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OEA

SERVICE DATE – JANUARY 22, 2021

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

**Docket No. 1302X
City of Temple, Texas – Abandonment Exemption –
in Bell County, Tex.**

**Docket No. 1309X
Temple and Central Texas Railway, LLC – Discontinuance Exemption –
in Bell County, Tex.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

(X) NEW COMMENTS WERE RECEIVED

In this proceeding, the City of Temple, Texas and Temple & Central Texas Railway, LLC (TCTR) filed a joint notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance, respectively, of a line of railroad in Bell County, Texas. The rail line proposed for abandonment extends approximately 6.3 miles from approximate milepost 0.0 in Belton, Texas to milepost 6.277 in Smith, Texas (the Line). The Office of Environmental Analysis (OEA) served a Draft EA for this proceeding on January 4, 2021 for public review and comment. In the Draft EA, OEA recommended five environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received one comment after issuance of the Draft EA. The National Geodetic Survey (NGS) has indicated that there may be geodetic survey markers in the right-of-way that could be disturbed by the proposed abandonment. Accordingly, OEA recommends a condition requiring the City of Temple to notify NGS at least 90 days prior to beginning abandonment-related salvage activities to allow time for any geodetic survey markers that may be present in the right-of-way to be preserved.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the conditions recommended in the Draft EA, as well as the additional condition recommended in this document, should be imposed upon any decision granting abandonment authority.¹ The combined conditions are:

1. Prior to commencement of any abandonment-related salvage activities, the City of Temple shall consult with the U.S. Army Corps of Engineers and, if applicable, shall comply with its reasonable requirements.
2. The City of Temple shall, prior to commencement of any abandonment-related salvage activities, consult with the Texas Commission on Environmental Quality's Water Quality Division regarding its stormwater requirements and shall comply with its reasonable requirements.
3. Should the City of Temple conduct any planting associated with abandonment-related salvage activities, it shall consult with the Bureau of Land Management to ensure that the planting selected aid proliferation of the monarch butterfly.
4. The City of Temple shall comply with the Rehabilitation Feasibility Report by Sparks Engineering regarding measures to be taken to preserve the Missouri-Kansas-Texas Railroad Bridge over the Leon River.
5. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the City's abandonment-related salvage activities, the City will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Texas State Historic Preservation Officer (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested Federally recognized tribes, the City, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
6. The City of Temple shall notify the National Geodetic Survey (NGS) at NGS.Infocenter@noaa.gov at least 90 days prior to beginning abandonment-related salvage activities.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Danielle Gosselin, Acting Director, Office of Environmental Analysis.

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.