

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 12 (Sub-No. 187X)

September 14, 2017

RECOMMENDATION: Remove Section 106 Conditions

By application filed November 30, 1995 in Docket Nos. FD 32760 et al., Union Pacific Corporation (UPC), Southern Pacific Rail Corporation (SPR), and their various rail carrier affiliates sought approval for the common control and merger of the rail carriers controlled by UPC (collectively, UP) and the rail carriers controlled by SPR (collectively, SP). The application embraced several rail line abandonments including, in Docket No. AB 12 (Sub-No. 187X), abandonment of a portion of Southern Pacific Transportation Company's Seabrook to San Leon line in Galveston and Harris Counties, Texas (the line). The Board's August 12, 1996 decision approving the common control and merger imposed two conditions on the line pertaining to Section 106 of the National Historic Preservation Act (Section 106).

The first condition required UP/SP to retain its interest in, and take no steps to alter, the historic integrity of the through-plate girder bridges at MP 31.99 (Clear Creek Bridge in Harris County, Texas) and MP 38.77 (Dickinson Bayou Bridge in Galveston County, Texas) until the Section 106 process of the National Historic Preservation Act has been completed for these structures.¹

As part of the Section 106 consultation and resolution, the Texas State Historic Preservation Officer (TSHPO) and the Board agreed that historic documentation would be prepared and submitted to the TSHPO for these historic resources as appropriate mitigation (attached). Historic American Engineering Record (HAER) documentation for these structures (Clear Creek Bridge (HAER TX-70) and Dickinson Bayou Bridge (HAER TX-71)) was prepared and accepted by the TSHPO. The HAER documentation is accessible through the Library of Congress (attached Summary). Moreover, the two bridges in question have been removed.² The attached figures illustrate the location of the two former bridges. Based on this information, the Board finds that the requirements of Section 106 for this condition have been satisfied.

¹ See Finance Docket No. 32760, August 12, 1996 decision, mitigation condition 53. 1 S.T.B. 233, 284 (1996).

² In a telephone conversation on 8/31/17 with Phillis Johnson-Ball of OEA, Mack Shumate, Attorney at Union Pacific Railroad and Olin H. Dirks, Senior Manager of Rail Line Planning at Union Pacific Railroad, confirmed that the bridges have been removed.

The second condition required UP/SP to consult with the TSHPO to determine the need and extent of a recovery and treatment program for three known archaeological sites on the Seabrook to San Leon line.³

The three archaeological sites are identified as prehistoric, shell-midden sites (GU37, GU84, and GU85).⁴ In a letter of September 7, 2017, the Applicant provided supplemental information from Moore Archaeological Consulting noting that a historic resource assessment titled "Cultural Resource Assessments of Proposed Railway Improvements for the Union Pacific-Southern Pacific Merger Across Texas" (Moore, Dureka, and Sanchez (1996)) was prepared to assess cultural resources to comply with Section 106. The report indicates that the line was analyzed for potential impacts on known archeological sites and proximity to landforms with potential for cultural occupation. Also, a detailed search of site records and master maps filed at the Texas Archeological Research Laboratory yielded no evidence of significant impacts on cultural resources due to the proposed abandonments. The September letter also notes that the archeological sites were at a significant distance from the project corridor (ranging from 600 m to 700 m or roughly seven football fields placed end to end) and separated from it by State Highway 146, and the likelihood that the abandonment of the Line would impact the archeological sites was deemed non-existent. As a result, a recovery and treatment program for the three archaeological sites was not necessary. The TSHPO reviewed this report and concurred with its findings and recommendations in their letter dated December 27, 1996, which states that an archeological survey was not warranted on the basis of limited and negligible impacts on archeological resources (attached).

Consequently, OEA concludes that the Board has satisfied its responsibilities under Section 106 in this proceeding, and recommends that the Board remove the Section 106 conditions (Conditions 53 and 54) imposed as mitigation in this proceeding.

Attachments

OEA CONTACT: Phillis Johnson-Ball

³ See Finance Docket No. 32760, August 12, 1996 decision, mitigation condition 54. 1 S.T.B. 233, 284 (1996).

⁴ These sites were later referred to as 41GV37, 41GV84, and 41GV85.



Phillis Johnson-Ball
Deputy Director
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423-0001
(202) 245-0304
Johnson-BallP@stb.dot.gov

September 6, 2017

Re: Archeological Concerns regarding Seabrook-San Leon Line, AB12 (Sub No.187X), in Galveston County, Texas.
MAC Project Number 17-51

Dear Ms. Johnson-Ball,

As per the request of our client, Union Pacific, I am writing this letter to discuss with you the potential archeological impacts of the proposed abandonment and transfer of the Seabrook-San Leon Rail Line (AB12, Sub No.187X) in Galveston County, Texas from Union Pacific to the Texas Department of Transportation (TxDOT).

In the attached Finance Docket 32760 document from the Surface Transportation Board (STB), there is a reference under order 44 line item 54 of the section titled "Seabrook to San Leon, TX (SP), Docket No. AB-12 (Sub-No. 187X)" stating "UP/SP shall continue Section 106 consultation with the Texas Historic Preservation Officer to determine the need and extent of a recovery and treatment program for the three known archaeological sites along this segment." This is a reference to three prehistoric, shell-midden sites referred to in previous documents as GU37, GU84, and GU85. There appears to have been a typo, however, as the actual numbers for these three sites are 41GV37, 41GV84, and 41GV85. I have reviewed the available data regarding these sites via the Texas Archeological Sites Atlas maintained by the Texas Historical Commission (THC).

Site 41GV37 was originally recorded as a prehistoric shell-midden by the avocational archeologist W.B. Neyland in 1956. Although some additional avocational work appears to have been done at the site in the 1970s, there is no

detailed information regarding this work or regarding the site available via the Texas Sites Atlas. The site is approximately 575 meters (m) east-northeast of State Highway 146, and 680 m from the corridor of the proposed undertaking.

Sites 41GV84 and 41GV85 were discovered in 1985 as part of an archeological investigation conducted by Prewitt and Associates Inc. and sponsored by the U.S Army Corps of Engineers-Galveston District. These sites were determined to be *potentially* eligible for the National Register of Historic Places (NRHP) by the principal investigator. There is no evidence that further investigations were conducted to determine whether the sites were, in fact, eligible and there is no additional data available regarding the sites via the Sites Atlas. Site 41GV84 is 475 m east-northeast of State Highway 146, and 610 m east-northeast of the corridor for the proposed undertaking. Site 41GV85 is 575 m east-northeast of State Highway 146, and 700 m east-northeast of the corridor for the proposed undertaking.

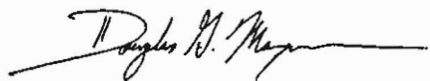
In 1996, Moore Archeological Consulting submitted a report titled "Cultural Resource Assessments of Proposed Railway Improvements for the Union Pacific-Southern Pacific Merger Across Texas" (Moore, Dureka, and Sanchez (1996). This report included an assessment of the Seabrook-San Leon Rail Line (AB12, Sub No.187X) project corridor. It did not, however, address the archeological sites discussed above for the reason that they were at a significant distance from the project corridor and separated from it by State Highway 146. Simply put, the likelihood that the abandonment of the Seabrook-San Leon Rail Line would impact sites 41GV37, 41GV84, and 41GV85 was deemed non-existent. On page 2 of the report, the abandonments, including the Seabrook-San Leon Line, were mentioned and determined to have no significant impacts on cultural resources. The THC and the State Historic Preservation Officer (James Bruseth) reviewed this report and concurred with its findings and recommendations in their letter dated December 27, 1996.

In assessing the current question of whether transfer of the Seabrook-San Leon Rail Line to TxDOT would necessitate a recovery and treatment program for the three known archaeological sites (41GV37, 41GV84, and 41GV85), it is the opinion of this author that the rationale for not assessing the sites in the 1996 Moore et al. report previously mentioned applies here as well. The sites are not only a *significant* distance away from the project corridor (ranging from 600 m to 700 m or roughly seven football fields placed end to end), but they are also separated from the proposed impact area by a major roadway (State Highway 146) and its associated right-of-way (ROW). Any construction TxDOT plans to undertake related to the Seabrook-San Leon Rail Line will occur west of this highway and thus the sites will be buffered from any potential impact. Should it prove necessary that construction activities occur on the east side of the highway as well, such work would require a new undertaking, including the acquisition of additional ROW. Any such proposed activity would necessitate additional archeological investigations under the auspices of the Antiquities Code of Texas. This is particularly the case if such a proposed undertaking would come anywhere near these potentially NRHP eligible sites.

As a result of this assessment, it is my recommendation that the proposed activity related to the transfer of the abandoned Seabrook-San Leon Line, AB12 (Sub No.187X), in Galveston County, Texas from Union Pacific to TxDOT does not require additional archeological investigation or consideration.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas G. Mangum", with a long horizontal flourish extending to the right.

Douglas G. Mangum
Senior Project Manager, Principal Investigator

REFERENCES CITED

Moore, Roger G., J. Thomas Dureka, and Joseph M. Sanchez
1996 Cultural Resource Assessments of Proposed Railway
Improvements for the Union Pacific-Southern Pacific Merger Across
Texas. Moore Archeological Consulting, Report of Investigations
Number 182.

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Historic American Buildings Survey,
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Galveston, Harrisburg, & San Antonio Railway, Spanning Clear Creek at the Union Pacific Line, Milepost 31.96, Seabrook, Harris County, TX

Title: Galveston, Harrisburg, & San Antonio Railway, Spanning Clear Creek at the Union Pacific Line, Milepost 31.96, Seabrook, Harris County, TX

Other Title: Clear Creek Bridge

Creator(s): [Historic American Engineering Record](#), creator

Related Names:

[Union Pacific Railroad Company](#), Owner
[Galveston, Harrisburg & San Antonio \(GH&SA\) Railway Company](#), Owner
[Texas & New Orleans \(T&NO\) Railway Company](#), Owner
[Southern Pacific \(SP\) Railway Company](#), Owner
[Southern Pacific Transportation Company](#), Owner
[Union Pacific Railroad](#), Owner
[GH&SA Bridge and Building Crews](#), Builder
[American Bridge Company](#), Engineer

Date Created/Published: Documentation compiled after 1968

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Call Number: HAER TX-70

Repository: Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA <http://hdl.loc.gov/loc.pnp/pp.print>

Notes:

- Significance: Located fifty miles northwest of Galveston, Texas in the vicinity of the town of Seabrook is a single track, steel railroad bridge and two open deck pile trestle approaches that cross a waterway feeding in Galveston Bay that is known as Clear Creek. The steel bridge is identified by Southern Pacific, its former owner, as BR 31.96. It is an intact, though slightly altered example of a Center-Bearing, Through Plate Girder Draw Span that was erected by the bridge and building crews of the Galveston, Harrisburg & San Antonio (GH&SA) Railway Company in 1907.....
- Unprocessed Field note material exists for this structure: N1311
- Survey number: HAER TX-70
- Building/structure dates: 1907 Initial Construction
- Building/structure dates: 1944 Subsequent Work
- Building/structure dates: 1972 Subsequent Work

Subjects:

- [railroad bridges](#)
- [swing bridges](#)

Place:

- [Texas -- Harris County -- Seabrook](#)

Latitude/Longitude: 27.4653650163325, -100.75036735768

Collections:

- [Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey](#)

Part of: Historic American Engineering Record (Library of Congress)

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Galveston, Harrisburg & San Antonio Railway, Dickinson Bayou Bridge, Bridge Tender's House, At the Dickinson Bayou Bridge, spanning the Dickinson Bayou at the Union Pacific Line, San Leon, Galveston County, TX

Title: Galveston, Harrisburg & San Antonio Railway, Dickinson Bayou Bridge, Bridge Tender's House, At the Dickinson Bayou Bridge, spanning the Dickinson Bayou at the Union Pacific Line, San Leon, Galveston County, TX

Creator(s): [Historic American Engineering Record](#), creator

Related Names:

[Union Pacific Railroad Company](#), Owner

[Southern Pacific Railway Company](#)

[GH & SA Railway Crews](#), Builder

Date Created/Published: Documentation compiled after 1968

Medium: Data Page(s): 7

Reproduction Number: ---

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Call Number: HAER TX-71-A

Repository: Library of Congress Prints and Photographs Division Washington, D.C. 20540 USA
<http://hdl.loc.gov/loc.pnp/pp.print>

Notes:

- Significance: The Bridge Tender's House is associated with the Galveston Harrisburg & San Antonio Railway Dickinson Bayou Bridge, a Center-Bearing, Through Plate Girder Draw Span, which is a significant example of early twentieth century bridge design. The tender's house is situated to the north of the bridge and appears to date to the same period.
- Unprocessed Field note material exists for this structure: N1313
- Survey number: HAER TX-71-A
- Building/structure dates: ca. 1907 Initial Construction

Subjects:

- [keeper's houses](#)

Place:

- [Texas -- Galveston County -- San Leon](#)

Collections:

- [Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey](#)

Part of: Historic American Engineering Record (Library of Congress)

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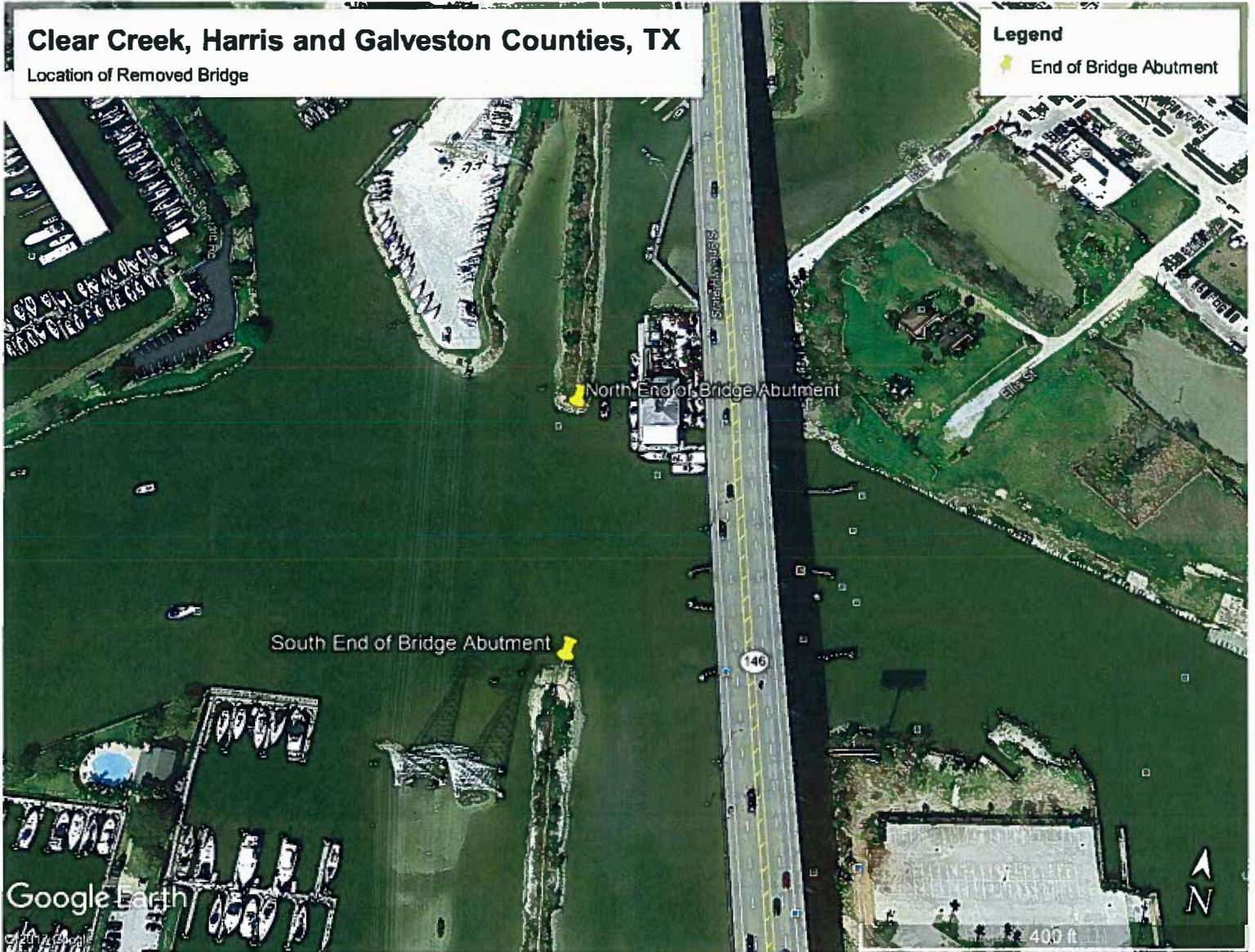
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Clear Creek, Harris and Galveston Counties, TX

Location of Removed Bridge

Legend

End of Bridge Abutment



Dickinson Bayou, Galveston County, TX

Location of Removed Bridge

Legend



Cultural Resource Assessments
of Proposed Railway Improvements for the
Union Pacific -Southern Pacific Merger
Across Texas

by

Roger G. Moore, Ph.D.,
J. Thomas Dureka,
and Joseph Sanchez

Prepared for

Union Pacific Railroad Company
Contracts and Real Estate Department
Room 1100 1416 Dodge Street
Omaha, Nebraska 68179-1100

Moore Archeological Consulting #96-31
Report of Investigations Number 182

September, 1996

Abstract

In advance of anticipated construction associated with the merger of the Union Pacific and Southern Pacific Railroad Companies, Moore Archeological Consulting conducted preliminary cultural resource assessments for 44 proposed construction locations. A predictive model was constructed for the purpose of identifying areas with high probability for archeological sites. Using this model, field inspections of 21 of the proposed construction locations across the state of Texas were executed.

Archeological materials were discovered at five of these locations, and a total of 12 sites were recorded. One location (Port Laredo) produced eight prehistoric lithic and burned rock scatters, one (Sweetwater) proffered a single lithic scatter, one (Stoneburg) yielded an historic artifact concentration, and two (Flatonia-Victoria and Wild Horse) contain historic architectural features in advanced stages of disintegration.

Except for the eight prehistoric sites at Port Laredo, and possibly for the collection of historic features at Wild Horse, none of the newly-discovered sites appear to be eligible for nomination to the National Register of Historic Places. Determinations of eligibility for these eight prehistoric sites have not yet been made, and a formal survey of the Port Laredo right-of-way along with limited test excavations is recommended.

The features at Wild Horse may be part of a former rail station, and as such may have local significance. Additional documentary research, survey, and/or testing is advisable to determine the National Register eligibility of the site in the event that the new construction threatens it.

An historic home and farmstead were noted adjacent to the present right-of-way at West Point. This may be impacted if the property upon which it stands is to be purchased for construction purposes.

While the results of the field assessment at Jayell were negative, the western crossing of Mexia Creek does exhibit deep alluvial deposits. Thus, the Texas Historical Commission may wish to consider a requirement for backhoe trenching prior to construction in this area.

None of the other 18 proposed construction locations require further cultural resource investigations.

Archeological Assessment

In 1995 and 1996, MAC conducted a preliminary archeological assessment of 44 proposed new construction projects in Texas which are associated with the merger of the SP and the UP. Some of these are multiple projects (Houston, El Paso, Port Laredo, Buford-Alfalfa, and Fort Worth).

The assessment began with a review of previously recorded archeological site data which are on file at the Texas Archeological Research Laboratory (TARL) at the University of Texas in Austin. It was revealed that no archeological sites within the areas of proposed construction were registered with TARL. Mapped landforms surrounding the proposed projects were similarly reviewed, with the objective of identifying locations with high probability for the occurrence of prehistoric sites. (Such predictive modeling has been successfully used in streamlining the assessment process on other projects covering large areas, e.g., Moore 1996). The principal criteria applied in determining those project areas which might have been attractive to prehistoric settlement were proximity to a perennial water source and proximity to previously recorded sites.

At the direction of the STB, five categories of proposed actions were to be evaluated in accordance with the National Historic Preservation Act of 1966, Section 106 requirements: Rail Line Abandonments, Rail Line Construction Projects (Outside Existing Right-of-Way), Rail Yards, Intermodal Facilities, and Rail Line Segments.

Rail Line Abandonments: Three proposed abandonments in Texas (Seabrook-San Leon, Suman-Bryan, and Troup-Whitehouse) were analyzed for potential impacts on known archeological sites and proximity to landforms with potential for cultural occupation (especially near permanent streams). A detailed search of site records and master maps filed at TARL in Austin yielded no evidence of significant impacts on cultural resources due to proposed line abandonments.

Rail Line Construction Projects: One new construction project was reviewed by MAC. The potential purchase of additional ROW for the proposed common point construction at West Point may impact a standing historic structure.

Rail Yards: The potential for impact on cultural resources due to the expansion, construction or closure of rail yards was not specifically addressed by MAC.

Introduction

In August 1995, the Union Pacific Railroad Company (UP) publicly announced that it would seek a merger with the Southern Pacific Transportation Company (SP). Currently, the UP operates approximately 22,600 miles of track throughout the western half of the United States. Combined with the 14,500 miles operated by the SP, the merger would make the new carrier the nation's largest. Rail operations will cover 24 states. In July, 1996, the federal Surface Transportation Board (STB) issued its decision to approve the merger.

The STB's involvement with the proposed merger constitutes a major federal action requiring environmental review under the National Environmental Policy Act (NEPA). Only after this environmental review had been completed could the STB could issue a final decision granting or denying the proposed merger.

DeLeuw, Cather & Company of Fairfax, Virginia was retained by the STB to assist in the environmental review process and prepare the documentation required by NEPA. Myra L. Frank and Associates (MFA) of Los Angeles, California became the Prime Contractor for this assessment, which included evaluating historical architecture and archeological sites in several states, including Texas. MFA engaged Moore Archeological Consulting (MAC) of Houston, Texas in January 1996 to investigate known historic and prehistoric archeological sites and to determine if there was potential for discovering unrecorded cultural resources at the locations of proposed new construction. MFA granted responsibility for assessing historic architectural features (including bridges in rail segments investigated by MAC) to Peter Maxson of Austin, Texas.

MOORE ARCHEOLOGICAL CONSULTING, INC.
HOUSTON'S FIRST ARCHEOLOGY FIRM



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September 6, 2017

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MAC Project Number 17-51

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In the attached Finance Docket 32760 document from the Surface Transportation Board (STB), there is a reference under order 44 line item 54 of the section titled "Seabrook to San Leon, TX (SP), Docket No. AB-12 (Sub-No. 187X)" stating "UP/SP shall continue Section 106 consultation with the Texas Historic Preservation Officer to determine the need and extent of a recovery and treatment program for the three known archaeological sites along this segment." This is a reference to three prehistoric, shell-midden sites referred to in previous documents as GU37, GU84, and GU85. There appears to have been a typo, however, as the actual numbers for these three sites are 41GV37, 41GV84, and 41GV85. I have reviewed the available data regarding these sites via the Texas Archeological Sites Atlas maintained by the Texas Historical Commission (THC).

Site 41GV37 was originally recorded as a prehistoric shell-midden by the avocational archeologist W.B. Neyland in 1956. Although some additional avocational work appears to have been done at the site in the 1970s, there is no

detailed information regarding this work or regarding the site available via the Texas Sites Atlas. The site is approximately 575 meters (m) east-northeast of State Highway 146, and 680 m from the corridor of the proposed undertaking.

Sites 41GV84 and 41GV85 were discovered in 1985 as part of an archeological investigation conducted by Prewitt and Associates Inc. and sponsored by the U.S Army Corps of Engineers-Galveston District. These sites were determined to be *potentially* eligible for the National Register of Historic Places (NRHP) by the principal investigator. There is no evidence that further investigations were conducted to determine whether the sites were, in fact, eligible and there is no additional data available regarding the sites via the Sites Atlas. Site 41GV84 is 475 m east-northeast of State Highway 146, and 610 m east-northeast of the corridor for the proposed undertaking. Site 41GV85 is 575 m east-northeast of State Highway 146, and 700 m east-northeast of the corridor for the proposed undertaking.

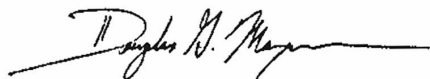
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In assessing the current question of whether transfer of the Seabrook-San Leon Rail Line to TxDOT would necessitate a recovery and treatment program for the three known archaeological sites (41GV37, 41GV84, and 41GV85), it is the opinion of this author that the rationale for not assessing the sites in the 1996 Moore et al. report previously mentioned applies here as well. The sites are not only a *significant* distance away from the project corridor (ranging from 600 m to 700 m or roughly seven football fields placed end to end), but they are also separated from the proposed impact area by a major roadway (State Highway 146) and its associated right-of-way (ROW). Any construction TxDOT plans to undertake related to the Seabrook-San Leon Rail Line will occur west of this highway and thus the sites will be buffered from any potential impact. Should it prove necessary that construction activities occur on the east side of the highway as well, such work would require a new undertaking, including the acquisition of additional ROW. Any such proposed activity would necessitate additional archeological investigations under the auspices of the Antiquities Code of Texas. This is particularly the case if such a proposed undertaking would come anywhere near these potentially NRHP eligible sites.

As a result of this assessment, it is my recommendation that the proposed activity related to the transfer of the abandoned Seabrook-San Leon Line, AB12 (Sub No.187X), in Galveston County, Texas from Union Pacific to TxDOT does not require additional archeological investigation or consideration.

Please contact me if you have any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas G. Mangum", with a long horizontal flourish extending to the right.

Douglas G. Mangum
Senior Project Manager, Principal Investigator

REFERENCES CITED

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Improvements for the Union Pacific-Southern Pacific Merger Across
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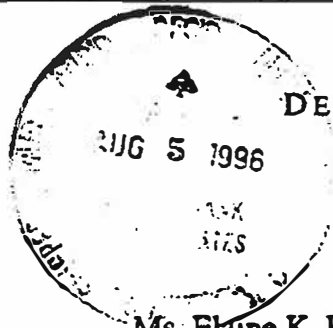
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HISTORICAL
COMMISSION

George W. Bush • Governor

John L. Nau, III • Chairman

Curtis Tunnell • Executive Director

The State Agency for Historic Preservation



DEPARTMENT OF ARCHITECTURE

DEPARTMENT OF ANTIQUITIES PROTECTION

NATIONAL REGISTER DEPARTMENT

July 30, 1996

Ms. Elaine K. Kaiser
Chief, Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423-0001

TRANSMITTED VIA FAX:
202/927-6225

Re: *Union Pacific and Southern Pacific Railroad merger, multiple counties, Texas*
(ICC/106)

Dear Ms. Kaiser:

On July 16, 1996, our staff met with Rick Starzak, of Myra Frank and Associates, and other consultants, to discuss information regarding the subject project. As the State Historic Preservation Office (SHPO), Texas Historical Commission reviews federal undertakings in accordance with the National Historic Preservation Act. The Department of Architecture reviews determinations of effect for federal projects on National Register eligible buildings, structures, objects, and districts.

Texas Historical Commission is concerned that the merger has the potential to have an adverse effect on historic buildings and structures that will be transferred in ownership. Since some facilities may be redundant, and others will not be needed for various other reasons, we are concerned that historic buildings may be demolished, abandoned or sold as a result of this merger. We are also concerned that the area of potential effects (APE) proposed has not identified or considered effects of the merger on historic properties simply being transferred from Southern Pacific (SP) to Union Pacific (UP).

The effects of this merger on historic properties cannot be fully assessed at this time, because the extent of the project has not been identified. However, Texas Historical Commission is of the opinion that there can be closure of our Section 106 review of this merger if a Programmatic Agreement is developed to include the following mitigation:

1. UP agrees not to demolish any buildings or structures that are listed or eligible for listing in the National Register of Historic Places, or unevaluated buildings that are fifty years of age or older. Unevaluated buildings will be evaluated for National Register eligibility prior to transfer or sale. Redundant or otherwise unneeded historic structures will be maintained (not neglected or demolished), or sold or transferred. Historic structures that are sold or transferred will be protected by appropriate preservation deed covenants.

2. Historic American Buildings/Historic American Engineering Record survey documentation, level II, will be performed for eligible or listed historic properties that are transferred or sold as a result of the merger, including but not limited to:

Southern Pacific-Cotton Belt Depot, Harlingen
SP Yard, Harlingen
Clear Creek (Swing) Bridge and approach trestles, MP 31.99, Seabrook
Dickinson Bayou (Swing) Bridge and approach trestles, MP 38.77, San Leon
Bridge Tender's House, Dickinson Bayou Bridge, MP 38.50
Bellmead Yard (Power Plant, Accessory Building, MKT Shops, Foreman's House), Waco
Houston (Tower 26)

Other properties, including the following, may be determined eligible, and would require documentation if transferred or sold as a result of the merger:

Carrollton SP - Building, p. E 69, Photo 4
Waco SP - pp. E 98-99, photos 1, 2, 3
Fort Worth (Broadway) SP - pp. E 101-102, photos 2, 4
Texarkana SP - pp. E 108-110, photos 5, 6, 7, 8, 11
Fort Worth UP - p. E 148, photo 5
Houston Tower 26 - p. E 153-155, photos 1, 2, 3, 4, 5
Harlingen SP - pp. 12-124, photos 3, 4, 5, 6

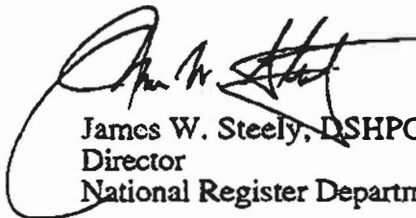
3. All archive materials related to Texas properties, that are no longer wanted by UP/SP, will be offered to appropriate repositories in Texas. See attached list of potential repositories.
4. In the opinion of our Department of Antiquities Protection, an archeological survey is not warranted on the basis of limited and negligible impacts on archeological resources.

It is possible that buried cultural materials may be present in the project area. If such materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue in the project area where no cultural materials are present. Please contact the SHPO's Department of Antiquities Protection at 512/463-6096 to consult on further actions that may be necessary to protect cultural remains.

Our National Register Department will respond concerning determinations of eligibility following receipt of the requested additional survey information. We understand that the contract for consultants coordinating cultural resources survey and evaluation will soon expire, and are concerned that the Section 106 review process may not be completed.

Thank you for your interest in the cultural heritage of Texas, and for the opportunity to comment on this project in accordance with the National Historic Preservation Act, as amended. If you have any questions or concerns about this review please contact Linda Roark in the Department of Architecture at 512/463-6094, Jamie Wise in the National Register Department at 512/463-6006, or Sergio Iruegas in the Department of Antiquities Protection at 512/463-6096.

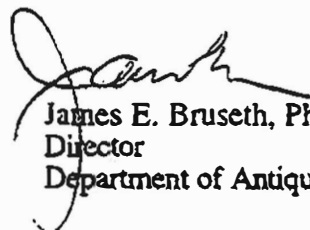
Yours truly,



James W. Steely, DSHPO
Director
National Register Department



Stan Graves, AIA, DSHPO
Director
Department of Architecture



James E. Bruseth, Ph.D., DSHPO
Director
Department of Antiquities Protection

Enclosure: list of potential repositories for archive materials
SG/JB/JS/SI/JW/LR

cc: Richard Starzak, Myra Frank & Associates
Claudia Nissley, Advisory Council on Historic Preservation
Sergio Iruegas, THC Department of Antiquities Protection
Jamie Wise, THC National Register Department
Sharon Fleming, THC Division of Architecture
Gerron Hite, THC Division of Architecture
Lisa Hart Stross, THC Division of Architecture
Hugo Gardca, THC Division of Architecture



TEXAS
HISTORICAL
COMMISSION

John L. Nau, III • Chairman
Curtis Tunnell • Executive Director

The State Agency for Historic Preservation

DIVISION OF ARCHITECTURE
DIVISION OF ANTIQUITIES PROTECTION
NATIONAL REGISTER DIVISION

December 27, 1996



Ms. Elaine K. Kaiser
Chief, Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423-0001

Re: *Union Pacific and Southern Pacific Railroad merger, multiple counties, Texas (ICC/106)*

Dear Ms. Kaiser:

Thank you for your letter, and the additional information regarding the subject project. As the State Historic Preservation Office (SHPO), Texas Historical Commission reviews federal undertakings in accordance with the National Historic Preservation Act.

The National Register Division has conducted a review of the following properties by applying state and federal criteria for historical designation and concurs that:

- MKT Depot, Carrollton
- T & P Control Tower 55, Fort Worth
- SP Freight Depot, Harlingen
- Hearne Station, Hearne

are ELIGIBLE for listing in the National Register of Historic Places under Criteria A and C, for their historical and architectural significance as early rail related resources.

The following properties:

- Freight Station, Harlingen
- Tool Shed, Harlingen
- SP Freight Office, Harlingen
- SP Shed, Harlingen
- SP Shed, Harlingen

are also ELIGIBLE for listing in the National Register of Historic Places under Criterion A, as a potential historic district.

The following properties, SHPO concurs, are NOT ELIGIBLE for the National Register of Historic Places:

- Broadway Inn/Railroad Café, Fort Worth
- T & P Yard (shed), Fort Worth
- Control Tower No. 26, Houston
- SP Carmen-Special Agents Office, Texarkana
- SP Carmen-Mechanical Department, Texarkana

- SP Carmen's Toilets, Texarkana
- Paint/Signal Shop, Texarkana
- SP Carmen's Storage, Texarkana
- SSW Trucking Company, Texarkana
- MKT Yard Office, Waco
- SP Tool House, Waco

Please correct and resubmit reference to Bellmead Yard, Waco, under "History of Property," on Texas Historic Sites Inventory Form, Site Nos. TA-001, 002, 003, 004, 005, and 006.

Texas Historical Commission understands your concern regarding the Surface Transportation Board's (STB) ability to control future action of the railroads unrelated to this merger. However, this undertaking relates to the disposition of facilities that may be duplicated, or not needed for other reasons related to the merger, and therefore proposed for removal, sale or abandonment, and to facilities that may be affected by expansion and other actions that are a direct result of the merger. The STB has the responsibility of considering the effects of approving the merger on cultural resources.

The effects of this merger on all identified historic properties cannot be fully assessed at this time. However, Texas Historical Commission will agree that there is no effect on historic properties for all aspects of the merger where there are no historic properties, railroad or non-railroad related, that could be affected by the undertaking.

We also concur that the construction of the proposed common point connections in Fort Worth will have no effect on T&P Control Tower 55. We understand that the railroad properties in proximity to the proposed common point connections have been surveyed, and there are no other historic railroad properties. If there are non-railroad historic properties in proximity to the proposed common point connections, then the undertaking's potential effects on these properties should be considered.

In our last letter, we recommended Historic American Building (HABS) or Historic American Engineering Record (HAER) survey documentation, level II, as appropriate documentation for structures that will be transferred or sold as a result of the merger. This recommendation was made with the understanding that the original plans exist for the structures being documented. If the original plans do not exist, or if their condition does not meet the *Secretary of the Interior's Standards for Architectural and Engineering Documentation*, then HABS/HAER level I would be the appropriate documentation alternative.

We are currently reviewing a draft of the documentation proposed as mitigation for the proposed demolition of the Clear Creek Bridge. Structures that will be transferred or sold as a result of the merger should also have appropriate preservation covenants attached to the deed.

For all other aspects of the project where historic properties have been identified, we need more specific information on the undertaking in relation to the identified historic properties, including: detailed maps showing the proximity of construction to the historic properties, photographs of the areas of construction and historic properties (including non-railroad related historic properties that might be affected), a detailed description and plans for proposed construction, and any other information that would assist us in review of potential effects.

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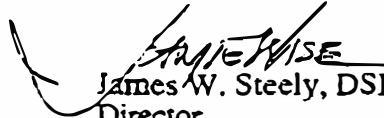
We understand from an interested Hearne citizen that significant construction is planned in Hearne as a result of this merger. Prior to the merger proposal, the City of Hearne had an agreement with the railroad to acquire the historic Hearne Depot on its original site, to be used as a museum. After the merger proposal, the City was told that the depot would have be moved from its historic site, due to the increased traffic expected from the merger. The City is having difficulty working with the railroad to obtain an appropriate new site for the Hearne Depot. We request that the railroad be encouraged to work with the City in finding an appropriate new site for the building. 1

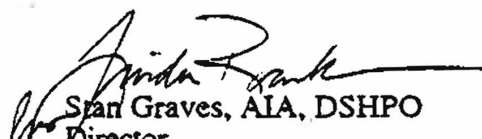
We understand that railroad operations will be moved from Palestine and Tyler to Hearne. If this information is accurate, were Palestine and Tyler surveyed for historic properties that might be affected by this move? 2

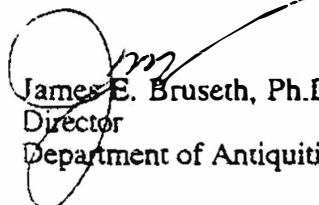
The Division of Antiquities Protection concurs with the findings of the report "Cultural Resource Assessments of Proposed Railway Improvements for the Union Pacific-Southern Pacific Merger Across Texas," By Moore Archeological Consulting. It is possible that buried cultural remains may be present in the project area. If such materials are encountered during construction or disturbance activities, work should cease in the immediate area; work may continue in the project area where no cultural materials are present.

Thank you for your interest in the cultural heritage of Texas, and for the opportunity to comment on this project in accordance with the National Historic Preservation Act, as amended. If you have any questions or concerns about this review please contact Linda Roark in the Department of Architecture at 512/463-6094, Janie Wise in the National Register Department at 512/463-6006, or Lain Ellis in the Department of Antiquities Protection at 512/463-6096.

Yours truly,


James W. Steely, DSHPO
Director
National Register Department


Sharon Graves, AIA, DSHPO
Director
Department of Architecture


James E. Bruseth, Ph.D., DSHPO
Director
Department of Antiquities Protection

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cc Richard Starzak, Myra Frank & Associates
Director, Advisory Council on Historic Preservation, Western Office
Lain Ellis, THC Department of Antiquities Protection
Jamie Wise, THC National Register Department
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