

47171
OEA

SERVICE DATE – OCTOBER 8, 2019

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1272, Central Texas & Colorado River Railway, LLC
—Abandonment Exemption—
In McCulloch, San Saba, Mills, and Lampasas Counties, Texas

BACKGROUND

In this proceeding, Central Texas & Colorado River Railway, LLC (CTXR) filed a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 for CTXR to abandon an approximately 67.5-mile rail line extending from milepost 0.0 at Lometa, to the end of the line at milepost 67.5 near Brady in McCulloch, San Saba, Mills, and Lampasas Counties, Texas (the Line). The following stations are located along the Line: Lometa, San Saba, Richland Springs, and Brady. According to the applicant, as of July 25, 2019, the entire Line was placed under embargo due to bridge problems and unsafe track conditions (AAR Embargo Number CTXR000119). Prior to this embargo, the Line operated as Federal Railroad Administration (FRA) excepted track with a maximum speed of 10 miles per hour due to track deficiencies, including sun kinks and bridge approach faults. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA).

CTXR projected, before embargo, moving less than 550 revenue carloads of all types in 2019, which it states would not cover the operating costs of moving that traffic by rail or related logistical expenses. If the notice becomes effective, the railroad would be able to salvage remaining track, ties, and other railroad appurtenances and to dispose of the right-of-way. CTXR has also indicated that it does not intend to remove the railroad bridges on the Line should the Board grant it abandonment authority.

ENVIRONMENTAL REVIEW

CTXR submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment. CTXR seeks to consummate the abandonment and salvage the Line. CTXR served the Environmental and Historic Report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. §

1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CTXR, the Line has been taken out of service and embargoed, effective July 25, 2019. Over the last few years, the Line served six shippers. CTXR acquired the Line in 2016, shortly after plans were publicly disclosed for a new crushed rock facility near San Saba that would likely produce 8,000 to 10,000 revenue carloads a year. CTXR engaged with the principals for the proposed facility, which was to be opened in 2017. The facility has not opened, and according to CTXR, it is uncertain that it ever will. CTXR moved 952 total carloads in 2017 and 1,210 total carloads in 2018. The two shippers responsible for approximately 76% of all CTXR car loadings in those two years, Premier Silica, LLC (Premier) and Covia Holdings Corporation (Covia), have ceased operations along the Line. Premier sold its facility to P.W. Gillibrand Co. Inc. (Gillibrand, with an anticipated 180 carloads a year) and Covia announced that it would close its Brady operations in 2019. Prior to the embargo of the Line, CTXR anticipated moving fewer than 550 carloads in 2019; CTXR notes that this total reflects the mid-year closure of the Covia facility. CTXR believes that the demand for shipment by rail on the Line will likely continue to decline. There has been no traffic on the Line since the embargo and according to CTXR, the existing rail traffic has been diverted to truck transportation over local roads. There is no overhead traffic.

The Texas Department of Transportation's Rail Division (TXDOT), in its June 19, 2019, letter, stated that the Line moved 2,270 carloads a year from 2013 to 2017, and that the diversion of this traffic to trucking would negatively impact the region's roadway network. CTXR noted in its filing that the average rail carloads of shippers other than Premier and Covia in 2017 and 2018 was 252, and that Gillibrand anticipates a need for 180 rail carloads a year. Should the Board authorize abandonment of the Line, using a conversion factor of four trucks to a rail carload, those 432 rail carloads of commodities would require an estimated increase of 1,728 truckloads (3,456 assuming an empty backhaul) to local area roads per year. Based on a 240-day work year, OEA estimates that 3,456 truck trips would add approximately 14 to 15 trucks per day to area roads, less than TXDOT estimates in its letter, and below the thresholds for more detailed analysis set forth in the Board's environmental regulations at 49 CFR at 1105.7(e)(4) and (5).

Accordingly, the proposed abandonment would not adversely impact the development, use, and transportation of energy resources or recyclable commodities; adversely impact the transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

¹ The Environmental and Historic Report is available for viewing on the Board's website at www.stb.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB-1272X.

Transportation Impacts

Under the Board's environmental regulations at 49 CFR 1105.7(e)(4)(iv)(B), if the proposed action would cause diversions from rail to motor carriage of more than an average of 50 rail carloads per mile per year for any part of the affected line, then the resulting net change in energy consumption must be quantified. Estimated traffic of 432 rail carloads divided by 67.5 miles is 6.5 rail carloads per mile, below that threshold, so the net change in energy consumption need not be quantified.

Salvage Activities

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. CTXR states that, if abandonment were authorized, it would remove remaining track materials such as rails and ties, leaving the right-of-way, bridges, and culverts in place. CTXR states that while it may salvage upper levels of ballast, it would not disturb any ballast located in the subgrade, and would only access the Line using existing roads, so no soil disturbance would occur.

Land Use

According to CTXR, the right-of-way along the Line is approximately 100 to 200 feet wide. Adjacent land use consists primarily of agricultural uses, but includes light industrial, commercial, and residential uses.

On June 11, 2019, the Honorable Ed Smith, Mills County Judge, submitted comments on behalf of Mills County. Judge Smith expressed concerns about CTXR's decision to leave the bridge in Mills County² in place stating that Mills County does not agree to be the subsequent owner of the bridge and asks that removal of the trestle from the Colorado River be part of the abandonment process. Judge Smith argues that an unused and unmaintained bridge would become an attractive nuisance and would create a risk of flooding to both upstream and downstream properties. Judge Smith concludes by stating that if the abandonment does not require removal of the bridge, the County will actively object to the abandonment.

This EA discusses impacts of the proposed abandonment to water resources below. OEA has reached out the U.S. Army Corps of Engineers, Fort Worth District, Regulatory Division (Corps) and to the U.S. Coast Guard, Office of Bridge Programs, Eighth Coast Guard District (Coast Guard). Available online mapping indicates that the section of the Colorado River at the location of the Mills County bridge is not considered a navigable waterway, therefore, it is unlikely that either of those agencies would require the dismantling of a bridge newly constructed in 2014. In an abundance of caution, however, OEA will ensure that both the

² The bridge over the Colorado River in Mills County (located at latitude N 31 14.100 and longitude W 98 33.720) is approximately 700 feet long and was built in 2014.

appropriate field offices of the Corps and the Coast Guard received a copy of the EA. OEA is unaware of other laws or regulations that would mandate the removal of the Mills County bridge.

In response to the comment submitted by Judge Smith on behalf of Mills County, OEA is recommending that the Board impose a condition requiring CTXR to consult with Mills County and comply with the reasonable requests of Mills County to mitigate potential impacts to safety and flooding that could result from leaving the Mills County bridge in place following the grant of abandonment authority.

Safety

According to CTXR, there are more than 75 at-grade crossings within the Line. The Texas Department of Transportation's Rail Division requested that the removal of all public at-grade crossings within one year of abandonment be a condition of any abandonment authorization decision. OEA notes that CTXR indicated its intent to remove these at-grade crossings in its report and believes that a condition requiring CTXR to do so within one year of filing its consummation notice is reasonable. Accordingly, OEA is recommending the addition of this condition to any decision granting abandonment authority.

Coastal Zone Compliance

The Texas General Land Office Coastal Division indicated in its July 29, 2019, letter confirmed that the Line is located outside of the Texas Coastal Management Program boundary and is not subject to coastal management consistency certification under the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.)

Water Resources

According to CTXR, the Line is not located within a 100-year flood plain, and there are over 90 bridges and/or stream crossings on this 67.5-mile Line. CTXR intends to leave existing bridges, culverts, and ballast intact so as not to alter prevailing waterflows along the Line and to allow for potential trails use.

CTXR plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to CTXR, salvage activities would not cause sedimentation or erosion of the soil, and CTXR does not anticipate any dredging or use of fill. CTXR states that debris would not be discarded along the right-of-way, and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants, or any other pollutant materials.

CTXR does not anticipate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. The Texas Commission on Environmental Quality (TCEQ), in its June 21, 2019, letter, noted that its Office of Water (1) does not anticipate significant long-term environmental impacts from this project as long as construction and waste

disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits, statutes, and regulations and (2) recommends that CTXR take necessary steps to ensure that best management practices are used to control runoff from work areas to prevent detrimental impact to surface and ground water, disposing of any debris or waste at an appropriately authorized waste facility. TCEQ did not state in its letter whether the proposed abandonment would require a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342), thought it did advise CTXR to seek applicable permits. Therefore, while OEA is not recommending any water quality conditions be added to decisions authorizing this abandonment, we are providing a copy of this EA to TCEQ for review and comment.

The Corps determined that the proposed abandonment would not involve activities subject to the requirements of Section 404 of the Clean Water Act (33 U.S.C. § 1344) or Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403) in its letter dated August 22, 2019. Because salvage activities would be limited to the right-of-way and not involve altering any bridges over waterways, OEA concurs with CTXR that the proposed abandonment would likely not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that a Section 404 permit would therefore likely not be required. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA is providing a copy of this EA to the Corps for review and comment; the Corps specified Ms. Katie Roeder as the point of contact for this project and assigned Project Number SWF-2019-00274 to be used in all future correspondence.

Hazardous Materials

CTXR states that it is not aware of any release of hazardous substances on or near the Line. OEA's review has not found any federally-listed remediation sites near the Line. Accordingly, no mitigation regarding hazardous waste sites or hazardous material spills is recommended.

Biological Resources

CTXR requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system and received an official species list identifying federally listed endangered or threatened species that may exist in the area of the proposed abandonment, all birds: the golden-cheeked warbler (*Dendroica chrysoparia*), the least tern (*Sterna antillarum*), the piping plover (*Charadrius melodus*), the red knot (*Calidris canutus rufa*), whooping crane (*Grus americana*).³ IPaC also identified three candidate species that may be present, all clams: Texas fatmucket (*Lampsilis bracteate*), Texas Fawnsfoot (*Truncilla macrodon*), and the Texas Pimpleback (*Quadrula petrina*). IPaC identified no critical habitats for any of these species in the project area.

³ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited July 15, 2019).

Due to the temporary nature of the proposed salvage activities, the absence of suitable habitat within the right-of-way, and because the project does not otherwise present a risk to these species, OEA concludes that there will be no effect to threatened or endangered species and, per USFWS guidance, that no further consultation is necessary.

Air Quality and Noise

The Board has established air quality and noise level thresholds set forth at 49 CFR 1105.7(e)(5) and (e)(6). These thresholds are guidelines that are considered, along with other supporting information, to determine if the air pollution and noise levels generated by rail traffic diverted to alternative modes warrants detailed analysis. The applicable threshold level when assessing air pollution is 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. As stated above, the proposed abandonment, including the addition of 14 to 15 new trucks per day onto local roads, is not likely to generate traffic above the Board's threshold for analysis. Because salvage activities would be limited in scope and areal extent, and any air emissions or noise associated with the proposed abandonment would be temporary, OEA believes that these activities would not have a significant impact on air quality or noise to surrounding neighborhoods.

In its June 21, 2019, letter, TCEQ states that it reviewed the proposed action for air quality impacts in accordance with the General Conformity regulations in 40 CFR Part 93, and that: (1) the proposed action is located in San Saba, McCulloch, Mills, and Lampasas Counties, which are currently designated as in attainment/unclassified for the National Ambient Air Quality Standards for all six criteria air pollutants; and (2) general conformity requirements do not apply.

Summary

Based on all information available to date, and if the recommended conditions are imposed, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies: TXDOT, the Corps, TCEQ, and USCG.

HISTORIC REVIEW

CTXR served the Historic Report on the Texas State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c).⁴ According to CTXR and as verified by OEA,

⁴ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation

within the Area of Potential Effect (the rail right-of-way), there are approximately 90 bridges and one building older than 50 years that is owned by the railroad (the “Bridge Street Building” at 510 N. Bridge Street, Brady, Texas). SHPO replied to CTRX’s notification of the proposed abandonment with two letters dated June 26, 2019, and July 2, 2019, which stated that no historic properties would be affected and no project-related resources would be eligible for listing in the National Register, respectively.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, we have determined that no known historic properties listed in or eligible for inclusion in the National Register would be affected within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad’s Historic Report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board’s website at www.stb.gov. Guidance regarding the Board’s historic preservation review process is available on the Board’s website at <https://www.stb.gov/stb/environment/preservation.html>. OEA is providing a copy of this EA to SHPO.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the United States Department of Housing and Urban Development (HUD) Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁵ The database identified six federally-recognized Tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Apache Tribe of Oklahoma; Comanche Nation, Oklahoma; Coushatta Tribe of Louisiana; Tonkawa Tribe of Indians of Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma. Accordingly, OEA is forwarding these Tribes a copy of this EA for their review and comment.

CONDITIONS

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

- 1. Prior to commencement of any salvage activities, Central Texas & Colorado River Railway, LLC (CTRX) shall consult with the Texas Department of**

Letter can be found on the Board’s website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

⁵ <https://egis.hud.gov/TDAT> (last visited October 4, 2019).

Transportation to coordinate the removal of all public at-grade crossings within one year of the filing of its consummation notice and restoration of public roadways with appropriate state, local, and federal transportation agencies.

- 2. CTXR shall consult with Mills County and comply with the reasonable requests of Mills County to mitigate potential impacts to safety and flooding that could result from leaving the Mills County bridge in place following the grant of abandonment authority.**

CONCLUSIONS

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

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

PUBLIC USE

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

TRAILS USE

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

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, 395 E. Street SW, Washington, DC 20423.

COMMENTS

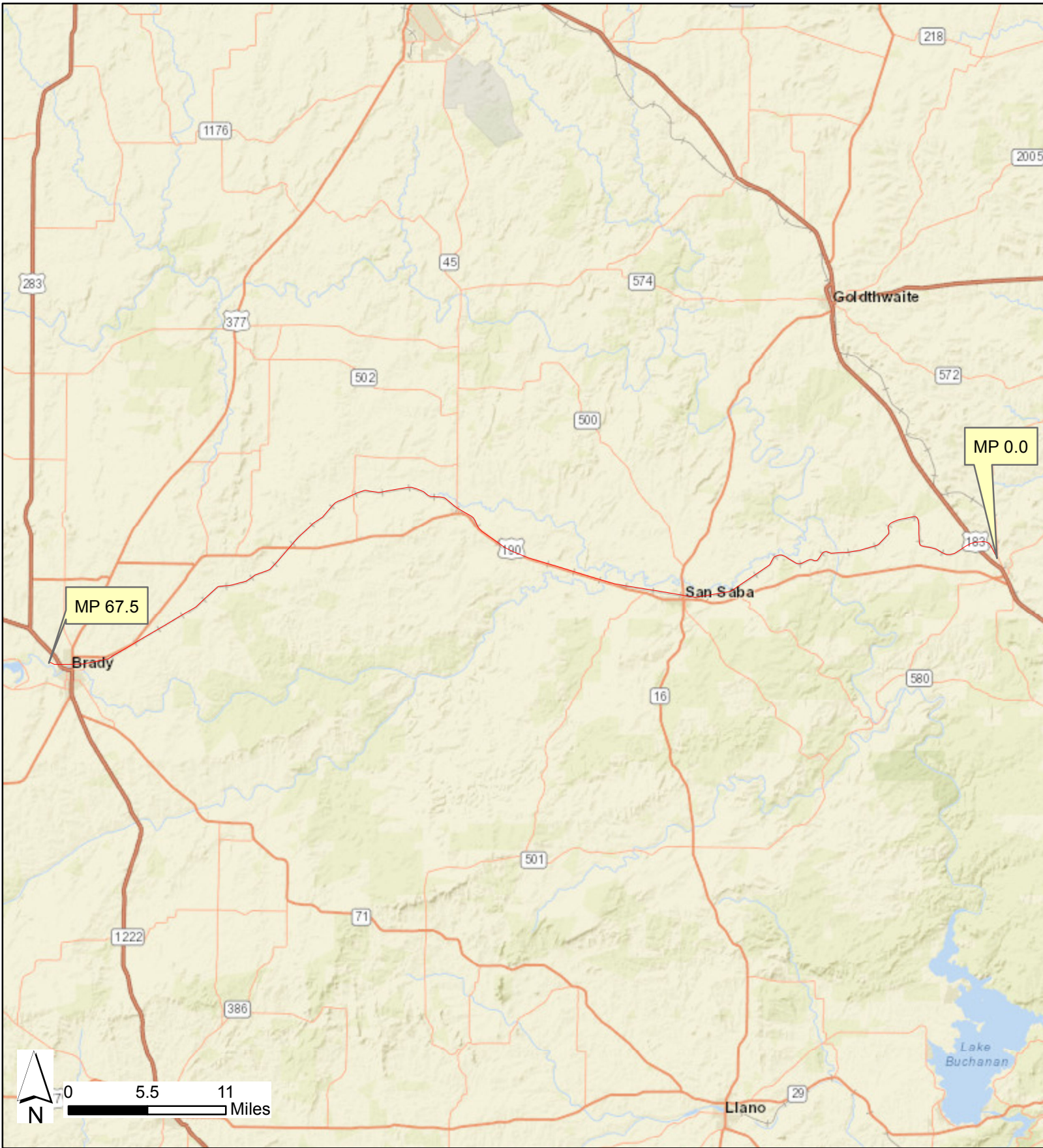
If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1272X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@stb.gov.

Date made available to the public: October 8, 2019.

Comment due date: November 8, 2019.

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

Attachment



DOCKET NO. AB 1272X
Central Texas & Colorado River Railway, LLC
Abandonment Exemption
In McCulloch, San Saba, Mills,
and Lampasas Counties, Texas

Legend
— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.

