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SEA

SERVICE DATE – FEBRUARY 22, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-33 (Sub-No. 244X)

**Union Pacific Railroad Company – Abandonment Exemption –
in San Patricio County, TX**

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the discontinuance of service and abandonment of a line of railroad in San Patricio County, Texas. The rail line proposed for abandonment, known as the Sinton Industrial Lead, extends 1.52 miles from milepost 121.30 to milepost 122.82 near Sinton Junction. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to UP, the line proposed for abandonment was originally constructed in 1890 by the San Antonio and Aransas Pass Railway. Based on information in UP's possession, the line does not contain Federally granted right-of-way. The right-of-way is approximately 100 feet in width. UP indicates that the line passes through the western portion of the City of Sinton and continues on through a rural area of San Patricio County, along U.S. Highway 181. The topography of the adjacent land outside the city limits is farmland and pasture. Two rail timber pile trestle open deck bridges located on the line at mileposts 121.62 and 121.94 are over 50 years old.

ENVIRONMENTAL REVIEW

UP submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to UP, no local traffic has moved over the line for at least two years and there is no overhead traffic on the line. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

The National Geodetic Survey (NGS) has advised SEA that seven geodetic station markers have been identified that may be affected by the proposed abandonment. Accordingly, we will recommend a condition requiring that UP consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

The U.S. Department of Agriculture, Natural Resources Conservation Service in Temple, Texas has determined, because the area adjacent to the right-of-way has been previously converted to urban uses, that the proposed abandonment will be exempt from requirements of the Farmland Protection Policy Act.

The U.S. Army Corps of Engineers, Galveston District (Corps) has determined, based on its review of topographic maps and information submitted to them by UP, that the proposed project is not subject to Corps' jurisdiction.

The Texas Parks and Wildlife Department (TPWD) has advised SEA of the potential occurrence of one plant species of concern that may be affected by the proposed abandonment. Review of the TPWD Natural Diversity Database (NDD) indicates that a population of Welder *Machaeranthera* (*Psilactis heterocarpa*) has been observed near the intersection of U.S. Highways 77 and 181. The NDD information does not provide a definitive statement as to the presence, absence or condition of the species. The NDD information is intended to assist in avoiding harm to species that may occur. During salvage operations, TPWD recommends using techniques that avoid or minimize negatively impacting available wildlife habitat in or near the right-of-way. If clearing vegetation is necessary, the clearing activities should be scheduled to occur outside of the migratory bird nesting season to ensure compliance with the Migratory Bird Treaty Act. Accordingly, we will recommend a consultation condition requiring that UP contact TPWD prior to commencement of any salvage activities on this project to address TPWD's concerns about the potential occurrence of species of concern in the project area and to ensure compliance with the Migratory Bird Treaty Act.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts.

HISTORIC REVIEW

UP served the historic report on the Texas Historical Commission (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that the proposed abandonment is not eligible for listing in the National Register of Historic Places (National Register). We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.5(c) and 36 CFR 800.8, we have determined that the proposed abandonment will not adversely affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area and identified no tribes that may have an interest in the proposed abandonment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Union Pacific Railroad Company shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
2. Prior to commencing salvage activities, Union Pacific Railroad Company shall consult with the Texas Parks and Wildlife Department (TPWD) to address TPWD's concerns about the potential occurrence of species of concern in the project area and to ensure compliance with the Migratory Bird Treaty Act.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-33 (Sub-No. 244X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett, the environmental

contact for this case, by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: February 22, 2008.

Comment due date: March 7, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment