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ENTERED
Office of Proceedings
May 24, 2021
Part of
Public Record

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May 24, 2021

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. AB-3 (Sub-No. 137X)**
Missouri Pacific Railroad Company -- Abandonment
Exemption – In Red River and Bowie Counties, Tex.

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Petition of Bowie County, Texas for Clarification or, In the Alternative, Modification of Notice of Interim Trail Use**, dated May 24, 2021. The fee for this filing is waived pursuant to 49 C.F.R. § 1002.2(e)(1).

Please note that a decision on the attached Petition is requested by July 30, 2021.

Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter. Kind regards.

Respectfully submitted,

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler
Attorney for Bowie County, Texas

TJL:tl

Attachment

cc: Parties on Certificate of Service

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-3 (SUB-NO. 137X)

MISSOURI PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN RED RIVER AND BOWIE COUNTIES, TEX.

**PETITION OF BOWIE COUNTY, TEXAS
FOR CLARIFICATION OR, IN THE ALTERNATIVE,
MODIFICATION OF NOTICE OF INTERIM TRAIL USE**

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
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(312) 252-1500

**ATTORNEY FOR
BOWIE COUNTY, TEXAS**

Dated: May 24, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-3 (SUB-NO. 137X)

MISSOURI PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN RED RIVER AND BOWIE COUNTIES, TEX.

**PETITION OF BOWIE COUNTY, TEXAS
FOR CLARIFICATION OR, IN THE ALTERNATIVE,
MODIFICATION OF NOTICE OF INTERIM TRAIL USE**

Bowie County, Texas (the “County”) hereby seeks clarification that approximately eight miles of railroad right-of-way subject to the Notice of Interim Trail Use (“NITU”) in this proceeding may be narrowed from a width of 100 feet to 50 feet in connection with a project by the Texas Department of Transportation (“TxDOT”) to widen an immediately adjacent segment of U.S. Highway 82. As is demonstrated further below and in the attached Verified Statement of Justin W. Seal, PE (“Seal V.S.”), the proposed remaining 50-foot wide right-of-way that would continue to be subject to the NITU is sufficient to permit the future reestablishment of rail service.

This matter is a companion to *Missouri Pacific Railroad Company – Abandonment Exemption – In Red River and Bowie Counties, Tex.*, Docket No. AB-3 (Sub-No. 137X) (STB served Oct. 6, 2011) (“*Bowie County NITU Clarification I*”), in which the Board made similar findings with respect to a contiguous 9.3-mile segment of right-of-way under the same NITU in connection with a prior phase of the U.S. Highway 82 widening project. As in that case, the County, in close cooperation with TxDOT, has here satisfied the Board’s criteria for demonstrating that a narrowed rail-banked right-of-way would be adequate to accommodate future rail service. The County thus requests that the Board further clarify the NITU in this

docket, or grant such other appropriate relief, in order to allow the important U.S. Highway 82 improvement project to proceed. To accommodate TxDOT's current design timeline for project, the County asks the Board issue a decision in this matter by July 30, 2021.

BACKGROUND

By decision served and published in the *Federal Register* on December 18, 1996, 61 FR 66748, Missouri Pacific Railroad Company ("MP")¹ was granted an exemption for the abandonment of approximately 38.5 miles of rail line extending from milepost 23.0 at New Boston to the end of track at milepost 61.5 near Clarksville in Bowie and Red River Counties, Texas. Pursuant to a decision and notice of interim trail use served on February 14, 1997, the Rails-to-Trails Conservancy ("RTC") acquired the entire right-of-way under the provisions of the National Trails System Act, 16 U.S.C. § 1247(d) (the "Trails Act") and 49 C.F.R. § 1152.29.

Pursuant to a subsequent decision and notice of interim trail use or abandonment served July 1, 2005,² the County was substituted for RTC as the trail sponsor and interim trail user with respect to the 19.59-mile portion of the railbanked right-of-way within Bowie County, extending from milepost 23.0 to milepost 42.59 at the Bowie County/Red River County border. RTC remained the interim trail sponsor with respect to the remainder of the right-of-way in Red River County.³

¹ MP was subsequently merged on January 1, 1997 into its corporate affiliate Union Pacific Railroad Company ("UP"). *Union Pacific Railroad Company – Corporate Family Exemption – Missouri Pacific Railroad Company*, Docket No. FD 33320 (STB served Jan. 15, 1997); see *Union Pacific – Control – Missouri Pacific; Western Pacific*, 366 I.C.C. 462 (1982), *aff'd sub nom. Southern Pac. Transp. Co. v. ICC*, 736 F.2d 708 (D.C. Cir. 1984), *cert. denied*, 469 U.S. 1208 (1985). References herein to UP are intended to include its predecessor MP where appropriate.

² This is the NITU which is the subject of this Petition.

³ By decision and notice of interim trail use and abandonment served April 18, 2007, three municipalities were substituted for RTC as the interim trail sponsors on the right-of-way in Red River County. The April 18, 2007 NITU is not at issue here.

The railbanked right-of-way owned by Bowie County is generally 100 feet wide, and is being developed as part of the Northeast Texas Trail. It is paralleled for most of its length, from New Boston northwest through De Kalb to the Red River County line, by U.S. Highway 82, which lies immediately north of the railbanked line.

TxDOT has been engaged in ongoing projects to widen, reconstruct and improve U.S. Highway 82 through Bowie County. To avoid impacts to residential and other property owners on the north side of U.S. Highway 82 that would result from widening the roadway in that direction, TxDOT has instead sought to acquire and utilize the northern 50 feet of the County's railbanked right-of-way to accommodate the highway improvements. As a part of an earlier phase of the U.S. Highway 82 reconstruction between New Boston and De Kalb, the County filed a series of petitions with the Board in this proceeding, dated April 10, 2007, July 14, 2010 and July 27, 2011, seeking to vacate the NITU and terminate interim trail use with respect to the northern 50 feet of the railbanked right-of-way between milepost 25.139 and milepost 34.429 to allow that portion of the corridor to be conveyed to TxDOT. In *Bowie County NITU Clarification I*, the Board determined, based on the evidence submitted by the County, that the remaining 50-foot railbanked right-of-way that the County would retain would be adequate to permit future rail operations in accordance with the requirements of the Trails Act. While the Board found that it was not necessary to vacate or modify the NITU, it clarified that "the 50 feet of the right-of-way transferred to TxDOT to widen US Highway 82 is no longer part of the NITU" *Bowie County NITU Clarification I* at 3.

TxDOT is now proceeding with the planning for the widening and reconstruction of U.S. Highway 82 from outside of De Kalb to the Red River County line. As with the earlier phase, the environmentally preferable alternative for the project involves use of the northern 50

feet of the County’s immediately adjacent railbanked right-of-way. The County and TxDOT have reached agreement for the conveyance of that portion of the right-of-way to TxDOT, and for the relocation of the existing trail approximately 25 feet to the south (*i.e.*, from the middle of the existing 100-foot railbanked right-of-way to the middle of the proposed 50-foot railbanked right-of-way). The County is filing this Petition with the Board to remove from railbanked status under the NITU the 50-foot strip of land to be conveyed to TxDOT – specifically extending from milepost 34.429 in De Kalb⁴ to milepost 42.59 at the Bowie County/Red River County border, a distance of approximately 8.16 miles.

In connection with the proposed project, TxDOT retained the engineering firm of Johnson, Mirmiran & Thompson, Inc. (“JMT”) to analyze whether the narrowed 50-foot railbanked right-of-way that the County will retain under its NITU would be adequate for the potential future reinstitution of rail service. As is explained in depth in the verified statement and Engineering Analysis Report of Justin W. Seal, PE, a JMT Project Manager, attached hereto as Exhibit A, JMT performed a field evaluation of the right-of-way and conducted an independent analysis in accordance with the rail design standards of the Manual for Railway Engineering of the American Railway Engineering and Maintenance-of-Way Association (“AREMA”) and UP’s own Track Engineering Standards. Mr. Seal considered horizontal and vertical alignments and structure condition, and developed typical roadbed cross-sections every 100 feet along the corridor. Mr. Seal concludes that “rail service [in the narrowed 50-foot railbanked corridor] could be reestablished for a rail facility meeting commonly used design criteria without the use of exotic or unusual construction techniques” Seal V.S., Attachment 1, Engineering Analysis Report at 5.

⁴ This is the end point of the right-of-way segment addressed by the Board’s previous decision in *Bowie County NITU Clarification I*.

The County has provided Mr. Seal's statement, the Engineering Analysis Report and this Petition to UP, which concurs that a line of railroad and freight railroad operations could be reestablished on the remaining 50-foot railbanked right-of-way owned by the County and subject to the NITU after the proposed conveyance of the northern 50-foot strip of the corridor to TxDOT for the pending U.S. Highway 82 improvement project. See correspondence dated May 24, 2021 from Jeremy M. Berman, UP Senior General Attorney, attached hereto as Exhibit B.

DISCUSSION

The Board and its predecessor, the Interstate Commerce Commission, have long recognized that nothing in the Trails Act or the agency's regulations "precludes a right-of-way from being used for mixed highway (or light rail) and recreational use." *CSX Transportation, Inc. – Abandonment Exemption – In Monroe and Owen Counties, IN*, Docket No. AB-55 (Sub-No. 514X) (STB served Sep. 30, 1997), slip op. at 2, n.5 (citing *The Baltimore and Ohio Railroad Company, et al. – Abandonment and Discontinuance of Service – In Montgomery County, MD and the District of Columbia*, Docket No. AB-19 (Sub-No. 112) (ICC served Mar. 2, 1990)). Where a trail use sponsor proposes to narrow the right-of-way held under the Trails Act and a certificate or notice of interim trail use, the sponsor must "demonstrate that, in [the] particular case, the remaining width of the rail-banked right-of-way would be sufficient to permit the reestablishment of rail service." *Union Pacific Railroad Company – Abandonment – In Harris, Fort Bend, Austin, Wharton, and Colorado Counties, Tex.*, Docket No. AB-33 (Sub-No. 156), *et al.*, (STB served Sep. 19, 2014), slip op. at 2.

In *Bowie County NITU Clarification I*, relying on professional engineering evidence comparable to that included with this Petition, the Board found that the County had "demonstrated with adequate specificity that the remaining 50-foot wide right-of-way would be

adequate to permit future rail operations.” *Id.* at 2. The County requests that the Board make a similar determination here with respect to the next phase of the U.S. Highway 82 widening and reconstruction project and the associated narrowing of the railbanked right-of-way between milepost 34.429 in De Kalb and milepost 42.59 at the Bowie County/Red River County border currently held by the County under the NITU. The evidence presented by the County – and concurred in by UP – persuasively demonstrates that rail service could be restituted on the remaining 50-foot railbanked right-of-way in accordance with the requisite standards of the Trails Act.

Procedurally, the County’s petition in *Bowie County NITU Clarification I* asked the Board to modify or vacate the NITU pursuant to 49 C.F.R. § 1152.29. *See* 49 C.F.R. § 1152.29(d)(2), (h). The Board, however, explained that:

The provisions in those regulations for vacating NITUs were developed to apply to situations where the length of a railbanked line would be shortened – i.e., where the abandonment would be partly consummated – not where, as here, the right-of-way will be narrowed, but will be adequate for potential future rail service. Given the circumstances presented here, it is unnecessary to modify the NITU.

Bowie County NITU Clarification I, slip op. at 2-3.⁵ Instead, the Board granted the relief sought by the County by “clarify[ing] that the 50 feet of right-of-way transferred to TxDOT to widen US Highway 82 is no longer part of the NITU that the Board imposed in this proceeding.” *Id.* at 3.

The Board has followed the process enunciated in *Bowie County NITU Clarification I* in other similar proceedings. *See, e.g., Idaho Northern & Pacific Railroad*

⁵ In response to the County’s request for authority to abandon the 50-foot width of the right-of-way being conveyed to TxDOT, the Board also found that, “[b]ecause interim trail use will continue on a portion of the right-of-way and the sale of half the width of the right-of-way will not impede the potential restoration of rail service in the corridor, the County need not seek abandonment authority in order to sell the property.” *Id.*, slip op. at 2.

Company – Abandonment and Discontinuance Exemption – In Washington and Adams Counties, Idaho, Docket No. AB-433 (Sub-No. 2X) (STB served Dec. 27, 2012), slip op. at 2 (finding that “[g]iven the circumstances presented here, it is not necessary to vacate in part or otherwise modify the NITU” and clarifying that the subject excess-width right-of-way parcels were no longer part of the NITU issued in the abandonment proceeding). Consistent with those decisions, the County seeks clarification from the Board that the 50-foot strip of right-of-way to be conveyed to TxDOT in connection with the current phase of the U.S. Highway 82 improvement project will no longer be part of the NITU in this proceeding.

Despite the clear and relevant holding of *Bowie County NITU Clarification I*, the County acknowledges that the Board has not always been consistent in the form of relief granted to trail use sponsors in analogous circumstances. In some right-of-way “narrowing” cases, the Board has partially vacated the relevant NITU or CITU with respect to the excluded property, without taking other action. See *Union Pacific Railroad Company – Abandonment – In Harris, Fort Bend, Austin, Wharton and Colorado Counties, TX*, Docket No. AB-33 (Sub-No. 156) (STB served Dec. 1, 2006), slip op. at 2 (partially vacating CITU and noting that “[t]he CITU will remain in effect for the remainder of the right-of-way”); *Union Pacific Railroad Company – Abandonment Exemption – Whittier Junction-Colima Junction Line In Los Angeles County, Cal.*, Docket No. AB-33 (Sub-No. 93X) (STB served July 21, 2006), slip op. at 3 (partially vacating NITU and noting that “[t]he City will remain the trail user for the remainder of the right-of-way”). In other such cases, the Board has vacated the NITU as to the excluded property and issued a replacement NITU for the remainder of the right-of-way. *Union Pacific Railroad Company – Abandonment Exemption – Whittier Junction-Colima Junction Line In Los Angeles County, Cal.*, Docket No. AB-33 (Sub-No. 93X) (STB served July 20, 2018 and Jan. 27, 2016);

compare Greenville County Economic Development Corporation – Abandonment Exemption – In Greenville County, S.C., Docket No. AB-490 (Sub-No. 2X) (STB served Mar. 25, 2019). In yet another instance, the Board not only vacated the NITU as to the excluded property and issued a replacement NITU for the remainder of the right-of-way, but also formally reinstated the underlying rail carrier’s abandonment exemption authority for the excluded property pursuant to 49 C.F.R. § 1152.29(d)(2) and required consummation of that authority under 49 C.F.R. § 1152.29(e)(2) – thus incorporating the very exercise that *Bowie County NITU Clarification I* deemed unnecessary. *Wisconsin Central Ltd. – Abandonment Exemption – In Polk County, Wis.*, Docket No. AB-303 (Sub-No. 18X) (STB served Oct. 6, 2020), slip op. at 2-3; see *Bowie County NITU Clarification I*, slip op. at 2-3 (holding that partial abandonment consummation under 49 C.F.R. § 1152.29 applies where the length of a railbanked line will be shortened, not where the right-of-way will be narrowed).

The County believes that the clarification approach taken in *Bowie County NITU Clarification I* remains the appropriate avenue for granting the relief sought in this Petition. Should the Board determine otherwise, however, the County alternatively requests that the Board modify the existing NITU by vacating that NITU with respect to the 50-foot strip of right-of-way to be conveyed to TxDOT and, as necessary, issuing a replacement NITU for the remainder of the railbanked right-of-way.⁶

Preliminary engineering, environmental approval and right-of-way mapping for the U.S. Highway 82 improvement project are planned to be completed by the end of July, 2021. Those steps will allow final design and right-of-way acquisition to proceed in preparation for construction, which is tentatively scheduled to begin in early 2025. Confirmation that the 50-

⁶ For the reasons given by the Board in *Bowie County NITU Clarification I*, the County does not believe that the proposed narrowing of the railbanked right-of-way here implicates the consummation of rail line abandonment authority. See *supra* at 6 & n.5.

foot strip of land to be conveyed to TxDOT may be removed from railbanked status under the NITU is necessary for the completion of preliminary design work. Thus, to accommodate the current project timeline, the County asks the Board to issue a decision in this matter by July 30, 2021.

WHEREFORE, the County respectfully requests that Board, through clarification of the NITU in this proceeding or other appropriate relief, determine that the conveyance to TxDOT of the 50-foot northerly strip of the 100-foot railbanked right-of-way extending from milepost 34.429 in De Kalb to milepost 42.59 at the Bowie County/Red River County border in connection with the U.S. Highway 82 widening project will not adversely affect the potential reestablishment of rail service in the railbanked corridor and will result in the conveyed property being no longer part of the NITU. The County further requests that the Board issue a decision regarding this matter by July 30, 2021.

Respectfully submitted,

/s/ Thomas J. Litwiler

By: _____

Thomas J. Litwiler
Fletcher & Sippel LLC
29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208
(312) 252-1500

**ATTORNEY FOR
BOWIE COUNTY, TEXAS**

Dated: May 24, 2021

EXHIBIT A

**VERIFIED STATEMENT
OF
JUSTIN W. SEAL, PE**

**VERIFIED STATEMENT
OF
JUSTIN W. SEAL**

My name is Justin W. Seal. I am a Project Manager for Johnson, Mirmiran & Thompson, Inc. (JMT) in Longview, Texas. JMT is a leading transportation engineering consulting firm, based in Hunt Valley, Maryland and with offices throughout the United States. I have been employed by JMT since November, 2016.

I have a degree in civil engineering from Texas A&M University and am a licensed professional engineer in the states of Texas, Louisiana and Oklahoma. My 20 years of project management experience in the design and development of transportation projects for clients across Texas includes significant expertise in transportation planning; schematic design; plans, specifications and estimates (PS&E); and railroad design and coordination. Among my significant work for the Texas Department of Transportation (TxDOT), I served as Project Manager for a \$7.3 million bridge replacement of the High Street overpass of the Union Pacific Railroad Company (UP) tracks in Longview. I am currently serving as Project Manager for TxDOT's U.S. Highway 82 widening project in Bowie County, Texas.

In connection with that project, and on behalf of Bowie County, TxDOT engaged JMT to perform an independent evaluation of an approximately 8-mile railbanked right-of-way that lies immediately south of and parallel to U.S. Highway 82 between De Kalb, Texas and the Bowie County/Red River County line. That right-of-way extends from Railroad Milepost 34.429 (approximately 867.45 feet west of the centerline of FM 992/Runnels Street) to Railroad Milepost 42.59 at the county line, an indicated distance of 8.161 miles.

Bowie County is the trail use sponsor on the subject 100-foot railbanked right-of-way pursuant to a notice of interim trail use (NITU) previously issued by the STB. Bowie

County intends to convey the northern 50 feet of the railbanked corridor to TxDOT to permit the widening of U.S. Highway 82, and JMT was asked to evaluate whether the remaining southern 50 feet of the railbanked right-of-way would be sufficient to permit the potential reestablishment of rail service in the future.

I have overseen the field evaluation and analysis of the subject railbanked corridor and the preparation of the attached Engineering Analysis Report. As detailed in that Report, it is JMT's conclusion that rail service could be reestablished for a rail facility within the proposed remaining 50-foot railbanked right-of-way applying commonly-used design criteria, including specifically those of UP. I encourage the STB to grant Bowie County's petition to clarify the NITU and thus accommodate the significant public benefits that will result from the U.S. Highway 82 improvement project.

ATTACHMENT 1

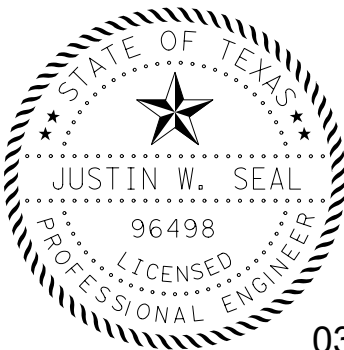
ENGINEERING ANALYSIS REPORT



March 24, 2021

**Surface Transportation Board
Rail Banked Right of Way Release**

ENGINEERING ANALYSIS REPORT



03/24/21

Engineer:

A handwritten signature in blue ink that reads 'Justin W. Seal'. The signature is written in a cursive, flowing style.

Justin W. Seal, P.E. 96498

Johnson, Mirmiran & Thompson, Inc

Submitted to:

Texas Department of Transportation
Bowie County, Texas
Union Pacific Railroad
Surface Transportation Board



PROBLEM STATEMENT

Determine if releasing 50 ft of the 100 ft minimum width of rail banked right-of-way ("ROW") in Bowie County, Texas between Milepost 34.429 (approximately 867.45 ft west of the centerline of FM 992/Runnels Street in De Kalb, Texas) and Milepost 42.590 (Red River County Line, Oak Grove Texas) would be sufficient to permit trail use and the reestablishment of rail service on the remaining 50 ft minimum width of rail banked ROW.

PURPOSE AND NEED

The northern 50 ft portion of the existing rail banked ROW is desired for the expansion of US 82 to a four-lane divided highway. This widening would increase the adjacent ROW on US 82 from approximately 120 ft to 170 ft, which would be sufficient for expanding US 82 to a four-lane facility. Without this ROW release, additional ROW for widening US 82 would be required from numerous private property owners on the north side of US 82 resulting in significantly more adverse impacts.

STUDY STRATEGY

The remaining 50 ft minimum width of rail banked ROW was studied to determine the ability to meet rail design standards (the controlling design requirements considering trail and rail use) using the AREMA "Manual for Railway Engineering" and Union Pacific Railroad Engineering Standards for a future rail facility. While establishing the design criteria, it was concluded that if a rail facility were to be implemented, it can facilitate a freight and passenger rail up to 65 mph. The focus of this study included development of a preliminary horizontal and vertical alignment for the future railroad using a conceptual typical section based on Union Pacific Railroad Engineering Standards.

FIELD EVALUATION

A field evaluation of existing conditions of the rail banked ROW was made on December 18, 2019. Rails, ties, and most of the ballast from previous construction have been removed. Minimal ballast and ties mixed with existing soil serve as the existing ground surface in sporadic areas along the existing trail. Although ballast and ties remain on the trail (abandoned railroad alignment), the amount observed is negligible. Four wooden trestle bridges shown on the June 30, 1916 T&P Railway Co. ROW and Track map remain in place. The wooden trestle bridges have since been modified with the addition of pedestrian rails, tin plating (to protect super structure), and a slab of concrete on the bridge deck. In the bridges' current condition, they would not meet today's rail structural capacity criteria. The US 259 overpass remains in place and does not meet current vertical or horizontal clearance requirements for railroad crossings. The existing wooden trestle bridges and the US 259 overpass would need to be replaced or upgraded to meet current design standards, but these requirements are not unique to the reduced rail banked ROW footprint. Typical pictures of the existing rail banked ROW are as follow:



Section approaching De Kalb near Milepost 35.9 looking east at the US 259 Overpass



Section approaching a Wooden Trestle Bridge near Milepost 36.7 looking west

HORIZONTAL ALIGNMENT EVALUATION

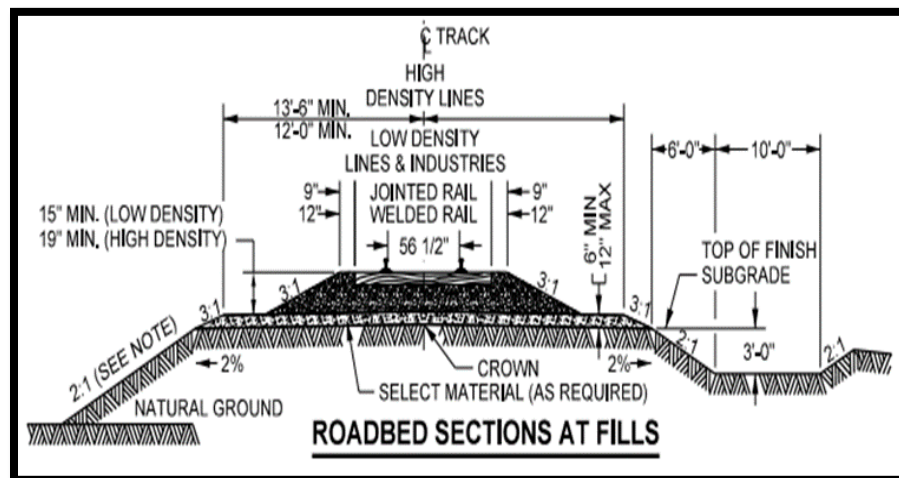
The proposed rail horizontal alignment will be offset 25 ft to the south resulting in a parallel horizontal alignment similar to the original alignment. A maximum one degree three minutes horizontal curvature will be located within the subject mileposts, allowing for rail speeds of up to 65 mph and a maximum superelevation of 1.25 inches.

VERTICAL ALIGNMENT EVALUATION

Following the horizontal alignment between Milepost 34.429 and Milepost 42.590, the natural ground is gently rolling with a low elevation of 392 to a high elevation of 474. The natural ground profile grades along the existing trail's horizontal alignment varies from 0.03% to 1.3%. A design vertical alignment was developed along the proposed horizontal alignment to be practical and economical within reasonable design values to reestablish rail service within the corridor while accommodating the proposed US 82 widening. The proposed vertical alignment includes an average grade of 1.0% and a maximum grade of 1.4%, which is within an acceptable range for freight and passenger rail lines. Flatter profile grades for the rail line could be achieved by implementing additional retaining walls if it is determined to be cost effective in the future.

TYPICAL SECTION EVALUATION

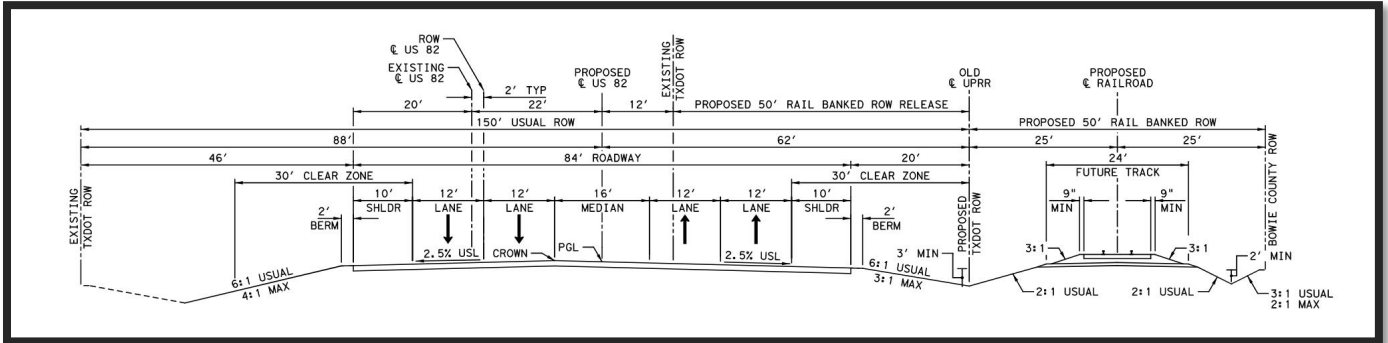
The proposed typical section was derived based on the Union Pacific Railroad Engineering Standard typical section. A minimum 24-ft wide sub ballast roadbed section was used for the proposed rail facility typical section. The following figure below comes from the Union Pacific Track Engineering Standards Website: Standard Drawing 0001E.



Union Pacific Railroad Engineering Standards - Typical Section

The proposed typical section (oriented to look east) presented below, shows the proposed US 82 widening along with the proposed railroad corridor. Cross-sections were developed every 100-ft between the subject mileposts to validate the proposed vertical alignment. The cross-section analysis and vertical alignment design was also developed considering the proposed US 82 widening to ensure no conflicts existed that

would prevent reestablishment of the rail service once the highway widening is complete. Cross-sections over floodplain areas or spot drainage locations within the subject limits, would require structure wingwalls and retaining walls to keep construction work within the ROW, which is consistent with common construction practices.



Proposed US 82 Widening & Railroad - Typical Section

STRUCTURE EVALUATION

As noted in the field evaluation, the four wooden trestle bridges within the existing rail banked ROW are approximately 100 years old and have reached the end of their design life. These bridges would need to be removed and replaced to meet current structural and drainage requirements and to accommodate the horizontal alignment shift to the south. The existing US 259 overpass does not meet current Union Pacific horizontal and vertical clearance requirements and would also need to be replaced to meet these requirements and to accommodate the horizontal alignment shift to the south. A total of 15 culvert structures are within the limits of rail banked ROW as well. All 15 culverts have reached the end of their design life and would need to be removed and replaced to accommodate the design alignment shift to the south and to meet current drainage requirements. These structural requirements are not unique to the reduced rail banked ROW and would be necessary to reestablish rail service within the existing rail banked ROW width.

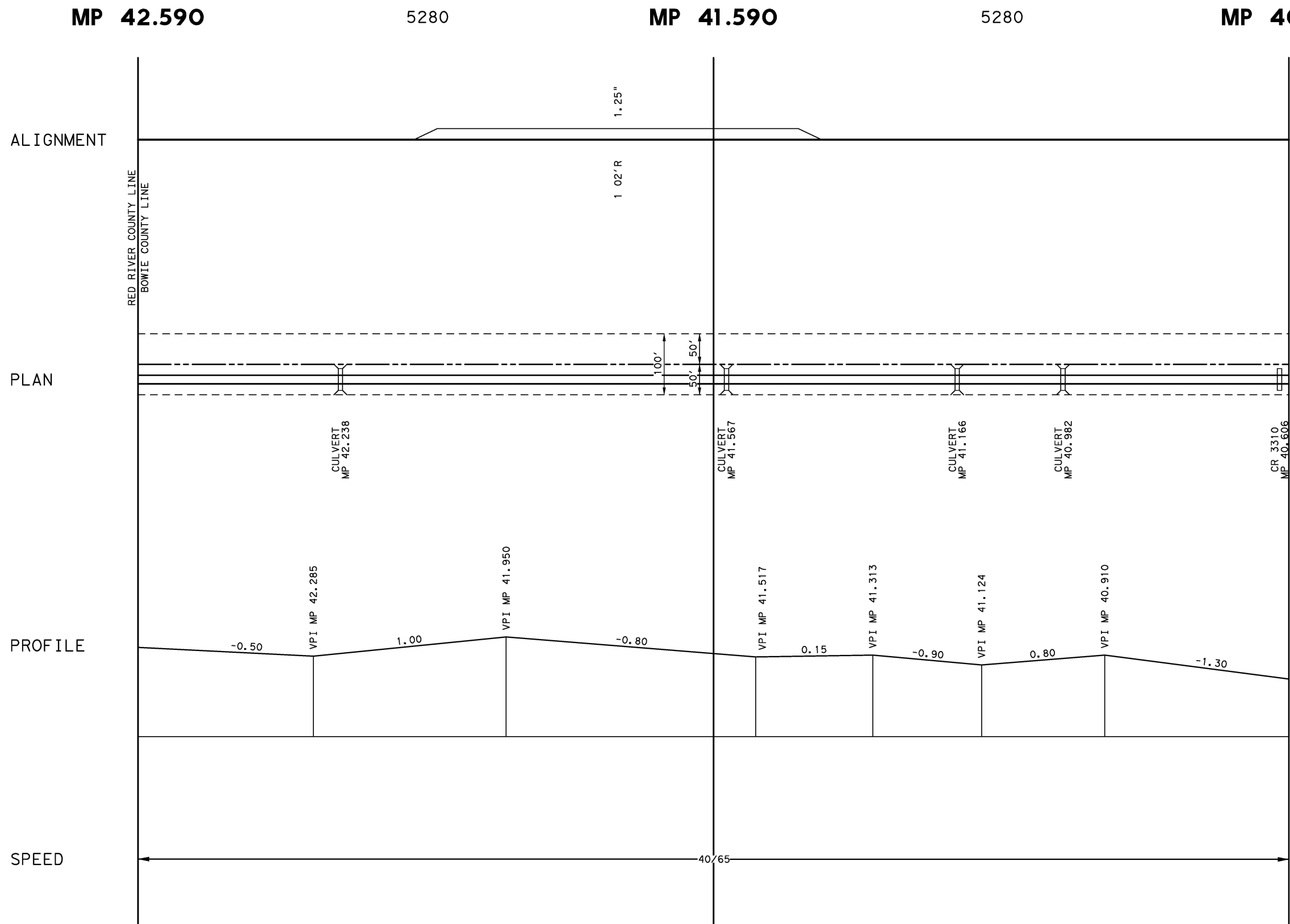
CONCLUSIONS AND RECOMMENDATIONS

Based upon the results of the study performed by Johnson, Mirmiran & Thompson, Inc., our engineering opinion is that rail service could be reestablished for a rail facility meeting commonly used design criteria without the use of exotic or unusual construction techniques after release of 50-ft of the rail banked ROW between Milepost 34.429 and Milepost 42.590.



PRELIMINARY RAILROAD SCHEMATIC

DRAWING DATE: 3/25/2021
FILENAME: pw:\\jmt-pw.bentley.com:jmt-pw-01\Documents\Projects\2016\16-0589-002\DesignData\2 - APD\Schematics\7. Railroad Schematic Sheets\US82*RR*TRACKCHART01.dgn



LEGEND

- RAILROAD ALIGNMENT
- RAILROAD TRACK
- RAILROAD CULVERT
- BRIDGE (WATER CROSSING)
- BRIDGE (OVERPASS)
- AT GRADE ROADWAY CROSSING
- DEGREE OF CURVATURE
- PROPOSED BOWIE COUNTY ROW
- EXISTING RAIL BANKED ROW
- EXISTING RAIL BANKED ROW PREVIOUSLY RELEASED TO BOWIE COUNTY

NOTES:

- EXISTING RAIL BANKED ROW IS CURRENTLY 100' WIDE FROM MP 34.429 TO MP 42.519. THE NORTHERN 50' OF RAIL BANKED ROW FOR THIS SECTION IS REQUESTED TO BE RELEASED TO WIDEN US 82.
- THE NORTHERN 50' OF RAIL BANKED ROW WAS PREVIOUSLY RELEASED FROM MP 25.139 TO MP 34.429 TO WIDEN US 82.
- THE RED RIVER COUNTY LINE IS SHOWN AT MP 42.590 ON THE RIGHT OF WAY & TRACK MAP PRODUCED BY THE TEXAS & PACIFIC RY. CO. DATED 1916.

PRELIMINARY
FOR INTERIM REVIEW ONLY
Not for construction, bidding,
or permit purposes.

DRAWING DATE: 3/25/2021
FILENAME: pw:\\jmt-pw.bentley.com:jmt-pw-01\Documents\Projects\2016\16-0589-002\DesignData\2 - APD\Schematics\7. Railroad Schematic Sheets\US82*RR*TRACKCHART01.dgn

MP 40.590

5280

MP 39.590

5280

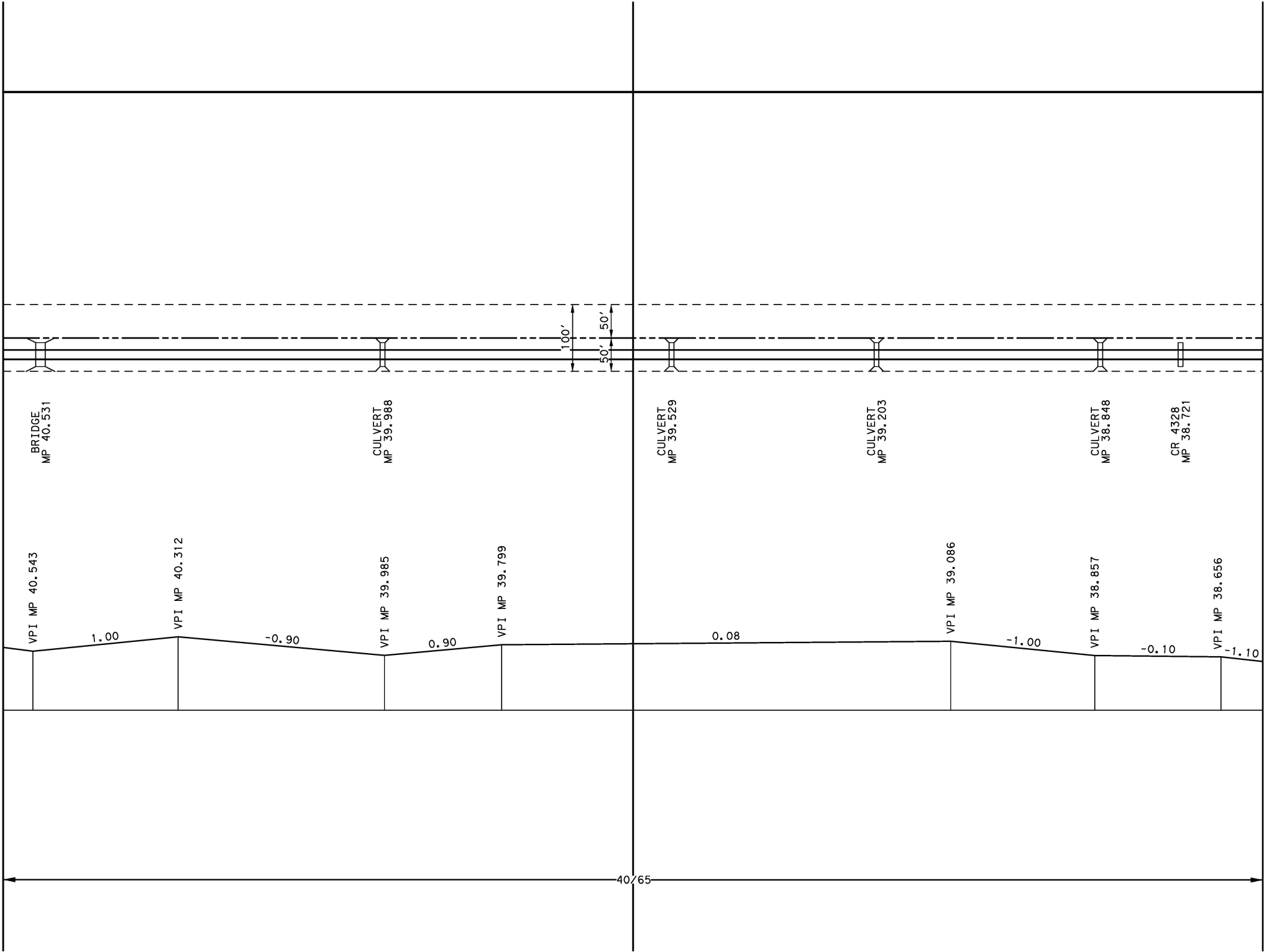
MP 38.590

ALIGNMENT

PLAN

PROFILE

SPEED



LEGEND

- RAILROAD ALIGNMENT
- RAILROAD TRACK
- RAILROAD CULVERT
- BRIDGE (WATER CROSSING)
- BRIDGE (OVERPASS)
- AT GRADE ROADWAY CROSSING
- DEGREE OF CURVATURE
- PROPOSED BOWIE COUNTY ROW
- EXISTING RAIL BANKED ROW
- EXISTING RAIL BANKED ROW PREVIOUSLY RELEASED TO BOWIE COUNTY

NOTES:

- EXISTING RAIL BANKED ROW IS CURRENTLY 100' WIDE FROM MP 34.429 TO MP 42.519. THE NORTHERN 50' OF RAIL BANKED ROW FOR THIS SECTION IS REQUESTED TO BE RELEASED TO WIDEN US 82.
- THE NORTHERN 50' OF RAIL BANKED ROW WAS PREVIOUSLY RELEASED FROM MP 25.139 TO MP 34.429 TO WIDEN US 82.
- THE RED RIVER COUNTY LINE IS SHOWN AT MP 42.590 ON THE RIGHT OF WAY & TRACK MAP PRODUCED BY THE TEXAS & PACIFIC RY. CO. DATED 1916.

PRELIMINARY
FOR INTERIM REVIEW ONLY
Not for construction, bidding,
or permit purposes.

 Texas Department of Transportation		 JMT F-16841		
NEW BOSTON - CLARKSVILLE				
MAINLINE TRACK CHART				
DESIGN JMT	STATE	DISTRICT	COUNTY	SHEET NO. 2
GRAPHICS JMT	TEXAS	ATL	BOWIE	

SCALE: 1" = 1000'

DRAWING DATE: 3/25/2021
FILENAME: pw:\\jmt-pw.bentley.com:jmt-pw-01\\Documents\\Projects\\2016\\16-0589-002\\DesignData\\2 - APD\\Schematics\\7. Railroad Schematic Sheets\\US82*RR*TRACKCHART01.dgn

MP 38.590

5280

MP 37.590

5280

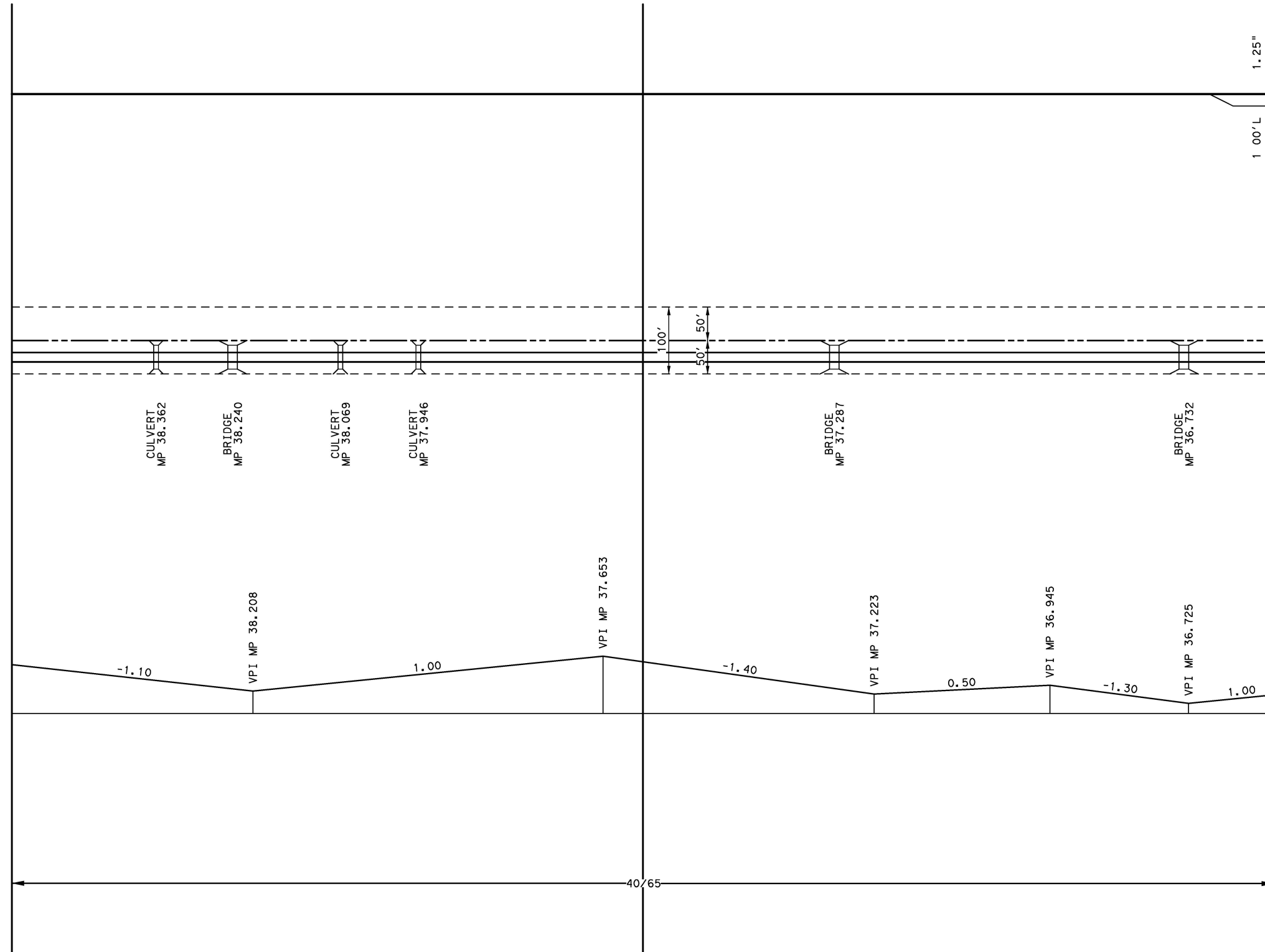
MP 36.590

ALIGNMENT

PLAN

PROFILE

SPEED



LEGEND

- RAILROAD ALIGNMENT
- RAILROAD TRACK
- RAILROAD CULVERT
- BRIDGE (WATER CROSSING)
- BRIDGE (OVERPASS)
- AT GRADE ROADWAY CROSSING
- DEGREE OF CURVATURE
- PROPOSED BOWIE COUNTY ROW
- EXISTING RAIL BANKED ROW
- EXISTING RAIL BANKED ROW PREVIOUSLY RELEASED TO BOWIE COUNTY

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 Texas Department of Transportation				
NEW BOSTON - CLARKSVILLE				
MAINLINE TRACK CHART				
DESIGN JMT	STATE	DISTRICT	COUNTY	SHEET NO. 3
GRAPHICS JMT	TEXAS	ATL	BOWIE	

SCALE: 1" = 1000'

DRAWING DATE: 3/25/2021
FILENAME: pw:\\jmt-pw.bentley.com:jmt-pw-01\\Documents\\Projects\\2016\\16-0589-002\\DesignData\\2 - APD\\Schematics\\7. Railroad Schematic Sheets\\US82*RR*TRACKCHART01.dgn

MP 36.590

5280

MP 35.590

5280

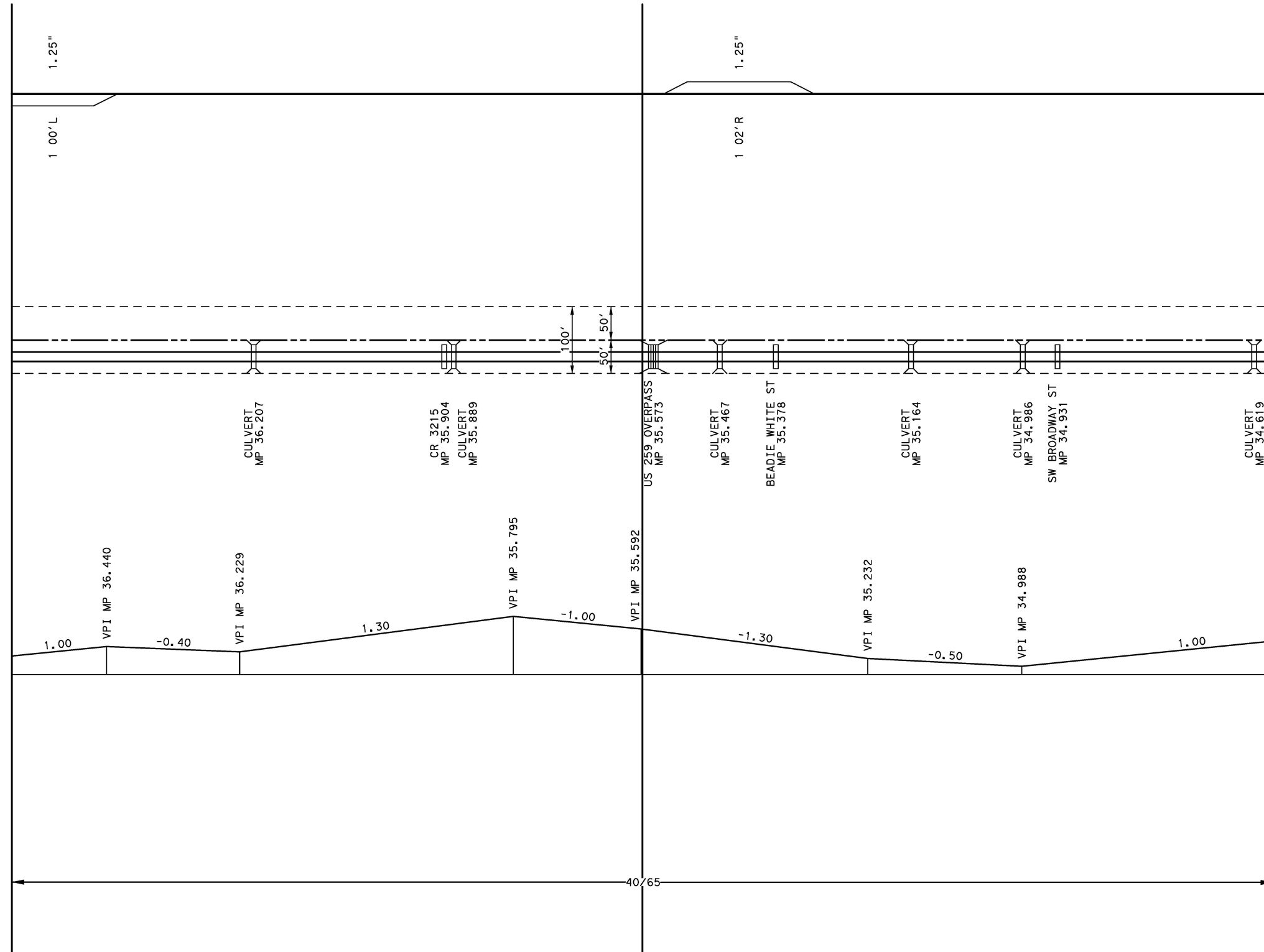
MP 34.590

ALIGNMENT

PLAN

PROFILE

SPEED



LEGEND

- RAILROAD ALIGNMENT
- RAILROAD TRACK
- RAILROAD CULVERT
- BRIDGE (WATER CROSSING)
- BRIDGE (OVERPASS)
- AT GRADE ROADWAY CROSSING
- DEGREE OF CURVATURE
- PROPOSED BOWIE COUNTY ROW
- EXISTING RAIL BANKED ROW
- EXISTING RAIL BANKED ROW PREVIOUSLY RELEASED TO BOWIE COUNTY

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or permit purposes.

 Texas Department of Transportation		 F-15841		
NEW BOSTON - CLARKSVILLE				
MAINLINE TRACK CHART				
DESIGN JMT	STATE	DISTRICT	COUNTY	SHEET NO.
GRAPHICS JMT	TEXAS	ATL	BOWIE	4

SCALE: 1" = 1000'

DRAWING DATE: 3/25/2021
FILENAME: pw:\\jmt-pw.bentley.com:jmt-pw-01\\Documents\\Projects\\2016\\16-0589-002\\DesignData\\2 - APD\\Schematics\\7. Railroad Schematic Sheets\\US82*RR*TRACKCHART01.dgn

MP 34.590

5280

MP 33.590

5280

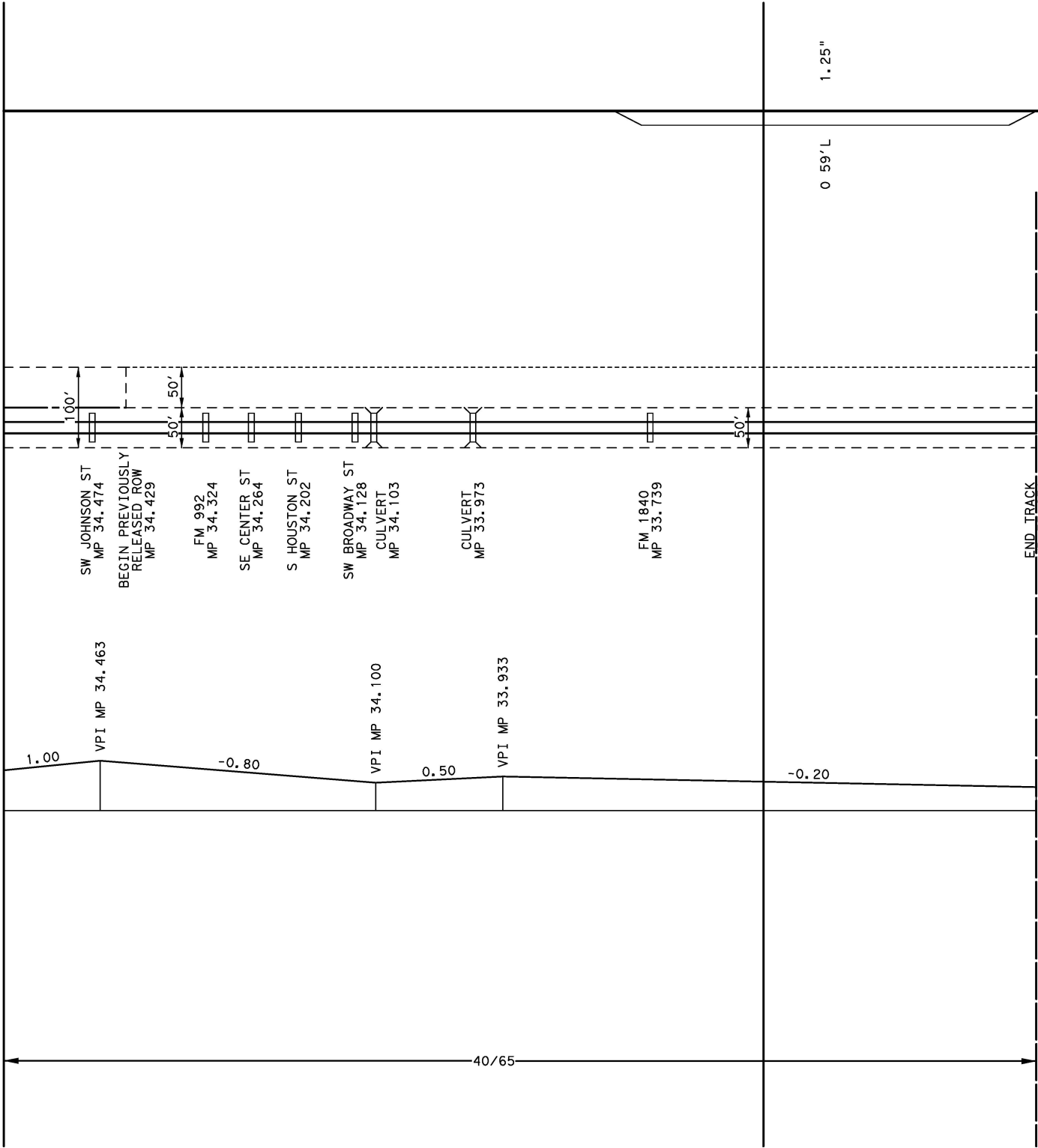
MP 32.590

ALIGNMENT

PLAN

PROFILE

SPEED



LEGEND

- RAILROAD ALIGNMENT
- RAILROAD TRACK
- RAILROAD CULVERT
- BRIDGE (WATER CROSSING)
- BRIDGE (OVERPASS)
- AT GRADE ROADWAY CROSSING
- DEGREE OF CURVATURE
- PROPOSED BOWIE COUNTY ROW
- EXISTING RAIL BANKED ROW
- EXISTING RAIL BANKED ROW PREVIOUSLY RELEASED TO BOWIE COUNTY

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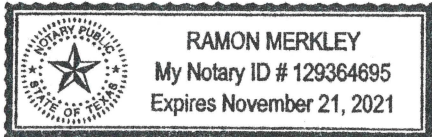
 Texas Department of Transportation		 JMT P-18841	
NEW BOSTON - CLARKSVILLE			
MAINLINE TRACK CHART			
DESIGN JMT	STATE	DISTRICT	COUNTY
GRAPHICS JMT	TEXAS	ATL	BOWIE
			SHEET NO. 5

SCALE: 1" = 1000'

VERIFICATION

State of Texas)
)
County of Gregg) SS:

Justin W. Seal, being duly sworn, deposes and says that he is Project Manager of Johnson, Mirmiran & Thompson, Inc., that he has read the foregoing statement and knows the facts asserted therein, and that the same are true as stated.



Justin W. Seal
Justin W. Seal

SUBSCRIBED AND SWORN TO
before me this 21 day
of May, 2021.

Ramon Merkley
Notary Public

My Commission expires:

EXHIBIT B

UP CORRESPONDENCE



BUILDING AMERICA®

May 24, 2021

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

Re: **Docket No. AB-3 (Sub-No. 137X)**
Missouri Pacific Railroad Company -- Abandonment
Exemption -- In Red River and Bowie Counties, Tex.

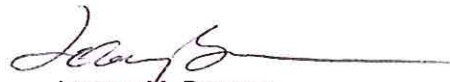
Dear Ms. Brown:

Union Pacific Railroad Company ("UP") has been provided and has reviewed the Petition and accompanying Engineering Analysis Report of Johnson, Mirmiran & Thompson, Inc. that Bowie County, Texas intends to file seeking clarification or, in the alternative, modification of the notice of interim trail use ("NITU") in the above-captioned proceeding. The County's Petition would permit approximately eight miles of railbanked right-of-way subject to the NITU to be narrowed from a width of 100 feet to 50 feet in connection with the widening of an immediately adjacent segment of U.S. Highway 82.

UP concurs that a line of railroad and freight railroad operations could be reestablished on the remaining 50-foot railbanked right-of-way, and has no objection to the County's request to clarify or modify the NITU.

Thank you for your attention to this matter.

Sincerely,


Jeremy M. Berman

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2021, a copy of the foregoing
**Petition of Bowie County, Texas for Clarification or, In the Alternative, Modification of
Notice of Interim Trail Use** was served by electronic mail upon:

Jeremy M. Berman, Esq.
Senior General Attorney
Union Pacific Railroad Company
1400 Douglas Street, Stop 1580
Omaha, Nebraska 68179
jmberman@up.com

Misty H. Barham, Esq.
General Counsel Division
Texas Department of Transportation
125 East 11th Street
Austin, TX 78701
misty.barham@txdot.gov

Mr. John E. Harrison
Partnership for the Pathway
17 Dogwood Lake Drive
Texarkana, TX 75503
texasj@valornet.com

/s/ *Thomas J. Litwiler*

Thomas J. Litwiler