

SERVICE DATE – APRIL 3, 2018

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 33 (Sub-No. 332X)
Union Pacific Railroad Company – Abandonment Exemption –
in Harris County, TEX.

BACKGROUND

In this proceeding, Union Pacific Railroad Company (UP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Harris County, Texas. The rail line proposed for abandonment, a portion of the Seabrook Industrial Lead, extends approximately 0.9 miles from Milepost 6.9 (former SP Milepost 29.1) near Red Bluff Road to Milepost 7.8 (former SP Milepost 30.0) near Repsdorph Road in Seabrook (the line). Maps depicting the line in relationship to the area served are appended to this Environmental Assessment (EA). If the notice becomes effective, UP will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

UP submitted an Environmental Report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. UP served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The line, originally constructed by the Galveston, La Porte and Houston Railroad in 1895 as part of their main line from Houston to Galveston, was merged into the UP system following a series of name changes. The line begins north of Seabrook near Red Bluff Road and ends near Repsdorph Road. Residential areas lie to the west of the line and industrial areas, open land, and a multi-story residential complex lie to the east of the line. The topography is generally flat. The right-of-way is approximately 100 feet in width. Based on UP's records, the line does not contain federally granted right-of-way. There are no bridges or other structures on the line. The

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 33 (Sub-No. 332X).

line may be suitable for other public purposes. Following abandonment, UP plans to sell the right-of-way to the Texas Department of Transportation for use in a road project.

Diversion of Traffic

According to UP, no local or overhead traffic has moved over the line for at least two years. UP has not received any requests for rail service on the line in well over two years. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Following abandonment, the Seabrook area would continue to receive rail service from UP on the remaining portion of the Seabrook Industrial Lead to the north and on the carrier's Texas City Industrial Lead to the south.

Salvage Activities

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

Upon receiving abandonment authority, UP indicates that salvage would be accomplished by use of the existing right-of-way for access, along with existing crossings. No new access roads are contemplated. UP does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of soil. UP does not anticipate any dredging or use of fill in the removal of the track material.

UP's salvage process begins with the unbolting of the track materials or rails. Using 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) are removed. The wooden ties are then raised from the ballast with a tool designed for minimum disruption of the ground material. The ties are separated into three groups. Good quality ties are re-used in rail service. Landscape-quality ties are re-sold to lumber dealers for landscaping. Scrap ties are loaded into truck trailers or containers and shipped by an approved contractor to an EPA approved disposal site.

Culverts and right-of-way grading remain intact so as not to alter the prevailing water flows along the line. Ballast is typically left in place. Ballast might be removed if it is of exceptional quality. All road crossings would be removed and remediated, then resurfaced with gravel, asphalt or concrete, as required by the governing authority. Any railroad signals are dismantled and removed.

UP's salvage work 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 UP to ensure compliance with UP standards of quality and all contractual obligations, including Board imposed conditions.

The proposed abandonment appears to be consistent with regional or local land use plans. UP is unaware of any known hazardous waste sites or sites where hazardous material spills have occurred in or adjacent to the right-of-way of the line.

The National Geodetic Survey (NGS) has advised OEA that two geodetic station markers have been identified that may be affected by the proposed abandonment. OEA recommends a condition requiring that UP notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

The line is located within the boundaries of the Texas coastal management program. To ensure that the proposed abandonment and related salvage activities comply with the Texas coastal management program, OEA recommends a condition requiring that UP consult with the Coastal Resources Department of the Texas General Land Office prior to beginning any salvage activities to determine whether state coastal management consistency certification is required.

UP indicates that no permits under Sections 402 or 404 of the Clean Water Act would be required for salvage related activities. All salvage work contemplated by this abandonment would take place on UP's right-of-way and no material would be discharged into navigable waters or waters of the United States. The Texas Commission on Environmental Quality (TCEQ) has indicated that it does not anticipate significant long term environmental impacts to water quality from salvage activities if best management practices are implemented. UP has indicated that it would ensure that its salvage contractor adheres to best management practices in conducting salvage activities to prevent detrimental impacts to surface and ground water.

No wildlife sanctuaries, refuges, National or State parks, or forests would be adversely affected by salvage activities. The U.S. Fish and Wildlife Service, Texas Coastal Ecological Services Field Office (USFWS) in Houston identified the West Indian Manatee (*Trichechus manatus*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), red knot (*Calidris canutus rufa*), and the Texas prairie dawn-flower (*Hymenoxys texana*) as federally threatened or endangered protected species potentially present in the project area. There are no critical habitats within the project area under USFWS's jurisdiction. As indicated earlier, UP's salvage activities would be confined to the existing right-of-way. UP does not intend to disturb any sub-grade structures or remove any bridges. UP would not clear trees or understory vegetation while conducting salvage activities or perform any activities that would cause sedimentation or erosion of soil. Due to the limited scope of the abandonment's salvage activities and based on the information provided, OEA has determined that the federally threatened or endangered protected species in the project area would not be adversely affected by salvage activities. The proposed abandonment would have no adverse effect on areas designated as a critical habitat. OEA is sending a copy of this EA to USFWS for review and comment.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. TCEQ determined that emissions from the proposed abandonment and related salvage activities would have no impact on the state implementation plan and, therefore, no general conformity air analysis would be required.

Noise associated with salvage activities would be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

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

HISTORIC REVIEW

UP submitted a Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Texas Historical Commission (SHPO) pursuant to 49 C.F.R. § 1105.8(c).² The SHPO has determined that no historic properties or structures listed in or eligible for inclusion in the National Register of Historic Places (National Register) within the right-of-way (the Area of Potential Effect, or APE) would be affected by the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that the proposed abandonment would not affect historic properties within the APE listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.gov>. Guidance regarding the Board's historic preservation review process is available on the Board's website.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's tribal directory assessment tool to identify federally-recognized tribes that may have ancestral connections to the project area.³ Six federally-

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

³ U.S. Department of Housing and Urban Development, <http://egis.hud.gov/tdat> (last

recognized tribes were identified that may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Those tribes are the Alabama-Coushatta Tribe of Texas, Apache Tribe of Oklahoma, Comanche Nation of Oklahoma, Coushatta Tribe of Louisiana, Tonkawa Tribe of Indians of Oklahoma, and the Wichita and Affiliated Tribes (Wichita, Keechi, Waco and Tawakonie) of Oklahoma. OEA is sending a copy of this EA to the tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

1. Union Pacific Railroad Company shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.
2. Prior to beginning any salvage activities, Union Pacific Railroad Company (UP) shall consult with the Coastal Resources Department of the Texas General Land Office to determine whether state coastal management consistency certification is required. UP shall report the results of these consultations in writing to the Board's Office of Environmental Analysis prior to the onset of salvage operations.

CONCLUSIONS

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

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

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

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

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 33 (Sub-No. 332X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at Kenneth.Blodgett@stb.gov.

Date made available to the public: April 3, 2018.

Comment due date: April 18, 2018.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment