on the following parties:

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and
Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P.O. Box 13087, m145
Austin, TX 78711-3087

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Rusk County Commissioners
115 North Main Street
County Courthouse
Henderson, TX 75652-3147

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U.S. Army Engineer District Fort Worth
Benbrook Lake Project Office
P.O. Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

**U.S. Natural Resources Conservation
Service:**

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg.
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

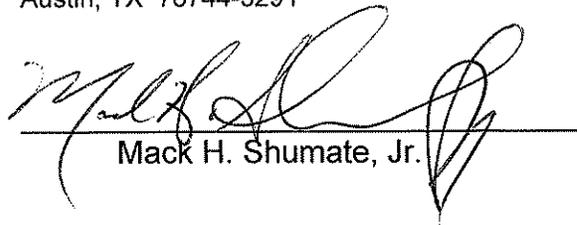
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

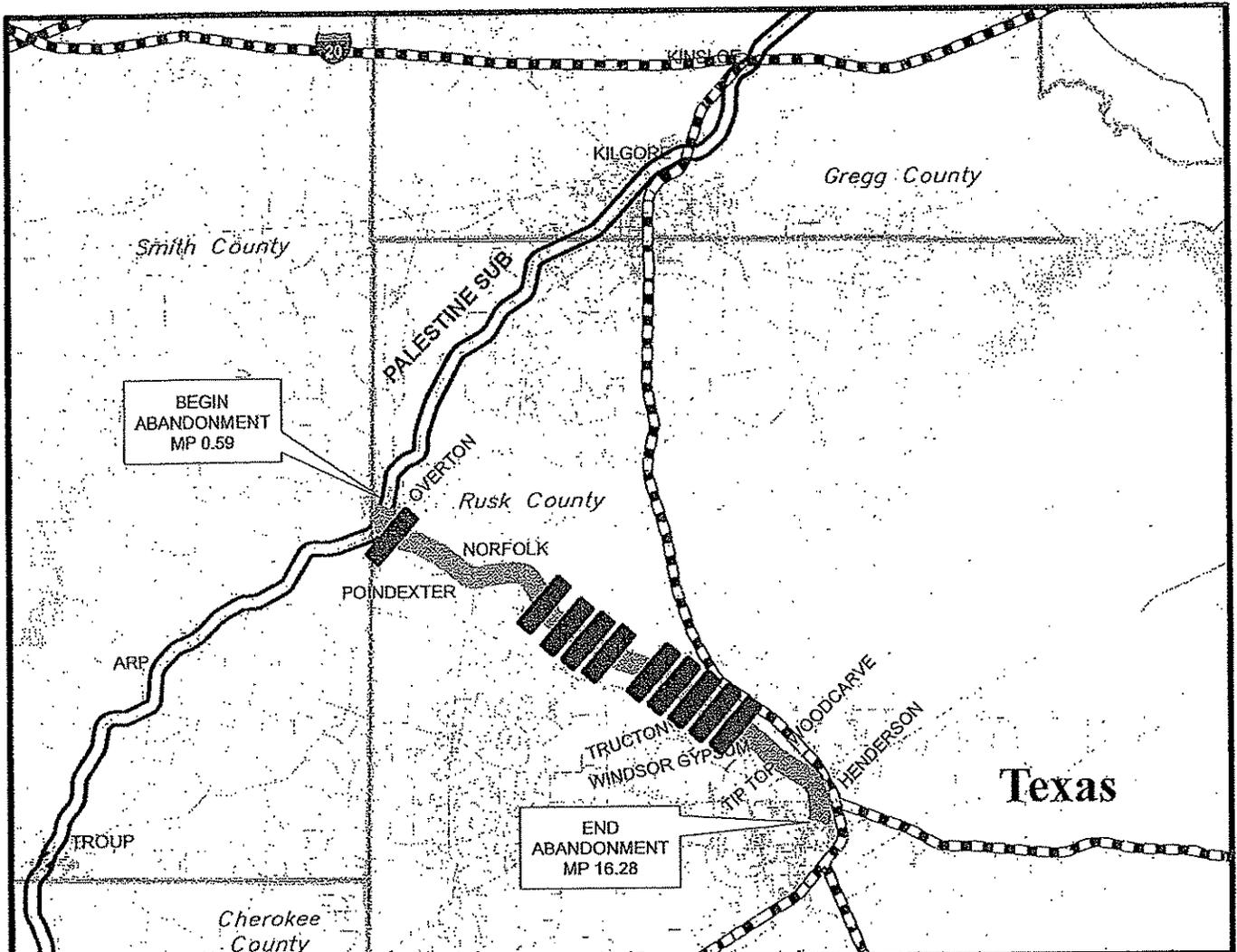
State Historic Preservation Office:

Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Carter Smith
4200 Smith School Road
Austin, TX 78744-3291


Mack H. Shumate, Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
0.85	3 - SPAN I-BEAM	61	1937
6	2 - SPAN RAIL GIRDER	22	1927
6.9	3 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	41	1929
7.2	1 - SPAN RAIL GIRDER	11	1929
7.8	3 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	41	1929
9.7	3 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	41	1929
10.2	4 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	54	1925
10.5	2 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	28	1917
10.7	4 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	52	1929
11.4	4 - SPAN THROUGH PLATE TRESTLE BALLAST DECK	54	1916

Legend

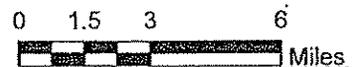
-  UPRR LINES TO BE ABANDONED
-  OTHER UPRR LINES
-  OTHER RAILROADS
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50+ YEAR OLD STRUCTURES

HENDERSON INDUSTRIAL LEAD

MP 0.59 TO MP 16.28
TOTAL OF 15.69 MILES
IN RUSK COUNTY, TEXAS

**UNION PACIFIC RAILROAD CO.
HENDERSON INDUSTRIAL LEAD
TEXAS**

INCLUDING 50+ YEAR OLD STRUCTURES



October 2, 2008

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and
Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P.O. Box 13087, m145
Austin, TX 78711-3087

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of County (Planning):

Rusk County Commissioners
115 North Main Street
County Courthouse
Henderson, TX 75652-3147

Environmental Protection Agency

(regional office):
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U.S. Army Engineer District Fort Worth
Benbrook Lake Project Office
P.O. Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg.
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Carter Smith
4200 Smith School Road
Austin, TX 78744-3291

Re: Proposed Abandonment of the Henderson Industrial Lead from M. P. 0.59 near Overton to M. P. 16.28 near Henderson, Rusk County, Texas; STB Docket No. AB-33 (Sub-No. 275)

Dear Sirs:

Union Pacific Railroad Company (UP) plans to request authority from the Surface Transportation Board (STB) to abandon the Henderson Industrial Lead from M. P. 0.59 near Overton to M. P. 16.28 near Henderson, a distance of 15.69 miles in Rusk County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

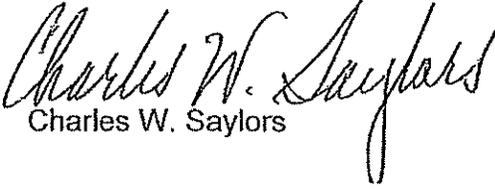
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment

United States Department of Agriculture



Natural Resources Conservation Service

101 S. Main Street
Temple, TX 76501-6624
Phone: 254-742-9856
FAX: 254-742-9859

January 13, 2009

Union Pacific Railroad
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Attention: Chuck Saylor

Subject: Farmland Protection Policy Act (FPPA)
Proposed abandonment of Henderson Industrial Lead

I have reviewed the information provided concerning the proposed abandonment of Henderson Industrial Lead as outlined in your correspondence. This review is part of the National Environmental Policy Act (NEPA) evaluation.

The land in question is land already developed. This would not be considered a conversion of farmland. The FPPA does not apply.

If you have any questions, call James Gordon at (254) 742-9856, email:
james.gordon@tx.usda.gov

A handwritten signature in cursive script that reads "James Gordon".

James Gordon
Soil Scientist
Soil Survey Section
USDA-NRCS, Temple, Texas

Enclosures

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request January 13, 2009			
Name of Project Henderson Industrial Lead Abandonment		Federal Agency Involved RR and STB			
Proposed Land Use Urban		County and State Rusk, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS October 24, 2008			
Does the site contain prime, unique, statewide or local important farmland? <i>(If no, the FPPA does not apply - do not complete additional parts of this form)</i>		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria <i>(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)</i>		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland <i>(From Part V)</i>		100			
Total Site Assessment <i>(From Part VI above or local site assessment)</i>		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:

(See instructions on reverse side)



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November 5, 2008

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Carter P. Smith
Executive Director

Charles W. Saylor
Union Pacific Railroad
1400 Douglass St, Stop 1580
Omaha, NE 68179

RE: Proposed Abandonment of Henderson Industrial Lead, Union Pacific Railroad Company STB Docket No. AB-33 (Sub No. 275), Rusk County

Dear Mr. Saylor:

The Texas Parks and Wildlife Department (TPWD) has reviewed the proposed project referenced above for potential impacts to fish and wildlife resources. The Union Pacific Railroad Company (UP) plans to abandon approximately 15.69 miles of industrial lead from a location near Overton to a location near Henderson in Rusk County. The project map indicates there are 10 span bridge crossings along the route.

The potential of converting the abandoned rail line or portions of the abandoned rail line to a recreational trail should be investigated.

If the abandoned right-of-way would be transferred to the adjacent land usage, which consists of a predominantly rural landscape, then TPWD offers the following comments and recommendations:

- Vegetation assemblages occurring within railroad rights-of-way generally provide higher quality wildlife habitat than surrounding areas due to the control of livestock grazing and exclusion of intensive agricultural practices. Retention and use of existing fencing to control livestock grazing will continue to enhance the quality of wildlife habitat by allowing the growth of woody cover and providing additional vegetation diversity.
- Riparian areas are vegetated corridors along drainages that generally provide nesting habitat for birds, soil stabilization for enhanced water quality, and food, cover, and travel corridors for wildlife. Because riparian corridors are priority habitats for conservation by TPWD across the state, TPWD recommends that property abandoned to adjacent land usage be coordinated with a protection plan that maintains a vegetated riparian buffer adjacent to wetlands, creeks, and other drainages. In ROW abandoned to farming or ranching, streamside management zones should

Charles Saylor
Page 2
November 5, 2008

be created and maintained to protect wildlife travel corridors and reduce sedimentation to waterways. Removing and preventing disturbances in buffer zones can be accomplished through fencing out livestock and abstaining from tilling and planting crops within the buffer zones. UP should encourage landowners to preserve existing native vegetation in riparian areas and limit soil disturbances near creeks.

Thank you for your consideration of this matter. If you have any questions, please contact me at (903) 675-4447.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen B. Hardin", with a long horizontal flourish extending to the right.

Karen B. Hardin
Wildlife Habitat Assessment Program
Wildlife Division

kbb/13534

October 2, 2008

State Clearinghouse (or alternate):

Tom Adams
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

James Randall
Director of Transportation, Planning and
Programming
Texas Department of Transportation
118 East Riverside Plaza
Austin, TX 78704

State Environmental Protection Agency:

Texas Natural Resource Conservation
Commission
Ken Patterson, Deputy Director
P.O. Box 13087, m145
Austin, TX 78711-3087

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Rusk County Commissioners
115 North Main Street
County Courthouse
Henderson, TX 75652-3147

**Environmental Protection Agency
(regional office):**

U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Southwest Region 2
U.S. Fish & Wildlife Service
500 Gold Avenue SW - Room 4000
Albuquerque, NM 87102

U.S. Army Corps of Engineers:

U.S. Army Engineer District Fort Worth
Benbrook Lake Project Office
P.O. Box 26619
Fort Worth, Texas 76126-0619

National Park Service:

National Park Service
Intermountain Region
12795 Alameda Pkwy
Denver, CO 80228

U.S. Natural Resources Conservation Service:

USDA, Natural Resources Conservation Service
Soil Survey Section
W R Poage Federal Bldg.
101 South Main Street
Temple, TX 76501-7682

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Texas Historical Commission
James W. Steely
History Program Division
P. O. Box 12276
Austin, TX 78711-2276

Other Agencies Consulted:

Texas Parks & Wildlife
Carter Smith
4200 Smith School Road
Austin, TX 78744-3291

Re: Proposed Abandonment of the Henderson Industrial Lead from M. P. 0.59 near Overton to M. P. 16.28 near Henderson, Rusk County, Texas; STB Docket No. AB-33 (Sub-No. 275)

Dear Sirs:

Union Pacific Railroad Company (UP) plans to request authority from the Surface Transportation Board (STB) to abandon the Henderson Industrial Lead from M. P. 0.59 near Overton to M. P. 16.28 near Henderson, a distance of 15.69 miles in Rusk County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to again request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

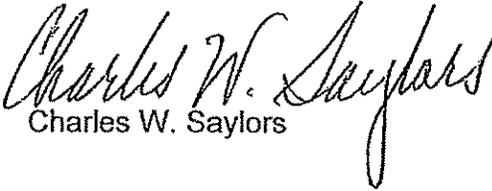
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

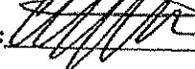
Yours truly,


Charles W. Saylor

Attachment



The National Park Service reviewed this project, and determined that no parks will be affected; therefore, we have no comments.

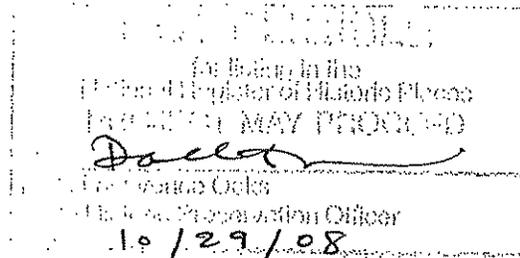
Signed:  Date: 10/9/08



Law Department

October 2, 2008

Texas Historical Commission
~~James W. Steel~~
 History Program Division
 P. O. Box 12276
 Austin, TX 78711-2276



Re: Proposed abandonment of the Henderson Industrial Lead from M. P. 0.59 near Overton to M. P. 16.28 near Henderson, Rusk County, Texas; STB Docket No. AB-33 (Sub-No. 275)

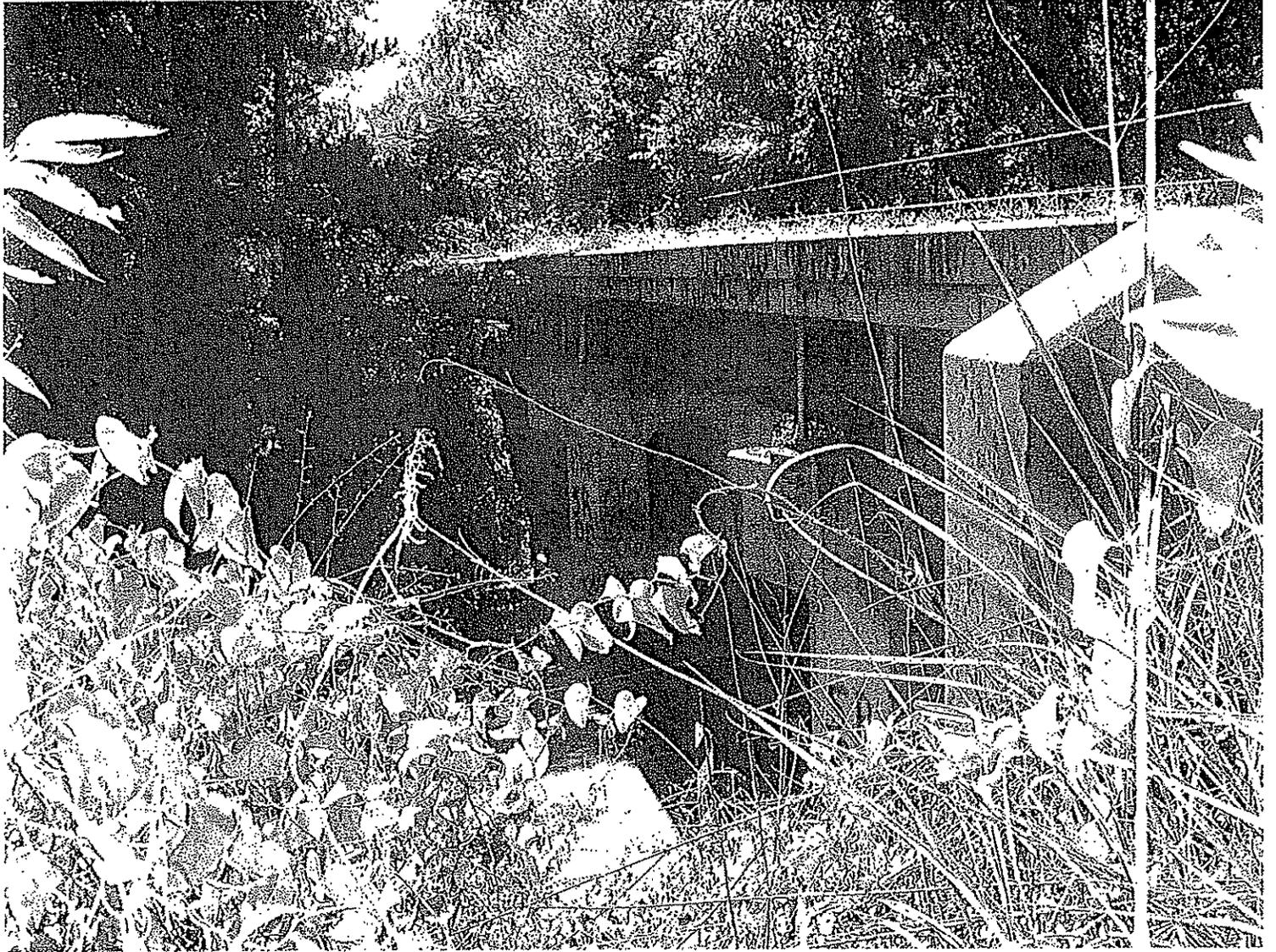
Dear Sir:

Enclosed for your review are twenty photographs of the bridges located on the Henderson Industrial Lead which are over 50 years old. The bridges are described as follows:

<u>Milepost</u>	<u>Description</u>	<u>Length</u>	<u>Year Constructed</u>
0.85	3 Span I-Beam	61'	1937
6.0	2 Span Rail Girder	22'	1927
6.9	3 Span Through Plate Trestle Ballast Deck (TPTBD)	41'	1929
7.2	1 Span Rail Girder	11'	1929
7.8	3 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	41'	1929
9.7	3 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	41'	1929
10.2	4 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	54'	1925
10.5	2 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	28'	1917
10.7	4 Span Rail Timber Pile Trestle Ballast Deck (TPTBD)	52'	1929



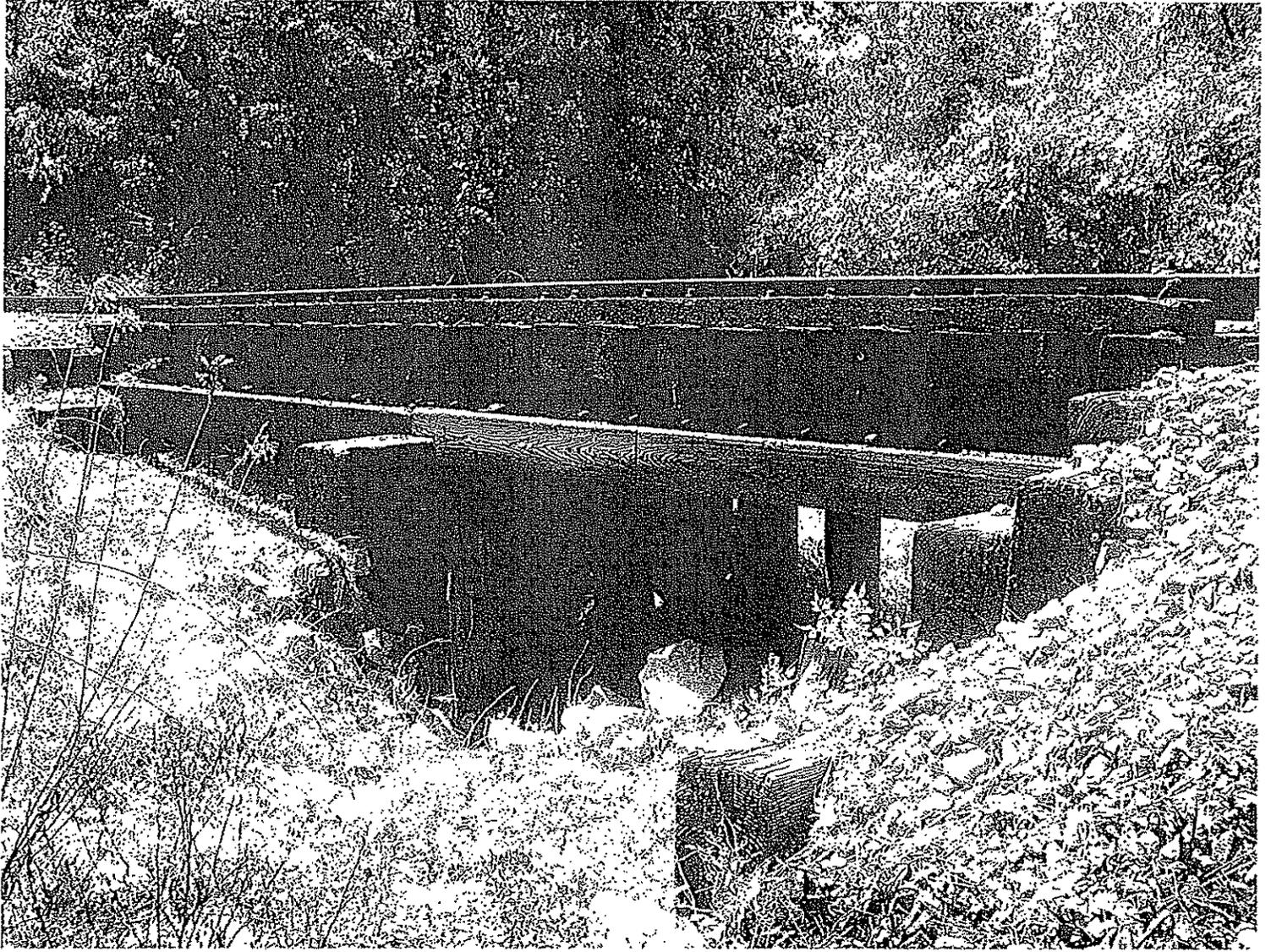
MP 0.85



MP 0.85



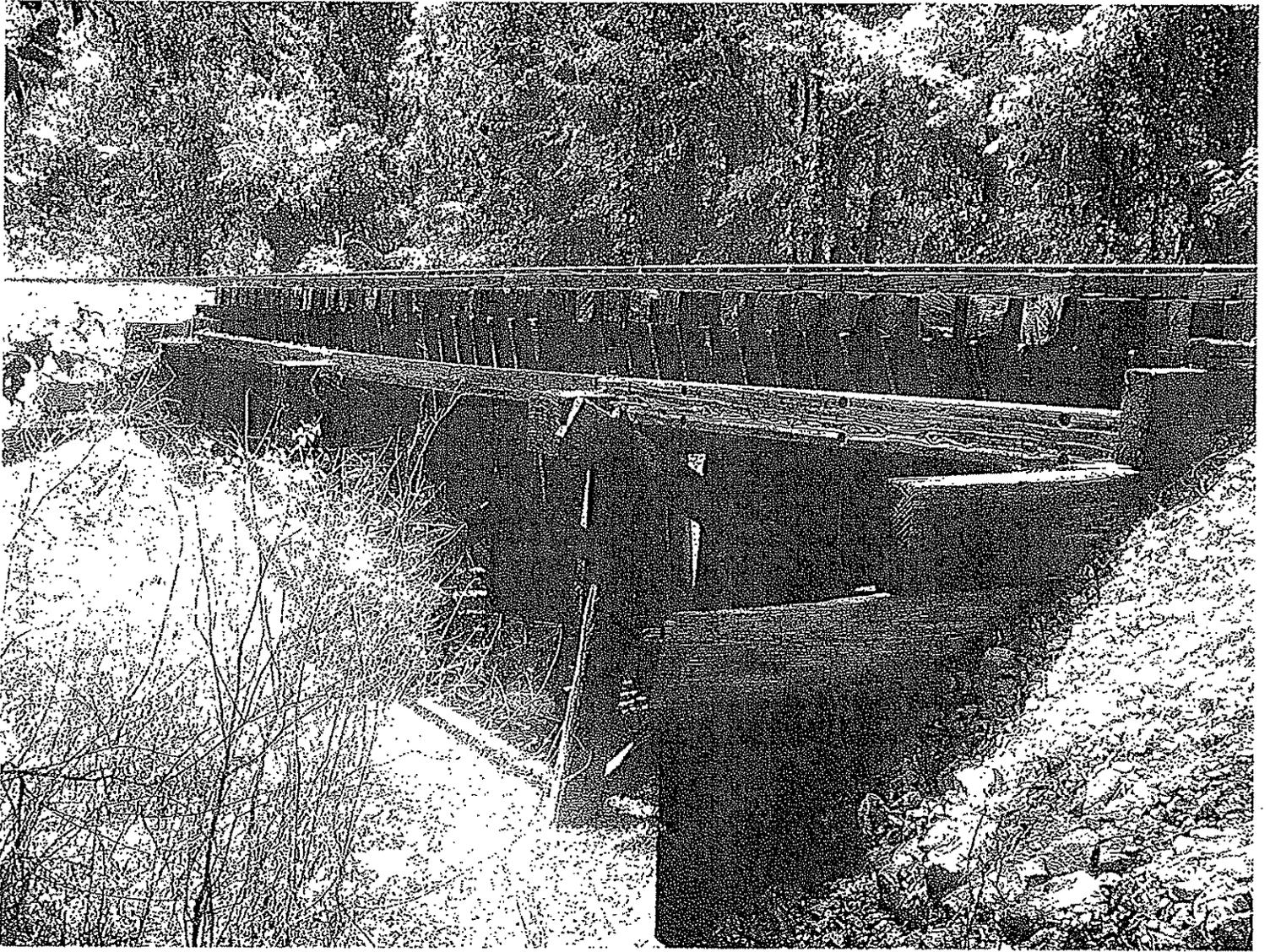
MP 6.0



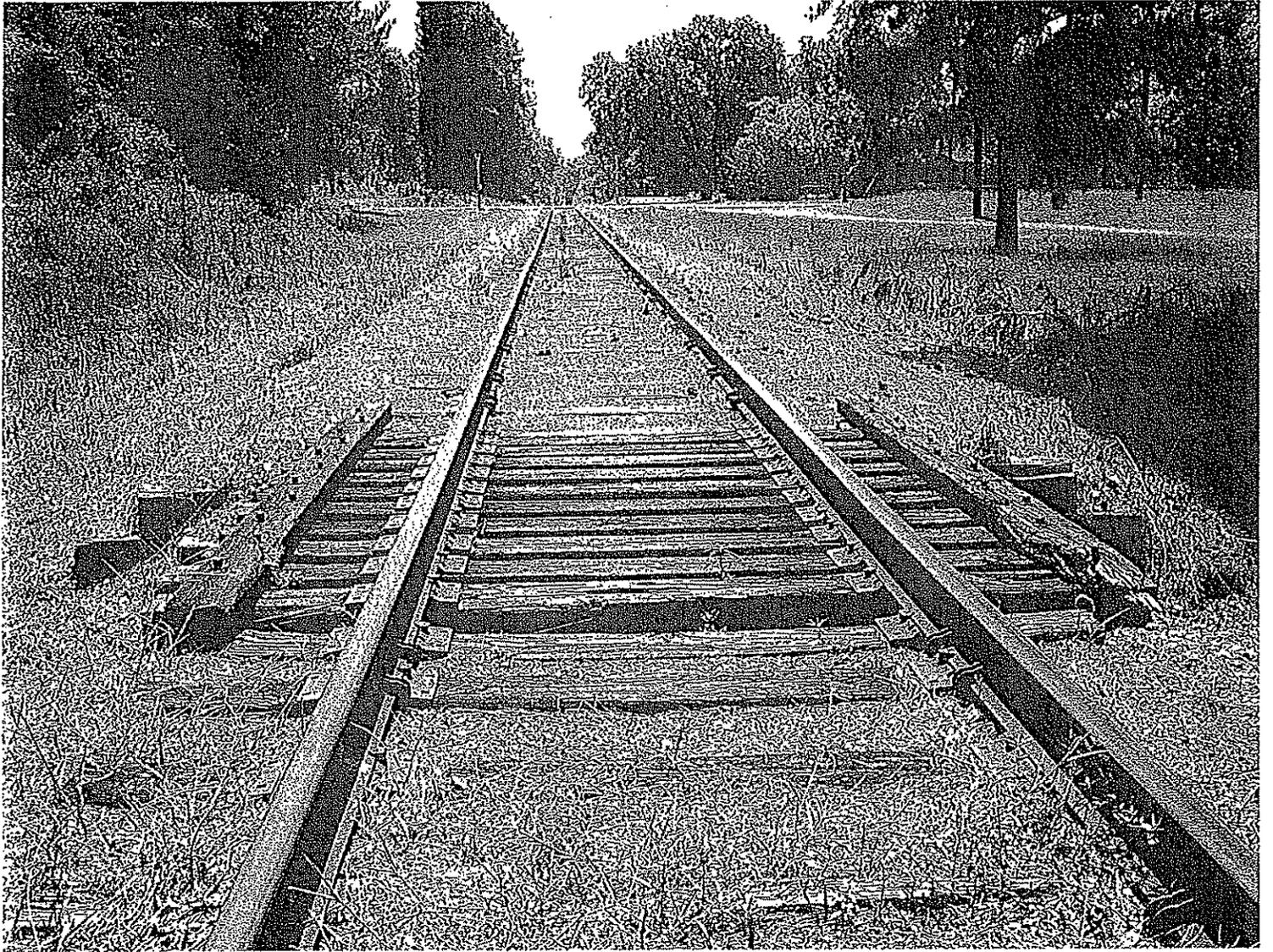
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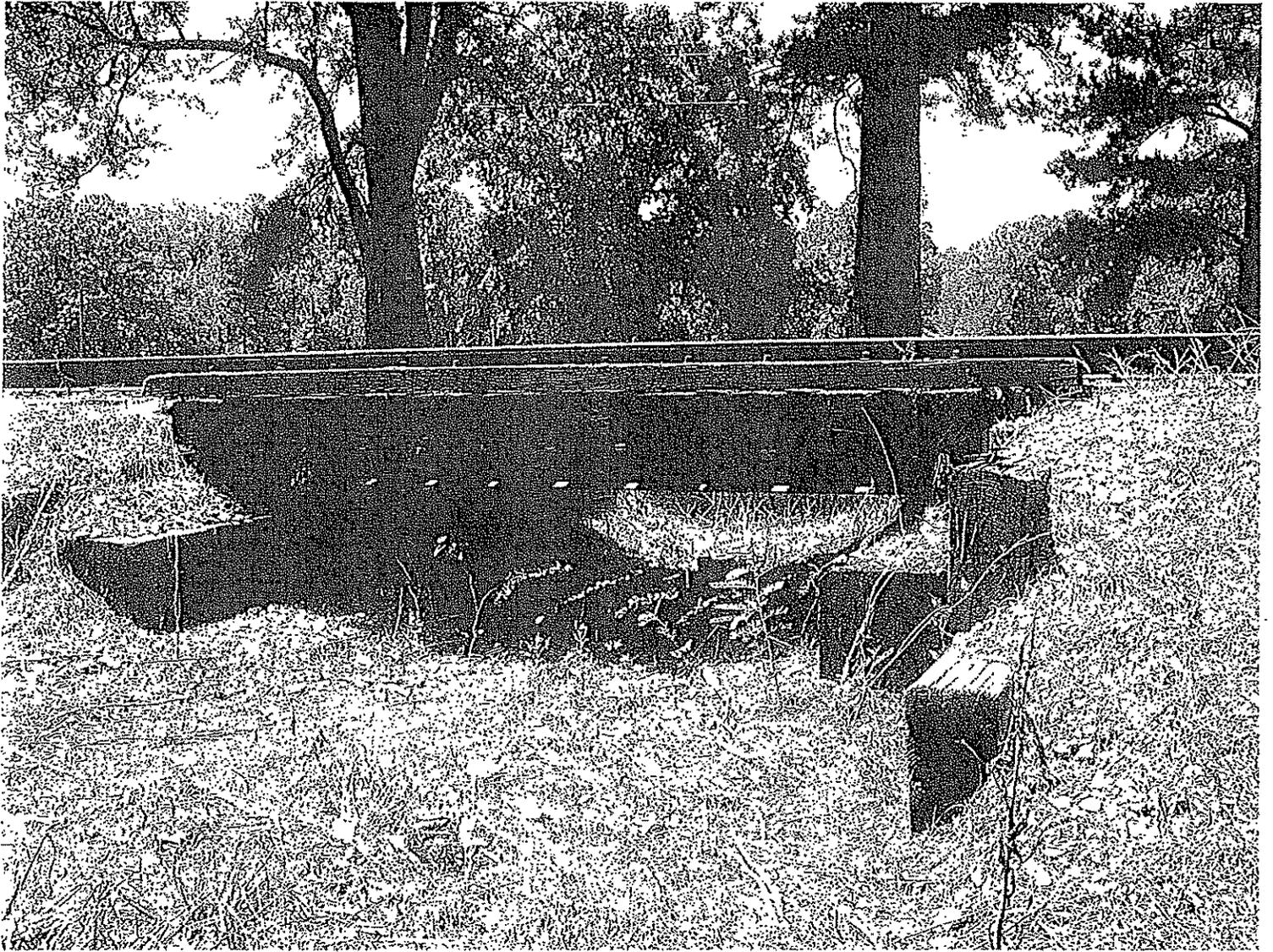
MP 6.9



HP 6.9



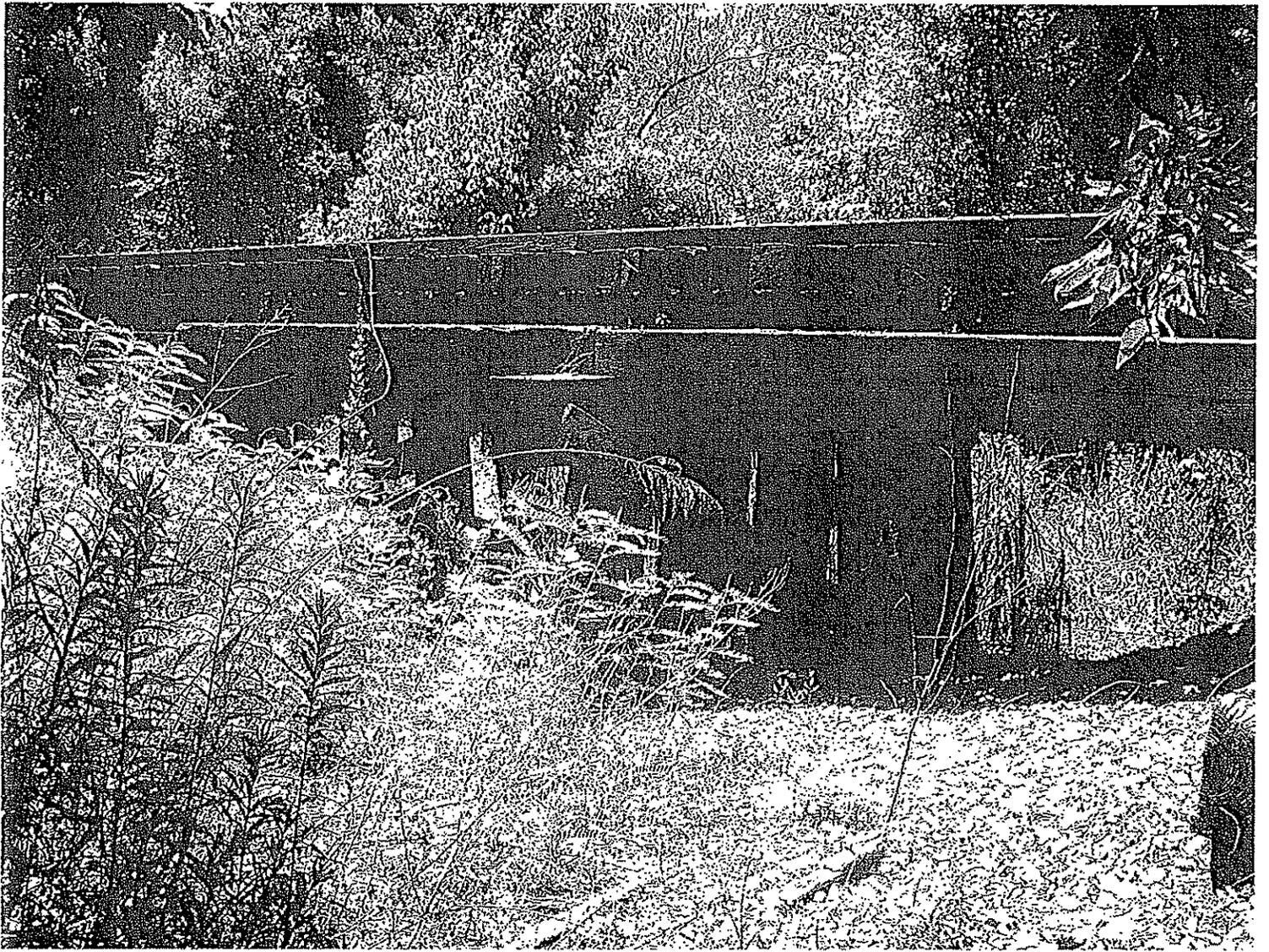
MP 7.2



MP 7.2



MP 7.8



MP 7.8



MP 9.7



MP 9.7



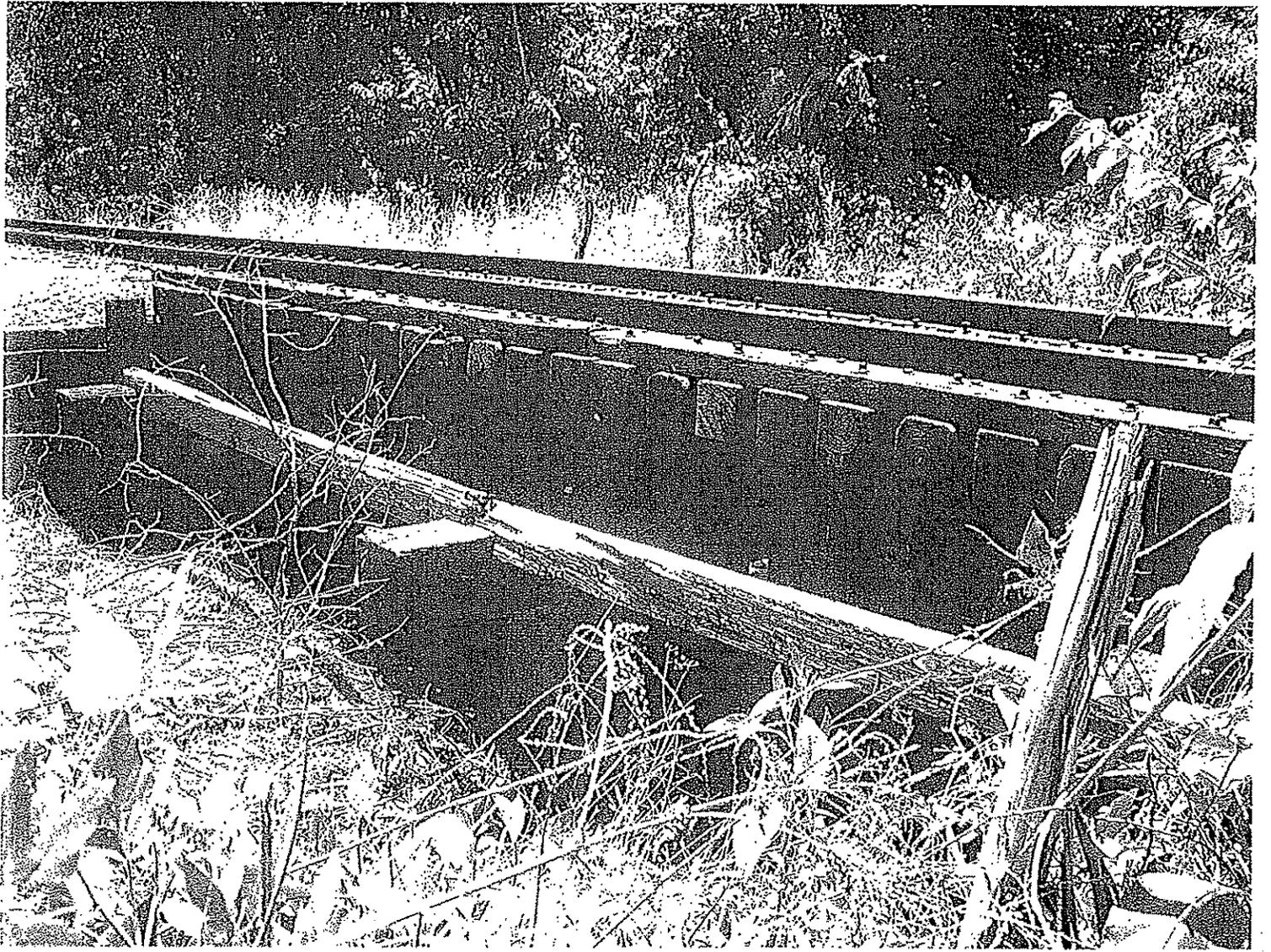
MP 10.2



HP 10.2



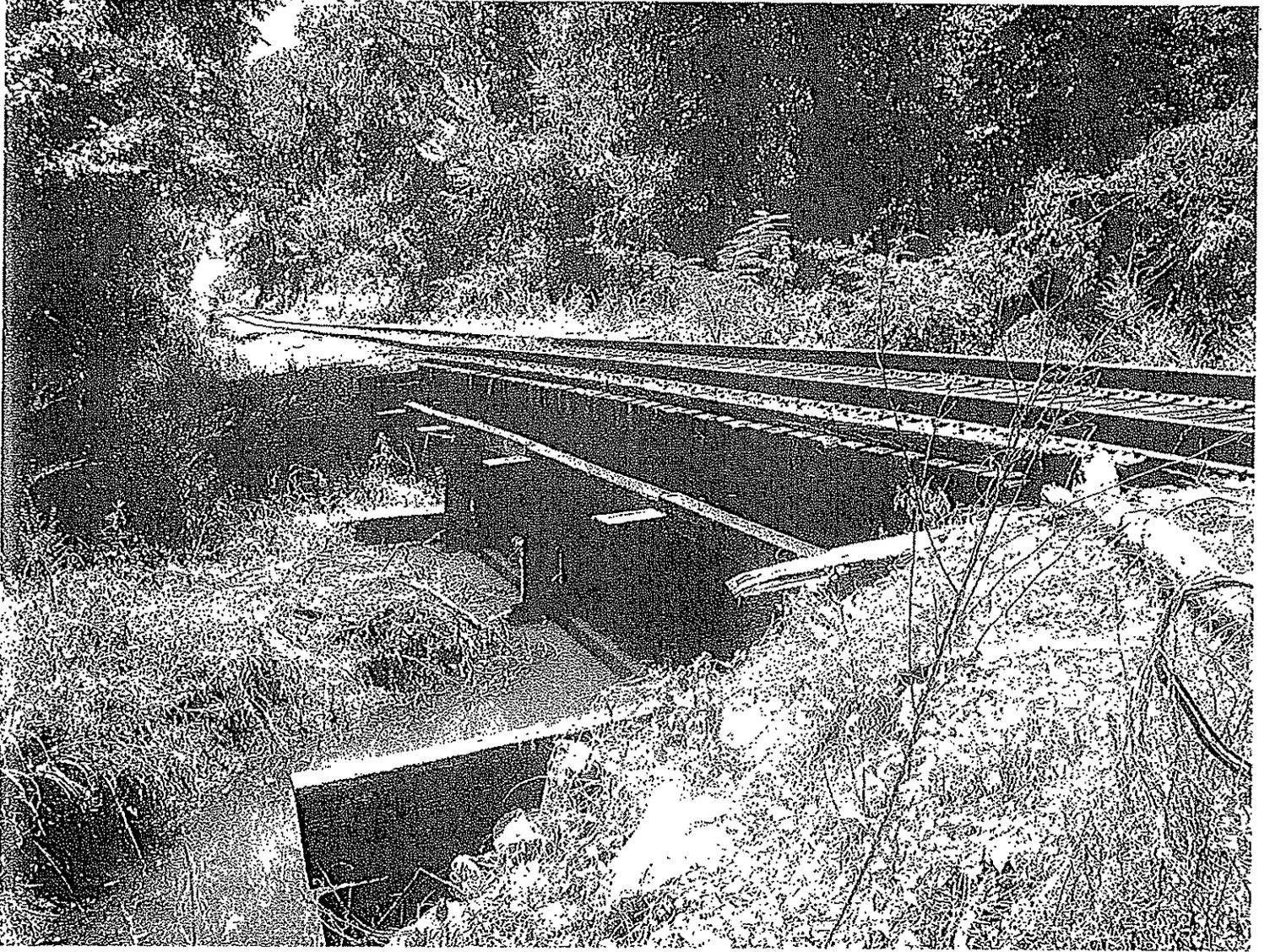
MP 10.5



MP 10.5



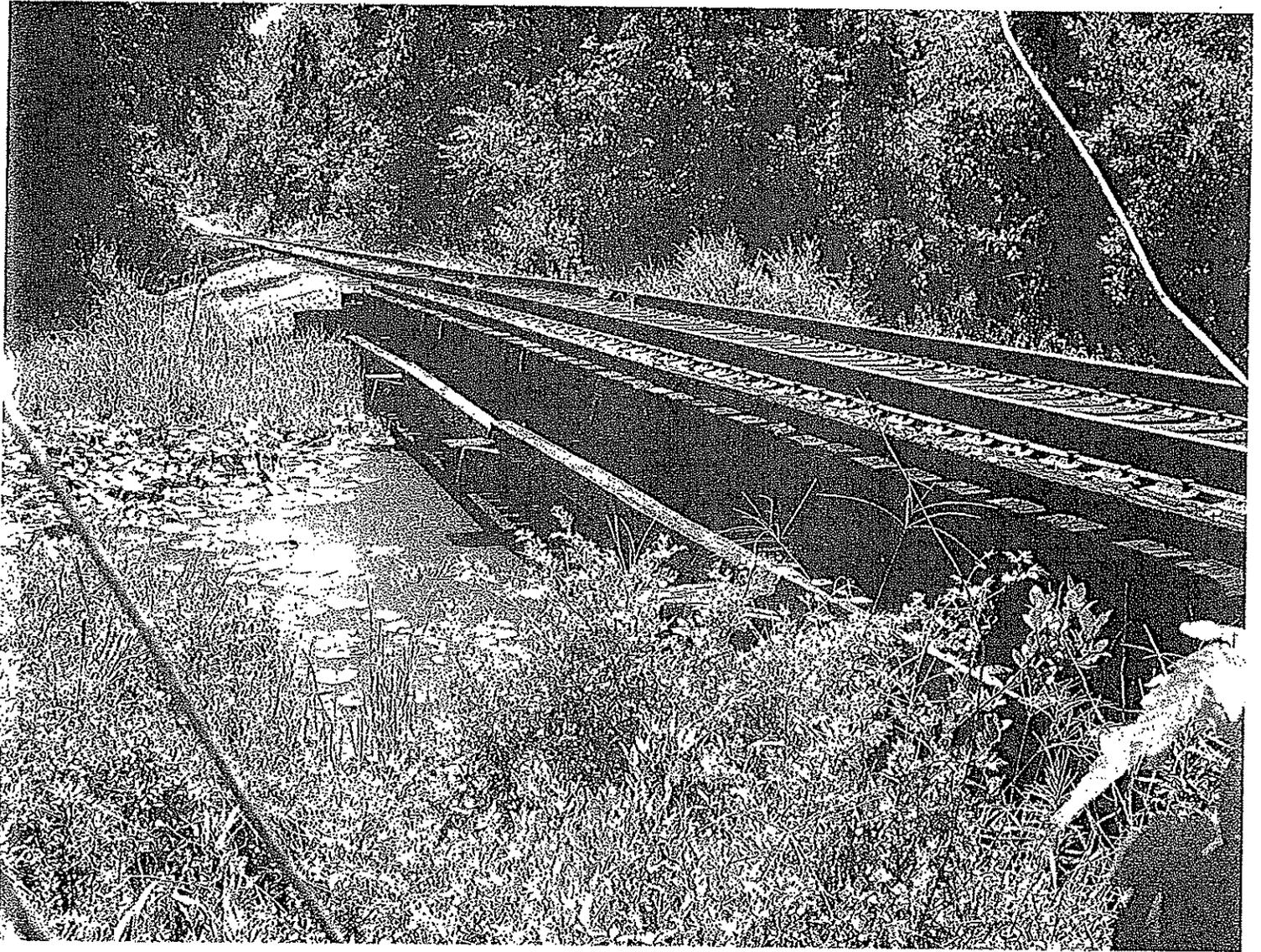
MP 10.7



MP 10.7



MP 11.4



MP 11.4