

Wayland, Joshua

From: Joshua Wayland
Sent: Wednesday, October 05, 2016 7:23 AM
To: 'Lydia Woods'
Cc: kitty@historicbridgefoundation.com; Linda Henderson
Subject: RE: Notification of Adverse Effect--Railroad Abandonment in Baytown, Texas
Attachments: Historic Summary Report (AB 33 324X).pdf

Lydia,

Thank you for following up with this. We had hoped that the attached document would meet the requirements you specify so that we can move forward with consultation. The document discusses in detail the Board's regulatory authority in railroad abandonment cases, alternatives to abandonment, and limitations on the Board's ability to mitigate adverse impacts. I believe that the railroad would be willing to provide a report detailing the bridge's condition, but since our authority is limited to economic regulation of railroads, the condition of the bridge is not an issue from our perspective; I am not aware of any safety or operational concerns with the bridge.

I should also clarify that at this point the anticipated adverse effect from abandonment would fall under 36 CFR § 800.5(a)(2)(iv) because abandonment would result in the transfer of the bridge out of federal control. Once abandonment is finalized, however, UP would be able to dismantle the bridge without additional review by the Board. My understanding is that UP is willing to negotiate a sale of the bridge or a railbanking/trails-use agreement if a willing purchaser or trails-use sponsor can be identified. In the past, our MOAs have contained provisions specifying how and for how long a railroad will advertise a bridge for sale; something similar may be an option in this case. We hope that your office will be able to assist us in setting up the appropriate process for identifying an interested party to take responsibility for the bridge.

Thanks again for your time. Best regards,

Josh Wayland

Environmental Protection Specialist
 Office of Environmental Analysis
 Surface Transportation Board

From: Lydia Woods [mailto:Lydia.Woods@thc.texas.gov]
Sent: Tuesday, October 04, 2016 2:28 PM
To: Joshua Wayland <Joshua.Wayland@stb.gov>
Cc: kitty@historicbridgefoundation.com; Linda Henderson <Linda.Henderson@thc.texas.gov>
Subject: RE: Notification of Adverse Effect--Railroad Abandonment in Baytown, Texas

Mr. Wayland,

Thank you for the clarification of your involvement with 4(f). As you requested this morning, here is the exact wording from Section 106 discussing the additional information we require before we can move forward to mitigation.

36 CFR Part 800-Protection of Historic Properties § 800.6 – Resolution of adverse effects states: (a) *Continue consultation*. The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes

and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effect on historic properties.

We understand that due to the abandonment of the rail line that a replacement bridge is not proposed at this time. However, this still means that you or Union Pacific need to provide information showing that you have considered alternative solutions that could avoid and solutions that could minimize the adverse effect, which is the demolition of the bridge. For example, in other Section 106 projects that we have seen where rail lines are being decommissioned, the railroad will look into removing the rail line approaches, while leaving the bridge in place. Rail lines have also been turned into walking trails and the bridges are repurposed for walking traffic. If needed, a consulting party can be brought in to look into possible alternatives for avoiding and minimizing the adverse effect. We need to understand how UP and the STB came to the conclusion that demolishing the bridge would be the best solution to the abandonment of the bridge before we move forward to mitigation possibilities.

If you have any additional questions please let me know.

Thank You,

Lydia Woods

East Texas Project Reviewer
Architecture Division
Texas Historical Commission
PO Box 12276
Austin, Texas 78711-2276
512-463-9122
www.thc.texas.gov



From: Joshua Wayland [<mailto:Joshua.Wayland@stb.gov>]
Sent: Tuesday, October 04, 2016 11:19 AM
To: Lydia Woods <Lydia.Woods@thc.texas.gov>
Cc: kitty@historicbridgefoundation.com; Linda Henderson <Linda.Henderson@thc.texas.gov>
Subject: RE: Notification of Adverse Effect--Railroad Abandonment in Baytown, Texas

Hi Lydia,

The Surface Transportation Board is an independent decision-making body separate from DOT, so Section 4(f) doesn't directly apply to Board actions. It does come up occasionally in rail construction cases where there are road crossings that would be constructed under DOT authority or using DOT funds that would affect 4(f) properties, but I am not aware of any 4(f) review in past abandonment cases.

My understanding is that TxDOT may end up having a role in this project and they would certainly have 4(f) responsibilities. I will reach out to the railroad to clarify this and see who to contact at TxDOT in case they need to be brought into this discussion.

Best,

Josh Wayland

Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board

From: Lydia Woods [<mailto:Lydia.Woods@thc.texas.gov>]
Sent: Tuesday, October 04, 2016 11:41 AM
To: Joshua Wayland <Joshua.Wayland@stb.gov>
Cc: kitty@historicbridgefoundation.com; Linda Henderson <Linda.Henderson@thc.texas.gov>
Subject: RE: Notification of Adverse Effect--Railroad Abandonment in Baytown, Texas

Mr. Wayland,

Thank you for copying me on the information you submitted to the ACHP. Since we do not often work with the Surface Transportation Board I am inquiring how STB manages their possible 4(f) requirements.

Thank you,

Lydia Woods
East Texas Project Reviewer
Architecture Division
Texas Historical Commission
PO Box 12276
Austin, Texas 78711-2276
512-463-9122
www.thc.texas.gov



From: Joshua Wayland [<mailto:Joshua.Wayland@stb.gov>]
Sent: Monday, October 03, 2016 3:45 PM
To: e106@achp.gov
Cc: mackshumate@up.com; Lydia Woods <Lydia.Woods@thc.texas.gov>; kitty@historicbridgefoundation.com; aschmidt@summite.com
Subject: Notification of Adverse Effect--Railroad Abandonment in Baytown, Texas

The attached documents pertain to a proposed railroad abandonment in Harris and Chambers Counties, Texas. Union Pacific Railroad company intends to seek authority from the Surface Transportation Board to abandon approximately 2.23 miles of rail line in Baytown, Texas, which could result in the removal or alteration of a vertical lift span bridge over Cedar Bayou, a historic property that is eligible for listing in the National Register of Historic Places. 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 Section 106 consultation. Please contact me at the number below if you need additional information.

Best regards,

Josh Wayland
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board