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242778

March 9, 2017

ENTERED
Office of Proceedings
March 9, 2017
Part of
Public Record

Via E-File

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance 2.23 miles located in Harris County and Chambers County, Texas, STB Docket No. AB-33 (Sub-No. 324X)

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. §1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

Please file the Notice of Exemption in Docket No. AB-33 (Sub No. 324X). Enclosed is credit authorization voucher in the amount of \$4,000.00 for the filing fee.

Sincerely,

Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

FILED
March 9, 2017
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
March 9, 2017
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-33 (Sub-No. 324X)
UNION PACIFIC RAILROAD COMPANY ABANDONMENT OF AND
DISCONTINUANCE OF SERVICE OVER A PORTION OF THE U.S. STEEL
INDUSTRIAL LEAD IN HARRIS AND CHAMBERS COUNTIES, TEXAS
(U.S. STEEL INDUSTRIAL LEAD)**

Notice of Exemption

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

Dated and filed: March 9, 2017

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-33 (Sub-No. 324X)
UNION PACIFIC RAILROAD COMPANY ABANDONMENT OF AND
DISCONTINUANCE OF SERVICE OVER A PORTION OF THE U.S. STEEL
INDUSTRIAL LEAD IN HARRIS AND CHAMBERS COUNTIES, TEXAS
(U.S. STEEL INDUSTRIAL LEAD)**

Notice of Exemption

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service on a portion of the U.S. Steel Industrial Lead from Milepost 2.4 to Milepost 4.63 at the East side of Cedar Bayou, for a total distance of 2.23 miles in Harris and Chambers Counties, Texas (the "Line").¹

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment and discontinuance are proposed to be consummated on or after April 28, 2017 (at least 50 days after filing the Notice of Exemption).

Certification: 49 C.F.R. 1152.50(b)

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

(a) General.

(a)(1) The railroad's exact name is Union Pacific Railroad Company.

(a)(2) UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(a)(3) UP intends to abandon the portion of the U.S. Steel Industrial Lead from Milepost 2.4 in Baytown to Milepost 4.63 at the East side of Cedar Bayou, a total distance of 2.23 miles in Harris and Chambers Counties, Texas.

(a)(4) A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit No. 1**.

(a)(7) The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)

(a)(8) ZIP Codes. The Line traverses U.S. Postal Service Zip Codes 77520 and 77523.

(e)(4) Rural and Community Impact.

It is UP's intention to salvage the track material on the Line and vacate the SR-146 overpass so that it may be removed to facilitate the SR-146 Grand Parkway Project. The salvage process will include the unbolting of the trackage and removal of all rails, ties and other track material from the Line as follows: With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel

(angle bars, tie plates, spikes, switches and any other metal parts will be removed. Next the wooden ties will be raised from among the ballast with a tool designed for minimum disruption of the ground material. The ties will then be separated into three groups as follows: (1) good quality ties that would be re-used in rail service, (2) landscape-quality ties that would be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties will be loaded into truck trailers or containers and shipped by UP's salvage contractor to an EPA approved disposal site or to a cogeneration facility.

Culverts and right-of-way grading will remain intact as so as not to alter the prevailing drainage and water flows along the Line. Ballast will typically be left in place, but may be removed if it is of exceptional quality for use elsewhere. Finally, all railroad at grade crossings will be removed, remediated and resurfaced with gravel, asphalt or concrete, to match existing roadway surface conditions in accordance with governing road authority requirements. All grade crossing warning devices will also be dismantled and removed.

UP's salvage work for abandonments is performed by experienced rail material salvagers. Each salvage contract includes detailed information on any environmental or historical conditions imposed by the Board. Completed work is independently inspected by a UP roadmaster or other maintenance official to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions, if applicable.

UP's real property interest in the Line is approximately 95% reversionary in nature. Based upon information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession with regard to ownership

of the Line will be made available to those requesting it.

After the proposed abandonment, the Baytown area will continue to receive rail service from Union Pacific via the UP Baytown subdivision, and the remaining portion of the U.S. Steel Lead. Cedar Bayou will continue to receive rail service via UP's Cedar Bayou Industrial Lead. BNSF also has operations in Baytown and Nearby Eldon, TX. The area reach by the Line is well served by SR-146 and Hwy 99 and several local roads which cross the area.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years.

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

Labor Protection

The interests of the railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached as **Exhibit No. 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

Environmental and Historic Report

A copy of the cover letter which accompanied UP's Combined Environmental and Historic Report ("CEHR"), containing the information required by 49 C.F.R. §§ 1105.7(e)

and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The CEHR was electronically filed with the Office of Environmental Analysis (OEA), on April 1, 2016 and supplemented on February 27, 2017 with a new map showing this Cedar Bayou Lift Bridge. The CEHR indicates that the proposed abandonment does not involve any historic properties. UP submitted historical information to the Texas Historical Commission (the "THC"). After review of this information, the THC sent to UP a letter dated January 20, 2016 stating that THC had reviewed the Project and area to be abandoned and that the Line includes a Vertical Lift Railroad Bridge over Cedar Bayou that was placed there in 1967, but was originally constructed in 1912 over the St. Francis River at Cody, Lee County, Arkansas. Rather than contest the age of the UP's Cedar Bayou Life Bridge, UP with the assistance of the Board's Office of Environmental Analysis has undertaken a Memorandum of Agreement ("MOA") process with the THC and the Board. An historical analysis of the Cedar Bayou Lift Bridge has been completed and submitted to the Board's Office of Environmental Analysis and the THC. A copy of the draft MOA and the documentation prepared and delivered to date in the form of letter from Union Pacific to the Board's Office of Environmental Analysis dated December 22, 2016 (the "Historic Condition Letter") is attached hereto as **Exhibit No. 4**. Input for the Historic Condition Letter has been received by the U.S. Coast Guard, the Cedar Bayou Navigation District, the Chambers County Commissioners Court, Union Pacific contract historian Summit Envirosolutions, the Advisory Council on Historic Preservation. In the Historic Condition Letter, Union Pacific has represented to the Board's Office of Environmental Analysis that Union Pacific has in good faith taking these steps to satisfy the section 106 historic

condition process in advance of the filing of the Notice of Exemption. In response to the Historic Condition Letter the THC has asked Union Pacific to make a public offer for sale and relocation of the Cedar Bayou Lift Bridge. Union Pacific has complied with the request and the Cedar Bayou Lift Bridge has been publicly offered for sale to the public in newspapers of general circulation in Harris and Chambers counties, directly by certified mail to both Harris and Chambers Counties and the City of Baytown, Texas and in the Historic Bridge Web Site. (<http://historicbridgefoundation.com>). **See Exhibit No. 7.** Therefore, Union Pacific respectfully requests that any Section 106 condition imposed in the Notice of Exemption permit salvage and removal of track structure and structures on the Line including the Rt-146 Bridge and that the Section 106 process for the Cedar Bayou Lift Bridge will be deemed satisfied upon completion of the Public Offering for sale and relocation of the Cedar Bayou Lift Bridge.

The Texas Commission on Environmental Quality by letter dated April 8, 2016 does not anticipate long term environmental impacts provided construction and waste disposal activities are completed in accordance with applicable law. UP's and TexDOT's salvage contractor's will be contractually obligated to comply with such applicable law. **See Exhibit No.5.**

The National Geodetic Survey by email dated January 29, 2016 indicated that no geodetic survey marks are located in the area of the Project. **See Exhibit No. 6.**

Request Under 49 U.S.C. § 10502 to Exempt the Proposed Abandonment from the Offer of Financial Assistance Provisions of 49 U.S.C. § 10904 and the Public Use Provisions of 49 U.S.C. § 10905 for Reasons of Overriding Public Need

The Board has authority under 49 U.S.C. § 10502 to exempt the proposed abandonment from the Offer of Financial Assistance provisions of 49 U.S.C. § 10904 and the Public Use provisions of 49 U.S.C. § 10905. An exemption is typically granted when the right-of-way is needed for valid public purpose, such as the use of a portion of the right-of-way for public transportation purposes, and where, as here, there is no overriding public need for continued rail service on the Line for which abandonment authority is sought.¹

UP and the Texas Department of Transportation (“TEXDOT”) have completed preliminary negotiations for an agreement covering the demolition and removal of two (2) railroad bridges on the Line (the “TEXDOT Agreement”). As part of TexDOT’s project to expand and improve State Route 146, the Grand Parkway Highway Expansion Project (the “SR-146 Highway Project”), UP and TexDOT have agreed that removal of the existing UP railroad bridge at SR-146 (the “SR-146 Railroad Bridge”) will save TexDOT substantial costs for the SR-146 Highway Project. Abandonment of the Line will permit the SR-146 Highway Project to proceed without the unnecessary cost

¹ ¹ See Missouri Pacific Railroad Company – Abandonment and Discontinuance of Operations Exemption – In Houston, Harris County, TX, Docket No. AB-3 (Sub-No. 139X) et. al., (STB Decision served December 31, 1996. Proposed abandonment exempted from §§ 10904 and 10905); Southern Pacific Transportation Company – Discontinuance of Service Exemption – In Los Angeles County, CA, Docket No. AB-12 (Sub-No. 172X), et. al., (ICC served December 23, 1994); Missouri Pacific Railroad Company – Abandonment – In Harris County, TX, Docket No. AB-3 (Sub-No. 105X) (ICC served December 22, 1992); Chicago & North Western Transportation Company – Abandonment Exemption – In Blackhawk County, IA, Docket No. AB-1 (Sub-No. 226X) (ICC served July 14, 1989); and Iowa Northern Railway Company – Abandonment – In Blackhawk County, IA, Docket No. AB 284 (Sub-No. 1X) (ICC served April 1, 1988).

and expense of constructing a new railroad bridge over SR-146. Removal of the SR-146 Railroad Bridge will sever the railroad connection to the Union Pacific mainline to the West of SR-146. The portion of the Line between SR-146 on the west and the Cedar Bayou Lift Bridge on the east will only be accessible via the privately owned Industrial Lead east of the Cedar Bayou Lift Bridge. In that the Line will no longer have a direct physical connection to a railroad on the National Railroad Network when the SR-146 Railroad Bridge is removed, the UP is of the reasoned opinion that this fact supports an exemption from the Offer of Financial Assistance process.

The TexDOT Agreement also provides that as part of the SR-146 Highway Project, TexDOT will fund the cost for the removal of the Lift Bridge at Cedar Bayou because the Line will (1) no longer have a connection to the National Railroad Network, (2) will not be available for interim trail use and (3) inability to use the Lift Bridge at Cedar Bayou in some form of transportation will require removal of the railroad bridge under the rules and regulations of the United States Army Corps of Engineers and the United States Coast Guard.

In addition, local zoning for the area served by the Line has undergone significant change and property adjacent to the Line has been zoned for non-industrial use that would not utilize freight rail service.

For the reasons of outlined above, Union Pacific Railroad Company respectfully requests that the Board issue a decision granting an exemption under 49 U.S.C. § 10502 from the Offer of Financial Assistance Provisions of 49 U.S.C. § 10904 and from the Public Use Provisions of U.S.C. § 10905 in this matter in that a critical part of the right-of-way which makes up the subject portion of the U.S. Steel Industrial Lead

covered by this Notice of Exemption is needed for a valid public purpose by the Texas Department of Transportation and there is no other overriding public need for continued freight rail service on said subject portion of the U.S. Steel Industrial Lead.

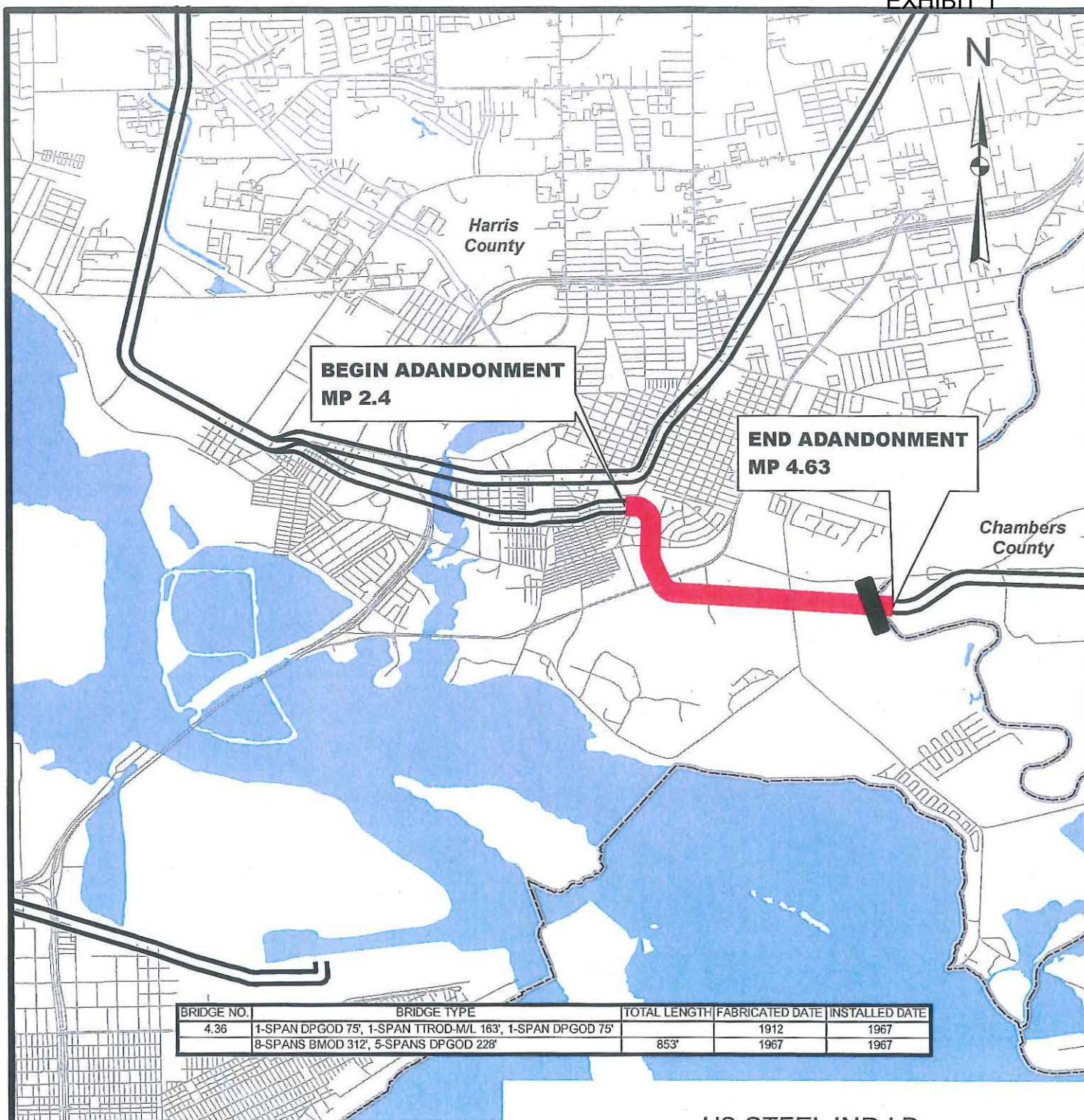
Dated this 9th day of March, 2017.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, reading "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney
101 North Wacker Drive, #1920
Chicago, Illinois 60606
312/777-2055 (Tel.)
312/777-2065 (FAX)



Legend

- ABANDONMENT
- OTHER TRACKS
- OTHER ROADS
- 50 + YEAR OLD STRUCTURES

US STEEL IND LD

UNION PACIFIC RAILROAD CO.
MP 2.4 TO MP 4.63
TOTAL OF 2.23 MILES IN HARRIS COUNTY
AND CHAMBERS COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO.
US STEEL IND LD
TEXAS

INCLUDING STRUCTURES



DOCKET NO. AB-33 (Sub-No. 324X)
UNION PACIFIC RAILROAD COMPANY ABANDONMENT OF AND
DISCONTINUANCE OF SERVICE OVER A PORTION OF THE U.S. STEEL
INDUSTRIAL LEAD IN HARRIS AND CHAMBERS COUNTIES, TEXAS
(U.S. STEEL INDUSTRIAL LEAD)

CERTIFICATE OF SERVICE AND PUBLICATION

49 C.F.R. § 1152.50(d)(1) – Notice

The undersigned certifies that on February 24, 2017 (at least 10 days before a Notice of Exemption is filed), written notice was given by Union Pacific stating Union Pacific's intent to use the Notice of Exemption procedure to abandon a portion of the U.S. Steel Industrial Lead in Harris and Chambers County, Texas in Docket No. AB-33 (Sub-No. 324X). Said written notice (a copy of which is attached hereto as **Attachment No. 1**) was served on the following:

Denise S. Francis
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

49 C.F.R. § 1105.11 – Transmittal Letter for Applicant’s Report

The undersigned certifies that on April 1, 2016 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 324X) for abandonment of a portion of the U.S. Steel Industrial Lead in Harris and Chambers Counties, Texas on the following:

- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

(The Certificate of Service attached to the Combined Environmental Historic Report lists the names and addresses of the federal, state and local agencies served.)

49 C.F.R. § 1105.12 – Newspaper Notice

The undersigned further certifies that a “Notice of Intent to Abandon and Discontinue Service” was published in the form prescribed by the Board for a Notice of Exemption (Copy Attached as **Attachment No. 2**). The Notice was published one time in a major newspaper in the counties in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Harris	Baytown Sun	March 5, 2017
Chambers	Baytown Sun	March 5, 2017

Dated this 9th day of March, 2017.

A handwritten signature in black ink, reading "Mack H. Shumate, Jr." in a cursive script.

Mack H. Shumate, Jr.

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

ATTACHMENT 1
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

February 24, 2017

Denise S. Francis
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, TX 78711

National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

U.S. Dept. of Agriculture
Chief of the Forest Service
4th Floor, N.W. Auditors Bldg.
U.S. Department of Agriculture
14th St. & Independence Ave., SW
Washington, DC 20250

Headquarters
Military Surface Deployment & Distribution
Command
Transportation Engineering Agency
ATTN: ADTE - SA
Railroads for National Defense Program
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance of 2.23 miles located in Harris County and Chambers County, Texas; STB Docket No. AB-33 (Sub-No. 324X)

Dear Sir or Madam:

Please be advised that Union Pacific Railroad Company ("UP") expects to file with the United States Surface Transportation Board ("STB"), on or after March 6, 2017 a notice of an exempt abandonment on a line of railroad known as the US Steel Industrial Lead, located near Baytown, in Harris and Chambers Counties, Texas, extending from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance of 2.23 miles (the "Line"). The Line traverses U.S. Postal Service zip codes 77520 and 77523. A prior letter concerning abandonment of the Line dated April 21, 2016 was served on you. The State of Texas Historic Preservation Office raised concerns with regard to a bridge on the Line and a revised map depicting the Cedar Bayou Bridge at Milepost 4.63 is now included.

The "no business" exemption procedure will be used to abandon the Line, pursuant to the STB's abandonment regulations at 49 C.F.R. §1152.50. No local traffic has moved over the Line for at least two years and there is no overhead traffic on the Line. A Notice of Exemption to abandon service on the Line pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed with the STB on or after March 6, 2017.



**BUILDING AMERICA®**

Based on information in UP's possession, the Line does not contain federally granted right-of-way. Any documentation in UP's possession regarding the Line will be made available promptly to those requesting it.

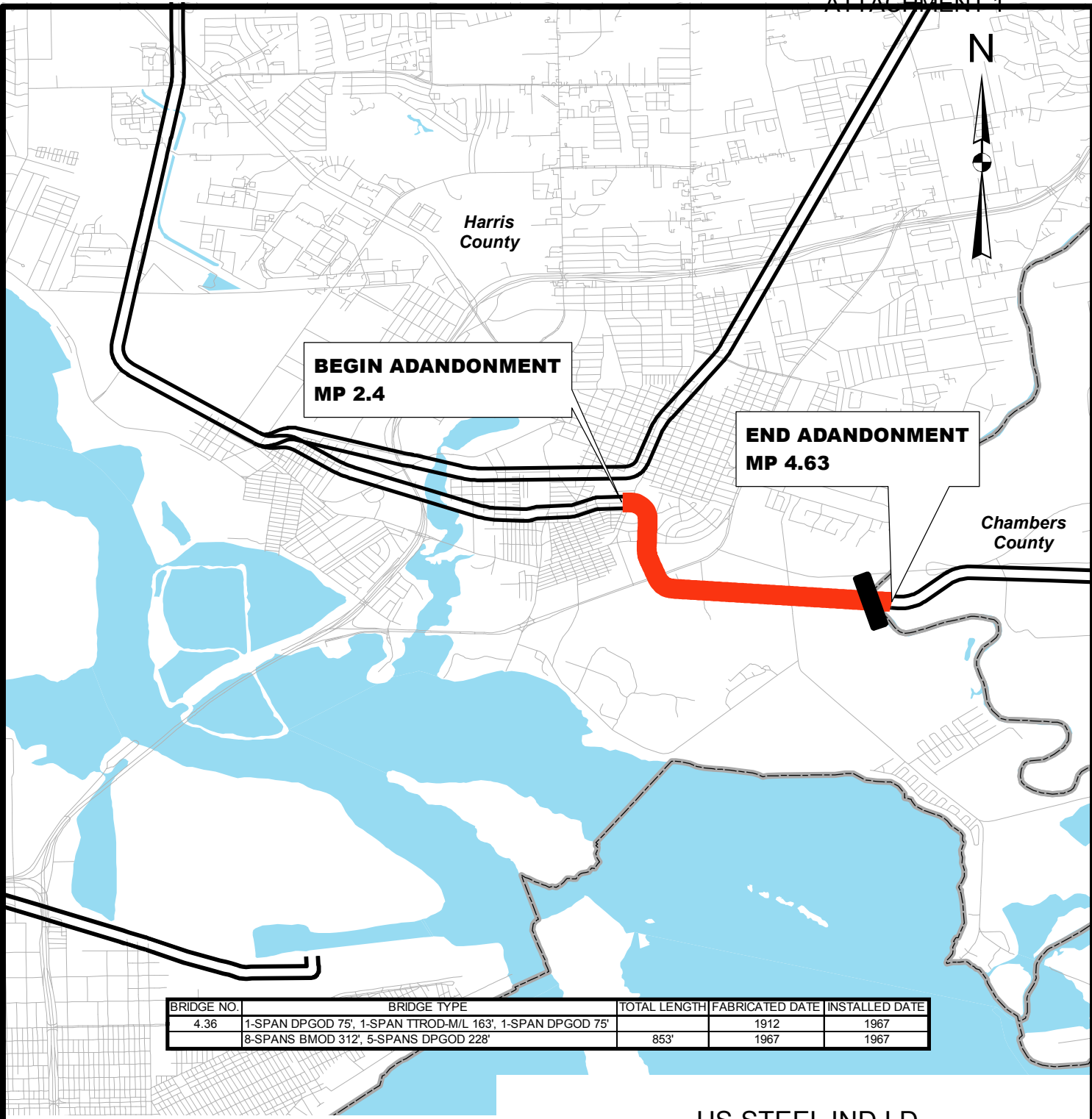
A revised map showing the segment of Line to be abandoned including the Cedar Bayou Bridge is attached as **Attachment 1** for your information.

Sincerely,

A handwritten signature in black ink, reading "Mack H. Shumate, Jr." in a cursive script.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	FABRICATED DATE	INSTALLED DATE
4.36	1-SPAN DPGOD 75', 1-SPAN TTROD-M/L 163', 1-SPAN DPGOD 75'		1912	1967
	8-SPANS BMOD 312', 5-SPANS DPGOD 228'	853'	1967	1967

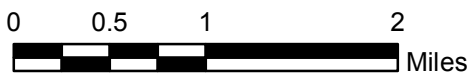
Legend

-  ABANDONMENT
-  OTHER TRACKS
-  OTHER ROADS
-  50 + YEAR OLD STRUCTURES

US STEEL IND LD
UNION PACIFIC RAILROAD CO.
MP 2.4 TO MP 4.63
TOTAL OF 2.23 MILES IN HARRIS COUNTY
AND CHAMBERS COUNTY
IN TEXAS

UNION PACIFIC RAILROAD CO.
US STEEL IND LD
TEXAS

INCLUDING STRUCTURES



The Baytown Sun
1301 Memorial Drive
Baytown, Texas 77520
281-422-8302

AFFIDAVIT OF PUBLICATION

Union Pacific Railroad Company
1400 Douglas St.-Mail Stop 1580
Omaha, NE 68179
Attn: Sarah Rief

COUNTY OF HARRIS

Reference: Notice of Intent to Abandon Rail Line

Before me, the undersigned authority, on this day personally appeared, Misty Warner who being duly sworn, deposes and says that she is an agent of the Baytown Sun: that said newspaper is regularly published in Harris County and generally circulated in Harris and Chambers Counties, Texas: that the attached notice was published on the following date.



Misty Warner
Misty Warner, Agent

Printed: March 5, 2017

Subscribed and sworn before me this 6 of March 2017 AD

Deborah Florence Robertson

101 Automobiles

1998 BUICK LeSabre Limited- 124,000 miles- 1 owner-great condition- new ac- \$4000-call 281 420-7481. Leave message

204 RVs/Spaces To Rent

RV SPACE \$495 Mo \$250 dep All bills paid. 713-781-2436 or 832-887-8133

401 Houses For Rent

3/2/2 Custom cabinets throughout, large extra room, extra room with closet. Storage building in backyard plus patio. 281-576-5058 409-392-1915

3107 REY AVE
3/1.5/1 \$1050mo
\$1000dep fenced yard, stove, fridge, W/D hook up, central air.
281-421-1031

Beautiful 2 story home 5/3/2 in a gated community. Brick floors and stainless steel appliances. \$1800/mo plus dep. A must see. Call 281-330-8317

401 Houses For Rent

LA PORTE 3-1 appliances \$1000 mo \$1000 dep. 1 yr lease. 832-620-7836.

404 Apartments For Rent

200 N. 2nd
1/1 Yard, gas & water paid. \$625 month \$400 deposit
713-298-8352

406 Mobile Homes For Rent

\$700/MONTH & \$700/deposit
No Pets & Non-smoking preferred. Call 281-421-4035

REMODELED 14X64 Mobile Home
3/2, big corner lot. Carport for 2 cars
Rent \$1100
Deposit \$800
Call 281-421-1691

3/2 Mont Belvieu on ranch all electric \$750
ljcognata@hotmail.com

VISIT US
Online
www.baytownsun.com

406 Mobile Homes For Rent

4223 MCLEAN 2Bd/2Bth \$650 mth plus Dep 713-781-2436 or 832-887-8133

501 General Services

AAA QUALITY TREE Trim/Removal For low rates & job well done call 281-420-2281

*** HAULING HANK ***
Will Haul-off trash, debris, buildings, junk
Call 281-420-2281

A. MARTINEZ
Tree & Lawn Service
Flower beds & Initial Cleanup 281-798-5396

JACKSON'S TRASH
Comm. & Residential Hauling. Landscaping, Lawn & Tree Trimming
Pressure washing. We are insured. House Demolition.
832-880-2803

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@TheBaytownSun

615 Garage Sales

"ANOTHER K.Hester Estate Sale" -2 days
2300 Mockingbird
Sat., March 4, 2017 8-5pm
Sun., March 5, 2017 1-5pm

701 Professional

FULL TIME
Receptionist/Optician needed for a busy optical practice. Experience required. Call 281-328-2020 for more info or email resume to fvc.judyg@gmail.com

704 Medical

NURSES NEEDED for Pediatrics Private Duty Nursing(Pdn) cases in Baytown and surrounding cities. Call CN Healthcare @ 713-995-9995 or 832-868-5670."

HOME HEALTH CO.
looking for LVN/RN
For more info,
Call 281-428-2807
Mon.-Fri., 10a-4p.

RATES & INFO
281-425-8008
classifieds@baytownsun.com

705 Technical

MECHANICS, DIESEL: Tech I Opening!
Competitive Pay, Comprehensive Health Benefits, Retirement Plan & More!
6 years experience in repairing and troubleshooting is a must.
Penske Truck Leasing: 855-749-2917

707 Clerical

EXP. OFFICE Clerk needed for high traffic Auto Appraisal Service in Baytown. Must be MS Office Proficient. Call Roy Bent 281-424-6466

SELL YOUR HOUSE
WITH THE **CLASSIFIEDS**
Call 281-425-8008 to get started

707 Clerical

LOOKING FOR a full-time Receptionist/ Administrative Assistant. Good communication skills, dependable, and self driven. Offer \$650 weekly. Send resume: ryhomess@gmail.com

708 General

CHANNELVIEW ISD is accepting applications for HVAC, Building Maintenance and Custodial Positions. Please apply online at www.cvisd.org or call 281-452-8005.

SECURITY OFFICERS
Immediate openings
Full/Part time
Must be reliable
Apply in person
820 W. Main St.
La Porte, Tx.

ATTACHMENT 2
FIVE STAR
REAL ESTATE AGENT
Karla Opryshek 2017
Broker/Associate CRS, ABR, MRP, ASR, NHS, MCNE
Coldwell Banker THE PLACE TO BE
Broker/Associate
(281) 433-2281
kopryshek@cbunited.com

708 General

CRAFT WITH insulation and scaffold erection experience. Must be willing to work any shift, including nights and weekends. All employees must submit to substance abuse testing. Compensation is commensurate with experience. Call 281-460-6779.

FORKLIFT OPERATORS
Numerous Openings
\$11-13
Call for Apt. (832) 307-7170

LAKES OF Madera
Apartments
Seeking HVAC Maintenance
Must have exp
305 W Baker Road
Apply in person

708 General

NOW HIRING \$8 Hr. Food Concession Workers For March 17, 18, 19 April 21, 22, 23
Taking applications March 8-11 11am-5pm
In the Tower Club more info email or call dneal@racerpr.com 281-918-0504 281-732-5277

TRUE HEART ROSE CO is looking for a delivery driver. \$10-\$12/hr. Call Young @ 832-474-9059

WARM BEGINNINGS
Daycare is now hiring teachers. Apply 11002 Eagle Dr., Mont Belvieu 281-385-6673

YARD MULE Operators
\$12-14
Call for Apt. (832) 307-7170

713 Drivers

Drivers: SGT 2000 Motor Freight Inc. Company Earn Up To \$.45 p/mile
O/O Earn Up To \$1.37 Based on D.O.E
Sign On Bonus \$5000*
Company – Owner Operators
713-674-2076

DRIVERS:Excellent Pay & Benefits!
100% pd. Med Options
CDL A or B haz & tank. Min. 1y exp EEO Employer/Vet/Disabled
Sun Coast:
855-347-9590

Part Time/Hot Shot
Class A/CDL
Delivery Driver w/ TWIC. Perfect for someone semi-retired!
Call Toni @ 281-772-4377.

810 Legal Notices

LEGAL NOTICE
GCCISD is accepting proposals from qualified vendors in response to CSP #17-009 for Construction Services for Agriscience Center Expansion & Renovation. Responses must be submitted by 2:00 p.m. on March 30, 2017. Documents are available at www.gccisd.net/purchasing. Call (281) 707-3869 for more information.

NOTICE OF PUBLIC SALE
of property to satisfy a landlord's lien. Sale is Wednesday, March 29, 2017 at 10 am at Drive-Up Self Storage, 4624 Garth Road, Baytown, TX 77521, Phone (281) 427-6644. Property will be sold to the highest bidder for cash. Cleanup and removal deposit is required. Seller reserves the right to withdraw property from sale or reject any and all bids. Unless otherwise specified, units contain miscellaneous household goods. Property includes contents of spaces of the following tenants:

Pyron, Gary Dean
Gilbert, Jada D
Stewart, Darric O
Odom, Joshua D
Garza, Brenda
toys
Williams, Dennis

REQUEST FOR QUALIFICATIONS CONSTRUCTION MANAGER-AT-RISK For Designated Projects
BARBERS HILL INDEPENDENT SCHOOL DISTRICT

The Barbers Hill Independent School District will accept responses to its Request for Qualifications (RFQ) for selection of Construction Manager(s) at Risk (CMaR) firm to provide CMaR services for designated construction projects. Qualifications will be received from firms until 2:00pm, Tuesday, March 21, 2017, at the Barbers Hill Administration Building, 9600 Eagle Drive, Mont Belvieu, TX 77580, in the Lobby/ Reception Area. The selection process will follow the requirements of the Texas Education Code Section 44.031 and Texas Government Code 2269.251. This selection shall be accomplished in a two-step process as set forth in Chapter 2269, Subchapter F of the Texas Government Code. The construction budgets for each project are as follows:

- Middle School North Addns & Rnvn - \$15,000,000.;
- Middle School South Addns & Rnvn - \$15,000,000.;
- New Early Childhood Center - \$25,000,000.

Request for Qualification documents will be issued Saturday March 4, 2017. Questions about the projects and the Request for Qualifications should be addressed to PBK, Architects, Inc., attention: Mr. Ian Powell, AIA, Partner.

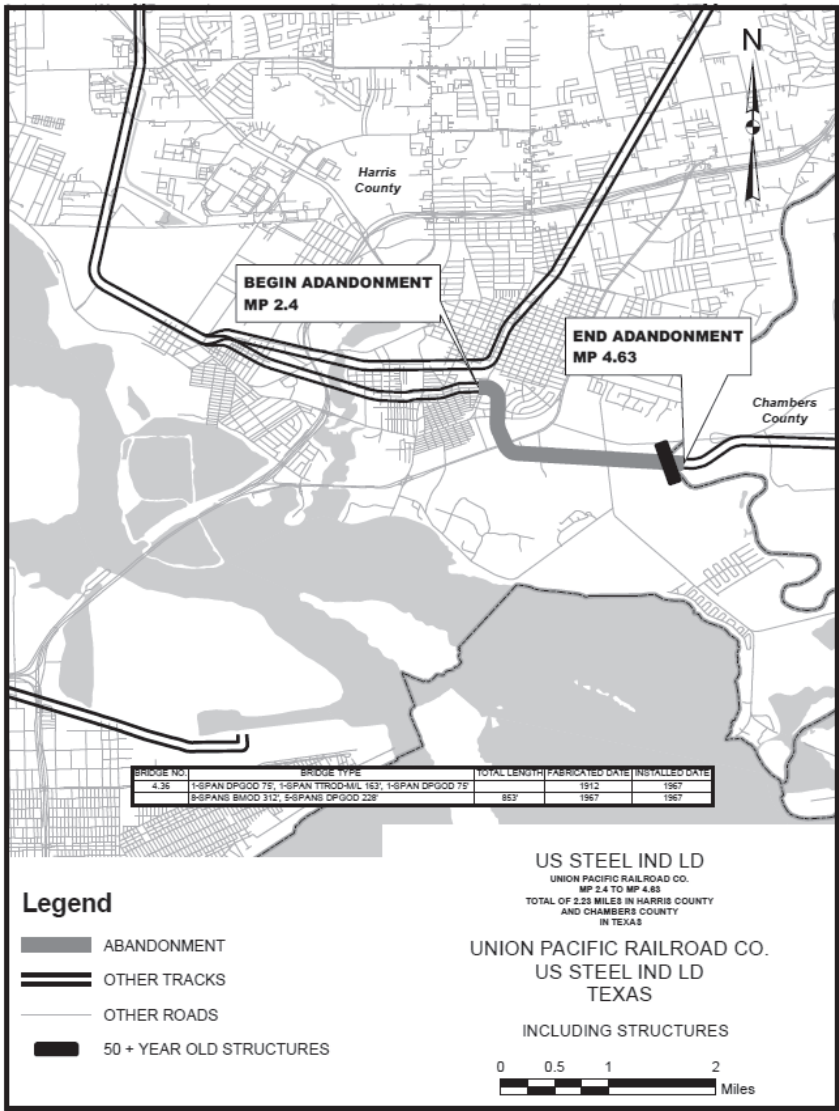
NOTICE OF INTENT TO ABANDON RAIL LINE

UNION PACIFIC RAILROAD COMPANY (UP) GIVES NOTICE THAT ON OR AFTER MARCH 6, 2017, it intends to file with the Surface Transportation Board, Washington, D.C., a notice of exemption under 49 C.F.R. Part 1152 Subpart F – Exempt Abandonments permitting the abandonment and discontinuance of service on that portion of the US Steel Industrial Lead from Milepost 2.4 near Baytown, Texas to Milepost 4.63 near Cedar Bayo Texas, a total distance of 2.23 miles located in Harris County and Chambe County, Texas and traverses U.S. Postal Service Zip Codes 77520 and 77523. The proceeding has been docketed as No. AB-33 (Sub-No. 324X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street SW, Washington, DC 20423 or by calling that office at (202) 245-0291.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings, 395 E Street, SW, Washington, DC 20423 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on the applicant's representative [See 49 CFR 1104.12(a)] Questions regarding offers of financial assistance public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (866) 254-1792. Copies of any comments or requests for conditions should be served on UP's representative: Mack Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, #1920, Chicago, Illinois 60606 (312) 777-2055.

UNION PACIFIC RAILROAD COMPANY



Gulf Coast TITANS

Spotlighting Industry Leaders of Greater Baytown

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April 30, 2017

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- Educational Partnerships
- Promotions & Successes
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ad representative.

Kathy Jaeger 281-425-8041
Cheryl Jones 281-425-8036
Dean West 281-425-8037

Candice Morris

EXHIBIT 3



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February 27, 2017

Via Regular Mail

U.S. Army Corps of Engineers: U.S. Army Corps of Engineers Fort Worth District 3801 Zoo Park Drive Waco, Texas 76708	State Clearinghouse (or Alternate) Denise S. Francis Director, State Grants Team Governor's Office of Budget and Planning P.O. Box 12428 Austin, Texas 78711
State Environmental Protection Agency Zak Cover, MC 109 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711	National Park Service (Regional Office): Suzanne Dixon, Regional Director National Park Service – Texas Region 2904 Swiss Avenue Dallas, Texas 75204
Environmental Protection Agency (Regional Office): U.S. Environmental Protection Agency – Region 6 1445 Ross Avenue, Suite 1200 Dallas, Texas 75202	U.S. Natural Resources Conservation Service: U.S. Natural Resources Conservation Service Waco Service Center 5040 S. Loop 340 Waco, Texas 76706
State of Texas Historic Preservation Office: Texas Historical Commission Main Office P.O. Box 12276 Austin, Texas 78711	National Geodetic Survey: Geodetic Services Division SMCC – 3 #9209 NOAAN/NGS 2 1315 E- W Highway Silver Spring, Maryland 20910
U.S. Fish and Wildlife Service: U.S. Fish and Wildlife Services Field Office Austin Ecological Services Field Office 10711 Burnet Road, Suite 200 Austin, Texas 78758	Head of McLennan County, Texas J.A. "Andy" Harwell McLennan County Clerk 215 N. 5 th Street, Room: 223-A Waco, Texas 76701

EXHIBIT 3



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SUPPLEMENTAL TO COMBINED ENVIRONMENTAL AND HISTORIC REPORT

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance 2.23 miles located in Harris County and Chambers County, Texas, (the "Line") STB Docket No. AB-33 (Sub-No. 324X)

To whom it may concern:

On April 1, 2016 the Union Pacific Railroad Company ("UP") served your office, pursuant to 49C.F.R §1105.11 with a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8 concerning the above referenced matter. The Texas State Historic Preservation Office has determined that in its opinion the Cedar Bayou Bridge located at M.P. 4.63 is a structure on the Line which is fifty years old or older. UP without challenging the merits of the determination has agreed to include the Cedar Bayou Bridge as a structure on the Line that is fifty years old or older and has added the bridge to the map attached to the Combined Environmental and Historic Report as Attachment 1.

It is expected that the Cedar Bayou Bridge will either be sold to the Texas Department of Transportation for demolition in conjunction with a public use highway project which includes the SR - 146 Grand Parkway Highway expansion or to a third-party for dismantlement and relocation to a new undetermined location not on the Line.

Yours very truly,

A handwritten signature in black ink, reading "Mack H. Shumate, Jr.".

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

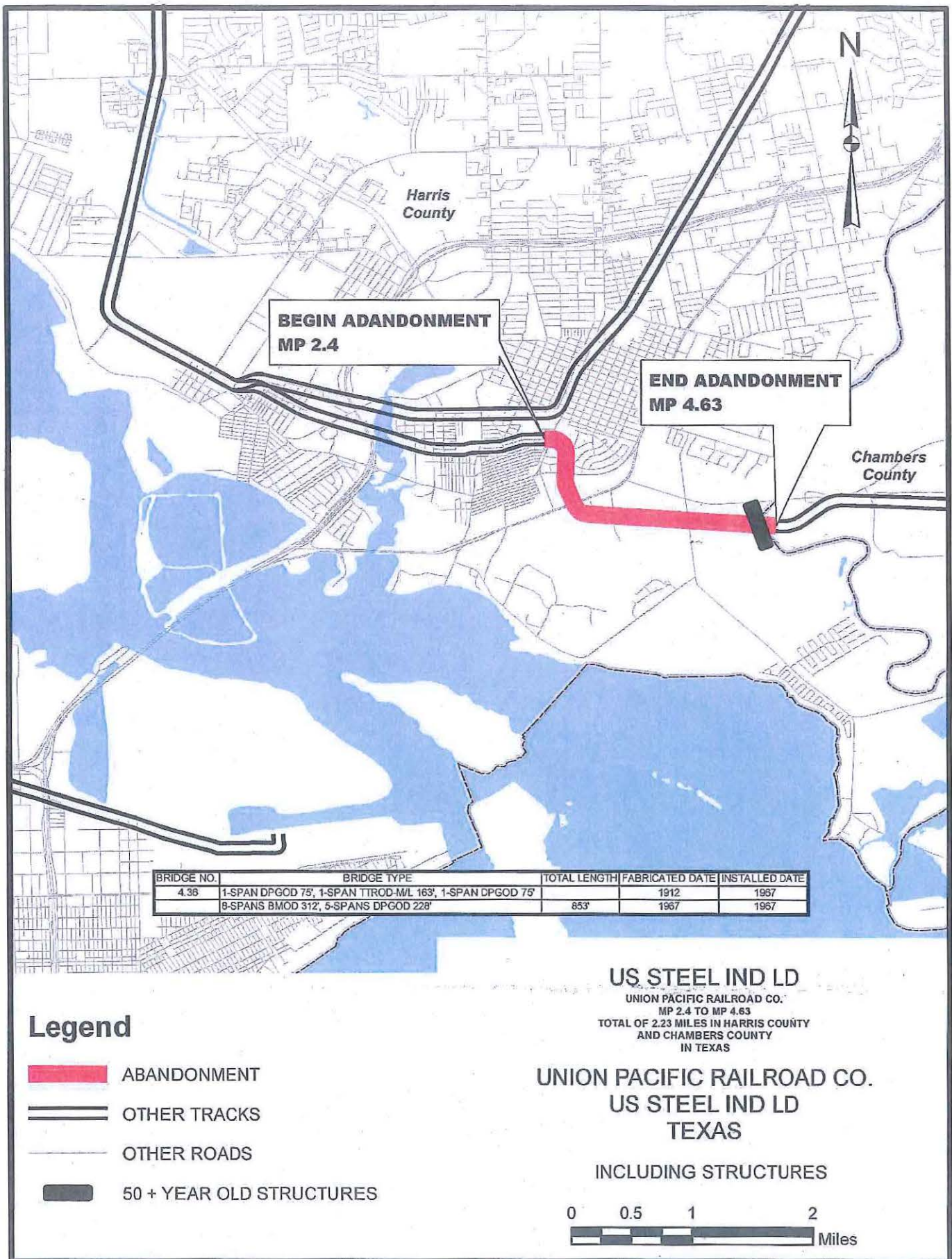


EXHIBIT 3

UNION PACIFIC RAILROAD
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606-1718

P 312.777.2055
F 877.213.4433
mackshumate@up.com

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

April 1, 2016

VIA E-FILE

TO: SEE ATTACHED SERVICE LIST

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance 2.23 miles located in Harris County and Chambers County, Texas, STB Docket No. AB-33 (Sub-No. 324X)

To whom it may concern:

On or after April 21, 2016, Union Pacific Railroad Company ("UP") expects to be filing with the Surface Transportation Board ("STB" or "Board") a Petition of Exemption seeking authority to abandon a portion of the U.S. Steel Industrial Lead from Milepost 2.4 in Baytown to Milepost 4.63 at the Eastside of Cedar Bayou, a total distance of 2.23 miles, located in Harris and Chambers Counties, Texas (collectively the "Line"). Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Union Pacific is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Number:

Surface Transportation Board
Section of Environmental Analysis (SEA)
395 East Street, S.W., Room #100
Washington, DC 20423-0001
Tel: 202-245-0296

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within three (3) weeks.



EXHIBIT 3

April 1, 2016

Page 2

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. UP's representative in this matter is Mack H. Shumate, Jr., who may be contacted by email at mackshumate@up.com, telephone at 312-777-2055 or by mail at 101 North Wacker Drive, Room 1920, Chicago, IL 60606.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written in a cursive style.

Mack H. Shumate, Jr.
Senior General Attorney

Attachment

2016_04_01 STB-EHR Agency Cover Ltr.doc

EXHIBIT 3

SERVICE LIST

STB Docket No. AB-33 (Sub-No. 324X)

State Clearinghouse (or Alternate):

Denise S. Francis
Director, State Grants Team
Governor's Office of Budget and Planning
P.O. Box 12428
Austin, Texas 78711

State Environmental Protection Agency:

Zak Covar, MC 109
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Environmental Protection Agency (Regional Office):

U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

State of Texas Historic Preservation Office:

Texas Historical Commission Main Office
P.O. Box 12276
Austin, Texas 78711

U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Austin Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Fort Worth District
3801 Zoo Park Drive
Waco, Texas 76708

National Park Service (Regional Office):

Suzanne Dixon, Regional Director
National Park Service - Texas Region
2904 Swiss Avenue
Dallas, Texas 75204

U.S. Natural Resources Conservation Service:

U.S. Natural Resources Conservation Service
Waco Service Center
5040 S. Loop 340
Waco, Texas 76706

National Geodetic Survey:

Geodetic Services Division
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, Maryland 20910

Head of McLennan County, Texas:

J.A. "Andy" Harwell
McLennan County Clerk
215 N. 5th Street, Room 223-A
Waco, Texas 76701



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December 22, 2016

Via Federal Express

Josh Wayland
 Environmental Protection Specialist
 Office of Environmental Analysis
 Surface Board Transportation
 395 E Street, S.W.
 Washington, DC 20423-0001
Joshua.Wayland@stb.gov

RE: Proposed Abandonment of the US Steel Industrial Lead from Milepost 2.4 near Baytown to Milepost 4.63 near Cedar Bayou, a total distance 2.23 miles located in Harris County and Chambers County, Texas, STB Docket No. AB-33 (Sub-No. 324X)

Dear Mr. Wayland:

This is in response to the letter dated July 27, 2016 outlining the work Union Pacific Railroad Company (UP) has undertaken to meet the requests of Mark Wolfe and Lydia Woods, East Texas Project Review for the Division of Architecture of the Texas Historical Commission ("THC") regarding the Cedar Bayou Rail Bridge at River Mile 7.0 near Baytown, Texas (the "Bridge" or "Cedar Bayou Bridge") located on the UP's line of railroad from milepost 2.4 near Baytown to milepost 4.63 near Cedar Bayou (the "Line"). Specifically, the Division of Architecture, led by Lydia Woods, completed review of the project documentation provided and due to the rarity and significance of the Cedar Bayou Bridge, determined that the demolition of the Cedar Bayou Bridge will have an adverse effect. In order to complete the Section 106 process Union Pacific has been asked to provide (1) a condition report of the bridge; (2) an assessment on why demolition would be preferable over keeping the Bridge in place, (3) a draft of a Memorandum of Agreement ("MOA") to be approved by the THC; and (4) after completion of MOA, the THC requires notice to the public with opportunity to comment on the possible demolition of the Cedar Bayou Bridge. (See Exhibit 1). In fulfillment of these requests, Union Pacific has completed the following work:

- 1) On or about 11/21/2016 Union Pacific delivered to the THC and to you at the Office of Environmental Analysis at the Surface Transportation Board ("STB") a condition report on the Cedar Bayou Bridge. (See Exhibit 2).
- 2) With regard to an assessment on why demolition is preferable to keeping the Cedar Bayou Bridge in place Union Pacific states as follows:

Based on Union Pacific's investigation to date, Union Pacific is of the reasoned opinion that the only real option available is historical documentation of the Cedar Bayou Bridge followed by demolition of the Cedar Bayou Bridge and restoration of Cedar Bayou for navigation. In order to preserve the Cedar Bayou Bridge it needs to be restored and used in transportation (See Exhibit 5). The Bridge will not be used for commercial or passenger rail transportation because



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the Line the Bridge is on and the surrounding property has been rezoned by local government to livable centers which excludes heavy industry use. The Eastern terminus of the Line is the east side of the existing Cedar Bayou Bridge. The tracks to the East of the Bridge are private tracks owned and operated by a local industry and are not part of the National Rail Network. Therefore, the potential for use of the Line and the Cedar Bayou Bridge for interim trail use under the National Trails Acts does not exist East of the bridge. In addition, use of the Cedar Bayou Bridge is part of a trail system would require extensive repair to the bridge with a minimum cost of \$5.5 million dollars and the requirement that a bridge tender be present to raise and lower the Bridge during active trail hours (See Exhibit 2).

Both the local Cedar Bayou Navigation District and the Chambers County Commissioners supports removal of the Bridge as does the Texas Department of Transportation ("TEX DOT"). Specifically, Tex DOT and the Union Pacific are in the process of final negotiations of a Memorandum of Agreement ("MOA") that provides for abandonment of the Line and demolition of the Cedar Bayou Bridge and the Highway 146 Bridge to permit reconstruction and widening of the Tex DOT Route 146 without reconstruction of the Route 146 Bridge over the Line.

- a. Attached hereto as Exhibit 3 is a Resolution of the Cedar Bayou Navigation District registering its support of the removal of the railroad Bridge over the Cedar Bayou and a resolution of the Chambers County Commissioners Court of Chamber County, Texas registering their support for removal of the Cedar Bayou Bridge.
- b. Attached hereto as Exhibit 4 is Union Pacific Railroad Company's letter to the Bridge Office of the US Coast Guard requesting guidance concerning the future disposition of the Cedar Bayou Rail Bridge over Cedar Bayou.
- c. Attached hereto as Exhibit 5 is the letter in response to Union Pacific request for guidance received from the Chief, Bridge Administrative Branch of the Eight Coast Guard District (the "USCG"). This response gives four (4) options for the Bridge that will no longer be used in transportation. (1) The Bridge may be repaired and placed into active use for transportation. (2) If portions of the Bridge will remain in the waterway after removal of the main navigation span, permission to keep any portion must be obtained from the US Army Corps of Engineers. (3) If UP opts to completely remove the Bridge, the USCG needs to coordinate and review the removal plan to assure reasonable navigation is maintained during the process and (4) if the Bridge is sold to Tex DOT ("Tex DOT") or any other party, the new owner must assume responsibility for the Bridge. Tex DOT has informed Union Pacific that it has no interest in keeping the Bridge.
- d. Attached hereto as Exhibit 6 is the rough cost estimate with regard to removal of the existing Cedar Bayou Bridge and the related Highway 146 Bridge that Tex DOT has agreed to fund to save construction costs for a new Highway 146 bridge. Removal of the two (2) bridges will be approximately \$3 million with a 75% cost allocation for removal of the Cedar Bayou Bridge and a 25% cost allocation for removal of the old Highway 146 Bridge.
- e. Attached hereto as Exhibit 7 is the rough cost estimate prepared by Union Pacific's Director of Bridge Standards and Assessment to return the existing



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Cedar Bayou Bridge back to 286K service. This cost is estimated at between \$5.5 million to \$8.5 million. The lower cost would be expected for use of the Bridge for trail purposes only.

Tex DOT will fund the removal of both bridges as part of its Route 146 Highway improvement Project. Once the Route 146 railroad bridge is removed there will no longer be a connection of the Cedar Bayou Bridge to the National Railroad Network to the West. As indicated above, there is no railroad carrier connection to the National Railroad Network to the East of the Cedar Bayou Bridge. Even though interim trail use is voluntary on the part of the railroad, the railroad and trail sponsor may not place a railroad line into interim trail use unless a connection to the National Railroad Network remains. Removal of the Route 146 Bridge over the Line isolates the Line East of Route 146 including the Cedar Bayou Bridge from the National Railroad Network and eliminates the possibility of Interim Trail Use under the National Trails Act. Tex DOT to save the costs of rebuilding the Route 146 Bridge for its public highway use purposes not only supports but effectively requires removal of the Cedar Bayou Bridge and such removal is in the public's best interest.

The Surface Transportation Board provided the Advisory Council on Historic Preservation ("ACHP") with its responses in accordance with the Electronic Section 106 Documentation Submittal System (e106) Form MS Word format. On November 18, 2016 the ACHP by letter informed the parties that they concluded that their participation in the consultation under Protection of Historic Properties did not apply to this matter and that their participation to resolve adverse effects is not needed. (The submittal to the ACHP and their response are included with Exhibit 8).

- 3) A draft MOA has been drafted and will be circulated to the STB, the THC and UP as directed by the ACHP. (See Exhibit 8).
- 4) The notice to the public in the vicinity of the Cedar Bayou Bridge will be accomplished under the ten (10) day notice and newspaper publication procedure under 49 CFR 1152.50 and 49 CFR 1105.12 and the appendix thereto. The notice to the public at large will be accomplished by the STB when it files the Board's notice in the Federal Register in accordance with 49 CFR 1152.50(f)(3).

For the reasons outlined above Union Pacific Railroad Company respectfully requests that the Surface Board Transportation Board inform the Texas Historical Commission in its negotiations regarding the MOA covering the Cedar Bayou Bridge that the Union Pacific has acted in good faith to satisfy the Section 106 condition process in advance of filing the Notice of Exemption for abandonment authority of the Line and that such Section 106 condition should be deemed completed and satisfied and that demolition of the Cedar Bayou Bridge by Tex DOT may proceed.

Sincerely,

Olin H. Dirks
Sr. Manager Rail Line Planning



BUILDING AMERICA®

cc: Andrew Schmidt
Director of Cultural Resources
Summit Envirosolutions
1217 Bandana Boulevard North
St. Paul, MN 55108
aschmidt@summite.com

TEXAS HISTORICAL COMMISSION
real places telling real stories

July 27, 2016

Andrew Schmidt
Director of Cultural Resources
Summit Envirosolutions
1217 Bandana Boulevard North
St. Paul, MN 55108

Re: Project review under Section 106 of the National Historic Preservation Act of 1966,
proposed abandonment (demolition) of Union Pacific railroad ROW in Baytown,
Jefferson County, Texas (STB/106)
THC Tracking #201609257

Dear Mr. Schmidt,

Thank you for your correspondence regarding the above referenced project, which we received on July 11, 2016. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The History Programs Staff, led by Justin Kockritz, has completed its review and determined that the above referenced property is eligible for the National Register under Criterion C and meets Criterion Consideration B. The period of significance for the bridge is 1912.

The Division of Architecture, led by Lydia Woods, has completed its review of the project documentation provided and due to the rarity and significance of this bridge, determined that the demolition of the bridge will have an adverse effect. In order to complete the Section 106 process, we are requesting a condition report of the bridge and an assessment on why demolition would be preferable over keeping the bridge in place. During the Section 106 process you will need to draft an MOA to be approved by the THC. After completion of the MOA we are requesting written evidence that the public has been notified and had a chance to comment on the possible demolition.

Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. We look forward to further consultation with your office and hope to maintain a partnership that fosters effective historic preservation. **If you have any questions concerning our review or if we can be of further assistance, please contact Lydia Woods at 512/463-9122.**

Sincerely,



Lydia Woods, East Texas Project Reviewer
For: Mark Wolfe, State Historic Preservation Officer

MW/lw

Cc: Theresa Goodness, Chair, Jefferson County Historical Commission





August 12, 2016

VIA EMAIL

Ms. Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: *Union Pacific U.S. Steel Industrial Lead, Baytown, TX*
STB Docket No. AB-33 (Sub-No. 324X)

Dear Ms. Rutson:

The Union Pacific Railroad (UP) is seeking to abandon the U.S. Steel Industrial Lead, a 2.23-mile railroad right of way in Baytown, Texas. In a filing dated April 1, 2016, UP submitted a combined Environmental and Historical Report to your office and to the Texas State Historic Preservation Officer (SHPO). On behalf of the Texas SHPO in a letter dated April 20, 2016, staff of the Texas Historical Commission (THC) requested a historical evaluation of the Cedar Bayou Bridge, which is within the proposed abandonment area. On behalf of UP, Summit Envirosolutions, Inc. (Summit) submitted the requested historic resources evaluation report to the THC (see Attachment 1). In a letter dated July 27, 2016, THC staff concurred that the Cedar Bayou Bridge is eligible for listing in the National Register of Historic Places and concluded that its demolition would be an adverse effect (see Attachment 2).

UP now requests from your office a Finding of Adverse Effect for the proposed abandonment of the U.S. Steel Industrial Lead in order that a Memorandum of Agreement (MOA) for resolution of the adverse effect may be executed, and the Section 106 consultation may be completed. UP understands that the steps for completing the Section 106 process are:

- Notifying the Advisory Council on Historic Preservation (ACHP) and the Texas SHPO of the Finding of Adverse Effect;
- Development of an MOA in consultation with the Texas SHPO and the ACHP, should they choose to participate; and
- Completion of mitigation measures stipulated in the MOA.

Ms. Victoria Rutson
AB33 (Sub No. 324X)
August 12, 2016
Page 2

On behalf of UP, I thank you for your assistance in this matter and look forward to working with your office. If you have any questions or require additional information, please do not hesitate to contact me at 651-842-4202.

Sincerely,

Summit EnviroSolutions, Inc.



Andrew J. Schmidt
Director of Cultural Resources

CC: Mack Shumate, Union Pacific Railroad (via email)
Olin Dirks, Union Pacific Railroad (via email)

U.S. STEEL LEAD BAYTOWN 4.36

EXHIBIT 2

U.S. STEEL LEAD BAYTOWN: Data last refreshed on 11/21/2016 1:18:03 PM.

B2>>> 4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX)

**** STRC_KEY = 2347 ****

[Cedar Bayou Lift Bridge]

Segment A	75'	DEGOD	1 span	1912	
Segment B	163'	TTROD-M/L	1 span	1912	Lift
Segment C	75'	DEGOD	1 span	1912	
Segment D	312'	EMOD	8 spans	1967	
Segment E	228'	DEGOD	5 spans	1967	

Total 853'

NON-STANDARD SEGMENT LIST: E

NON-STANDARD SUBSTRUCTURE LIST: E1,E2,E3,E4,E5

MGT: 0 TPD: 1

ACCESS: ROW Road PHOTO/DOC(S): 5 (02/16/07)

LATITUDE: 29.71694* LONGITUDE: 94.94611* * - ESM GPS (Not PMV)

TRESPASS: SIGN(S) NOT VERIFIED

UTILITIES: Signal - Right; Electrical - Left/Right

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou

SEGMENT A

(1)DPG-OD (Deck Plate Girder) LENGTH: 75' BUILT: 1967 / 1912

INSPECTED: 08/22/2007

1	C	Concrete Abutment	13
	S	DECK PLATE GIRDER	75

ASBESTOS: NOT VERIFIED
 STRINGERS: 12.50" X 85.00" Steel
 WALKWAY: RIGHT: Steel
 HANDRAIL: RIGHT: Steel Cable
 APPROACHES LOW: BEGINNING (3T) RC: 0
 TIES: 8.00" X 10.00" X 10.00" TIMBER 1960 18 BAD / 76 TOTAL
 TIES/SPAN: 1:18/76
 SPACER BLOCKS: NO
 GUARD TIMBERS: YES
 RAIL ANCHORS: NOT PER STANDARD
 END PATTERN: NOT PER STANDARD
 RAIL: 112 LB Jointed
 SPEED: 10 MPH (FREIGHT)
 FRA CLAS: 1
 ALIGN: TANGENT
 GUARDRAIL ON BRIDGE SEGMENT TRACK
 APPROACH TIES NON-STANDARD
 BRIDGE PROFILE: GOOD
 NO STANDING WATER
 UNDERWATER INSPECTION REQUIRED

INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
S 06/06/2000	3	A1	Sub, Abutment, Bridge Seat, Dirt/Debris Accumulat., Abutment #A1 Center, [AG]	#34 BALLAST COVERING BRG 1 & 2 INBOARD

U.S. STEEL LEAD BAYTOWN 4.36

S 06/06/2000	3	A1	Sub, Abutment, Bridge Seat, Vegetation Growth, Abutment #A1 Left, [AG]	#35 VEGETATION GROWING AT GIRDER 1 OUTBOARD
S 06/16/1999	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Girder #1 Right Bottom Web Stiffeners, Section Loss (30-50%), [AG]	#23 3 " from btm @ every crossframe conn inboard
S 09/18/2002	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #1 Thru 7 Girder #1 & 2 Both Left & Right, Section Loss (15-30%), [AG]	#59 Meas: 30 % All btm lat conn to girders 1 & 2 have pack rust
S 06/06/2000	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Panel #3 Girder #1 Left Bottom Web Stiffener #2, Section Loss (15-30%), [AG]	#36 30 % SEC LOSS AT BTM OF WEB STIFFENER
S 06/06/2000	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #3 Left Lateral #1, Section Loss (15-30%), [AG]	#37 BTM LATT CONN PLATE AT CROSS FRAME # 4 HAS 2 " HOLE
S 10/18/2001	3	A1	Super, Floor System/Bracing, Bottom Laterals, Corrosion, Panel #5 Left Lateral #2, Section Loss (15-30%), [AG]	#53 APPROX 20 % CORROSION
S 10/18/2001	3	A1	Super, Floor System/Bracing, Girder, Corrosion, Panel #7 Girder #1 & 2 Pier #B1 Bottom, Section Loss (>50%), [AG]	#52 GIRDERS 1 & 2 HAS 80 % CORROSION BETWEEN STIFFENERS

