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ENTERED
Office of Proceedings
December 8, 2020
Part of
Public Record

December 8, 2020

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street, SW
Washington, DC 20423

**Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment
Exemption—in Bell County, Texas**

**STB Docket No. AB 1309X; Temple & Central Texas Railway, LLC—
Discontinuance Exemption—in Bell County, Texas**

Dear Ms. Brown:

Enclosed for e-filing is the Joint Verified Notice of Exemption filed on behalf of the City of Temple, Texas (the “City”) and Temple & Central Texas Railway, LLC under 49 C.F.R. § 1152.50.

The filing fee of \$9,200, representing \$4,600 for each proceeding, was paid using Pay.gov. However, under 49 C.F.R. § 1002.2(e)(1), “[f]iling fees are waived for an application or other proceeding which is filed by a federal government agency, or a state or local government entity.” Because the City is a “local government entity” within the meaning of the Board’s rules, the City hereby seeks a waiver of its filing fee for STB Docket No. AB 1302X. The City submitted the filing fee to ensure immediate consideration of the Notice of Exemption by the Board. The City respectfully requests that, once the Board grants the requested waiver, the Board refund the City’s \$4,600 filing fee.

Please contact me with any questions.

FEE RECEIVED
December 8, 2020
SURFACE
TRANSPORTATION BOARD

FILED
December 8, 2020
SURFACE
TRANSPORTATION BOARD

Respectfully submitted,

A handwritten signature in black ink that reads "Sally Mordi". The script is cursive and fluid, with the first name "Sally" and last name "Mordi" clearly distinguishable.

Sally Mordi
Attorney for the City of Temple, Texas

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1302X

CITY OF TEMPLE, TEXAS
—ABANDONMENT EXEMPTION—
IN BELL COUNTY, TEXAS

DOCKET NO. AB 1309X

TEMPLE & CENTRAL TEXAS RAILWAY, LLC
—DISCONTINUANCE EXEMPTION—
IN BELL COUNTY, TEXAS

JOINT VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

Bradley S. Gordon
Patriot Rail Company LLC
Patriot Port Holdings LLC
10752 Deerwood Park Blvd., Ste. 300
Jacksonville, FL 32256
(904) 513-9029

**Attorney for Temple & Central
Texas Railway, LLC**

Peter W. Denton
Sally Mordi
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

**Attorneys for the City of
Temple, Texas**

Dated: December 8, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1302X

CITY OF TEMPLE, TEXAS
—ABANDONMENT EXEMPTION—
IN BELL COUNTY, TEXAS

DOCKET NO. AB 1309X

TEMPLE & CENTRAL TEXAS RAILWAY, LLC
—DISCONTINUANCE EXEMPTION—
IN BELL COUNTY, TEXAS

JOINT VERIFIED NOTICE OF EXEMPTION
Pursuant to 49 C.F.R. § 1152.50

The City of Temple, Texas (the “City”) and Temple & Central Texas Railway, LLC (“TCTR”) jointly file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for the City to abandon, and TCTR to discontinue its operating rights over, about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”).

Proposed Consummation Date

The proposed consummation date is January 27, 2021.

Certification Required by 49 C.F.R. § 1152.50(b)

The required certifications are attached as **Exhibit 1**.

Information Required by 49 C.F.R. § 1152.22(a)(1) through (4), (7) and (8) and (e)(4).

(a) General

(1) Exact name of applicants

City of Temple, Texas

Temple & Central Texas Railway, LLC

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

The City and TCTR are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.¹

(3) Relief sought

In 2010, the City, a noncarrier at the time, petitioned the Surface Transportation Board (“STB” or the “Board”) for an exemption to acquire from Georgetown Railroad Company (“Georgetown”) about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas, and the trackage rights to operate over the Line. Concurrently, TCTR filed a notice of exemption to operate over the Line pursuant to a Railroad License and Operating Agreement with the City, and the trackage rights granted to Georgetown to operate over the Line. The Board permitted the City to acquire the Line and permitted TCTR to operate over the Line. *See City of Temple, Tex.—Acquisition Exemption—Georgetown R.R. Co.*, FD 35446 (STB served Feb. 10, 2011); *Temple & Central Texas Ry., Inc.—Operation Exemption—City of Temple, TX*, FD 35447 (STB served Dec. 10, 2010).

The City now seeks to abandon, and TCTR seeks to discontinue its operating rights over, the Line. The City intends to “railbank” the Line and to convert the

¹ The City became a carrier when it acquired the Line in 2011. *See City of Temple, Tex.—Acquisition Exemption—Georgetown R.R. Co.*, FD 35446 (STB served Feb. 10, 2011).

Line to a public trail for pedestrian and bicycle use, under 16 U.S.C. § 1247(d) of the National Trails System Act.

No traffic has traveled over the Line for approximately 30 years, and there is no overhead traffic on the Line. Therefore, there will be no change to any freight service provided on the Line.

(4) Map

Maps of the Line are attached as **Exhibit 2**.

(7) Name, title and address of representative of applicant to whom correspondence should be sent

The representatives of the applicants to whom correspondence regarding these proceedings should be sent is as follows:

For the City:

Peter W. Denton
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
pdenton@steptoe.com
(202) 429-3000

For TCTR:

Bradley S. Gordon, Esq.
Patriot Rail Company LLC
Patriot Port Holdings LLC
10752 Deerwood Park Blvd., Ste. 300
Jacksonville, FL 32256
Brad.Gordon@patriotrail.com
(904) 513-9029

(8) List of all United States Postal Service ZIP codes that the line proposed for abandonment traverses

The Line traverses ZIP codes 76513 and 76502.

(e) **Rural and community impact**

- (4) **Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.**

The right-of-way is suitable for use for other public purposes. The City intends to “railbank” the Line and to convert the Line to a public trail for pedestrian and bicycle use. Accordingly, the City anticipates filing with the STB, within 10 days after the date that this notice of exemption is published in the Federal Register, a petition for notice of interim trail use pursuant to 49 C.F.R. § 1152.29.

The City and TCTR are not aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes.

Labor Level of Protection

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

Certification

Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(l) and 1105.12 are attached as **Exhibit 3**.

Environmental Report

The Environmental Report containing information required by 49 C.F.R. § 1105.7 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Historic Report

The Historic Report containing information required by 49 C.F.R. § 1105.8 is attached as **Exhibit 5**. A certificate of compliance with the notice requirements of 49 C.F.R. § 1105.11 is attached as **Exhibit 4**.

Respectfully submitted,



Bradley S. Gordon
Brad.Gordon@patriotrail.com
Patriot Rail Company LLC
Patriot Port Holdings LLC
10752 Deerwood Park Blvd., Ste. 300
Jacksonville, FL 32256
(904) 513-9029

*Attorney for Temple & Central
Texas Railway, LLC*

Peter W. Denton
pdenton@steptoe.com
Sally Mordi
smordi@steptoe.com
Steptoe & Johnson LLP
1330 Connecticut Ave, NW
Washington, DC 20036
(202) 429-3000

*Attorneys for the City of Temple,
Texas*

Dated: December 8, 2020

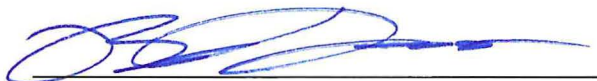
**EXHIBIT 1
TO THE NOTICE OF EXEMPTION**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

I, **Brynn Myers**, state that I am City Manager for the City of Temple, Texas (the "City"), and verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to make this verification.

I hereby certify that no local traffic has moved over the approximately 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the "Line") for at least two years and that there is no overhead traffic on the Line. I further certify that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

The foregoing certification is made on behalf of the City by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.



Brynn Myers
City Manager

**VERIFICATION AND CERTIFICATION THAT RAIL LINE
MEETS CRITERIA OF 49 C.F.R. § 1152.50(b)**

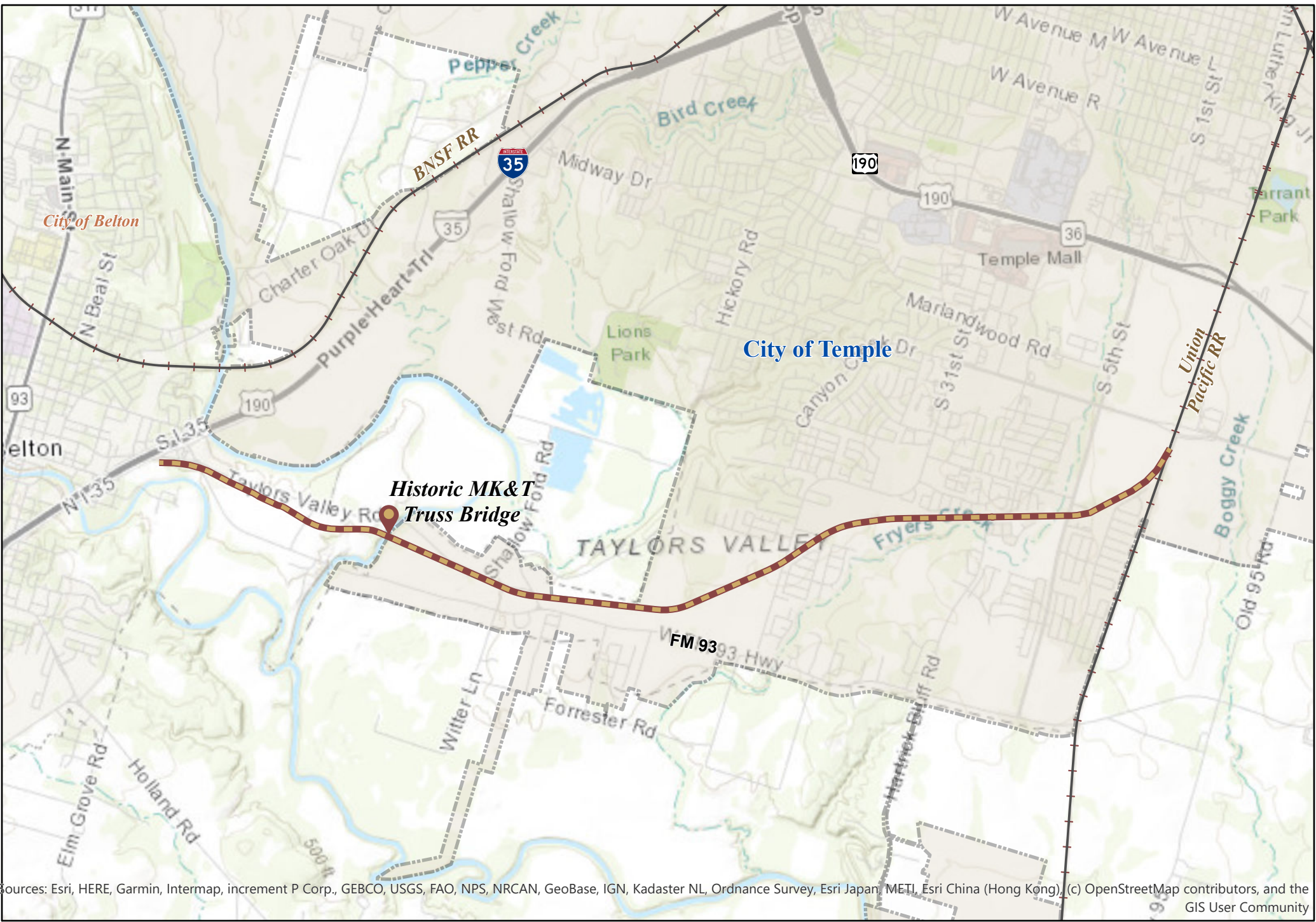
I, Dennis Marzec, state that I am President for Temple & Central Texas Railway, LLC formerly known as Temple & Central Texas Railway, Inc. ("TCTR"), and verify under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to make this verification.

I hereby certify that no local traffic has moved over the approximately 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the "Line") for at least two years and that there is no overhead traffic on the Line. I further certify that no formal complaint filed by a user of rail service on the Line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the two-year period.

The foregoing certification is made on behalf of TCTR by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information and belief of the undersigned.


Dennis Marzec
President

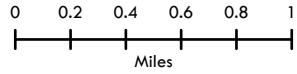
EXHIBIT 2
TO THE NOTICE OF EXEMPTION
MAPS



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.





**EXHIBIT 3
TO THE NOTICE OF EXEMPTION**

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(l), the undersigned hereby certifies that notice of the proposed abandonment and discontinuance in Docket No. AB 1302X and No. AB 1309X, respectively, was mailed via first class mail on November 20, 2020 to the following parties:

State Public Service Commission

Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, TX 78711-3326

Military Traffic Management Command

U.S. Department of Defense
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
1 Soldier Way
Bldg 1900W
Scott AFB, IL 62225

National Park Service

National Park Service
Conservation and Outdoor Recreation Division Office
1849 C Street NW
Washington, DC 20240

Mike Reynolds, Regional Director
National Park Service
Regions 6, 7, and 8
12795 West Alameda Parkway
Denver, CO 80225

U.S. Department of Agriculture

Vicki Christiansen
Chief of the Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

Dated: December 8, 2020

Sally Mordi

Sally Mordi

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment and discontinuance in Docket No. AB 1302X and No. AB 1309X, respectively, was published on November 26, 2020, in *The Belton Journal*, a newspaper of general circulation in Bell County, Texas, as required by 49 C.F.R. § 1105.12.

Dated: December 8, 2020

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi

E S T A B L I S H E D I N 1 8 6 6

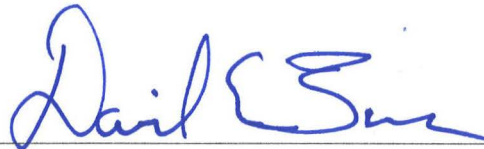
THE BELTON JOURNAL

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS
COUNTY OF BELL

I, **DAVID E. TUMA**, publisher of the Belton Journal, a newspaper of general circulation printed in Bell County, Texas, do hereby certify that the within notice was printed and published in said newspaper on

NOVEMBER 26, 2020.



Publisher

Sworn to and subscribed before me by **David E. Tuma** this the

26TH day of NOVEMBER, 2020.

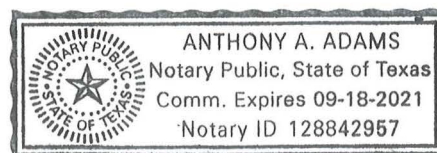


Anthony A. Adams

Notary Public, State of Texas

My commission expires: **Sept. 18, 2021**

Notary ID # **128842957**



**NOTICE OF INTENT
TO ABANDON AND
TO DISCONTINUE
RAIL SERVICE**

The City of Temple, Texas (the "City") and Temple & Central Texas Railway, Inc. ("TCTR") give notice that on or after November 30, 2020, they intend to jointly file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the city to abandon, and TCTR to discontinue its operating rights over, about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas, which traverses through United States Postal Service

zip codes 76513 and 76502. The proceedings will be docketed as No. AB 1302X for the city and as No. AB 1309X for TCTR.

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, Washington, DC 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 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, Washington, DC {see 49 CFR 1104.1 (a) and 1104.3 (a)}, and one copy must be served on applicants' 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 (202) 245-0238. Copies of any comments or requests for conditions should be served on the City's representative: Sally Mordi, Steptoe & Johnson LLP, 1330 Connecticut Ave. NW, Washington, DC, 20036; Phone: (202) 429-6287.

11.26

**EXHIBIT 4
TO THE NOTICE OF EXEMPTION**

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that, pursuant to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8, the transmittal letter required by 49 C.F.R. § 1105.11 and copies of the Combined Environmental and Historic Report in Docket No. AB 1302X and No. AB 1309X, respectively, were sent via first class mail on November 9, 2020 to the following parties:

Commissioners Court Bell County Historic Courthouse 101 E. Central Avenue Belton, Texas 76513	Drenda Williams Acting State Conservationist United States Department of Agriculture Natural Resources Conservation Service 101 South Main Street Temple, TX 76501
U.S. Fish and Wildlife Service 10711 Burnet Road, Suite 200 Austin, Texas 78758-4460	U.S. Department of the Interior Bureau of Land Management Oklahoma Field Office 201 Stephenson Parkway, Suite 1200 Norman, OK 73072
Mike Reynolds, Regional Director National Park Service Regions 6, 7, and 8 12795 West Alameda Parkway Denver, CO 80225	Texas Commission on Environmental Quality P.O. Box 13087 Austin, TX 78711-3087
US EPA Region 6 1201 Elm Street, Suite 500 Dallas, TX 75270	U.S. Army Corps of Engineers Fort Worth District 819 Taylor Street Fort Worth, TX 76102
Mark S. Wolfe, SHPO Texas Historical Commission P.O. Box 12276 Austin, TX 78711-2276	Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East-West Highway Silver Spring, MD 20910-3282
Texas Governor's Office of Budget, Planning, and Policy P.O. Box 12428 Austin, TX 78711-2428	

Dated: December 8, 2020

Sally Mordi

Sally Mordi

EXHIBIT 5
TO THE NOTICE OF EXEMPTION

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 1302X

CITY OF TEMPLE, TEXAS
—ABANDONMENT EXEMPTION—
IN BELL COUNTY, TEXAS

DOCKET NO. AB 1309X

TEMPLE & CENTRAL TEXAS RAILWAY, LLC
—DISCONTINUANCE EXEMPTION—
IN BELL COUNTY, TEXAS

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The City of Temple, Texas (the “City”) and Temple & Central Texas Railway, LLC (“TCTR”) jointly submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d). The City proposes to abandon, and TCTR proposes to discontinue its operating rights over, about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City anticipates establishing interim trail use and railbanking of the Line under 16 U.S.C. § 1247(d), the National Trails System Act, and 49 C.F.R. § 1152.29.

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

- (1) Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

The City proposes to abandon, and TCTR proposes to discontinue its operating rights over, about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas. Maps of the proposed area are attached as **Exhibit A**.

The City intends to “railbank” the Line and to convert the Line to a public trail for pedestrian and bicycle use. The trail will be constructed by the City and maintained by the City of Temple Parks Department. Information on the City’s salvage process as it relates to this project is provided below:

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

The Line has had no local traffic for approximately 30 years. The Line does not handle overhead traffic. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line and jeopardize the City’s desires to construct the public trail.

- (2) **Transportation system.** *Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed action. No traffic has traveled over the Line for approximately 30 years, and there is no overhead traffic on the Line.

- (3) **Land use.**

- (i) *Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

The proposed action is consistent with existing land use plans. On May 15, 2020, the City sent a letter to the Bell County Commissioners Court regarding the proposed action. As of the date of this Environmental Report, we have not received a reply from the Commissioners Court. A copy of the letter is attached as **Exhibit B**.

- (ii) *Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

The proposed action will have no adverse effect on prime agricultural land. On May 15, 2020, the City sent a letter to the Texas State Office of the U.S. Department of Agriculture's Natural Resources Conservation Service ("NRCS") regarding the proposed action. We received a response from NRCS on June 10, 2020. NRCS stated that the proposed action does not involve the irreversible conversion of farmland and is exempt from provisions of the Farmland Protection Policy Act. Therefore, no further consideration for protection is necessary. A copy of the letter to NRCS and the response is attached as **Exhibit C**.

- (iii) *If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.*

The proposed action will not affect land or water uses within a designated coastal zone.

- (iv) *If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.*

The right-of-way is suitable for alternative public use. The City intends to “railbank” the Line and to convert the Line to a public trail for pedestrian and bicycle use. On May 15, 2020, the City sent a letter to the Bell County Commissioners Court regarding the proposed action. As of the date of this Environmental Report, we have not received a reply from the Commissioners Court. A copy of the letter is attached as **Exhibit B**.

(4) Energy.

- (i) *Describe the effect of the proposed action on transportation of energy resources.*

The proposed action will have no effect on transportation of energy resources.

- (ii) *Describe the effect of the proposed action on recyclable commodities.*

The proposed action will have no effect on the movement or recovery of recyclable commodities.

- (iii) *State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

The proposed action will not result in an increase or decrease in overall energy efficiency because no local traffic has traveled over the Line for approximately 30 years, and there is no overhead traffic on the Line.

(iv) *If the proposed action will cause diversions from rail to motor carriage of more than:*

(A) *1,000 rail carloads a year; or*

(B) *An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

The proposed action will not cause diversions from rail to motor carriage.

(5) Air.

(i) *If the proposed action will result in either:*

(A) *An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*

(B) *An increase in rail yard activity of at least 100 percent (measured by carload activity), or*

(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(i)(A), (B), or (C).

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

(A) *An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

(B) *An increase in rail yard activity of at least 20 percent (measured by carload activity), or*

(C) *An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in item (5)(ii)(A), (B), or (C).

- (iii) *If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed action will not affect the transportation of ozone depleting materials.

(6) Noise. *If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) *An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) *An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

None of the thresholds identified in item (5)(i) will be surpassed as a result of the proposed action. Thus, this provision is not applicable.

(7) Safety.

- (i) *Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

The proposed action will not have an adverse effect on public health and safety. In fact, the proposed action will enhance public health by creating a public trail for pedestrian and bicycle use. All grade crossings on the Line are closed.

On May 15, 2020, the City sent a letter to the Bell County Commissioners Court regarding the proposed action. As of the date of this Environmental Report, we have not received a reply from the Commissioners Court. A copy of the letter is attached as **Exhibit B**.

- (ii) *If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

The proposed action will not affect the transportation of hazardous materials.

- (iii) *If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

The right-of-way passes next to the Rockwool Industries Inc. Superfund site, located at 1741 Taylor's Valley Road, Bell County, Texas, 76513. From the mid-1950s until 1987, Rockwool Industries, Inc. manufactured mineral wool insulation at the site. Remedy construction was completed in 2005, and operation and maintenance activities are ongoing.¹ The City is not aware of any sites where there have been hazardous materials spills on the right-of-way.

(8) Biological resources.

- (i) *Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

The proposed action will not have an adverse effect on endangered or threatened species or areas designated as a critical habitat. On May 15, 2020, the City sent a letter to the U.S. Fish and Wildlife Service ("USFWS") regarding the proposed action. As of the date of this Environmental Report, we have not received a reply from USFWS. A copy of the letter is attached as **Exhibit D**.

Additionally, on May 15, 2020, the City sent a letter to the Bureau of Land Management ("BLM") regarding the proposed action. As discussed further in item

¹ See EPA, Rockwool Industries Inc. Bell County, Tx, Cleanup Activities, <https://cumulis.epa.gov/supercpad/SiteProfiles/index.cfm?fuseaction=second.Cleanup&id=0605009>.

(8)(ii), the City received a response from BLM on June 17, 2020, stating that the BLM Oklahoma Field Office has determined that there are no USFWS listed species for the area of interest. A copy of the letter to BLM and the response are attached as **Exhibit E**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

No wildlife sanctuaries or refuges, National or State parks or forests will be affected by the proposed action. On May 15, 2020, the City sent letters to BLM and to the National Park Service (“NPS”) regarding the proposed action. On June 17, 2020, we received a phone call and an email from BLM, informing us that the BLM Oklahoma Field Office has determined that there is no federal interest (surface or subsurface) in the area of interest, nor are there any USFWS listed species for the area of interest. However, the area is within the Monarch butterfly’s migration route. Thus, during any reclamation efforts, BLM recommends planting vegetation that aids in the reproduction and further proliferation of the Monarch butterfly. As of the date of this Environmental Report, the City has not received a reply from NPS. Copies of the letters to BLM and NPS, and the email response from BLM, are attached as **Exhibit E**.

(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed action is consistent with applicable water quality standards. On May 15, 2020, the City sent letters to the Texas Commission on Environmental Quality (“TCEQ”) and Region 6 of the U.S. Environmental Protection Agency (“EPA”) regarding the proposed action. On July 2, 2020, we received a response from the Water Quality Division of TCEQ, stating that the proposed action has the potential to require stormwater permit coverage in certain circumstances (*e.g.*, if the activity disturbs and exposes soil and is greater than one acre in size). TCEQ also

stated that a Section 404 permit from the Fort Worth District of the U.S. Army Corps of Engineers (“USACE”) may be required if impacts to streams or wetlands will occur. As of the date of this Environmental Report, we have not received a reply from EPA. Copies of the letters to TCEQ and EPA, and the response from TCEQ, are attached as **Exhibit F**.

- (ii) *Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

The proposed action will not require any permits under Section 404 of the Clean Water Act, and no designated wetlands or 100-year flood plains will be adversely affected. On May 15, 2020, the City sent a letter to the Fort Worth District of the USACE regarding the proposed action. As of the date of this Environmental Report, we have not received a reply. A copy of the letter is attached as **Exhibit G**.

Additionally, on May 15, 2020, the City sent a letter to TCEQ regarding the proposed action. On July 2, 2020, we received a response from the Water Quality Division of TCEQ, stating that a Section 404 permit from the Fort Worth District of the USACE may be required if impacts to streams or wetlands will occur. A copy of the letter to TCEQ and the response are attached as **Exhibit F**.

- (iii) *State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)*

The proposed action will not require permits under Section 402 of the Clean Water Act. On May 15, 2020, the City sent letters to TCEQ and Region 6 of EPA regarding the proposed action. On July 2, 2020, we received a response from the Water Quality Division of TCEQ, stating that the proposed action has the potential to require stormwater permit coverage in certain circumstances (e.g., if the activity

disturbs and exposes soil and is greater than one acre in size). TCEQ also stated that a Section 404 permit from the Fort Worth District of the USACE may be required if impacts to streams or wetlands will occur. As of the date of this Environmental Report, we have not received a reply from EPA. Copies of the letters to TCEQ and EPA, and the response from TCEQ, are attached as **Exhibit F**.

(10) Proposed Mitigation. *Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

Because no adverse environmental impacts will result from the proposed action, no mitigation is necessary. The City and TCTR will consult, as required, with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with any mitigation actions required by the Board.

HISTORIC REPORT

49 C.F.R. § 1105.8(d)

§ 1105.7(e)(1) **Proposed action and alternatives.** *Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

The City proposes to abandon, and TCTR proposes to discontinue its operating rights over, about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas. Maps of the proposed area are attached as **Exhibit A**.

The City intends to “railbank” the Line and to convert the Line to a public trail for pedestrian and bicycle use. The trail will be constructed by the City and maintained by the City of Temple Parks Department. Information on the City’s salvage process as it relates to this project is provided below:

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right-of-way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

The Line has had no local traffic for approximately 30 years. The Line does not handle overhead traffic. Therefore, there will be no change to any freight service provided on the Line. The only alternative to the proposed action would be to not abandon the Line and jeopardize the City's desires to construct the public trail.

- (1) *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.*

The required topographic map is attached to this Historic Report as **Exhibit A.**

- (2) *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.*

The Line extends approximately 6.277 miles in Bell County, Texas, beginning at approximately milepost 0.0 to approximately milepost 6.277. The right-of-way is 50 to 100 feet wide through this area of track.

- (3) *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

As discussed in item (7) below, the Missouri, Kansas & Texas Railroad Bridge at the Leon River (the "MKT Bridge") is located on the Line. Photographs of the bridge are provided in **Exhibit I.**

- (4) *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*

The MKT Bridge was built between 1900 and 1915.

- (5) *A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

In 1961, Belton Railroad Company ("Belton Railroad") purchased approximately seven miles of railroad between Smith, Texas and Belton, Texas from

Missouri–Kansas–Texas Railway. *See Belton R.R. Co.—Acquisition & Operation*, FD 21163 (ICC served Feb. 1, 1961) (not printed). The line had originally been built by Missouri–Kansas–Texas Railway in 1882. Belton Railroad commenced operations on June 1, 1961.

Georgetown Railroad Company (“Georgetown”) acquired the Line and interim trackage rights over the Line in 1991. *See Georgetown R.R. Co.—Acquisition & Operation Exemption—Belton R.R. Co.*, FD 31856 (ICC served May 21, 1991); *Georgetown R.R. Co.—Trackage Rights Exemption—Belton R.R. Co.*, FD 31857 (ICC served April 1, 1991).

In 2010, the City, a noncarrier at the time, petitioned the Board to acquire the Line, and the trackage rights to operate over the Line, from Georgetown. Concurrently, TCTR filed a notice of exemption to operate over the Line pursuant to a Railroad License and Operating Agreement with the City, and the trackage rights granted to Georgetown to operate over the Line. The Board permitted the City to acquire the Line and permitted TCTR to operate over the Line. *See City of Temple, Tex.—Acquisition Exemption—Georgetown R.R. Co.*, FD 35446 (STB served Feb. 10, 2011); *Temple & Central Texas Ry., Inc.—Operation Exemption—City of Temple, TX*, FD 35447 (STB served Dec. 10, 2010).

The City now intends to “railbank” the Line and to convert the Line to a public trail for pedestrian and bicycle use.

- (6) *A brief summary of documents in the carrier’s possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in the possession of the City or TCTR concerning this proposed action may include alignment maps showing the right-of-way and/or station maps. These documents can be supplied upon request, if they are available.

- (7) *An opinion (based on readily available information in the railroad’s possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown*

historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).

The MKT Bridge is located on the Line. The bridge has been listed on the National Register of Historic Places (“NRHP”) since 1990. A copy of the NRHP registration form for the bridge is attached to this Historic Report as **Exhibit H**.

In March 2019, Sparks Engineering, Inc. (“Sparks Engineering”) evaluated the MKT Bridge on behalf of the City to determine the feasibility of rehabilitating the bridge for bicycle and pedestrian use. Sparks Engineering concluded that the bridge can be successfully rehabilitated as a pedestrian and bicycle bridge. The evaluation by Sparks Engineering is attached to this Historic Report as **Exhibit I**. The MKT Bridge will not be removed in connection with the proposed action.

On May 15, 2020, the City sent letters to the Texas Historical Commission and the Communications and Outreach Branch, NOAA, N/NGS12, National Geodetic Survey, SSMC3 #9340 (“National Geodetic Survey”) regarding the proposed action. As of the date of this Historic Report, we have not received any replies from either agency. Copies of the letters are attached as **Exhibit J**.

- (8) *A description (based on readily available information in the railroad’s possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill, and any archaeological resources that may have been located in the proposed area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archeological recovery of resources.

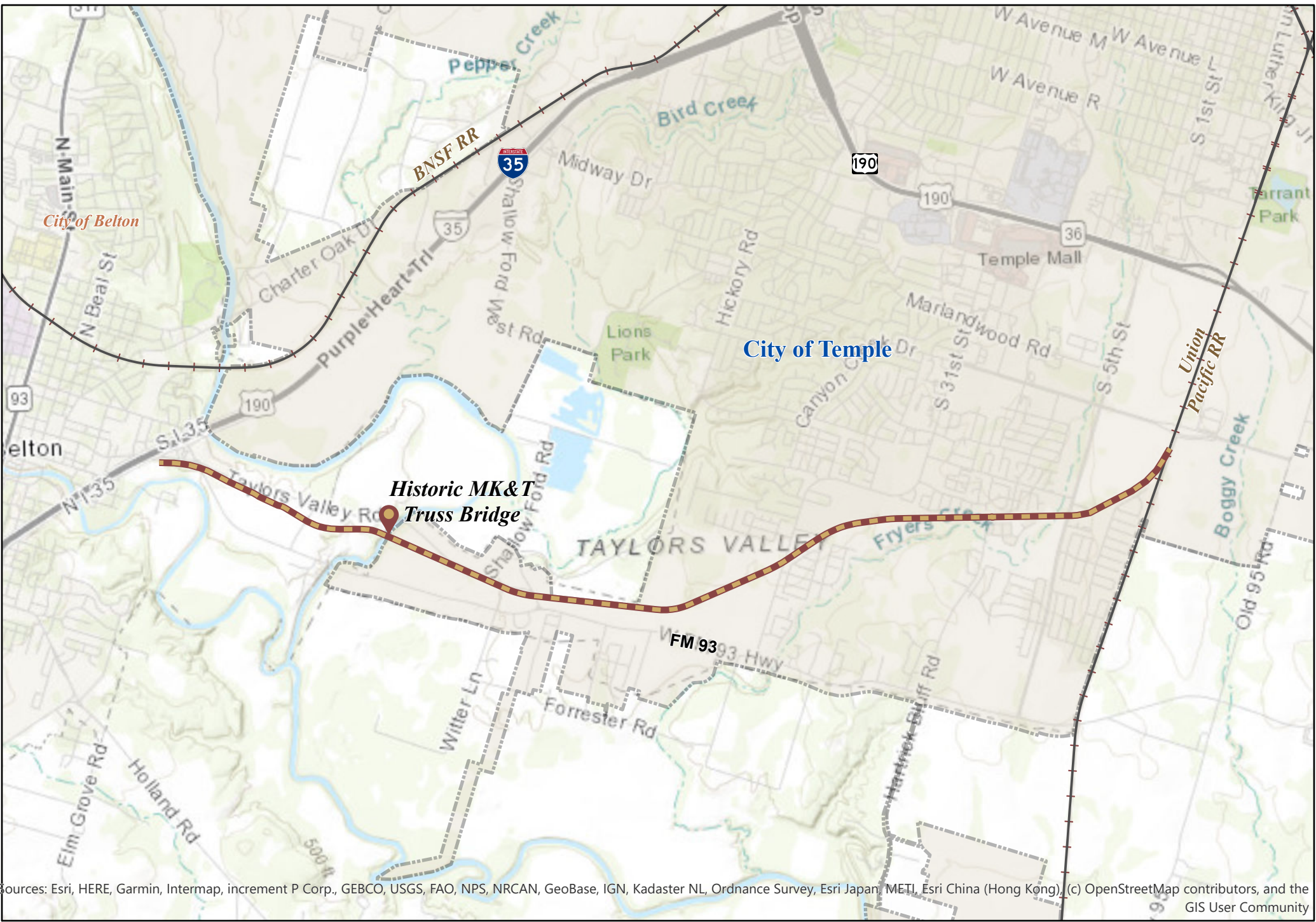
- (9) *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously*

discovered archeological sites, identifying the location and type of the site (i.e., prehistoric or native American).

If any additional information is requested, the City or TCTR will promptly supply the necessary information.

EXHIBIT A

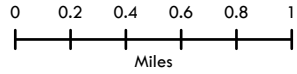
Maps of the proposed action:



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT B

Letter sent to the Bell County Commissioners Court:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com

May 15, 2020

Commissioners Court
Bell County Historic Courthouse
101 E. Central Avenue
Belton, Texas 76513

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

Please provide your comments to me at the address above by June 15, 2020. You may contact me by email or telephone with any questions or concerns.

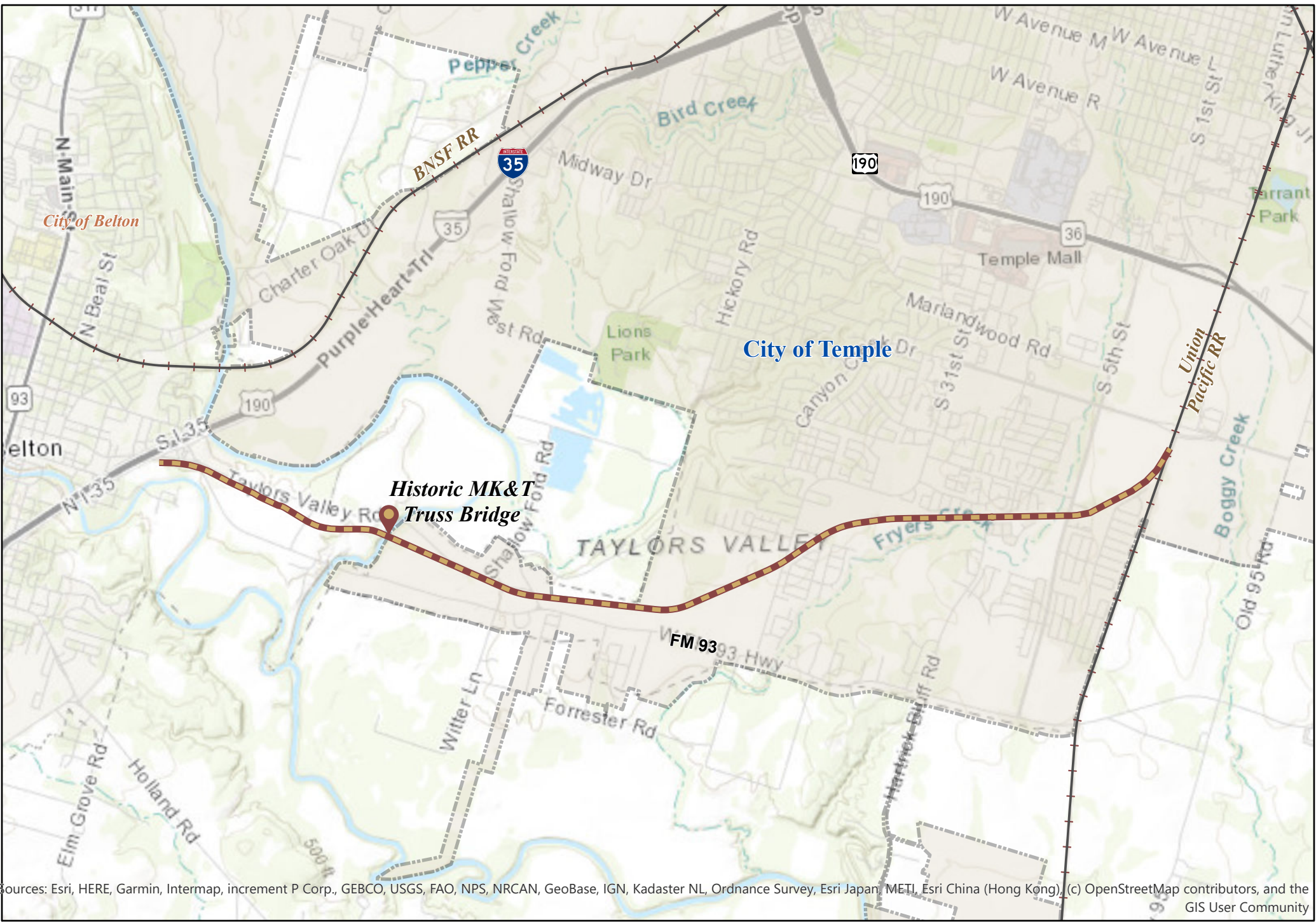
Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

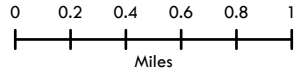
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT C

Letter sent to the Texas State Office of the U.S. Department of Agriculture's
Natural Resources Conservation Service and the response:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 15, 2020

Drenda Williams
Acting State Conservationist
Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining whether the proposed abandonment will have any effect on prime agricultural lands.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

Please provide your comments to me at the address above by June 15, 2020. You may contact me by email or telephone with any questions or concerns.

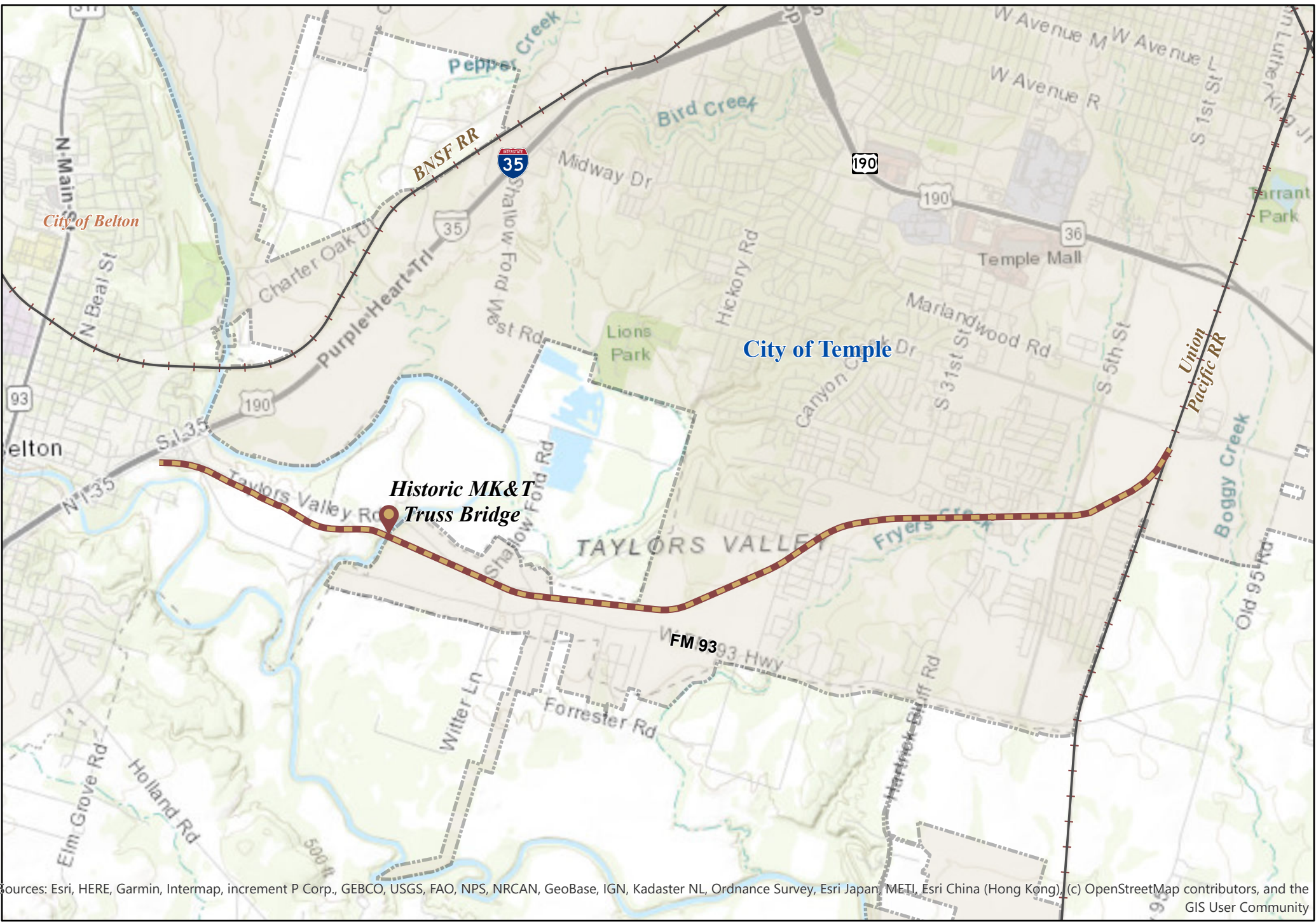
Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

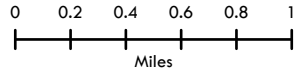
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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From: [Villarreal, Carlos - NRCS, Temple, TX](#)
To: [Mordi, Sally](#)
Subject: FPPA Review - Proposed City of Temple Rail Line Abandonment Exemption Project
Date: Wednesday, June 10, 2020 11:40:11 AM
Attachments: [FPPA_CO Temple Rail Line Abandonment Bell County TX.pdf](#)

Sally Mordi,

Please find the attached FPPA Review for the proposed project located in Temple, Texas.

If you have further questions or comments, please feel free to contact me.

Best Regards,

Carlos J. Villarreal
Soil Scientist
United States Department of Agriculture
Natural Resources Conservation Service
101 S. Main St.
Temple, Texas, 76501
Office Number: (254) 742-9836
Mobile Number: (254) 316-1458
Carlos.Villarreal@usda.gov
www.tx.nrcs.usda.gov

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Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

June 10, 2020

Steptoe & Johnson LLP
SMordi@steptoe.com

Attention: Sally Mordi, Attorney, *via email*

Subject: LNU-Farmland Protection
Proposed City of Temple Abandonment Project
NEPA/FPPA Evaluation
City of Temple, Bell County, Texas

We have reviewed the information provided in your correspondence dated May 15, 2020 concerning the proposed rail line project located in the City of Temple, Bell County, Texas. This review is part of the National Environmental Policy Act (NEPA) evaluation for the U.S. Department of Transportation, Surface Transportation Board (STB). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed project does not involve the irreversible conversion of farmland (directly or indirectly) and is exempt from provisions of FPPA. Therefore, no further consideration for protection is necessary. We strongly urge the use of acceptable erosion control methods throughout the construction phase of the proposed project.

If you have further questions, please contact me at 254.742.9836 or by email at Carlos.Villarreal@usda.gov (Preferred).

Sincerely,

Carlos J. Villarreal
NRCS Soil Scientist

Attachment: NA

EXHIBIT D

Letter sent to the U.S. Fish and Wildlife Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 15, 2020

U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758-4460

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the "City") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the "Line"). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and (2) if so, what effects the proposed abandonment may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on the City's salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

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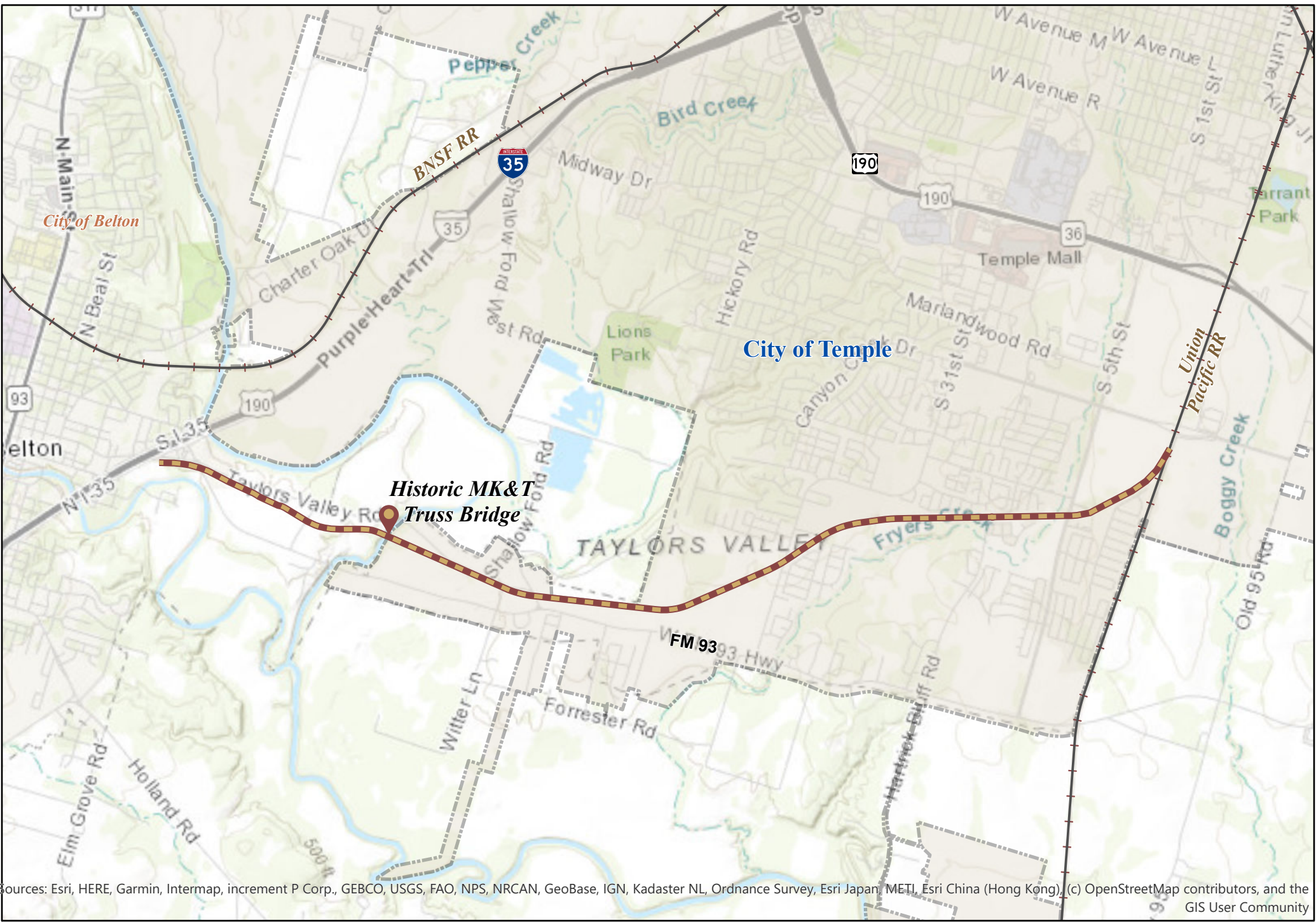
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Sincerely,

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Sally Mordi
Attorney for the City of Temple, Texas

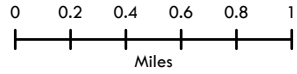
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Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT E

Letter sent to the Bureau of Land Management and the response, and letter sent to the National Park Service:

Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 15, 2020

U.S. Department of the Interior
Bureau of Land Management
Amarillo Field Office
801 S. Fillmore Street, Suite 500
Amarillo, TX 79101-3545

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

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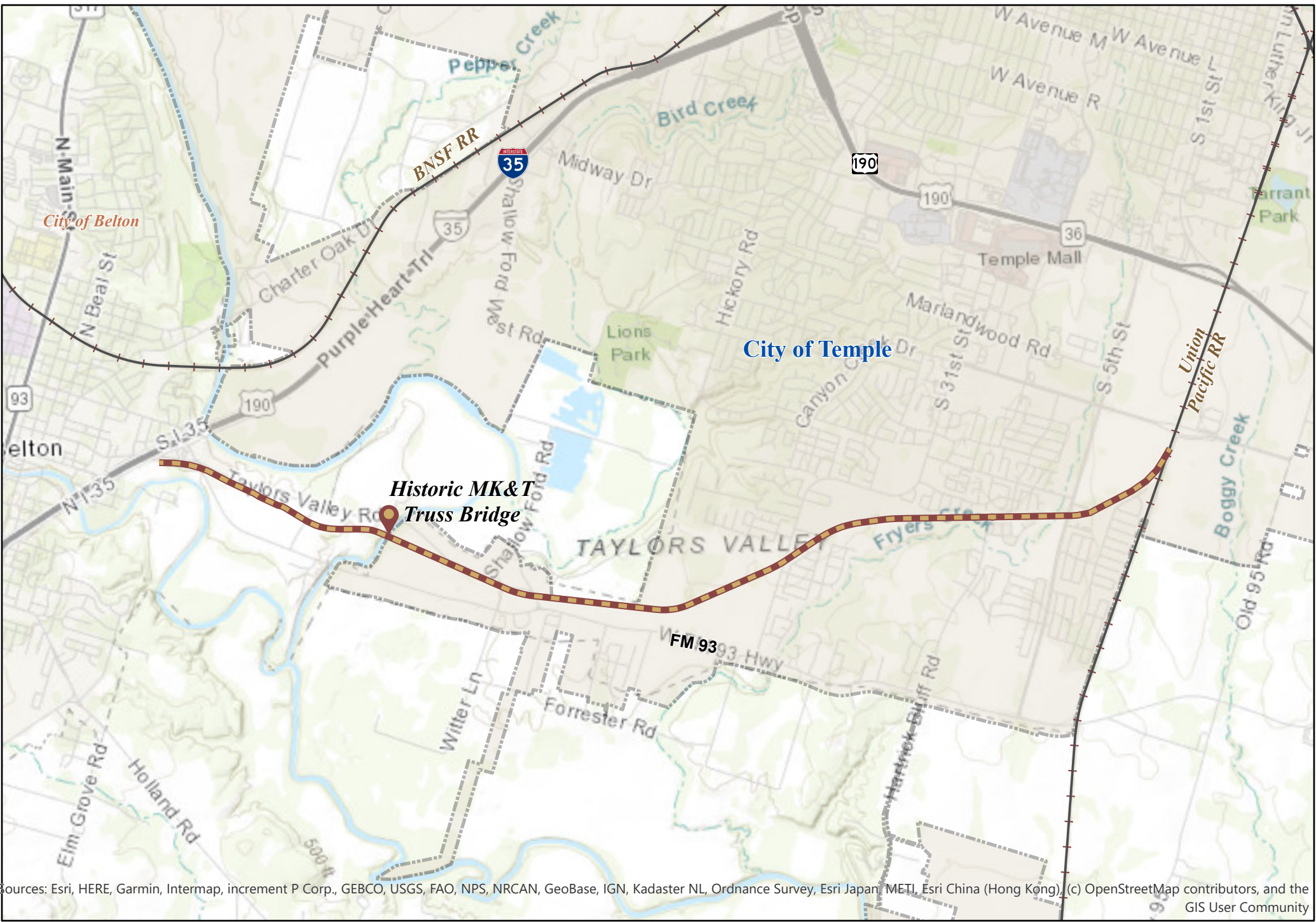
Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

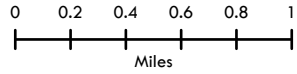
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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From: [Rich, Patrick R](#)
To: [Mordi, Sally](#)
Cc: [Crawley, April J](#); [Thomas, George L](#); [Rich, Patrick R](#)
Subject: Re: STB DOCKET No. AB 1302X; City of Temple, TX - Abandonment Exemption - in Bell County Texas
Date: Wednesday, June 17, 2020 11:24:08 AM

Dear Ms. Mordi,

Good morning...hope all is well. Thank you for reaching out to the Bureau of Land Management (BLM) for input on this important reclamation effort. Per our phone conversation earlier this morning, I am corresponding at your request with regard to the subject letter/map sent to the Bureau of Land Management, Amarillo Field Office May 15th, 2020. Upon review of BLM records and USFWS listed T&E species, the BLM Oklahoma Field Office has determined that there is no Federal interest (surface or subsurface) in the subject area of interest, nor are there any USFWS listed species for the area of interest. However, as mentioned during our phone conversation, the area of interest is within the Monarch butterfly's migration route. Therefore, during reclamation efforts, the BLM OFO recommends planting vegetation that aids in the reproduction and further proliferation of this important species. To aid you in this effort, if you choose to adopt our recommendation, I have provided a web link to a U.S. Forest Service web page that provides information regarding milkweed and nectar-producing plants that aid the Monarch butterfly's reproductive cycle.

A butterfly walking path can be a wonderful addition to a city's recreation opportunities and can promote additional economic prospects for those who wish to visit and promote activities associated with the Monarch butterfly's proliferation and natural habitat.

Thank you, again, for the opportunity to comment on this particular project. Have a great day!

https://www.fs.fed.us/wildflowers/pollinators/Monarch_Butterfly/habitat/index.shtml

Very respectfully,

Patrick R. Rich, EMBA
RMP Team Lead / P+EC

INTERIOR REGION 6

ARKANSAS - RIO GRANDE - TEXAS GULF

BLM Oklahoma Field Office

Resources Department
201 Stephenson Parkway, Suite 1200
Norman, OK 73072

OFFICE: (405) 579.7154

email: prich@blm.gov

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Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 15, 2020

Mike Reynolds, Regional Director
National Park Service
Regions 6, 7, and 8
12795 West Alameda Parkway
Denver, CO 80225

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected; and (2) if so, what effects the proposed action may have on same.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

Please provide your comments to me at the address above by June 15, 2020. You may contact me by email or telephone with any questions or concerns.

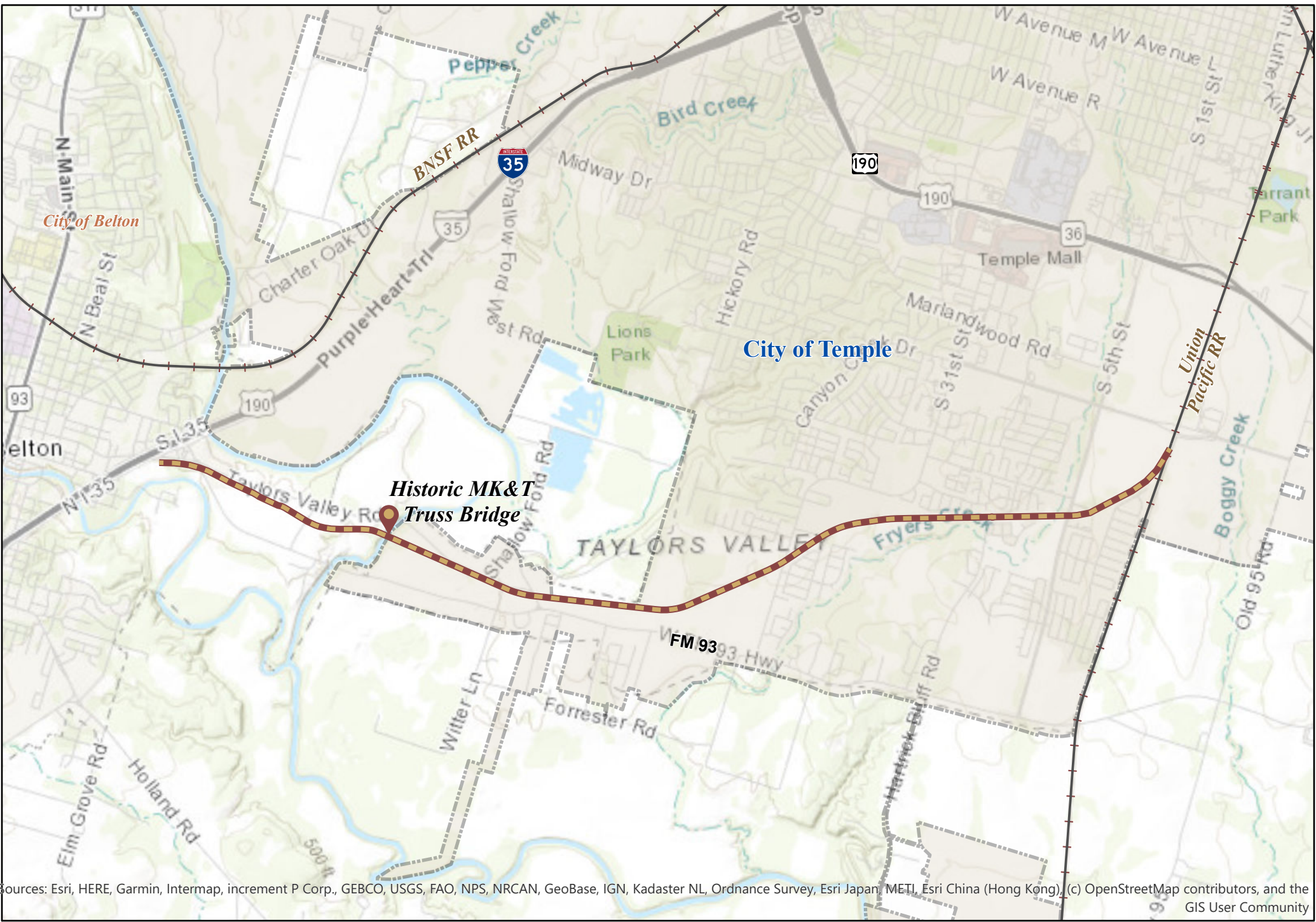
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Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

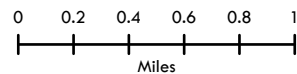
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT F

Letter sent to the Texas Commission on Environmental Quality and the response, and letter sent to Region 6 of the U.S. Environmental Protection Agency:

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com

May 15, 2020

Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

Please provide your comments to me at the address above by June 15, 2020. You may contact me by email or telephone with any questions or concerns.

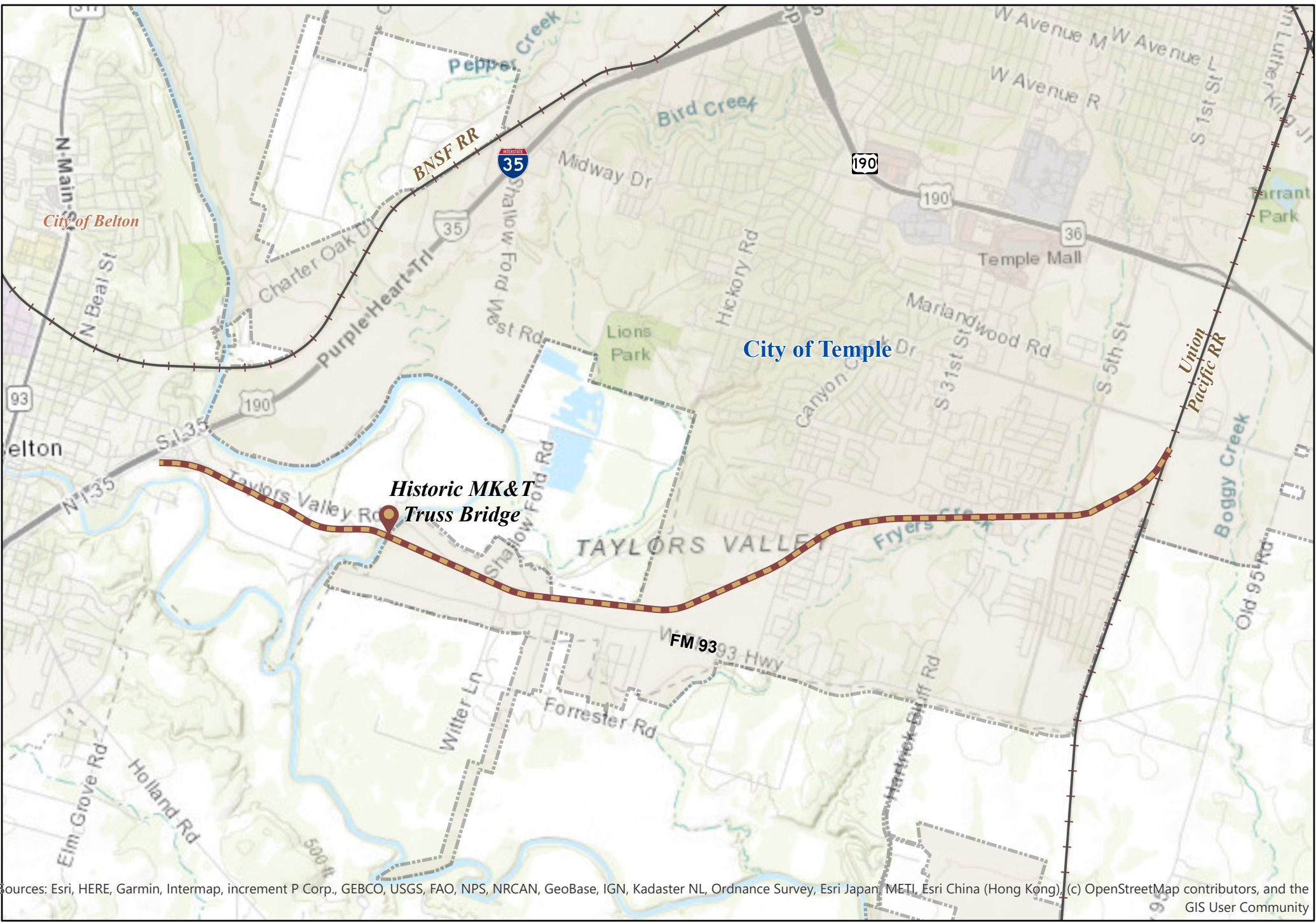
Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

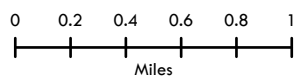
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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From: [Peter Schaefer](#)
To: [Mordi, Sally](#)
Cc: [Rebecca Villalba](#)
Subject: RE: City of Temple Rail Abandonment Plan STB Docket no. AB1302X
Date: Thursday, July 2, 2020 1:32:58 PM

Ms. Mordi,

Based on the information provided in your May 15, 2020 letter, this project has the potential to require stormwater permit coverage under the Construction General Permit (CGP, TXR015000), if the activity disturbs and exposes soil, as described below, and is greater than one acre in size.

The CGP defines construction activity as soil disturbance activities, including clearing, grading, excavating, construction-related activity (e.g., stockpiling of fill material, demolition), and construction support activity. This does not include *routine* maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site (e.g., the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities). (See Part I, Section B.)

For example for this project, if the demolition of the track material and rails results in exposed and disturbed soil, it would require permit coverage; however, if the supporting base under the tracks consist of compacted rocks and gravel and no soil is disturbed, permit coverage for this part of the project might not be needed. Removing and remediating road crossings most likely would involve soil disturbance and would therefore require permit coverage.

A permit application will be required to be submitted if the construction activities disturb greater than five acres of soil. If the construction activities disturb equal to or greater than one acre and less than five acres of soil the CGP requirements apply, however, an application is not required to be submitted. The CGP can be accessed at:

<https://www.tceq.texas.gov/permitting/stormwater/construction>.

Also, if impacts to streams or wetlands will occur, a 404 permit from the Forth Worth District U.S. Army Corps of Engineers may be needed. Here is a link to their web page for regulatory affairs.

<https://www.swf.usace.army.mil/Missions/Regulatory/Permitting/>. It is recommended that impacts to streams or wetlands be avoided to the extent possible.

Please let me know if you have any questions about state regulations regarding impacts to streams or wetlands (state 401 certification of federal 404 permits) or Rebecca Villalba if you have any questions about stormwater permitting.

Thanks,

Peter

Peter Schaefer, Team Leader

Standards Implementation Team (MC 150)

Water Quality Assessment Section

Water Quality Division, TCEQ

email: peter.schaefer@tceq.texas.gov

phone: 512-239-4372

fax: 512-239-4420

From: Mordi, Sally <smordi@Step toe.com>
Sent: Thursday, June 25, 2020 12:42 PM
To: Peter Schaefer <peter.schaefer@tceq.texas.gov>
Subject: RE: City of Temple Rail Abandonment Plan STB Docket no. AB1302X

Peter,

Thank you for your message. We would appreciate receiving any comments you have regarding our letter dated May 15, 2020. We look forward to hearing from you next week.

Regards,
Sally

Sally Mordi
Associate
smordi@Step toe.com
+1 202 429 6287 direct | +1 202 429 3902 fax

Step toe

Step toe & Johnson LLP
1330 Connecticut Avenue, NW | Washington, DC 20036
www.step toe.com

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From: Peter Schaefer <peter.schaefer@tceq.texas.gov>
Sent: Wednesday, June 24, 2020 9:55 AM
To: Mordi, Sally <smordi@Step toe.com>
Subject: City of Temple Rail Abandonment Plan STB Docket no. AB1302X

Ms. Mordi,

Just yesterday I received your letter dated May 15, 2020 regarding the above-referenced item. It took a while for the letter to get routed to me. You had requested a response by June 15. If you are still in need of a response, I can provide one to you by next Wednesday. I apologize for the delay.

Thanks,

Peter

Peter Schaefer, Team Leader
Standards Implementation Team (MC 150)

Water Quality Assessment Section
Water Quality Division, TCEQ
email: peter.schaefer@tceq.texas.gov
phone: 512-239-4372
fax: 512-239-4420

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



May 15, 2020

US EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies; and
- (2) whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

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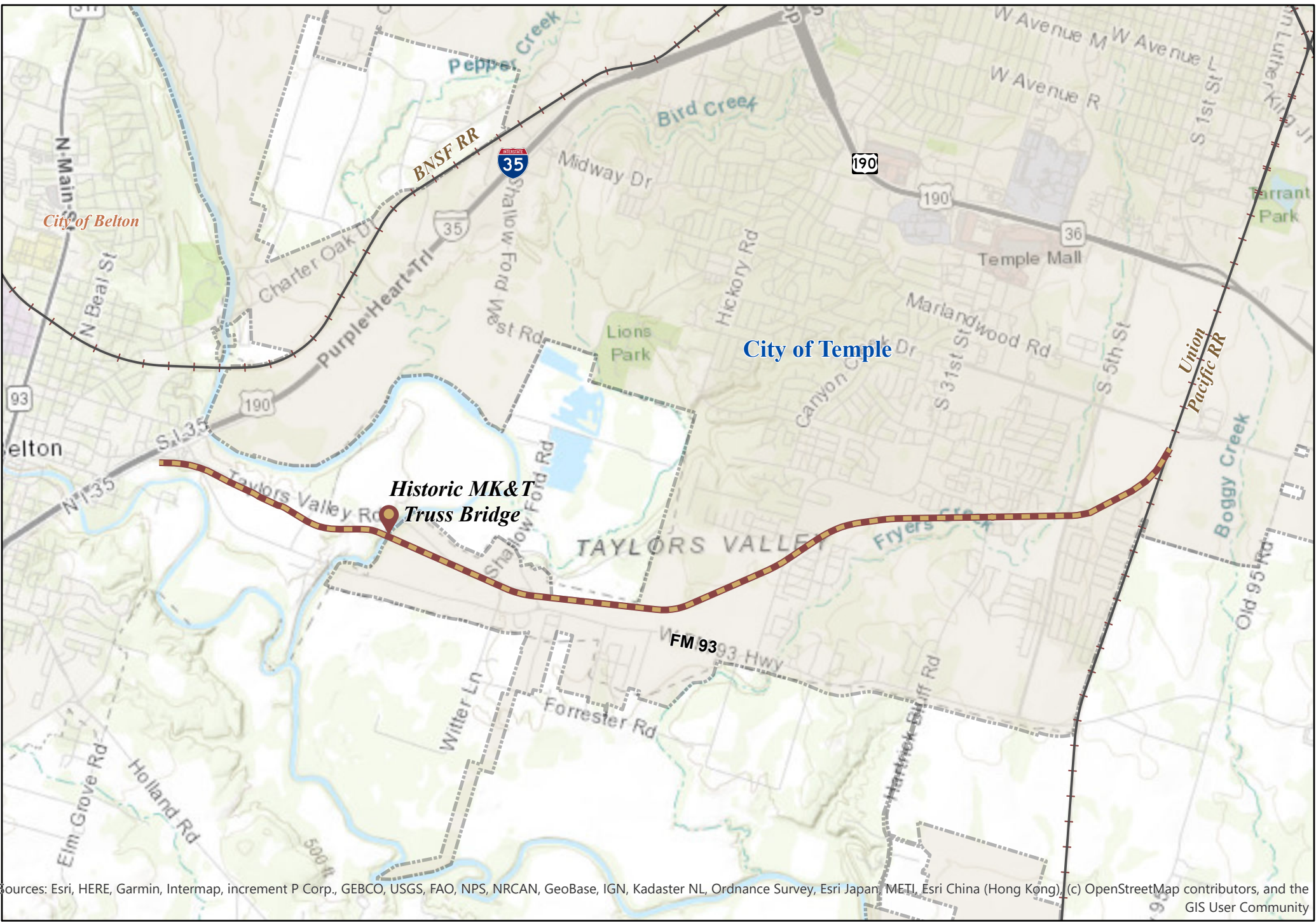
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Attorney for the City of Temple, Texas

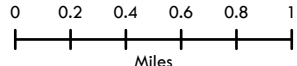
Enclosure as stated



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Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT G

Letter sent to the Fort Worth District of the U.S. Army Corps of Engineers:

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



May 15, 2020

U.S. Army Corps of Engineers
Fort Worth District
819 Taylor Street
Fort Worth, TX 76102

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected; and (2) if so, what effects the proposed action may have on the same.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

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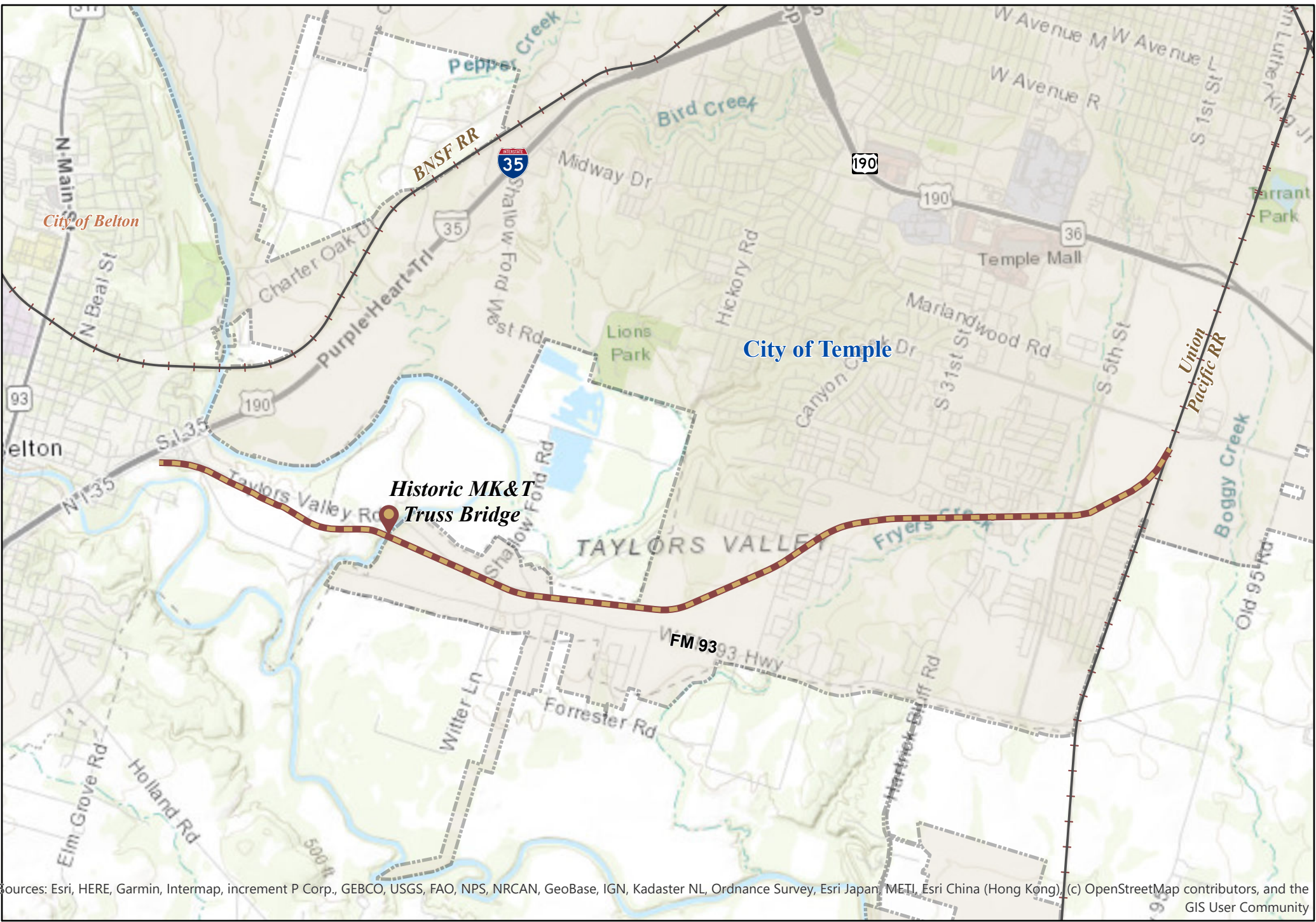
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Sally Mordi
Attorney for the City of Temple, Texas

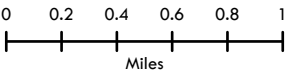
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Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

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EXHIBIT H

National Register of Historic Places Registration Form for the Missouri,
Kansas & Texas Railroad Bridge:

1858



United States Department of the Interior
National Park Service

**NATIONAL REGISTER OF HISTORIC PLACES
REGISTRATION FORM**

=====

1. Name of Property

=====

historic name Missouri, Kansas & Texas Railroad Bridge at the Leon River

other names/site number #36

=====

2. Location

=====

street & number @ Taylor's Valley Road [NA] not for publication

city/town Belton [NA] vicinity

state Texas code TX County Bell code 027 zip code 76513

=====

3. Classification

=====

Ownership of Property	Category of Property	Number of Resources within Contributing	
Property			
Noncontributing			
[XX] private	[] building(s)		buildings
[] public-local	[] district		sites
[] public-State	[] site	<u>1</u>	structures
[] public-Federal	[XX] structure		objects
	[] object	<u>1</u>	<u>0</u> Total

Name of related multiple property listing:
Community Development in Belton, Texas, 1850-1945

Number of contributing resources
previously listed in NR 0

=====

4. State/Federal Agency Certification

=====

As the designated authority under the National Historic Preservation Act of 1966, as amended, I hereby certify that this [XX] nomination [] request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property [XX] meets [] does not meet the National Register Criteria. [] See continuation sheet.

29 Oct 1990 [Signature]
Signature of certifying official
Texas Historical Commission
State or Federal agency and bureau

29 Oct 1990
Date

=====

In my opinion, the property [] meets [] does not meet the National Register criteria.

Signature of commenting or other official

Date

State or Federal agency and bureau

=====

5. National Park Service Certification

=====

I, hereby certify that this property is:

- [☒] entered in the National Register
[] See continuation sheet.
[] determined eligible for the National Register
[] See continuation sheet.
[] determined not eligible for the
National Register
[] removed from the National Register
[] other (explain): _____

Antenith Lee
for Signature of Keeper

12/26/90
Date of Action

=====

6. Function or Use

Historic Functions

TRANSPORTATION: rail-related

Current Functions

TRANSPORTATION: rail-related

=====

7. Description

Architectural Classification

NO STYLE

Materials

foundation STONE: limestone

walls _____

roof _____

other Steel TrussConcrete & Steel Approaches

=====

Describe present and historic physical appearance.

[] See continuation sheet.

The Leon River Missouri, Kansas & Texas Railroad Bridge is a steel through truss railroad bridge supported on limestone piers. It crosses the Leon River east of downtown Belton in a lightly wooded area.

The Leon River MKT Bridge has a riveted steel Parker truss with a polygonal top chord divided by webbed vertical hangers into five segments with light diagonal struts; the top chord angles sharply down to the road base at both ends. The truss is supported on either side of the river on wide, rectangular-plan piers of large blocks of rough-cut limestone capped with a concrete lintel. The more recent approach spans are supported on composite piers of steel and concrete.

=====

8. Statement of Significance

=====

Certifying official has considered the significance of this property in relation to other properties: ☐ nationally ☐ statewide ☒ locallyApplicable National Register Criteria ☒A ☐B ☐C ☐DCriteria Considerations (Exceptions) ☐A ☐B ☐C ☐D ☐E ☐F ☐G NAAreas of Significance
TransportationPeriod of Significance
c. 1900 - 1940Significant Dates
NACultural Affiliation
NASignificant Person(s)
NAArchitect/Builder
unknown

=====

State significance of property, and justify criteria, criteria considerations, and areas and periods of significance noted above. ☐ See continuation sheet.

The MKT Railroad crossing of the Leon River, established at the location of this bridge in 1882, provided Belton's most direct transportation link with the outside world from the 1880s through the first World War. Contextually the bridge relates to Community and Regional Development, specifically illustrating the economic stimulus and development brought to Belton in the 1880s by the railroad. The bridge is eligible for listing in the National Register under Criterion A, significant in the area of Transportation, for its direct association with the Missouri, Kansas & Texas Railroad and its important role in the Belton economy in the late 19th and early 20th centuries.

The Missouri, Kansas & Texas (MKT) Railroad is believed to have built this bridge between 1900 and 1915 to replace 1882 and 1890 trestles at this location. The MKT was the second railroad to serve Belton, but was particularly important to the development of the town because the Santa Fe Railway had bypassed the town to the north in 1881, in favored Temple as their rail center for Bell County. This was a bitter disappointment to the town of Belton, which had provided financial incentives to attract the Santa Fe. (For more information on railroad service see Historic Context.) Belton's survival as a market and processing center was dependent on getting a railroad link directly into town. By offering an attractive financial package Belton got the MKT Railroad to build a branch line from its line through Echo, south of Temple, with the branch terminating downtown, two blocks north of the courthouse square. Although not as desirable as being on a main railroad line, the MKT branch line was critical to Belton's survival as a town. It made it possible for Belton to continue to operate as a market center (although soon surpassed in importance by Temple) and specifically to develop as a processing and transportation center for the shipping of cotton, the mainstay of the Belton economy in the late 19th and early 20th centuries. The MKT Railroad Bridge is significant for its association with this with this branch line and as an example of early 20th century bridge engineering.

=====

9. Major Bibliographical References

=====

[] See continuation sheet.

Please see bibliography accompanying context statement "Community Development in Belton, Texas, 1850-1945."

Previous documentation on file (NPS): NA
[] preliminary determination of individual
listing (36 CFR 67) has been requested
[] previously listed in National Register
[] previously determined eligible by
the National Register
[] designated a National Historic Landmark
[] recorded by Historic American Buildings
Survey # _____
[] recorded by Historic American
Engineering Record # _____

Primary location of additional data:
[XX] State historic preservation office
[] Other State agency
[] Federal agency
[] Local government
[] University
[] Other

Specify repository:
Texas Historical Commission

=====

10. Geographical Data

=====

Acreage of Property less than 1 acre

UTM References

A [14] [646500] [3436700]

Zone Easting Northing

C [] [] []

B [] [] []

Zone Easting Northing

D [] [] []

Verbal Boundary Description

[] See continuation sheet

The width of the MKT right of way over the Leon River, including the bridge structure and its approach trestles.

=====

Boundary Justification

[] See continuation sheet

Includes the entire bridge structure as constructed.

=====

11. Form Prepared By

(based on research by Sally Victor, Victor & Victor Consultants)
Name/Title Chris Long, Historian (with Tory Laughlin Taylor, Architectural Historian)

Organization Texas Historical Commission, NR Programs

date August 1990

Street & Number P.O. Box 12276 Capitol Station

telephone 512-463-6094

City or Town Austin

state TX zip 78711

United States Department of the Interior
National Park Service

JAN 7 1991

National Register of Historic Places Continuation Sheet

Section number 10 Page 1

Amendment to the Historic and Architectural Resources of Belton, Texas:
Missouri, Kansas & Texas Railroad Bridge at the Leon River (Site 36)

10. Geographical Data

UTM Reference A [14] [648560] [3437360]

United States Department of the Interior
National Park ServiceNational Register of Historic Places
Continuation Sheet

Section number _____ Page _____

Belton MPS

Bell County, TEXAS

Date Listed

- | | | |
|---|--------------------|----------|
| 22. Harris, Capt. Andrew Jackson, House | Substantive Review | 12/26/90 |
| 23. House at 402 N. East St. | | 12/26/90 |
| 24. House at 730 N. Beal St. | Substantive Review | 12/26/90 |
| 25. Hudson, Dr. Taylor, House | | 12/26/90 |
| 26. James House | | 12/26/90 |
| 27. Kinchion, L. B., House | | 12/26/90 |
| 28. Lee, Walter J., House | | 12/26/90 |
| 29. McWhirter, George and Martha, House | | 12/26/90 |
| 30. Means, V. R., House | | 12/26/90 |
| 31. Miller, J. I., House | | 12/26/90 |
| 32. Missouri, Kansas & Texas Railroad Bridge at
the Leon River | Substantive Review | 12/26/90 |
| 33. Morey House | | 12/26/90 |
| 34. Mount Zion United Methodist Church | | 12/26/90 |
| 35. Naismith, Robert, House | | 12/26/90 |
| 36. Potts, Arthur, House | | 12/26/90 |
| 37. Venable, W. J., House | | 12/26/90 |
| 38. Ware, H. A. and Helena, House | | 12/26/90 |

SUPPLEMENTARY LISTING RECORD

NRIS Reference Number: 90001898 Date Listed: 12/26/90

Missouri, Kansas & Texas RR Bridge Bell TX
Property Name County State

Historic and Architectural Resources of Belton, Texas
Multiple Name

This property is listed in the National Register of Historic Places in accordance with the attached nomination documentation subject to the following exceptions, exclusions, or amendments, notwithstanding the National Park Service certification included in the nomination documentation.

for *Austin G. Lee* *12/27/90*
Signature of the Keeper Date of Action

=====

Amended Items in Nomination:

Location on USGS Map: This property, listed as Site #36, apparently is mis-located on the map (over the Nolan Creek). The Texas State Historic Preservation Office will send a copy of the map with the correct location.

This information was confirmed with Bruce Jensen of the Texas State Historic Preservation Office.

DISTRIBUTION:

National Register property file
Nominating Authority (without nomination attachment)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

NATIONAL REGISTER OF HISTORIC PLACES
EVALUATION/RETURN SHEET

REQUESTED ACTION: NOMINATION

PROPERTY NAME: Missouri, Kansas & Texas Railroad Bridge at the Leon River

MULTIPLE NAME: Belton MPS

STATE & COUNTY: TEXAS, Bell

DATE RECEIVED: 11/14/90
DATE OF 16TH DAY: 12/16/90
DATE OF WEEKLY LIST:

DATE OF PENDING LIST: 11/30/90
DATE OF 45TH DAY: 12/29/90

REFERENCE NUMBER: 90001898

NOMINATOR: STATE

REASONS FOR REVIEW:

APPEAL: N DATA PROBLEM: N LANDSCAPE: N LESS THAN 50 YEARS: N
OTHER: N PDIL: N PERIOD: N PROGRAM UNAPPROVED: N
REQUEST: N SAMPLE: Y SLR DRAFT: N NATIONAL: N

COMMENT WAIVER: N

☒ ACCEPT ☐ RETURN ☐ REJECT 12/26/90 DATE

ABSTRACT/SUMMARY COMMENTS:

The Missouri - Kansas + Texas RR Bridge at the Leon River is significant for its association with the critical railroad link between Belton and its surrounding markets. Constructed in 1900 to replace earlier trestles, the bridge allowed for Belton to ^{continue to} operate as a processing and transportation center for the shipping of cotton.

RECOM./CRITERIA Accept / A
REVIEWER Antoniella J. Lee
DISCIPLINE History
DATE 12/26/90

DOCUMENTATION see attached comments Y/N see attached SLR (Y) N

CLASSIFICATION

___count ___resource type

STATE/FEDERAL AGENCY CERTIFICATION

FUNCTION

___historic ___current

DESCRIPTION

___architectural classification
___materials
___descriptive text

SIGNIFICANCE

Period Areas of Significance--Check and justify below

Specific dates Builder/Architect
Statement of Significance (in one paragraph)

___summary paragraph
___completeness
___clarity
___applicable criteria
___justification of areas checked
___relating significance to the resource
___context
___relationship of integrity to significance
___justification of exception
___other

BIBLIOGRAPHY

GEOGRAPHICAL DATA

___acreage ___verbal boundary description
___UTMs ___boundary justification

ACCOMPANYING DOCUMENTATION/PRESENTATION

___sketch maps ___USGS maps ___photographs ___presentation

OTHER COMMENTS

Questions concerning this nomination may be directed to

Signed _____ Phone _____

Date _____



HISTORIC & ARCHITECTURAL RESOURCES of BELTON, TEXAS
LEON RIVER MKT RAILROAD BRIDGE
LEON RIVER AT TAYLOR'S VALLEY ROAD
BELTON, BELL CO., TEXAS
CAMERA FACING SOUTHEAST
NEGATIVE WITH CONSULTANT

Site No. 584
Address Leon River near TV Road
View seoblique

Belton, Texas
Historic Sites Survey, 1985
VICTOR AND VICTOR CONSULTANTS, INC.
P.O. Box 26189
AUSTIN, TEXAS

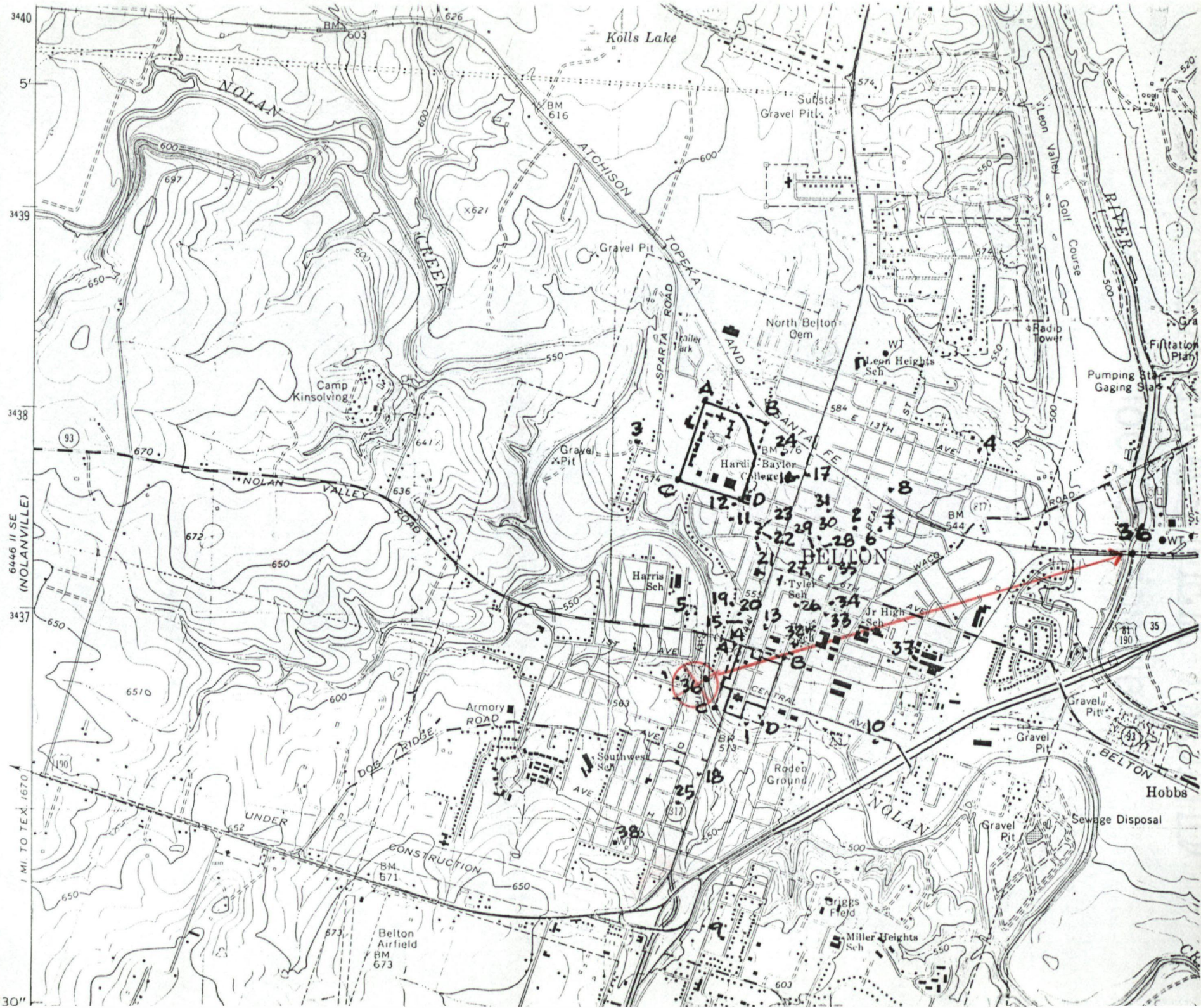
PHOTO 36 OF 38

HISTORIC & ARCHITECTURAL RESOURCES of BELTON, TEXAS

JAN 7 1991

BELTON, BELL CO., TEXAS

UTM REFERENCES: REFER TO CONTINUATION SHEETS



Please refer to the map in the
Multiple Property Cover Sheet
for this property

Multiple Property Cover Sheet Reference Number: 64500627



Texas Historical Commission

To Toni Lee **Date** 1-3-91

From Marlene Casarez - National Register Programs

Re Historic and Architectural Resources of
Belton, Texas - Bell County, Texas

Bruce Jensen asked me to forward Continuation Sheet 10-1 of the above referenced nomination, indicating the location of the Missouri, Kansas, & Texas Railroad Bridge at Leon River (Site 36).

Please let us know if additional information is needed.

Thank you.

RECEIVED
JAN 07 1991
NATIONAL
REGISTER

EXHIBIT I

Sparks Engineering, Inc.'s Initial Evaluation of the Missouri, Kansas &
Texas Railroad Bridge:



MISSOURI, KANSAS & TEXAS RAILROAD BRIDGE | INITIAL EVALUATION

Prepared for the City of Temple

SPARKS ENGINEERING, INC.

www.sparksengineering.com

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Engineer's Opinion of Probable Cost	14



EXECUTIVE SUMMARY

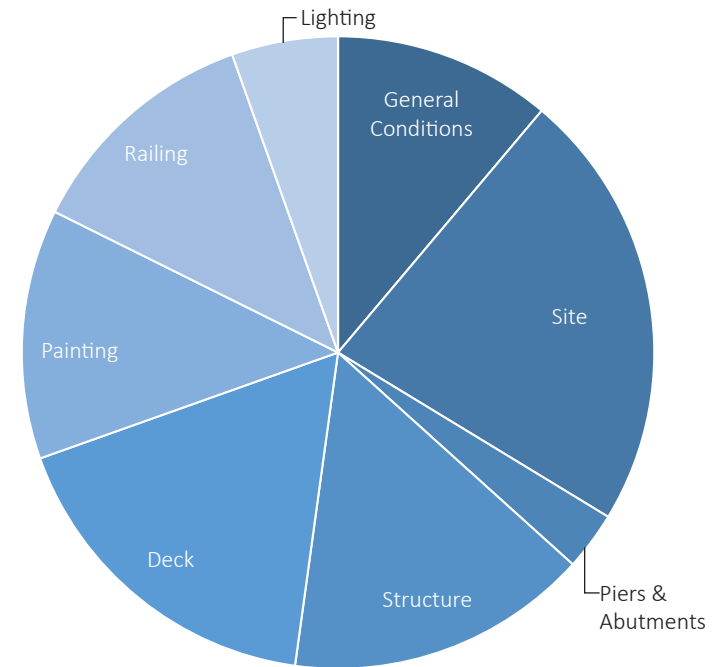
The purpose of this study was to determine the feasibility of rehabilitating the historic Missouri, Kansas & Texas Railroad Bridge over the Leon River for bicycle and pedestrian use. Overall the substructure and superstructure are robust and in very good condition for their age. No significant deterioration was found during our condition assessment.

The primary items of work needed for reusing the bridge as part of the planned hike and bike trail are a new deck and guardrails. Painting the structure is not necessary. In general, our recommendations regarding the structural rehabilitation of the bridge are:

- Replace the existing track with a reinforced concrete bridge deck or tropical hardwood
- An appearance coat of a clear oil treatment can be applied to the trusses, and an environmentally acceptable lubricant can be used on the lower-chord pin-and-eyebars connections to protect from corrosion.
- Install pedestrian guardrails that meet current code standards.
- Add pedestrian lighting and illumination of the bridge structure itself.
- Remediate the severe erosion at the west abutment and construct a storm water flume.

Based on the scope of work identified in this study, we recommended the following probable rehabilitation costs and alternatives:

Construction Cost Budget Allocations



General Conditions	\$	41,000
Site	\$	83,000
Piers & Abutments	\$	11,000
Structure	\$	57,000
Deck	\$	64,000
Painting	\$	47,000
Railing	\$	45,000
Lighting	\$	20,000
Construction Cost	\$	368,000
Fees & Contingency	\$	198,000
Total Project Cost	\$	566,000
Add Alternate: Tropical Hardwood Decking	\$	11,000

SCOPE AND LIMITATIONS

SCOPE OF THE EVALUATION

This initial evaluation was focused on identifying major structural work and associated conceptual costs for rehabilitation of the Missouri, Kansas & Texas Railroad Bridge. We included a limited site investigation and preliminary analysis of the structural condition. No original drawings or previous inspection reports were available. No testing or detailed inspection was performed. A full detailed inspection of critical members is required prior to putting the bridge back in service.

LIMITATIONS

Conditions may exist or develop over time that were not identified during the evaluation. The recommendations and scope of rehabilitation outlined herein are necessarily general. They do not represent a final design or specification.

ACKNOWLEDGMENTS

Photos provided by Jason Deckman, City of Temple.

The truss bottom chord and riveted connections are in good condition.





BRIDGE BACKGROUND

The MKT bridge over the Leon River was likely constructed in the early 20th century. It consists of one main span over the river and two steel-girder approach spans. The bridge is in Bell County, Texas, located parallel to SH 93 and Taylor's Valley Road. The bridge is owned by the City of Temple.

The bridge is listed on the National Register of Historic Places. One stone bent remains on the west bank, possibly a remnant from the 1882 bridge.

The bridge and tracks are currently abandoned but are planned for reuse as a hike and bike trail (Rails-to-Trails). Our services were requested by the City of Temple to advise on the structural condition of the existing bridge and the feasibility of its re-use as a pedestrian and bicycle bridge, and to provide opinions and recommendations for repairs and strengthening with an estimate of probable construction costs.

CONDITION ASSESSMENT

Our condition assessment included a visual survey of the bridge from the deck and accessible locations below, and field measurements of representative structural members.

SEI principal Patrick Sparks, P.E. visited the site on February 22, 2019 to perform the condition survey of the bridge. Jason Deckman, Planner with the City of Temple facilitated the site investigation and provided many of the photos used within this report.

The following sections summarize our observations, findings and recommendations.

Minor distortion and a non-structural crack in vertical post plates of lower chord connection. This distress was likely induced during the original assembly of the bridge due to lack of fit. It has no effect on performance.



STEEL SUPERSTRUCTURE

The bridge's steel superstructure consists of three spans: a 7-panel, 162-foot Parker through-truss over the river, and two identical 30-foot deck girder approach spans. The truss is constructed of built-up, riveted steel sections for the verticals and top chord, with lower-chord and diagonals made of pin-connected eyebars. The truss floor beams, stringers, and top lateral struts are also built-up sections. The approach spans are made of rolled steel beams and clearly date from the latter half of the 20th century. The rails are supported on creosote-treated timber ties, as is typical.

We identified the following main deficiencies and condition findings:

- In general, the truss and the approach spans appear to be in good condition, with only some isolated minor corrosion. The rivets are sound and tight. We found no significant loss of strength due to corrosion or other damage.
- Only trace amounts of paint remain on the main truss span. It appears that the bridge was painted only once when new and was probably never painted again. The trace amounts of paint remaining are no doubt lead-based, but the quantity is so small as to not constitute a significant concern. The paint on the deck-girders of the approach spans is in poor condition.

The truss is generally in overall good condition.



Very little corrosion exists on the bridge, despite its lack of paint.



The rivet connections are sound and tight.

The approach span deck girders have widespread paint loss.





DECK AND GUARDRAILS

The bridge still has track rails on an open deck of creosote-treated timber ties. At least 25% of the ties are obviously decayed. Most of the others appear to be relatively new and in good condition. Nevertheless, it is advisable to install a new pedestrian deck of either concrete or tropical hardwood.

Also, there are no guard railings on the bridge. New code-compliant pedestrian railings will be required for the rehabilitation.

PIERS AND ABUTMENTS

The west abutment of the main truss is reinforced concrete and the east pier is limestone with a later concrete cap. The approach spans are supported on steel H-pile foundations with reinforced concrete pile caps.

We performed a visual survey of the piers and abutments for signs of distress (e.g. out-of-plumb, cracking, spalling). We observed the following:

- We found no signs of structurally significant distress or foundation movement in the piers or abutments. Based on the presence of limestone in the river bottom, we expect the bridge bents and abutments are founded on bedrock.
- The stone pier exhibits some deterioration of the mortar joints but otherwise is in good condition.
- Some minor erosion is apparent at the base of the east truss pier; however, all piers appear to be plumb and level. No signs of scour were observed.
- There is severe erosion of the bank soil at the north wing-wall of the west abutment, due to storm water runoff from the adjacent property. This erosion does not appear to affect the structural integrity of the bridge.



The stone pier that supports the east end of the main span is in good condition, but the mortar joints need to be repointed.



Severe erosion due to storm water runoff from adjacent property; west abutment.

We found the piers and abutments to be in generally in good condition, without structurally significant distress or deterioration.



Condition Assessment PIERS AND ABUTMENTS

STRUCTURAL ANALYSIS

As part of our evaluation, we performed a limited structural analysis¹ of the main truss to estimate the load capacity and to identify the need for strengthening or repairs. Based on the age of the bridge, we have used the published AASHTO characteristic strength values of 30-ksi yield.

As expected for a railroad bridge, our analysis indicates that the bridge has sufficient capacity for pedestrian/bicycle reuse without the need for additional strengthening or structural upgrades. Our analysis found that the truss top and bottom chords have substantial excess strength, as they would be working at only 25% capacity under pedestrian live load. In terms of equivalent uniform loading, assuming a 15-foot deck width, the main truss can support about 400-psf superimposed load compared to the code-required 90-psf live load for pedestrian use.

¹ The primary purpose of our analysis for this initial study was to evaluate the feasibility of pedestrian/bicycle reuse; therefore, our analysis was limited to 2-D modeling and applicable dead and live load cases. Refined analysis including additional load cases (e.g. snow, wind, seismic, flood, etc.) and consideration of fracture critical members is required for rehabilitation design. Based on our initial assessment of the bridge and our experience with similar structures we do not anticipate additional analysis will significantly alter the conclusions or recommendations contained in this report.

OPINIONS AND RECOMMENDATIONS

In our opinion the MKT Railroad Bridge can be successfully rehabilitated and have an extended service life as a pedestrian and bicycle bridge. Our condition assessment found the steel superstructure, piers, and abutments are overall in very good condition, without significant structural deficiencies. Our primary recommendations for rehabilitation of the existing structure are as follows:

Steel Superstructure

- There are no significant repairs identified at this time
- Painting the bridge is unnecessary. For appearance, we suggest applying a coating of boiled linseed oil.
- To protect the critical pin-and-eyebars connections of the lower chord, we recommend applying an environmentally acceptable lubricant (EAL) to these specific locations.

Deck & Guardrails

- Install a new pedestrian deck. Deck options include:
 Cast-in-place, reinforced concrete on permanent metal forms (5-inch total deck thickness assumed; this would lower the top of deck by 9")
 Tropical hardwood (e.g. Ipe) decking (will require treated timber nailers bolted to the existing stringers)
 In either case, it will be necessary to add two lines of supplemental stringers (e.g. W10x30 steel beams) to support the outer edges of the new pedestrian deck.
- Add a new pedestrian guardrail with a top rail height of 54 inches, and an opening size of less than 4".

Piers & Abutments

- Repoint 100% of the mortar joints in the stone masonry pier
- Backfill and stabilize the bank slope at the eroded area on the west end of the bridge and provide an appropriate storm water flume as needed. This item of work is included in our estimate for the bridge rehabilitation, but should be included in the site/civil design documents.

Lighting

In addition, for planning purposes, our opinion of cost includes an allowance for lighting on the bridge, assuming that power will be available.

Regulatory Compliance

We expect the following will be required at a minimum:

- USACE Nationwide Permit 14- Linear Transportation Projects
- Consultation with the Texas Historical Commission
- Architectural Barriers Plan Review (Texas Department of Licensing and Regulation)
- Determination of Waters of the United States
- Delineation of Wetlands within the Project Limits
- Section 106 Review

Historic MKT Railroad Bridge over the Leon River

Engineer's Opinion of Probable Cost

Category	Item	Quantity	Unit	Unit Price	Amount
General Conditions	Mobilization	1	LS	\$ 30,000.00	\$ 30,000.00
General Conditions	Project Signs	1	LS	\$ 1,000.00	\$ 1,000.00
General Conditions	Barriers and Warning and/or Detour Signs	1	LS	\$ 5,000.00	\$ 5,000.00
General Conditions	Tree Protection	1	LS	\$ 5,000.00	\$ 5,000.00
Site	Backfill, slope stabilization and storm water control device	1	LS	\$ 75,000.00	\$ 75,000.00
Site	Storm Water Pollution Prevention	1	LS	\$ 8,000.00	\$ 8,000.00
Piers & Abutments	Repoint Limestone Pier - 30%	1,350	SF	\$ 8.00	\$ 11,000.00
Structure	Add steel stringers to support the deck edges	13,320	LB	\$ 4.00	\$ 53,000.00
Structure	Clean and Grease Bearings	8	EA	\$ 500.00	\$ 4,000.00
Deck	Remove & Dispose Timber Ties	1,776	SF	\$ 10.00	\$ 18,000.00
Deck	Concrete Bridge Deck - 5"	3,500	SF	\$ 13.00	\$ 46,000.00
Railing	Pedestrian Railing	450	LF	\$ 100.00	\$ 45,000.00
Painting	Treat lower-chord joints with Environmentally Acceptable Lubricant	16	EA	\$ 200.00	\$ 3,000.00
Painting	Appearance Coat - Boiled Linseed Oil	22,000	SF	\$ 2.00	\$ 44,000.00
Lighting	Lighting Power, Controls, and Fixtures	1	LS	\$ 20,000.00	\$ 20,000.00
	Total Construction Cost				\$ 368,000.00
	Design Fees	18%			\$ 70,000.00
	Permitting (USACE) - NWP 14, WOUS				\$ 25,000.00
	Testing & Inspection	5%			\$ 18,000.00
	Section 106 Compliance				\$ 15,000.00
	Contingency	15%			\$ 70,000.00
	Total Project Cost				\$ 566,000.00
	Bid Alternates				
Alternate	Tropical Hardwood Decking	3,500	SF	\$ 3.00	\$ 11,000.00
	<i>Excludes escalation, project management and administrative fees, land surveying, and public involvement.</i>				

This opinion of cost is for planning purposes and is intended only to provide information on the general magnitude of costs. Costs are based on our engineering judgment and experience with similar projects. The opinion of cost is not a quotation or guarantee of actual costs. We have no control over the actual cost or availability of labor, equipment or materials, market conditions or a contractor's method of pricing. Further, no detailed design documents have been developed on which to base the cost of a specific project. As with any preservation work, an appropriate contingency should be maintained in the project budget.

END OF REPORT

EXHIBIT J

Letters sent to the Texas Historical Commission and the Communications
and Outreach Branch, NOAA, N/NGS12, National Geodetic Survey, SSMC3 #9340:

Sally Mordi
202 429 6287
smordi@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoelaw.com



May 15, 2020

Mark S. Wolfe, SHPO
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the “City”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the “Line”). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining: (1) whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4); and (2) whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

For your reference, we have enclosed a map of the subject railroad line. Information on the City’s salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, the City’s salvage contractors will be required to limit their activities to the width of the right of way and to avoid the placement of fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should continue without disruption.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

Please provide your comments to me at the address above by June 15, 2020. You may contact me by email or telephone with any questions or concerns.

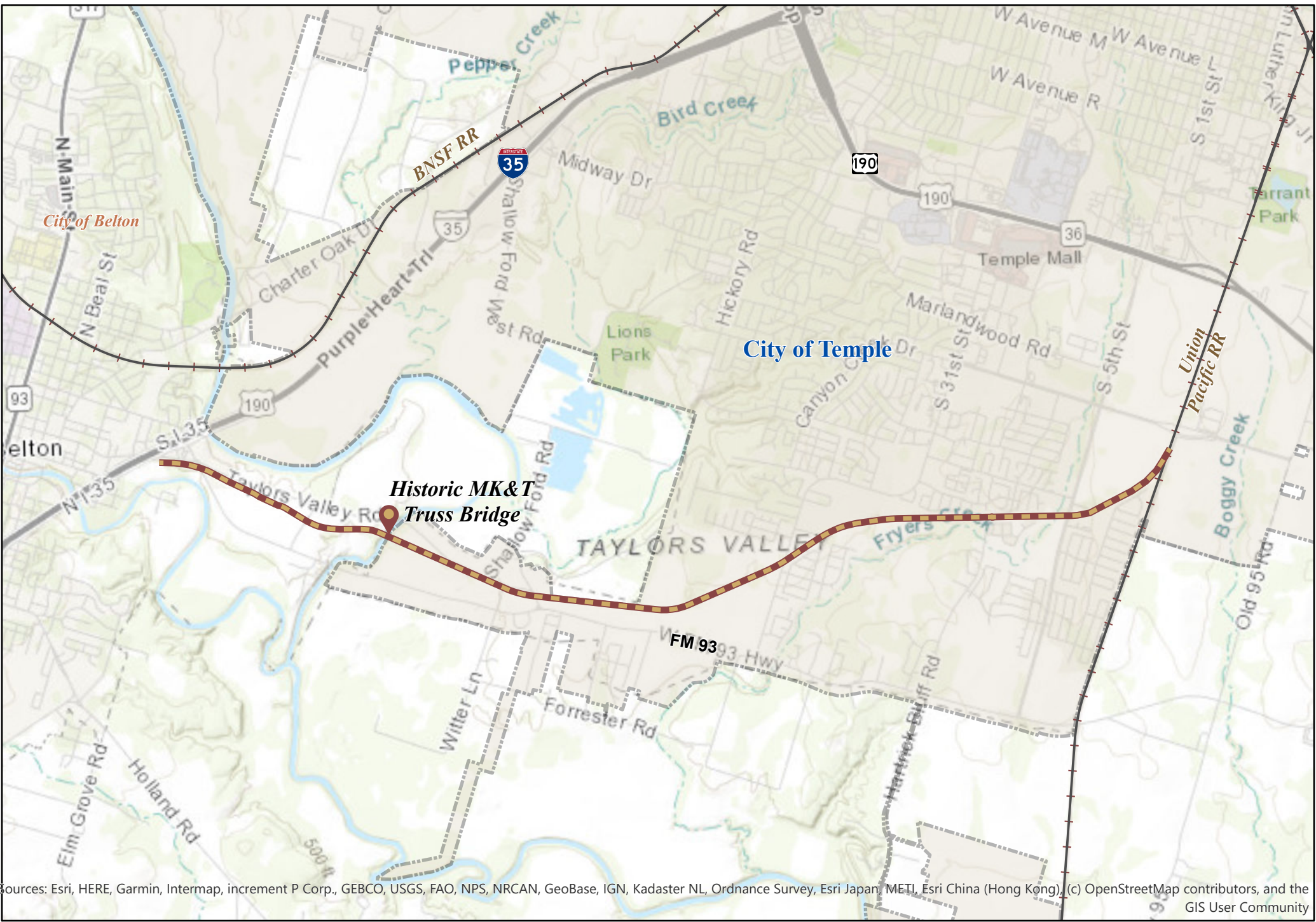
Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for the City of Temple, Texas

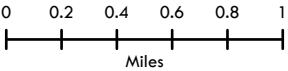
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



Georgetown Railroad
6.2 mi Right Of Way

Other Railroads
Active lines

GIS products are for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. They do not represent an on-the-ground survey and represent only the approximate relative location of property boundaries and other features.



Sally Mordi
202 429 6287
smordi@steptoe.com



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoel.com

May 15, 2020

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Re: STB Docket No. AB 1302X; City of Temple, Texas—Abandonment Exemption—in Bell County, Texas

The City of Temple, Texas (the "City") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon about 6.277 miles of rail line between near Belton, Texas, milepost 0.0, and Smith, Texas, milepost 6.277, in Bell County, Texas (the "Line"). The City also anticipates establishing interim trail use and rail banking of the Line under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29.

We are advising you of the proposed abandonment so that you may assist us in determining whether or not any geodetic survey marks may be located in the area described.

For your reference, we have enclosed a map of the subject railroad line. Information on the City's salvage process as it relates to this project is included below.

The salvage process begins with the unbolting of the track materials or rails. 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) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material.

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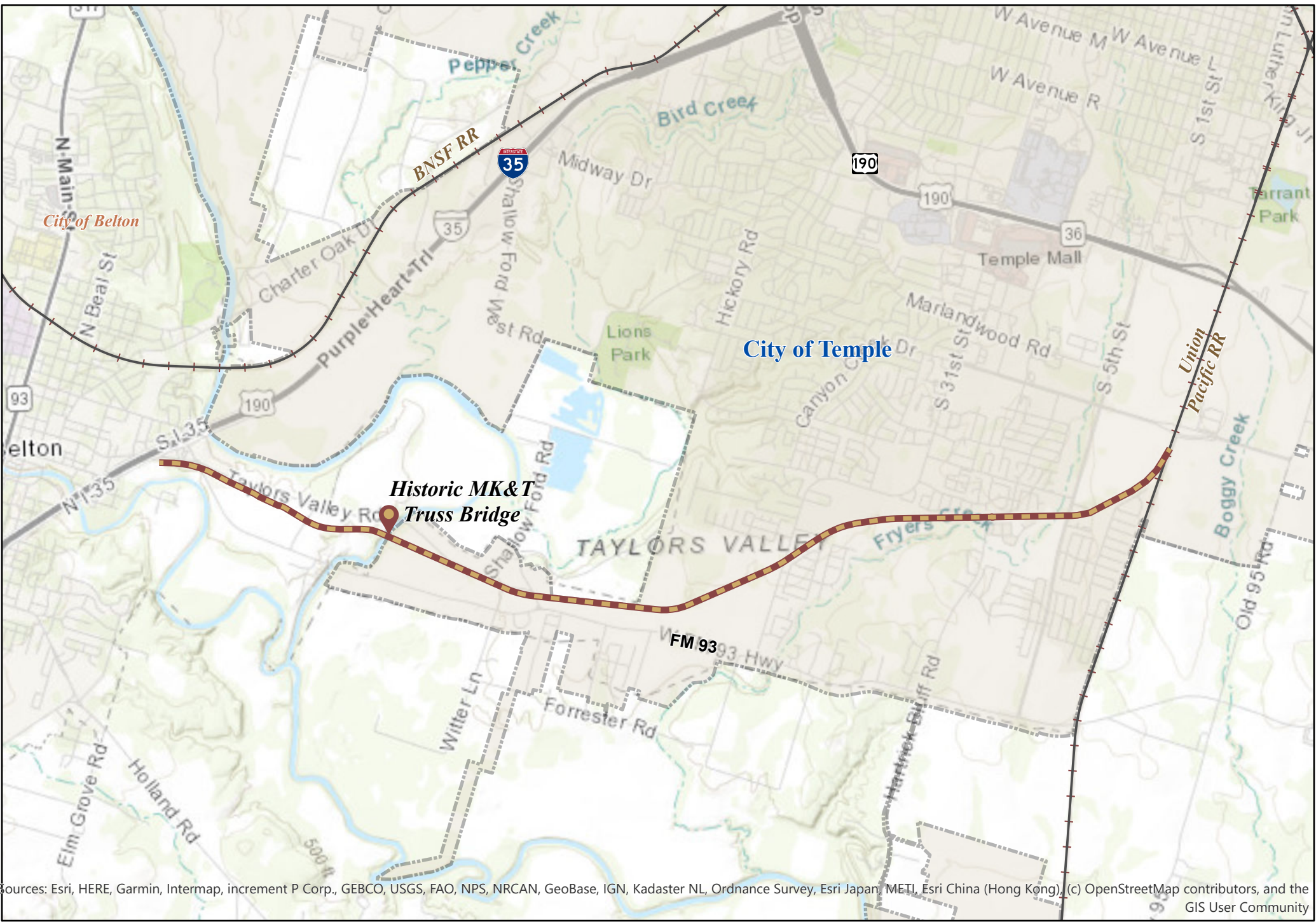
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Sally Mordi
Attorney for the City of Temple, Texas

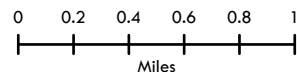
Enclosure as stated



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



Georgetown Railroad Proposed Railbanking



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Other Railroads
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