

February 24, 2006

215865

VIA U.P.S. OVERNIGHT
Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

Re: Proposed Abandonment of the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas; STB Docket No. AB-33 (Sub-No. 223X)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a 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 a Petition for Exemption in this matter on or after March 20, 2006.

Sincerely,

ENTERED
Office of Proceedings

FEB 27 2006

Part of
Public Record

Enclosures

O:\ABANDONMENTS\33-223X\STB-EHR.doc

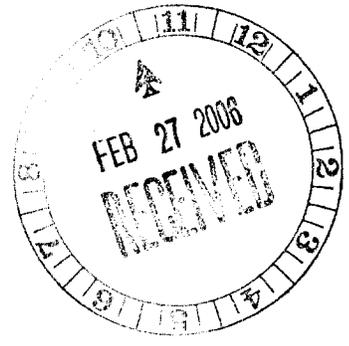
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

bcc: w/ Enclosures

Ray Allamong, Mailstop 1350
Lynda Prucha, Mailstop 1580
Joe Bateman, Mailstop 1560

215865



BEFORE THE
SURFACE TRANSPORTATION BOARD

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

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SMITH COUNTY, TEXAS
(TYLER INDUSTRIAL LEAD)

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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: February 24, 2006
Filed: February 27, 2006

BEFORE THE
SURFACE TRANSPORTATION BOARD



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

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN SMITH COUNTY, TEXAS
(TYLER 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 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Tyler Industrial Lead from M. P. 0.25 near Troup to M. P. 7.5 near Whitehouse, a distance of 7.25 miles in Smith County, Texas (the "Line").

The Line traverses U. S. Postal Service Zip Codes 75789 and 75791. A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after March 20, 2006.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**, and is attached hereto and hereby made a part hereof. Responses received to UP's letters to date are attached and sequentially numbered as indicated below.

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 of the Tyler Industrial Lead from M. P. 0.25 near Troup to M. P. 7.50 near Whitehouse, a total distance of 7.25 miles in Smith County, Texas (the "Line").

The Line was constructed in 1872 by the Houston & Great Northern Railroad. It is currently constructed with 115-pound and 112-pound welded rail laid down in 1969.

After abandonment, rail service would be available from UP at the ends of the proposed abandonment at Whitehouse and Troup. The Line is paralleled by Texas Route 110, which connects with U. S. Route 69, a north-south route, in Tyler approximately nine miles northwest; and with Texas Route 135 at Troup.

There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years, and no customer complaints regarding cessation of service have been filed, are pending, or have been ruled upon in favor of a complainant in the past two years. Use of the Line in the last two years has been limited to the placement and removal of stored rail cars. The Line lost its function as an overhead route to Tyler at the time of the UP-SP merger when the SP line reaching that station supplanted the Line. There is no overhead traffic over the Line. Based on

information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way.

A map of the Line is attached hereto 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: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes.

(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 effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 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 is unaware of any adverse effects on local and existing land use plans. The Smith County Supervisors' Office has been contacted. To date UP has received no response.

(ii) The Natural Resource Conservation Service has been contacted. To date UP has received no response.

(iii) Not Applicable.

(iv) The property proposed for abandonment is not suitable for public purposes such as roads, highways, or other forms of mass transportation, conservation, energy production or transmission, or recreation. The Line could be a possible candidate for a trail under the Rails-to-Trails statute; however, at this time, UP has not received any inquiries regarding a trail. If the property were not used as a trail, then the highest and best use of the right-of-way would be that of adjacent land usage.

(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) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (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 §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (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: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action. The Texas Commission on Environmental Quality has reviewed the proposed abandonment and determined that the proposed action is located in Smith County, which is unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity does not apply. The Environmental Quality Commission's response is attached as **Attachment No. 3**, and is hereby made part hereof.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(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: Not applicable.

(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: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(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 U. S. Fish and Wildlife Service has been contacted.

To date UP has received no response.

(ii) The National Park Service has been contacted. To date UP has received no response.

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

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

(iii) It is not anticipated that there will be any requirements for Section 402 permits.

(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: The right-of-way considered for abandonment totals 148.50 acres, with 129.50 acres being non-reversionary and 19 being reversionary. The largest piece of reversionary property is located between Mileposts 6.50 – 7.50, which consists of approximately 17 acres. This property was acquired through the court by judgment. The acquisition documents are over 100 years old. The average width of the right-of-way is 150 – 200 feet for the non-reversionary, and 100 feet for the reversionary. The right-of-way is at grade level running Northeast and is heavily wooded crossing the Mud, Kickapoo and various other small creeks along the way. The surrounding country has very rural characteristics, being mostly farm and ranch land with gently rolling hills and many trees. A large portion the land is used to graze livestock. As the rail line nears the town of Whitehouse, the surrounding country becomes more urban in nature.

(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: All structures over fifty (50) years in age affected by the proposed abandonment were included when this line was proposed for abandonment in conjunction with the UP-SP merger in 1996 (reference AB-3 (Sub-No. 134X). The State Historic Preservation Officer was supplied with photos of the bridge structure that were fifty (50) years old or older at that time. In response, the State Historic Preservation Officer by letter dated August 9, 2004, determined that no historic properties were affected by the proposed abandonment and that the project could proceed (see Attachment No. 4).

(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: Not applicable.

(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 UP's response to question (1) in the environmental Report for a brief history and description. The Line has been out of service for over two years.

(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: UP is not aware of any such drawings.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the

National Register of Historic Places (36 C.F.R. § 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: At this time, UP knows of no historic sites or structures or archeological resources in the project area. The Texas Historical Commission has been contacted and the State Historical Preservation Officer stated no historic properties are affected and that the project may proceed. The Texas State Historic Preservation Officer's response is attached at **Attachment No. 4**, and is hereby made part hereof.

(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 nonrailroad owned properties or groups 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 24th day of February, 2006.

Respectfully submitted,



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

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 223X), the Tyler Industrial Lead in Smith County, Texas was served by first class mail on the 24th day of February, 2006 on the following:

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

State Coastal Zone Management Agency

(if applicable):
Not applicable.

Head of County (Planning):

Smith County Commissioners
100 North Broadway
County Courthouse
Tyler, TX 75702

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

National Park Service:

National Park Service
12795 Alameda Parkway
Denver, CO 80228

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

National Geodetic Survey:

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

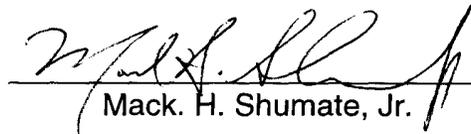
State Historic Preservation Office:

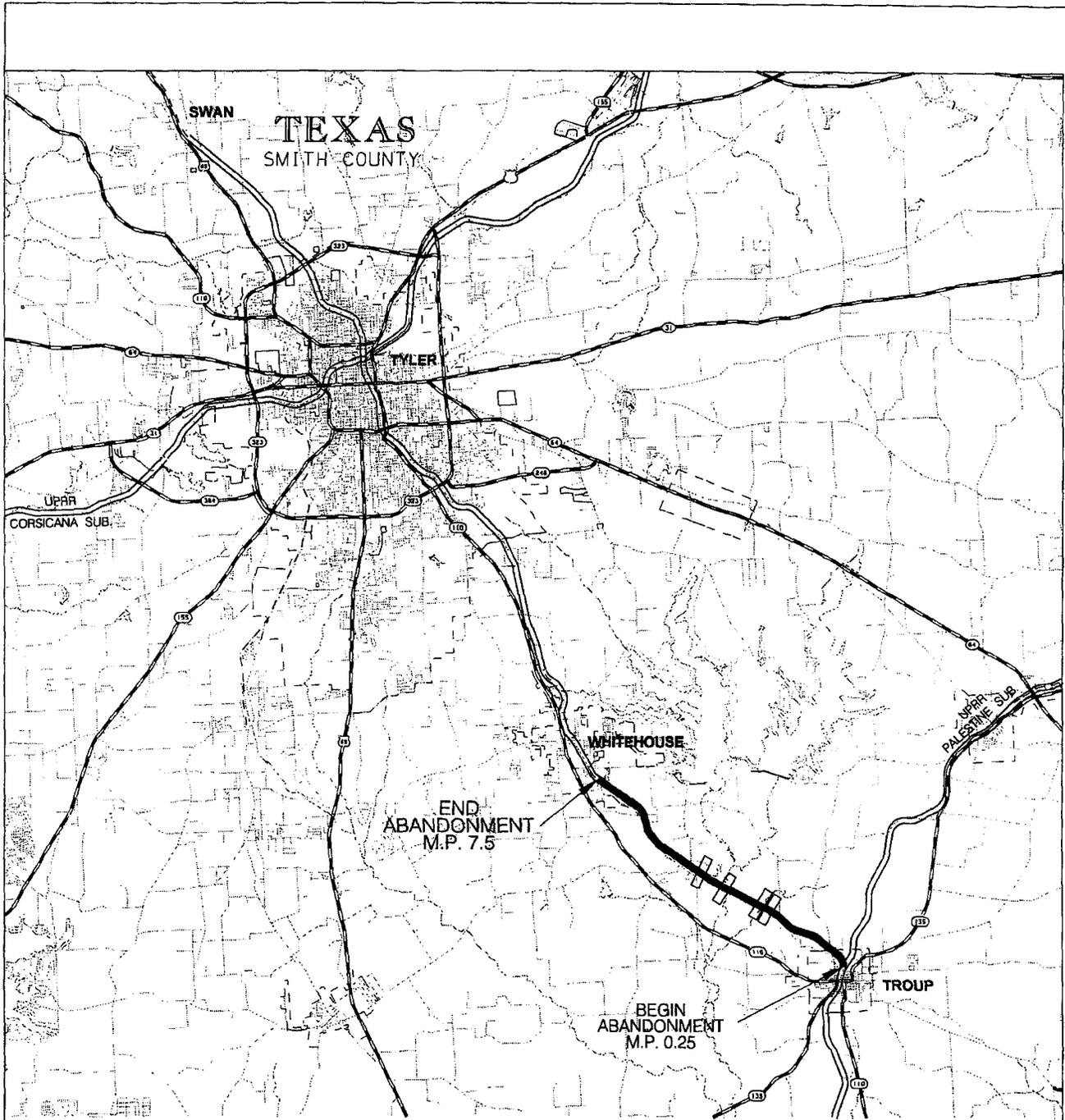
Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Dated this 24th day of February, 2006.


Mack. H. Shumate, Jr.



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
2.6	22 SPAN TPTOD	302'	1938
2.7	6 SPAN TPTOD	56'	1915
3.6	60 SPAN TPTOD	828'	1940
4.3	10 SPAN TPTOD	138'	1944

LEGEND

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

DATE: 22-Jun-04 07:18

TYLER INDUSTRIAL LEAD

MP 0.25 TO MP 7.50
TOTAL OF 7.25 MILES
IN SMITH COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.

TYLER INDUSTRIAL LEAD

TROUP, TEXAS TO WHITEHOUSE, TEXAS
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0346_tyler.dgn



July 27, 2004

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

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

Not applicable.

Head of County (Planning):

Smith County Commissioners
100 North Broadway
County Courthouse
Tyler, TX 75702

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

U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

National Geodetic Survey:

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

State Historic Preservation Office:

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Re: Proposed Abandonment of the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas; STB Docket No. AB-33 (Sub-No. 223X)

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 3.3 miles in Smith 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.

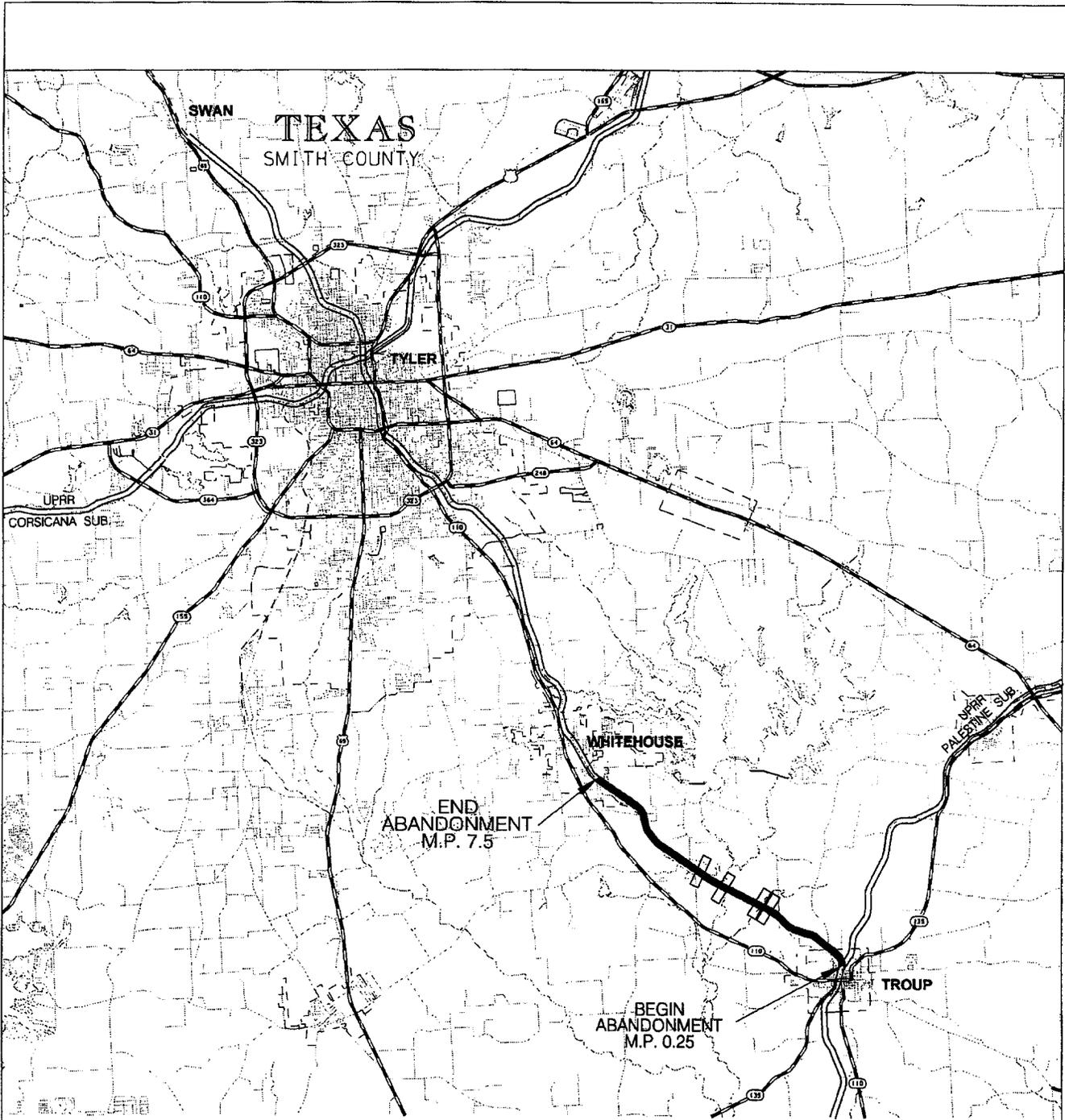
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials 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



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
2.6	22 SPAN TPTOD	302'	1938
2.7	5 SPAN TPTOD	56'	1915
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-  PRINCIPAL HIGHWAYS
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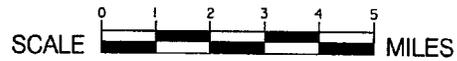
DATE: 22-Jun-04 07:18

TYLER INDUSTRIAL LEAD

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IN SMITH COUNTY, TEXAS

UNION PACIFIC RAILROAD CO.

TYLER INDUSTRIAL LEAD
TROUP, TEXAS TO WHITEHOUSE, TEXAS
INCLUDING 50+YEAR OLD STRUCTURES



FILE: q:\abandonments\ab0346_tyler.dgn

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 1, 2004

Mr. Charles Saylor
Union Pacific Railroad
1400 Douglas Street, Mail Stop 1580
Omaha, Nebraska 68179-1580

Re: TCEQ GEARS #6181-Proposed Abandonment of the Tyler Industrial Lead in Smith County, Texas;
STB Docket No. AB-33 (Sub-No. 223X)

Dear Mr. Saylor:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed action is located in Smith County, which is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity does not apply.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

Significant long-term environmental impacts from this project are not anticipated as long as construction and waste disposal activities are completed in accordance with applicable local, state, and federal statutes and regulations. We recommend that the applicants take necessary steps to insure that best management practices are utilized to control runoff from construction sites to prevent detrimental impact to both surface and groundwater.

Thank you for the opportunity to review this project. If you have any questions, please call Mr. Daniel Burke, Policy and Regulations Division, at (512) 239-1543.

Sincerely,

A handwritten signature in cursive script that reads "Jim Muse".

Jim Muse, Director
Policy and Regulations Division

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED



RECEIVED

AUG 02 2004

By [Signature]
for F. Lawrence Oaks
State Historic Preservation Officer
Date 8/9/04

July 27, 2004

TEXAS HISTORICAL COMMISSION

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553-1229

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
800 North Capitol Street, NE., Room 540
Washington, D.C. 20002

State Coastal Zone Management Agency

(if applicable):
Not applicable.

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

Head of County (Planning):

Smith County Commissioners
100 North Broadway
County Courthouse
Tyler, TX 75702

National Geodetic Survey:

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

Environmental Protection Agency

(regional office):
U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

State Historic Preservation Office:

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Re: Proposed Abandonment of the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 7.25 miles in Smith County, Texas; STB Docket No. AB-33 (Sub-No. 223X)

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

RECEIVED

AUG 01 2004

Dear Sirs:

TEXAS HISTORICAL COMMISSION

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Tyler Industrial Lead from Milepost 0.25 near Troup to Milepost 7.50 near Whitehouse, a distance of 3.3 miles in Smith 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