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou

SEGMENT B

(1) TTR-OD (Through Truss Riveted)

LENGTH: 163'1"

BUILT: 1967 / 1912

INSPECTED: 08/22/2007

1	C	Concrete Pier	22	W
S	THROUGH TRUSS RIVETED	P-0	163 1	

ASBESTOS:	NOT VERIFIED	
STRINGERS:	12.50" X 47.50"	Steel
NBR OF STRINGERS:	2	
WALKWAY:	RIGHT: Steel	
HANDRAIL:	RIGHT: Steel Cable	
TIES:	8.00" X 10.00" X 10.00'	TIMBER 1960 5 BAD / 156 TOTAL
TIES/SPAN:	1:5/156	
SPACER BLOCKS:	NO	
GUARD TIMBERS:	YES	
RAIL ANCHORS:	NOT PER STANDARD	

U.S. STEEL LEAD BAYTOWN 4.36

END PATTERN: NOT PER STANDARD
 RAIL: 112 LB Jointed
 SPEED: 10 MPH (FREIGHT)
 FRA CLAS: 1
 ALIGN: TANGENT
 GUARDRAIL ON BRIDGE SEGMENT TRACK
 APPROACH TIES NON-STANDARD
 BRIDGE PROFILE: GOOD
 STANDING WATER: 1
 UNDERWATER INSPECTION REQUIRED

INSP DATE	DCLS AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
S 10/18/2001 3	B1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #1 Right Lateral #1, Section Loss (15-30%), [AG]	#54 1 1/2 " X 1 1/2" HOLE @ TOP LATT PLATE CONN TO STR 2
S 06/06/2000 3	B1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #4 Right At Stringer #1 Lateral #2 & 3, Section Loss (>50%), [AG]	#39 TOP LATT PLATE CONN HAS 75 % SEC LOSS @ STR 1 TOP LAT 1 & 2
S 10/18/2001 3	B1	Super, Truss Bracing, Portal Frame, Corrosion, Member #U1R, Section Loss (15-30%), [AG]	#45 15 % CORROSION IN MIDDLE OF PORTAL FRAME
S 10/18/2001 3	B1	Super, Truss Bracing, Portal Frame, Corrosion, Member #U7L TO U7R, Section Loss (>50%), [AG]	#47 40 TO 50 % CORROSION AT PORTAL FRAME BTM STRUT CONN
S 06/16/1999 3	B1	Super, Truss Bracing, Bottom Laterals, Corrosion, Panel #1 At Stringer #1 & 2, Section Loss (30-50%), [AG]	#29 Enls 1 - 8 , Strs 1 - 2 Btm lat to str conn angles corroded approx 30 %
S 06/06/2000 3	B1	Super, Truss Bracing, Top Laterals, Corrosion, Panel #1 Member #U1L Left, [AG]	#38 1 " HOLE AT TOP LAT BTM CONN PLATE AT MEMBER # U1L PNL 1
S 06/06/2000 3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #6 Member #L5L-L6R At Stringer #1, [AG]	#40 4 LOOSE RIVETS OUT OF 4 AT BTM LATT CONN TO MEMBER # L5L TO L6R
S 06/06/2000 3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #6 Member #L5R-L6L At Stringer #1, [AG]	#41 4 LOOSE RIVETS OUT OF 4 AT BTM LATT CONN TO MEMBER # L5R TO L6L
S 09/18/2002 3	B1	Super, Truss Bracing, Bottom Laterals, Fasteners Defective, Panel #7 Member #L6L-L7R At Stringer #1, [AG]	#64 Meas: 30 % 4 of 4 rivets loose @ btm lat to strng conn angle

U.S. STEEL LEAD BAYTOWN 4.36

S 10/18/2001 3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U8R Right Truss, [AG]	#48 COTTER PIN MISSING IN MIDDLE OF ROW 1 PIN # 2 @ U8R PNL 8
S 09/18/2002 3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U1R Right Truss Upper Connection, [AG]	#63 Meas: 30 % Pin 2 Row 2 Cotter pin missing & pin backed out approx 1 " in lift cable conn
S 09/18/2002 3	B1	Super, Truss Members, Pin(s), Fasteners Defective, Eyebar / Pin #U8R Right Truss Upper Connection, [AG]	#62 Meas: 30 % Pin 2 Row 2 Cotter pin missing in lift cable conn
S 10/18/2001 3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U1L Left Truss, Section Loss (>50%), [AG]	#51 90 % CORROSION @ PORTAL FRAME TO STRUT CONN PLATE
S 10/18/2001 3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U7L Left Truss, Section Loss (>50%), [AG]	#50 75 % CORROSION @ PORTAL FRAME TO STRUT CONN PLATE
S 10/18/2001 3	B1	Super, Truss Members, Hip Plate, Corrosion, Member #U7R Right Truss, Section Loss (30-50%), [AG]	#46 50 % CORROSION AT PORTAL TO STRUT LOWER CONN PLATE

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou

SEGMENT C

(1)DPG-OD (Deck Plate Girder) LENGTH: 75' BUILT: 1967 / 1912
INSPECTED: 08/22/2007

1	C	Concrete Pier	26	W
	S	DECK PLATE GIRDER	75	

ASBESTOS: NOT VERIFIED
 STRINGERS: 12.50" X 85.00" Steel
 WALKWAY: RIGHT: Steel
 HANDRAIL: RIGHT: Steel Cable
 TIES: 8.00" X 10.00" X 10.00' TIMBER 1960 7 BAD / 66 TOTAL
 TIES/SPAN: 1:7/66
 SPACER BLOCKS: NO
 GUARD TIMBERS: YES
 RAIL ANCHORS: NOT PER STANDARD
 END PATTERN: NOT PER STANDARD
 RAIL: 112 LB Jointed
 SPEED: 10 MPH (FREIGHT)
 FRA CLAS: 1
 ALIGN: TANGENT
 GUARDRAIL ON BRIDGE SEGMENT TRACK
 APPROACH TIES NON-STANDARD
 BRIDGE PROFILE: GOOD

U.S. STEEL LEAD BAYTOWN 4.36

STANDING WATER: 1
UNDERWATER INSPECTION NOT REQUIRED

INSP DATE	DCLS AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
S 06/06/2000	3 C1	Super, Floor System/Bracing, Girder, Collision Damage, Panel #1 Girder #1 Bottom Flange, [AG]	#42 BTM FLANGE AT OUTBOARD GIRDER 10 WEB STIFFENER 5 DEFLECTED 5 " OVER A LENGTH OF 12 "
S 06/16/1999	3 C1	Super, Floor System/Bracing, Stringer Top Lateral, Corrosion, Panel #2 Left At Stringer #1 Top Plate connection to 3 Lateral #1, Section Loss (30-50%), [AG]	#30 Meas: 30 % TOP LAT CONN PLATE TO GIRDER 1 HAS 50 % CORROSION
S 09/18/2002	3 C1	Super, Floor System/Bracing, Top Laterals, Corrosion, Panel #3 Girder #1 Lateral #1, Section Loss (30-50%), [AG]	#60 Meas: 30 % Top lat to girder plate conn has a 3 " x 3 " L shaped hole

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou

SEGMENT D

(8)BM-OD (Steel Beam Span) LENGTH: 312' BUILT: 1967 / 1967
INSPECTED: 08/22/2007

1	C C	Concrete Pier	O	18	
	S	STEEL BEAM SPAN		39	
2	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	
3	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	
4	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	
5	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	

U.S. STEEL LEAD BAYTOWN 4.36

6	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	
7	S S	O O O O	O	18	W
	S	STEEL BEAM SPAN		39	
8	S S	O O O O	O	18	X W
	S	STEEL BEAM SPAN		39	

ASBESTOS: NOT VERIFIED
 PILING: 2-8 (4) SIZE: 14 x 89 HP A-588 S
 CAPS: 1 (1) 48.0" X 48.0" X 15.0" C
 2-8 (1) 16.0" X 15.0" X 16.0" S
 NBR OF BEAMS: 4
 WALKWAY: RIGHT: Timber
 HANDRAIL: RIGHT: Steel Rail or Tube
 TIES: 10.00" X 10.00" X 10.00' TIMBER 1960 32 BAD / 225 TOTAL
 TIES/SPAN: N/S
 SPACER BLOCKS: NO
 GUARD TIMBERS: YES
 RAIL ANCHORS: NOT PER STANDARD
 END PATTERN: NOT PER STANDARD
 RAIL: 112 LB Jointed
 SPEED: 10 MPH (FREIGHT)
 FRA CLAS: 1
 ALIGN: TANGENT
 GUARDRAIL ON BRIDGE SEGMENT TRACK
 APPROACH TIES NON-STANDARD
 BRIDGE PROFILE: GOOD
 STANDING WATER: 2-8
 UNDERWATER INSPECTION NOT REQUIRED

INSP DATE	DCLS AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
A 06/06/2002 3T	D	Track System, Guard Timbers, Decayed, Both Sides, [RMY]	#56 8 on the left and 2 on the right

4.36(1) [INDU] CEDAR BAYOU (HARRIS, TX) OVER: Cedar Bayou
 SEGMENT E
 (5)DPG-OD (Deck Plate Girder) LENGTH: 228' BUILT: 1967 / 1967
 INSPECTED: 08/22/2007

1	S S	O O O O	O	18	X W K
	S	DECK PLATE GIRDER		45	7

U.S. STEEL LEAD BAYTOWN 4.36

2	SS	O O O O O	O	18	X	K
	S	DECK PLATE GIRDER			45	7
3	SS	O O O O O O	O	18	X	K
	S	DECK PLATE GIRDER			45	7
4	SS	O O O O O O	O	18	X	K
	S	DECK PLATE GIRDER			45	7
5	SS	O O O O O O	O	18	X	K
	S	DECK PLATE GIRDER			45	7
6	SS	O O O O	O	12		

ASBESTOS: NOT VERIFIED
 PILING: 1,6 (4) SIZE: 14 x 89 HP A-588 S
 2 (5) SIZE: 14 x 89 HP A-588 S
 3-5 (6) SIZE: 14 x 89 HP A-588 S
 CAPS: 1-5 (1) 16.0" X 15.0" X 18.0' S
 6 (1) 16.0" X 15.0" X 16.0' S
 WALKWAY: RIGHT: Timber
 HANDRAIL: RIGHT: Steel Rail or Tube
 APPROACHES LOW: ENDING (3T) RC: O
 TIES: 10.00" X 10.00" X 10.00' TIMBER 1960 76 BAD / 231 TOTAL
 TIES/SPAN: N/S
 SPACER BLOCKS: NO
 GUARD TIMBERS: YES
 RAIL ANCHORS: NOT PER STANDARD
 END PATTERN: NOT PER STANDARD
 RAIL: 112 LB Jointed
 SPEED: 10 MPH (FREIGHT)
 FRA CLAS: 1
 ALIGN: TANGENT
 NO GUARDRAIL ON BRIDGE SEGMENT TRACK
 APPROACH TIES NON-STANDARD
 BRIDGE PROFILE: GOOD
 STANDING WATER: 1
 UNDERWATER INSPECTION NOT REQUIRED

INSP DATE	DCLS	AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
A 06/06/2002	3T	E	Track System, Ties, Spike Kill, [RMY]	#58 Spike kill throughout Seg E
A 06/06/2002	3T	E	Track System, Guard Timbers, Decayed, Both Sides, [RMY]	#57 3 on the left and 1 on the right

U.S. STEEL LEAD BAYTOWN 4.36

INSP DATE	DCLS AREA	INSPECTION FINDING [INIT]	INSP # COMMENTS
I 08/22/2007		Bridge, Inspection, [JRN]	#78
I 10/18/2006		Bridge, Inspection, [JRN]	#76 Track is out of service
A 01/30/2007		Bridge, Inspection, [JRN]	#77 Track is out of service
A 01/30/2006		Bridge, Inspection, [WDM]	#75
I 10/10/2005		Bridge, Inspection, [SFK]	#74
X 12/07/2004		Bridge, Inspection, [SFK]	#72 Underwater Inspection Performed by G & G Marine
S 11/13/2003		Bridge, Inspection, [AG]	#69
A 01/29/1998	3T	Track System, Track, Low Approach Both Ends, [RMV]	#14

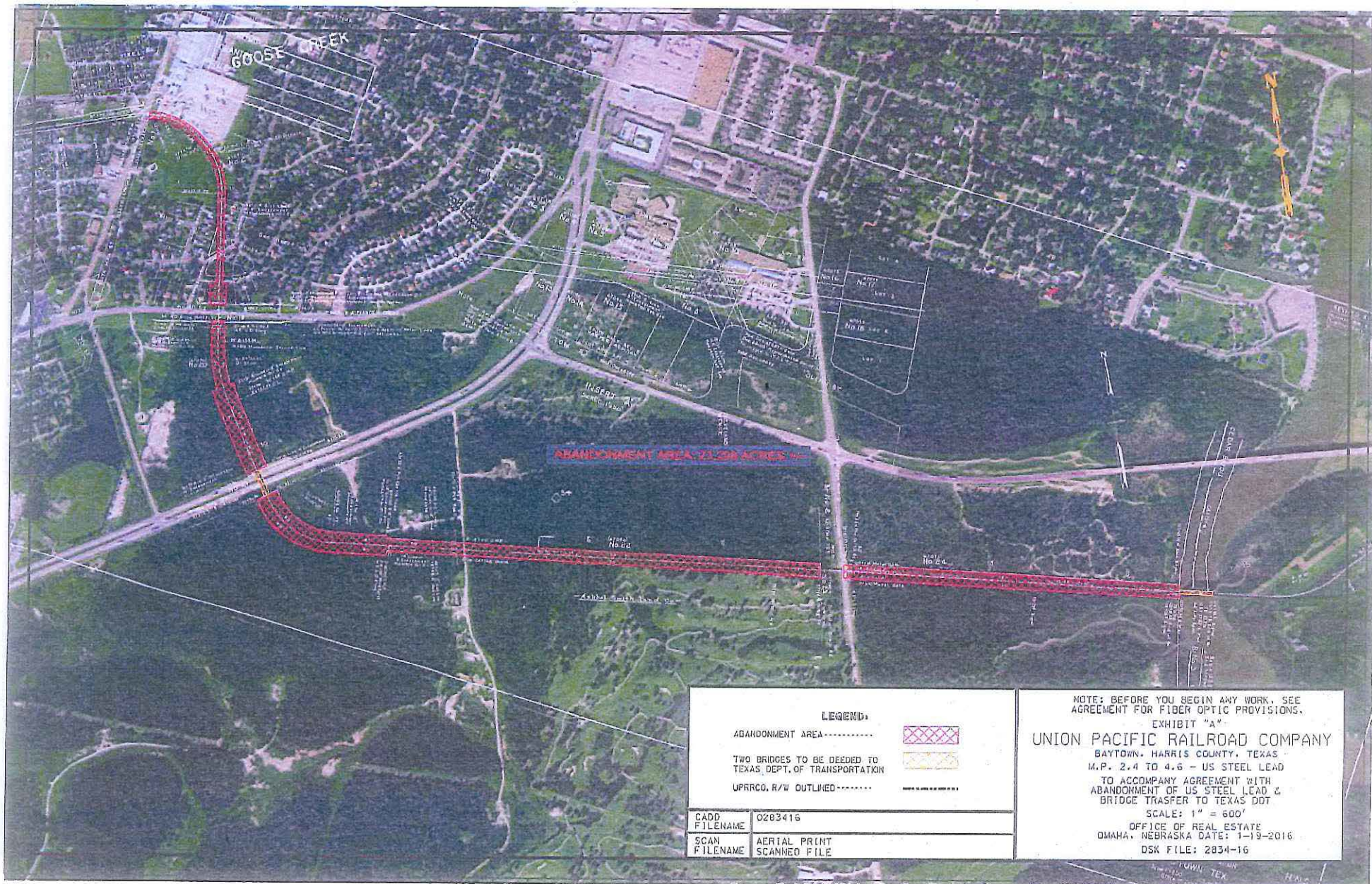
GENERAL NOTES:

09/16/2002: Segment E is non standard. The DPG is welded plates w/o fasteners anywhere, (Spans are still fracture critical). UP maintenance stops at the end of Segment C.









A RESOLUTION OF THE CEDAR BAYOU NAVIGATION DISTRICT
REGISTERING ITS SUPPORT OF THE REMOVAL OF UNION PACIFIC
RAILROAD'S LONG-ABANDONED RAIL LINE AND THE BASCULE
BRIDGE OVER CEDAR BAYOU STREAM.

WHEREAS, the rail line of Union Pacific Railroad ("UPRR"), which runs from ExxonMobil property line to the bascule bridge ("Bridge") over Cedar Bayou Stream, has long been abandoned; and

WHEREAS, the removal of such rail line by UPRR and its approval of the State's removal of the rail overpass at Business 146 and the Bridge/trestle over Cedar Bayou would be of benefit to the citizens of Texas; and

WHEREAS, particularly, the removal of the rail line is estimated to save the citizens of Texas approximately \$7.5 Million in the construction of the Grand Parkway; and

WHEREAS, the removal of the Bridge will improve the safety and navigability of Cedar Bayou for all users, commercial and recreational; and

WHEREAS, the Navigation District desires to register its support of the removal of such rail line and Bridge;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS;

Section 1: That the Navigation District hereby registers its support of the removal of Union Pacific Railroad's rail line, which runs from the ExxonMobil property line to and across the bascule bridge over Cedar Bayou Stream and the removal of said Bridge, its foundations and all component parts;

Section 2: That the Project Director, Guido Persiani, is authorized to take all actions necessary to register the Navigation District's support of the aforementioned rail line and Bridge removal.

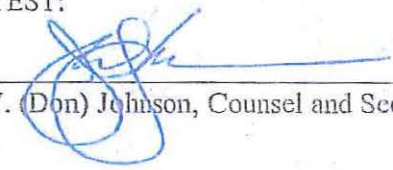
Section 3: This resolution shall take effect immediately from and after its passage by the Board of Directors of the Cedar Bayou Navigation District.

INTRODUCED, READ and PASSED, by the affirmative vote of the Board of Directors of the Cedar Bayou Navigation District this 19th day of March, 2014.



CALVIN MUNDINGER, Chair
Board of Directors

ATTEST:



J. W. (Don) Johnson, Counsel and Secretary

A RESOLUTION OF THE CHAMBERS COUNTY COMMISSIONERS COURT OF CHAMBERS COUNTY, TEXAS, REGISTERING ITS SUPPORT OF THE REMOVAL OF UNION PACIFIC RAILROAD'S LONG-ABANDONED RAIL LINE, WHICH RUNS FROM EXXONMOBIL PROPERTY LINE TO THE BASCULE BRIDGE OVER CEDAR BAYOU STREAM; OPPOSING LEGISLATIVE CHANGES THAT WOULD ALLOW RAIL-SERVED BUSINESSES BE LOCATED IN THE GOOSE CREEK OIL FIELD; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

WHEREAS, the rail line of Union Pacific Railroad ("UPRR"), which runs from ExxonMobil property line to the Bascule Bridge over Cedar Bayou Stream, has long been abandoned; and

WHEREAS, the removal of such rail line by UPRR and its approval of the State's removal of the rail overpass at Business 146 would be of benefit to the citizens of Texas; and

WHEREAS, particularly, the removal of the rail line is estimated to save the citizens of Texas approximately \$7.5 million dollars in the construction of the Grand parkway; and

WHEREAS, the Chambers County Commissioners Court desires to register its support of the removal of such rail line; and

WHEREAS, the Chambers County Commissioners Court further desires to oppose any legislation which would allow rail-served businesses to be located in the Goose Creek Oil Field, through which a portion of the rail line is located; NOW THEREFORE,

BE IT RESOLVED BY THE COMMISSIONERS COURT OF CHAMBERS COUNTY, TEXAS:

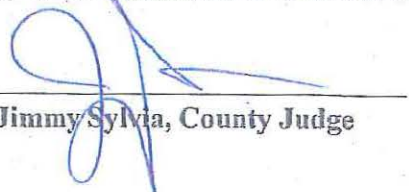
Section 1: That the Commissioners Court hereby registers its support of the removal of Union Pacific Railroad's rail line, which runs from ExxonMobil property line to the Bascule Bridge over Cedar Bayou Stream.

Section 2: That the County Judge is authorized to take all actions necessary to register the County's support of the aforementioned rail line removal.

Section 3: That the Commissioners Court hereby registers its opposition to any legislative changes that would allow rail-served businesses be located in the Goose Creek Oil Field.

Section 4: This resolution shall take effect immediately from and after its passage by the Chambers County Commissioners Court of Chambers County, Texas.

INTRODUCED, READ AND PASSED, by the affirmative vote of the Commissioners Court of Chambers County, Texas this 14th day of January, 2014.


Jimmy Sylvia, County Judge

ATTEST:


Heather H. Hawthorne, County Clerk



BUILDING AMERICA®

August 29, 2016

Commander
Eighth Coast Guard District DTD
Attn: Bridge Office
Hale Boggs Federal Building
500 Poydras St., Room: 1313
New Orleans, LA 70130
D8PDBALL@USCG.mil

VIA ELECTRONIC MAIL

Re: Request for Guidance on Disposition for the Cedar Bayou Rail Bridge over Cedar Bayou, at River Mile 7.0 near Baytown, Texas

Dear Mr. Frank,

Union Pacific Railroad (UPRR) is preparing to file in Docket No. AB33 (Sub No. 324X) a Notice of Exemption from the provisions of 49 U.S.C. 10903 in accordance with 49 CFR §1152.50 with the United States Surface Transportation Board (STB) to abandon that portion of the US Steel Industrial Lead between Milepost 2.4 and Milepost 4.63 for a distance of 2.23 miles. This portion includes the vertical lift bridge at river Mile 7.0 (the "Line"), near Baytown, between Harris and Chambers Counties, Texas, for which UPRR is hereby requesting guidance on disposition.

If the abandonment authority requested is granted by the STB, and UPRR is subsequently able to consummate the abandonment of the Line, the Bridge will no longer be part of nor connected to the national rail network. At this time there is no known interest to include the Bridge as part of any interim trail use request. In addition, the track East of the Bridge is private industrial track not owned by UPRR. The Texas Department of Transportation has offered to fund dismantlement of the Bridge as part of its public project to reconstruct and reroute Grand Parkway (State Highway 146). To accomplish this Project a UPRR railroad over State Highway 146 will also be removed by TexDOT. A trail crossing at the grade over State Highway 146 would not be permitted by TexDOT for safety reasons and therefore prevents use of the Line for Trail use.

Sincerely,

Olin Dirks

Sr Manager Rail Line Planning

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: DPB
Phone: 504-671-2128
Fax: 504-671-2133
D8DPBALL@uscg.mil

16590

December 7, 2016

Mr. Olin Dirks, Senior Manager Rail Line Planning
Union Pacific Railroad Company
1400 Douglas Street, Stop 1350
Omaha, Nebraska 68179

Dear Mr. Dirks:

We are in receipt of your letter of August 29, 2016, requesting guidance on disposition for the Cedar Bayou railroad bridge at river mile 7.0, near Baytown, Texas. In that letter, you state that Union Pacific Railroad (UPRR) is preparing to file a request for abandonment of authority with the United States Surface Transportation Board (STB) to abandon a portion of the railroad line that includes the subject bridge. As such, there are three options that may be exercised as to a bridge that is no longer in an active transportation function:

1. UPRR may return the bridge to an active transportation function. If UPRR decides to exercise this option, please contact this office to negotiate a reasonable time period to return the bridge to service. After this time is set, the United States Coast Guard USCG will periodically monitor the bridge to ensure compliance.
2. Should UPRR opt to retain portions of the bridge in the waterway after removal of the main navigation span, UPRR should consult with the United States Army Corps of Engineers (USACE). Failure to obtain USACE approval to leave parts of the structure in the waterway after the structure has lost its character as a bridge will subject UPRR to a requirement to remove the bridge in its entirety down to or below the natural bottom of the waterway or such other elevation as deemed appropriate by the District Commander in consultation with the USACE.
3. UPRR may opt to completely remove the bridge from the waterway at no expense to the Federal Government. The USCG's involvement in the removal process will include early coordination and review of the proposed removal plan to allow the USCG to notify affected mariners and to ensure that the reasonable needs of navigation are met during removal operations.

Also, if ownership of the bridge is transferred to the Texas Department of Transportation

(TXDOT) or any party, the bridge permits and the rights and responsibilities therein would also be transferred. If you have further questions or comments, please contact this office.

Sincerely,

A handwritten signature in dark ink, appearing to read "David M. Frank", written over a horizontal dashed line.

DAVID M. FRANK
Chief, Bridge Administration Branch
U.S. Coast Guard
By direction

CC: Texas Department of Transportation

EXHIBIT 4

EXHIBIT 6



Removal Cost Cedar Bayou Bridges
Michael P. Freeman to: Mack H. Shumate

12/20/2016 05:30 PM

History:

This message has been replied to and forwarded.

\$250 K for smaller bridge removal

\$2.75M for lift span removal

These are ballpark estimates

Sent from my iPhone

Fw: US Steel Industrial Lead Bridge Estimate

Olin H. Dirks to: Mack H. Shumate

Sent by: Olin H. Dirks

11/22/2016 04:11 PM

----- Forwarded by Olin H. Dirks/UPC on 11/22/2016 04:11 PM -----



Michael P. Freeman/UPC

12/17/2013 01:15 PM

To Olin H. Dirks/UPC@UP

cc Jeff S. Mancuso/UPC

Subject US Steel Industrial Lead Bridge Estimate

Olin,

Have looked at the old inspection reports for the bridges on the referenced line and have put together a conservative estimate for the costs to put the line back into service at a 286K service level. This information is based on inspection data that is 10+ years old so it could be the same or even worse. Please advise if you need us to move forward on developing a more detailed and precise cost estimate.

US Steel Industrial Lead					
Estimated Costs for Return to Service at 286K Capacity					
Bridge No.	Over	Length	(#spans) Type	Estimated Costs*	Comments
1.13	Goose Creek	632	(2)RCT - 56,(1)TPGOD - 72,(10)RCT - 504	\$350,000	\$250K structural, \$100K ties (OD only)
3.01	Hwy 146	168	(1)RCT - 28,(2)BMCOD - 112, (1)RCT - 28	\$200,000	\$100K structural, \$100K ties (OD only)
4.36	Cedar Bayou	853	(1)DPGOD - 75,(1)TTROD-M/L - 163, (1)DPGOD - 75,(8)BMOD - 312,(5)DPGOD - 228	\$5,500,000 - \$8,500,000	Movable span, \$1.5M-\$3.5M in structural, \$2.5M-\$3.5M in mechanical and electrical, \$1.5M ties (OD Only)

* Estimates are conservative as they are based on inspection information which is in excess of 10 yrs old.

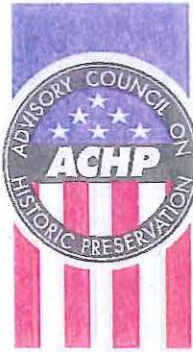
The costs projected are the totals to bring bridges to condition to operate at 286K capacity



US STEEL ESTIMATE.xlsx

EXHIBIT 7

EXHIBIT 4



Preserving America's Heritage

**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: e106@achp.gov

I. Basic information

- 1. Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

Surface Transportation Board

- 2. Name of undertaking/project** (Include project/permit/application number if applicable):

Surface Transportation Board Docket No. AB 33 (Sub-No. 324X)
Rail line abandonment in Harris and Chambers Counties, Texas

- 3. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on-tribal lands):

The undertaking would occur within the City of Baytown, Texas, in Harris and Chambers Counties. All potentially affected property is privately owned. The undertaking would not take place on or in the vicinity of tribal lands.

- 4. Name and title of federal agency official and contact person for this undertaking, including email address and phone number:**

Federal agency official:

Victoria Rutson

Director

Office of Environmental Analysis

Surface Transportation Board

Federal agency contact:

Josh Wayland

Environmental Protection Specialist

Office of Environmental Analysis

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 □ Washington, DC 20001-2637

Phone: 202-517-0200 Fax: 202-517-6381 achp@achp.gov www.achp.gov

Surface Transportation Board

Mailing address:

Rm 1107

395 E Street, SW

Washington, D.C. 20423

Email: waylandj@stb.gov

Phone: (202) 245-0330

5. Purpose of notification. Indicate whether this documentation is to:

The purpose of this notification is to (1) notify the ACHP of a finding that an undertaking may adversely affect historic properties, and (2) invite the ACHP to participate in a Section 106 consultation.

II. Information on the Undertaking*

6. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

Union Pacific Railroad Company (UP) intends to a Notice of Exemption or Petition for Exemption under 49 C.F.R. § 1152 with the Surface Transportation Board (the Board) in connection with the abandonment of a line of railroad in Harris and Chambers Counties, Texas. If the Board grants abandonment authority, UP would be able to salvage the railroad line, dismantle any structures located within the rail corridor, and dispose of the right-of-way. The Board's Office of Environmental Analysis (OEA), which is responsible for ensuring the Board's compliance with the National Historic Preservation Act (NHPA), has reviewed the record in this proceeding.

7. Describe the Area of Potential Effects:

In railroad abandonment cases, OEA typically considers the Area of Potential Effect (APE) to comprise the rail right-of-way. In the present case, the rail right-of-way extends from UP Milepost 2.4 in Baytown to UP Milepost 4.36 at the east side of Cedar Bayou, a distance of 2.23 miles and ranges in width from 50 to 160 feet. The rail line was constructed in approximately 1968. There are three bridges located within the APE, none of which have been in place for longer than 50 years.

8. Describe steps taken to identify historic properties:

Railroad applicants seeking to abandon a rail have been delegated the authority to contact appropriate State Historic Preservation Officers before the Section 106 process under NHPA officially begins. Pursuant to the Board's environmental rules at 49 C.F.R. § 1105.7(b), UP prepared a combined Environmental and Historic Report and served the report on a number of appropriate federal, state, and local agencies, including the Texas Historical Commission (the SHPO).

In its response, the SHPO requested that UP or OEA evaluate the eligibility of a vertical lift span bridge over Cedar Bayou (the Cedar Bayou Bridge) for listing in the National Register of Historic Places (the National Register). The SHPO noted that the Cedar Bayou Bridge was originally constructed in 1912 over the St. Francis River at Cody, Arkansas as part of the St. Louis, Iron Mountain and Southern Railway and was moved to its current location in 1967.

After receiving the SHPO's comments, UP engaged Summit Envirosolutions, Inc. (Summit) to undertake a Historic Resources Evaluation of the Cedar Bayou Bridge. UP provided the report to the SHPO and to OEA.

9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

According to the Historic Resources Evaluation report prepared by Summit, the Cedar Bayou Bridge was designed by the firm Waddell & Harrington, whose principals were prominent bridge engineers in the early twentieth century and among the foremost designers of vertical lift span bridges during that period. Because only nine vertical lift span bridges are known to have been built nationwide prior to 1912, the Cedar Bayou Bridge is an early example of this bridge type and was an example of an unusual bridge type in its original location in Arkansas. In its current location, the bridge is a rare extant example of the bridge type, as it may be other only existing example of a pre-World War II vertical lift span bridge in Texas.

The Historic Resources Evaluation report concluded that the Cedar Bayou Bridge may be eligible for listing in the National Register under Criterion C, as a rare extant example of a vertical lift truss span dating from the early twentieth century. The report also concluded that the bridge meets Criteria Consideration B: Moved Properties because it retains excellent integrity of materials, design and workmanship; its major features are of original materials and those components that have been replaced are similar to the originals. Because it remained in use as a railroad crossing following its relocation, the bridge also retains integrity of feeling, association, and setting in its current location, according to Summit.

After reviewing the available information provided by Summit and UP, and in consultation with the SHPO, OEA has determined that the Cedar Bayou Bridge is a historic property that is eligible for inclusion in the National Register under Criterion C as an example of an uncommon and distinctive bridge type. Although it was moved to its present location in 1967, OEA concurs with UP and the SHPO that the move from its original location does not diminish the property's integrity or ability to convey historical significance and that the structure therefore meets Criteria Consideration B for moved properties.

10. Describe the undertaking's effects on historic properties:

When the Board grants abandonment authority in a railroad abandonment case, the railroad applicant is able to remove rail, ties, and related track material, dismantle any rail-related structures, and dispose of the rail right-of-way, provided that the railroad has complied with any environmental and historic mitigation conditions imposed by the Board.

Alternatives to proposed railroad abandonments include rejection, discontinuance of service

without abandonment, and continued operation by another operator. In cases where there are no shippers located on the rail line, however, denial of abandonment authority is rare and must be based on extraordinary economic need for the continued service over the line. The Board cannot deny authority for a railroad to abandon a rail line solely on the grounds that it would adversely affect historic resources.

In the present case, OEA understands that UP intends to salvage rail and related track material from the rail right-of-way, remove and remediate all at-grade road crossings, dismantle rail-related structures, and vacate an overpass crossing a state highway (SR-146) to facilitate a highway expansion project proposed by the Texas Department of Transportation. UP would then dispose of the right-of-way in accordance with applicable reversionary land use agreements. OEA understands that UP is willing to negotiate a sale of the Cedar Bayou Bridge if an interested buyer can be identified. Otherwise, UP may dismantle the bridge as part of its salvage activities.

11. Explain how this undertaking would adversely affect historic properties (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The granting of abandonment authority in railroad abandonment cases meets the criteria for an adverse effect to historic properties under 36 C.F.R. § 800.5(a)(2)(vii). Once the Board approves a Notice of Exemption or a Petition for Exemption in an abandonment case, the railroad applicant is able to abandon its common carrier authority over the rail line proposed for abandonment. The rail line and any historic properties located within the APE are thereby transferred out of federal control. In the present case, OEA understands that UP is willing to negotiate a sale of the Cedar Bayou Bridge. If no buyer can be identified, however, UP may elect to dismantle the bridge. In that case, the proposed undertaking would also meet the criteria for adverse effect under 36 C.F.R. § 800.5(a)(2)(i).

The Board's ability to mitigate adverse impacts to historic properties is limited. The Board cannot force the applicant to sell off or donate its property, or impose a restrictive covenant upon the deed. Documentation of the historic resources, which may include taking photographs or preparing a history, before they are altered or removed, is generally the only form of nonconsensual mitigation the Board can impose.

Although the Board has limited authority to protect historic properties, if the consulting parties agree to undertake additional mitigation beyond what the Board may require, such consensual mitigation can be incorporated into a memorandum of agreement (MOA). The execution of an MOA completes the Section 106 process for Board actions that may adversely affect historic properties.

In the present case, OEA has begun the consultation process and is developing a Memorandum of Agreement (MOA) with the SHPO, UP, and other concerned parties, to mitigate the adverse effect of the proposed undertaking.

12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai'ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

Copies of the following documents have been attached hereto as documentation of OEA's ongoing consultation with UP, the SHPO, and other interested parties:

- The Combined Environment and Historic Report submitted to OEA by UP;
- The Historic Resources Evaluation report prepared by Summit on behalf of UP;
- A Historic Summary Report prepared by OEA; and
- All relevant correspondences to date between UP, OEA, the SHPO, and other invited consulting parties.

All of these documents have been made available to the public on the Board's website at www.stb.gov.

* see *Instructions for Completing the ACHP e106 Form*

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

OEA has invited the following organizations to participate as consulting parties in the Section 106 process:

- The Historic Bridge Foundation (contact: Kate Johnson, President)
- Harris County Historical Commission (contact: Janet Wagner, Chair)
- Chambers County Historical Commission (contact: Sheryl Shaw, Chair)

To date, the Historic Bridge Foundation has indicated an interest in participating as a consulting party.

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

All case information is available on the Board's website at www.stb.gov.

The specific link to all filings, Board decisions, and other formal case documents is:
https://www.stb.gov/home.nsf/case?openform&caseID=31613&caseDocket=AB_33_324_X.

Correspondence with the SHPO and other parties can be viewed at:
<https://www.stb.gov/ect1/ecorrespondence.nsf/public%20incoming%20by%20docket%20number?OpenView> under the heading AB_33_324_X.

15. Is this undertaking considered a "major" or "covered" project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:

No.

The following are attached to this form (check all that apply):

- ☒ Section 106 consultation correspondence
- ☒ Maps, photographs, drawings, and/or plans
- ☒ Additional historic property information
- ☐ Other:



Preserving America's Heritage

November 18, 2016

Mr. Joshua Wayland
Environmental Protection Specialist
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW, Room 1107
Washington, DC 20423

Ref: *Proposed Rail Line Abandonment Project*
Harris and Chambers Counties, Texas
STB Docket No. AB 33 (Sub-No. 324X)

Dear Mr. Wayland:

The Advisory Council on Historic Preservation (ACHP) has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and it is determined that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Texas State Historic Preservation Office (SHPO), and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA, and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the notification of adverse effect. If you have any questions or require further assistance, please contact Ms. Najah Gabriel at 202-517-0210 or via e-mail at ngabriel@achp.gov.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

MEMORANDUM OF AGREEMENT

AMONG

THE SURFACE TRANSPORTATION BOARD,

THE TEXAS STATE HISTORIC PRESERVATION OFFICER,

AND THE UNION PACIFIC RAILROAD COMPANY

REGARDING DOCKET NO. AB 33 (SUB-NO. 324X)

UNION PACIFIC RAILROAD COMPANY

-- ABANDONMENT EXEMPTION --

IN BAYTOWN, TEXAS

WHEREAS, Union Pacific Railroad Company (UP) intends to file an application with the Surface Transportation Board (Board) under 49 U.S.C. § 10903 to abandon and discontinue service over a 2.23-mile line of railroad known as the U.S. Steel Industrial Lead (the Line) between Milepost 2.4 and Milepost 4.63 in Harris and Chambers Counties, Texas, in Docket No. AB 33 (Sub-No. 324X); and

WHEREAS, the abandonment will include removal and salvage of the vertical lift bridge at Cedar Bayou; and

WHEREAS, the Board has determined that the rail line abandonment constitutes an undertaking and has consulted with the Texas State Historic Preservation Officer (SHPO) pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), and its implementing regulations, 36 C.F.R. § 800; and

WHEREAS, demolition is the only feasible option because the bridge is currently not operable, a buyer willing to preserve and maintain the bridge has not been identified, and the United States Coast Guard (USCG) considers the bridge to be a potential hazard to navigation; and

WHEREAS, based on the recommendation of a qualified historical consultant and in consultation with the Texas SHPO, the Board determined that the Cedar Bayou Bridge is eligible for listing in the National Register of Historic Places (National Register) under Criterion C for its design and engineering, as well as Consideration B for moved properties, pursuant to 36 C.F.R. § 800.4; and

WHEREAS, the Board, in consultation with the Texas SHPO pursuant to 36 C.F.R. § 800.5, determined that the proposed abandonment will have an adverse effect on the Cedar Bayou Bridge because the bridge shall be removed; and

WHEREAS, the Board consulted with the Advisory Council on Historic Preservation (ACHP), notifying the ACHP that an adverse effect determination had been made in accordance with 36 C.F.R. § 800.6(a)(1); and

WHEREAS, in a letter dated XXXXX, the ACHP declined to participate in the negotiation of this Memorandum of Agreement (MOA); and

WHEREAS, the Board is the lead federal agency for the purposes of compliance with the NHPA for this abandonment; and

WHEREAS, UP is the project proponent and has been invited to participate in this consultation and to sign this MOA as an Invited Signatory; and

WHEREAS, the Historic Bridge Foundation, the Harris County Historical Commission, and the Chambers County Historical Commission have been invited to participate in this consultation and to sign this MOA as an Concurring Parties; and

WHEREAS, pursuant to 36 C.F.R. § 800.6, the Board has consulted with the Texas SHPO and UP regarding ways to avoid, minimize, or mitigate potential effects to the historic resource as a result of the proposed abandonment, and the Board, Texas SHPO, and UP have all agreed upon the measures described below under "Stipulations;" and

WHEREAS, the definitions listed in 36 C.F.R. § 800.16 are applicable throughout this MOA.

NOW, THEREFORE, the Board, Texas SHPO, and UP agree that this Undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties. The execution of this MOA by the parties hereto and its subsequent submission to the ACHP in accordance with 36 C.F.R. § 800.6(b)(1)(iv), shall, pursuant to 36 C.F.R. § 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(1) of the NHPA. Execution and submission of the MOA, and implementation of its terms, evidences that the Board has afforded the ACHP an opportunity to comment on the proposed action relating to the Line, and that the Board has taken into account the effects of the abandonment on historic properties and is satisfying the requirements of Section 106 of the NHPA.

STIPULATIONS

The Board shall ensure that the following measures are carried out:

I. DOCUMENTATION

As mitigation for removal of the Cedar Bayou Bridge, UP shall complete photographic and written documentation for the property subject to the provisions outlined below. Once the photographic documentation has been approved by Texas SHPO, the Board will notify UP that it may commence with the removal of the bridge. The actions that implement this MOA shall include the following:

1. Recordation of Historic Properties. Prior to removal of any portion of the Cedar Bayou Bridge, UP shall complete documentation that meets the *Secretary of the Interior's Standards and Guidelines for Architectural and Engineering Documentation*, *HABS/HAER Standards* (Standards). This shall include, as described below: measured drawings; professional quality black and white digital photographs, printed on archival paper with an accompanying archival "gold" compact disc (CD); and an architectural and historical narrative, all in an archive-stable format.

- A. Photographs.** UP shall complete photographic documentation of the Cedar Bayou Bridge. This documentation shall include no more than 20 black and white digital photographs to include, to the extent feasible, all four elevations of the bridge, bridge details, and at least one context photograph. The documentation shall include a photograph key showing the location and view direction of each image. Final versions of the photographs shall be printed on 8½ x 11, acid-free, 100-year archival paper, and the digital photographs shall be submitted electronically on archival CDs.
- B. Architectural and Historical Narrative.** The narrative shall contain a description of the bridge and a history of its construction and move. The narrative shall include: a summary history of the Missouri Pacific Railroad in Arkansas and Texas, construction of the U.S. Steel Lead, and the acquisition by UP; a history of the development of truss bridges and movable spans, with particular emphasis on vertical lift bridges; and a history of the firm Waddell and Harrington, its two principal engineers, and its successor firms.
- C. Measured Drawings of the Bridge.** The documentation shall include reproduction of all existing drawings of the current bridge, minus duplicates. A site plan/aerial photograph of the bridge and the U.S. Geological Survey quadrangle map of the area shall also be included. The final version of these drawings shall be submitted on archival CDs and printed in hard copy on 11 x 17, acid-free, 100-year archival paper. No new drawings shall be produced.

II. REVIEW AND COMMENT

- A. Prior to the start of construction activity, UP shall prepare the draft HAER photographic documentation in accordance with Stipulation I.A. and shall distribute it via electronic mail or CD to the Board and the SHPO for review. The Board and Texas SHPO shall review and provide comments to UP within 10 calendar day of receipt of the photographic documentation.
- B. If comments are provided to UP regarding the photographic documentation, UP shall revise the photographic documentation in response to the comments, as needed, and resubmit the photographic documentation as described in Stipulation III.A. within 10 calendar days of receipt of comments. If no comments are provided to UP by the end of the 10-day comment period, the photographic documentation shall be considered complete and final.
- C. UP shall prepare the draft HAER narrative and measured drawings in accordance with Stipulations I.B. and I.C. and shall distribute them via electronic mail or CD to the Board and the Texas SHPO for review within 180 calendar days of the execution of this MOA. The Board and the Texas SHPO shall review and provide comments to UP within 30 calendar days of receipt of the draft HAER narrative and measured drawings.
- D. If comments are provided to UP regarding the HAER narrative and measured drawings, UP shall revise the narrative and drawings in response to the comments, as needed, and resubmit the report as described in Stipulation III.C. within 30 calendar days of receipt of comments. If no comments are provided to UP by the end of the 30-day comment period, UP shall finalize the HAER narrative and measured drawings as described in Stipulation IV and submit a final copy to the Board and the Texas SHPO within 15 calendar days of the end of the comment period.

III. FINALIZATION

- A. Once photographic documentation is final as defined in Stipulation II.B., demolition of the bridge may proceed. No demolition of the bridge shall occur until the photographic documentation is declared final by the Texas SHPO, with the exception provided in Stipulation III.E.
- B. Final HAER documentation shall be produced on acid-free, 100-year archival paper, with the photographs and drawings on archival CDs.
- C. Upon finalization of the HAER documentation, UP shall submit one copy of the documentation to the Texas SHPO and shall offer one copy of the documentation to the Historic Bridge Foundation, and the Harris and Chambers County Historical Commissions. Documentation shall be made available in print on acid-free, 100-year archival paper and electronically on archival CDs. UP shall consult with the recipients to

determine which media the recipients wish to receive and whether they wish to receive all of the photographs and drawings or only selected images or sheets.

- D. Evidence of transfer to the recipients listed in Stipulation III.C., which may include a copy of the transmittal letters, shall be provided to the Texas SHPO by UP.
- E. The HAER documentation shall be considered final upon issuance of a written notice from the Board that all comments have been satisfactorily addressed. However, the parties acknowledge that, if the bridge is determined by UP to be subject to imminent failure or other physical breakdown, UP would notify the Board and the Texas SHPO and would commence the bridge removal immediately in coordination with the Board.
- F. UP shall bear the cost for compliance with Stipulations I-III.

IV. DURATION

This MOA will expire if the terms have not been implemented within three years of execution. At such time, and prior to work continuing on the Undertaking, the Board shall either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6, or (b) request comment from, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, the Board may consult with the signatories to reconsider the terms of the MOA and amend it, including extension of its duration, in accordance with Stipulation VII below. The Board shall notify the signatories as to the course of action it will pursue.

V. UNANTICIPATED DISCOVERIES

If the Board determines after bridge removal has commenced, that the Undertaking will affect a previously unidentified property that may be eligible for inclusion in the National Register, the Board will address the discovery in accordance with 36 C.F.R. § 800.13(b)(3). The Board may assume the discovered property to be eligible for the National Register in accordance with 36 C.F.R. § 800.13(c).

V. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the Board shall consult with such party to resolve the objection. If the Board determines that such objection cannot be resolved, the Board will:

- A. Forward all documentation relevant to the dispute, including the Board's proposed resolution, to the ACHP. The ACHP shall provide the Board with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Board shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and provide them with a copy of this written response.

The Board will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the Board may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Board shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to the MOA, and provide them and the ACHP with a copy of such written response.

C. The Board's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remains unchanged.

VI. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires, is terminated, or the stipulations are completed as noted in Stipulation III.E., UP shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such a report shall include all proposed scheduling changes and disputes or objections received in UP's efforts to carry out the terms of this MOA.

VII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VIII. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VII, above. If within 30 days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the Undertaking, the Board must either (a) execute a new MOA pursuant to 36 C.F.R. § 800.6, or (b) request comment from, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. The Board shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the Board and Texas SHPO and implementation of its terms evidence that the Board has taken into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity to comment.

ACCEPTED AND AGREED

SIGNATORY PARTIES:

SURFACE TRANSPORTATION BOARD

BY: _____ DATE: _____
Victoria Rutson
Director, Office of Environmental Analysis

DRAFT

TEXAS STATE HISTORIC PRESERVATION OFFICER

BY: _____ DATE: _____

Mark Wolfe
State Historic Preservation Officer

DRAFT

Invited Signatory:

UNION PACIFIC RAILROAD COMPANY

BY: _____ DATE: _____
??????
[Title]

DRAFT

Concurring Signatory:

??????????

BY: _____ DATE: _____
??????
[Title]

DRAFT

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 8, 2016

Mack H. Shumate, Jr.
Union Pacific Railroad
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
Via: mackshumate@up.com

Re: TCEQ NEPA Request #2016-060, Proposed abandonment of the US Steel Industrial Lead Docket No. AB-33 (Sub-No. 324X), City of Baytown, Harris and Chambers Counties

Dear Mr. Shumate:

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 indicates that the proposed project is located in Harris and Chambers Counties, which is currently classified by the United States Environmental Protection Agency as marginal nonattainment for the 2008 ozone National Ambient Air Quality Standard. Therefore, general conformity rules apply.

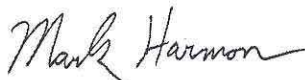
The two primary precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NO_x). A general conformity analysis may be required when a project results in an emissions increase of 100 tons per year or greater for either VOCs or NO_x. Because the emissions from this proposed project are expected to be below these thresholds it is not anticipated to impact the state implementation plan; therefore a general conformity analysis is not required.

The Office of Water does not anticipate significant long term environmental impacts from this project as long as construction and waste disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations. We recommend that the applicant take necessary steps to ensure that best management practices are used to control runoff from construction sites to prevent detrimental impact to surface and ground water.

Any debris or waste disposal should be at an appropriately authorized disposal facility.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA Coordinator, at (512) 239-3500 or NEPA@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Harmon". The signature is written in a cursive, flowing style.

Mark Harmon
Division Director
Intergovernmental Relations

From: Simon Monroe <simon.monroe@noaa.gov>
 To: sjrief@up.com
 Cc: Surface Transportation Board <sea@stb.dot.gov>, Daniel Prouty <daniel.prouty@noaa.gov>, Lucy Hall <Lucy.Hall@noaa.gov>, Simon Monroe <Simon.Monroe@noaa.gov>
 Date: 01/29/2016 04:20 PM
 Subject: NGS Response, STB Docket AB-33 (SUB NO. 324X)

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Thank you for sharing your railroad abandonment environmental report for BAYTOWN, Harris County, TEXAS.

Approximately 00 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall consult with the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

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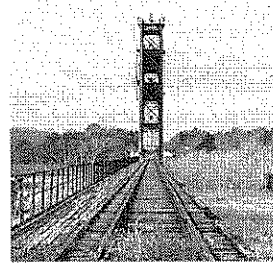
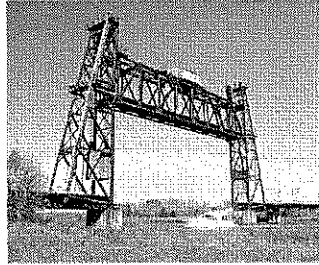
No Stations Found.

Public Notice

Cedar Bayou Lift Bridge For Sale

EXHIBIT 7

At the request of the Texas Historical Commission, the Union Pacific Railroad Company (UP) hereby offers for sale with required relocation the Cedar Bayou Lift Bridge. The successful bidder will be required to enter into the UP's standard maintenance and construction agreement for the dismantlement and relocation of the bridge. Details concerning the structure and UP contact information are provided below. The offer must be submitted in writing to James Hild, Senior Manager Real Estate, at the Union Pacific Railroad Company, 1400 Douglas St, Rm 1690, Omaha NE, 68179. JHILD@UP.COM, 402-544-8537, within 20 days following publication of this public notice, or 20 days following tender of delivery of this public notice via certified mail.



Cedar Bayou Lift Bridge

Bridge Location

County: Harris and Chambers County, TX
Location: Union Pacific Railroad US Steel Lead Milepost 4.36
Feature Crossed: Cedar Bayou
Other Location Information: 29°43'00.6"N 94°56'44.0"W

Bridge Information

Owner: Union Pacific Railroad Company
Type: Warren through truss vertical lift standard gauge railroad bridge
Length: 853' total length, main span 162'

Year Built: 1967, main span and towers built in 1912
Builder: Virginia Bridge & Iron Co.
Designer: Waddell & Harrington
History of Modifications, Rehabilitations, etc.: Main span and towers originally constructed in 1912 over the St. Francis River in Cody, Lee County, Arkansas. Relocated to current location in 1967

Purchase Price: \$2,750,000.00

For further information, interested parties

may contact:

Name: James Hild
Organization: Union Pacific Railroad Company
Address: 1400 Douglas St, Stop 1690, Omaha, NE 68179
E-Mail: JHILD@UP.COM
Phone: 402-544-8537

Terms and Stipulations:

The bridge is part of a rail line subject to an abandonment proposal at the Surface Transportation Board (STB Docket AB33 (Sub No. 324X). This abandonment is in the nature of a public use in order to enable construction of the Texas Department of Transportation's (TexDOT) CR-146 Grand Parkway project, which will cut off the line from the national rail network, rendering it ineligible for the rails to trails program. Therefore, the Bridge is offered for sale for relocation only. The Bridge must be relocated to a location off the rail line and such relocation must be performed in a manner that is acceptable to the Army Corps of Engineers and the US Coast Guard. The minimum purchase price is \$2,750,000. Removal and relocation costs shall be the sole responsibility of the purchaser. Offers must be tendered in writing to UP at the address above with a down payment of \$275,000. The balance will be due at closing which shall take place upon completion of relocation of the bridge which must be completed by April 1, 2018. Transfer shall be evidenced by a quit claim bill of sale from UP to the purchaser.

Narrative History and Description:

The Cedar Bayou Bridge includes a vertical lift span that was originally constructed in 1912 over the St. Francis River in Cody, Lee County, Arkansas. The bridge carried a railroad line of the St. Louis, Iron Mountain and Southern Railway (Iron Mountain; Missouri Pacific Railroad after 1917). The bridge was designed by Waddell & Harrington. The foundation work was completed by the Kansas City Bridge Company, and the bridge was fabricated and erected by the Virginia Bridge & Iron Company. This vertical lift span bridge, when erected in 1912, consisted of twelve single track deck plate girder spans, one single track through riveted vertical lift span, with towers, counterweights and operating machinery, all on concrete piers, and trestle approaches at each end. Each deck plate girder span was 75-feet long and weighed 450 tons. The full length of the bridge was 1,069 feet. The lift span, which rose to 70-feet above the high water mark, was a 162-foot through riveted truss span. Although the vertical lift span was rarely put into use, the bridge remained in operation until 1967, when the Missouri Pacific Railroad abandoned its line between Marianna and Memphis. Concurrently, the Missouri Pacific was building a new rail line near Baytown, Texas, to serve the U.S. Steel Texas Works steel mill, which was also under construction. The new steel mill was located on the East side of Cedar Bayou, whereas Baytown and the railroad connections were on the West side. Therefore, to reach the plant, the Missouri Pacific needed to bridge Cedar Bayou, which was a navigable channel. As described by Missouri Pacific Railroad's chief engineer E.T. Franzen, "[the] track that we are building out of Baytown, Tex. required, by ruling of the Corps of Engineers, a high-level crossing or movable span. The high-level crossing was not economical, and fortunately, we had available in a line recently abandoned west of Memphis a 162-ft. lift span" (Franzen 1968: 505-510). Although it would require an 830-mile move of a 260-ton truss span, plus two 75-foot approach girder spans and the 118-foot towers, this move was still less costly than new construction. The spans and towers were floated on barges down the Mississippi River and across the Gulf of Mexico to the new location near Baytown. The lift span and approach spans were erected as part of an 853-foot long bridge. Although the lift span, approach spans, and towers were moved, the other elements of the Cedar Bayou Bridge were built in 1967: the substructure, the spans extending east of the east approach span, the counter weights, and the electric motor and its housing atop the lift span.

In 1982, UP acquired Missouri Pacific, including the line serving the U.S. Steel mill. U.S. Steel operated the steel mill until 1986, and another manufacturer operated the mill for two more years. The steel mill shut down permanently in 1988 and was redeveloped as the Cedar Point Industrial Park. In 1996, the Union Pacific Railroad merged with the Southern Pacific Railroad, which had a separate line to the US Steel site at Cedar Point, rendering the line duplicative. Use of the line declined, and it has been inactive in recent years.

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

Olin H. Dirks
Senior Manager Rail Line Planning
Network & Industrial Development
402.544.3889
ohdirks@up.com

March 6, 2017

Mayor Stephen DonCarlos
2401 Market Street
Baytown, TX 77520

PUBLIC NOTICE

Re: OFFER FOR SALE AND RELOCATION OF CEDAR BAYOU LIFT BRIDGE

Dear Mr. DonCarlos,

The Texas Department of Transportation ("TexDOT") is seeking expansion and improvement of CR-146 as part of the greater Grand Parkway Project (the "Project"). The US Steel Industrial Lead and the railroad bridges thereon are a detriment to the Project. To assist TexDot with this public use Project, Union Pacific Railroad Company ("UP") has agreed to file a Notice of Exemption with the Surface Transportation Board in Docket AB33 (Sub No. 324X) to request abandonment authority for a portion of the US Steel Industrial Lead, including the railroad bridges at CR-146 and the Cedar Bayou Lift Bridge (the "Line"). Abandonment and removal of the Line including the railroad bridges is necessary for TexDOT's completion schedule for and reduces the cost of the Project.

In preparatory consultations concerning the abandonment of the Line and removal of the railroad bridges, the Texas Historical Commission has determined that in its opinion the Cedar Bayou Lift Bridge is a structure that is fifty years or older and eligible for historic consideration, and that demolition of the Bridge would constitute an adverse effect. UP, without challenging the merits of this determination, has agreed with the Texas Historical Commission to publically offer the Cedar Bayou Lift Bridge for sale with required relocation off the Line.

Please see the attached Public Notice for additional information regarding the terms and conditions of this public offer for the sale and relocation of the Cedar Bayou Lift Bridge.

Sincerely,



Olin H. Dirks

Cc: Mack Shumate, UPRR Chicago, IL
Brenda Mainwaring, UPRR Spring, TX

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

Olin H. Dirks
Senior Manager Rail Line Planning
Network & Industrial Development
402.544.3889
ohdirks@up.com

March 6, 2017

Bobby Hall
Chambers County Engineer
P.O. Box Drawer – H
Anahuac, TX 77514

PUBLIC NOTICE

Re: OFFER FOR SALE AND RELOCATION OF CEDAR BAYOU LIFT BRIDGE

Dear Mr. Hall,

The Texas Department of Transportation ("TexDOT") is seeking expansion and improvement of CR-146 as part of the greater Grand Parkway Project (the "Project"). The US Steel Industrial Lead and the railroad bridges thereon are a detriment to the Project. To assist TexDot with this public use Project, Union Pacific Railroad Company ("UP") has agreed to file a Notice of Exemption with the Surface Transportation Board in Docket AB33 (Sub No. 324X) to request abandonment authority for a portion of the US Steel Industrial Lead, including the railroad bridges at CR-146 and the Cedar Bayou Lift Bridge (the "Line"). Abandonment and removal of the Line including the railroad bridges is necessary for TexDOT's completion schedule for and reduces the cost of the Project.

In preparatory consultations concerning the abandonment of the Line and removal of the railroad bridges, the Texas Historical Commission has determined that in its opinion the Cedar Bayou Lift Bridge is a structure that is fifty years or older and eligible for historic consideration, and that demolition of the Bridge would constitute an adverse effect. UP, without challenging the merits of this determination, has agreed with the Texas Historical Commission to publically offer the Cedar Bayou Lift Bridge for sale with required relocation off the Line.

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Olin H. Dirks

Cc: Mack Shumate, UPRR Chicago, IL
Brenda Mainwaring, UPRR Spring, TX

UNION PACIFIC RAILROAD
1400 Douglas Street Omaha, Nebraska 68179

Olin H. Dirks
Senior Manager Rail Line Planning
Network & Industrial Development
402.544.3889
ohdirks@up.com

March 6, 2017

Barbara Koslov
Transportation Policy Advisor
Office of Harris County Judge Ed Emmett
1001 Preston, Suite 911
Houston, TX 77002

PUBLIC NOTICE

Re: OFFER FOR SALE AND RELOCATION OF CEDAR BAYOU LIFT BRIDGE

Dear Ms Koslov,

The Texas Department of Transportation ("TexDOT") is seeking expansion and improvement of CR-146 as part of the greater Grand Parkway Project (the "Project"). The US Steel Industrial Lead and the railroad bridges thereon are a detriment to the Project. To assist TexDot with this public use Project, Union Pacific Railroad Company ("UP") has agreed to file a Notice of Exemption with the Surface Transportation Board in Docket AB33 (Sub No. 324X) to request abandonment authority for a portion of the US Steel Industrial Lead, including the railroad bridges at CR-146 and the Cedar Bayou Lift Bridge (the "Line"). Abandonment and removal of the Line including the railroad bridges is necessary for TexDOT's completion schedule for and reduces the cost of the Project.

In preparatory consultations concerning the abandonment of the Line and removal of the railroad bridges, the Texas Historical Commission has determined that in its opinion the Cedar Bayou Lift Bridge is a structure that is fifty years or older and eligible for historic consideration, and that demolition of the Bridge would constitute an adverse effect. UP, without challenging the merits of this determination, has agreed with the Texas Historical Commission to publically offer the Cedar Bayou Lift Bridge for sale with required relocation off the Line.

Please see the attached Public Notice for additional information regarding the terms and conditions of this public offer for the sale and relocation of the Cedar Bayou Lift Bridge.

Sincerely,



Olin H. Dirks

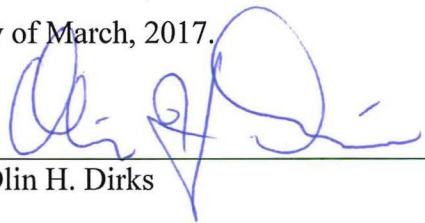
Cc: Mack Shumate, UPRR Chicago, IL
Brenda Mainwaring, UPRR Spring, TX

VERIFICATION

STATE OF NEBRASKA)
) SS:
COUNTY OF DOUGLAS)

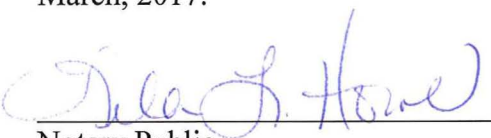
I, OLIN H. DIRKS, Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the law of the United States of America, that I have read the foregoing document that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 3rd day of March, 2017.



Olin H. Dirks

SUBSCRIBED AND SWORN TO
before me this 3rd day of
March, 2017.



Notary Public

My Commission expires: Aug. 5, 2019

