

Olin H. Dirks
Sent by: Olin H. Dirks/UPC

04/29/2019 03:48 PM

To: Jeremy M. Berman/UPC@UP
cc
bcc
Subject: Fw: Cedar Bayou Bridge, Baytown, TX -- US Army Corps

FYI

----- Forwarded by Olin H. Dirks/UPC on 04/29/2019 03:48 PM -----



Madeline E. Roebke/UPC

07/19/2018 05:47 PM

To: "Lydia Woods" <Lydia.Woods@thc.texas.gov>
cc: "Rich O'Connell" <Rich.OConnell@txdot.gov>, "Misty Barham" <Misty.Barham@txdot.gov>, Olin H. Dirks/UPC@UP, Jeremy M. Berman/UPC@UP
Subject: Cedar Bayou Bridge, Baytown, TX -- US Army Corps

Lydia,

I'm forwarding a written response from the U.S. Army Corps regarding its involvement in the demolition of the lift bridge as requested in your July 17, 2018 letter. The email chain documents correspondence and authority whereby the Corps concludes that a permit is not required. UP will add the U.S. Coast Guard as a signatory to the MOU and the parties will proceed with obtaining regulatory approval from the U.S. Coast Guard prior to demolition. Please let me know if anything else is required with regard to the question of the involvement of the Corps. Rich and I are both available to talk with you as needed tomorrow if you have any questions or concerns.

Thank you!

Madeline

Madeline E. Roebke
Senior General Attorney
Union Pacific Railroad
1400 Douglas Street STOP 1580
Omaha, NE 68179
Office: 402-544-1121
meroebke@up.com

----- Forwarded by Madeline E. Roebke/UPC on 07/19/2018 05:40 PM -----

From: "Androy, Jerry L CIV USARMY CESWG (US)" <Jerry.L.Androy@usace.army.mil>
To: Rich O'Connell <Rich.OConnell@txdot.gov>
Cc: "Madeline E. Roebke <meroebke@up.com> (meroebke@up.com)" <meroebke@up.com>, "ohdirks@up.com" <ohdirks@up.com>, "jmberman@up.com" <jmberman@up.com>
Date: 07/19/2018 01:36 PM
Subject: RE: Cedar Bayou lift bridge near Baytown / Corps

This email originated from outside of the company. Please use discretion if opening attachments or clicking on links.

Hello everyone,

Please see the attached email for the Corps response. If you need an official statement of "no permit required" then you will need to submit a permit

application.

Thanks,
Jerry Androy
Regulatory Archeologist and Tribal Liaison
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, TX 77550
(409) 766-3821
Jerry.L.Androy@usace.army.mil

-----Original Message-----

From: Rich O'Connell [mailto:Rich.OConnell@txdot.gov]
Sent: Thursday, July 19, 2018 11:20 AM
To: Androy, Jerry L CIV USARMY CESWG (US) <Jerry.L.Androy@usace.army.mil>
Cc: Madeline E. Roebke <meroebke@up.com> (meroebke@up.com) <meroebke@up.com>;
ohdirks@up.com; jmberman@up.com
Subject: [Non-DoD Source] Cedar Bayou lift bridge near Baytown / Corps

Re. (demolition of) Cedar Bayou Rail Lift Bridge

Baytown, Texas

Jerry Androy,

Thank you for your time during our short conference call today.

I work for TxDOT. I am copying several people from Union Pacific that I am working with concerning the proposed demolition of the Cedar Bayou rail lift bridge.

I am forwarding to you email correspondence from the Texas Historical Commission that you have already received. As you can see, the SHPO asks (among other things) for documentation about what role the Corps will take in the regulatory approval of the demolition of the bridge. I understand that the Corps will not take jurisdiction because the project concerns navigable waters and will be the subject of review by the U.S. Coast Guard.

We respectfully ask that the Corps send written documentation of your role on this project, so that Union Pacific can share the statement with the SHPO.

Please let me know if you have questions.

Thank you,

Rich O'Connell

TxDOT Associate General Counsel

512 463 8634

From: Lydia Woods [mailto:Lydia.Woods@thc.texas.gov]
Sent: Wednesday, July 18, 2018 8:50 AM
To: Madeline E. Roebke; Bruce Jensen; Renee Benn; Misty Barham; Rich O'Connell; Kitty Henderson; Olin H. Dirks; Wayland, Joshua; Androy, Jerry L CIV USARMY CESWG (US); D8PDBALL@USCG.mil
Subject: Cedar Bayou Bridge THC review

Hello All,

The Texas Historical Commission has completed the review of the draft MOA. Please see attached edits and letter. If you have any questions please feel free to contact the correct THC person depending on the subject matter as noted in the letter.

Thank You,

Lydia Woods

East Texas Project Reviewer

Architecture Division

Texas Historical Commission
PO Box 12276
Austin, Texas 78711-2276
512-463-9122

Blockedwww.thc.texas.gov <Blockedhttp://www.thc.texas.gov>

<Blockedhttps://www.txdot.gov/inside-txdot/media-center/featured.html>

In 2017, alcohol-related traffic crash fatalities represented 28 percent of total traffic crash fatalities in Texas.

<Message from "McMillan, Kristi N CIV USARMY CESWG (US)" <Kristi.N.McMillan@usace.army.mil ----- on Thu, 19 Jul 2018 17:38:19 +0000

"Androy, Jerry L CIV USARMY CESWG (US)" <Jerry.L.Androy@usace.army.mil>:To

FW: Cedar Bayou RR Lift Bridge (UNCLASSIFIED):Subject

CLASSIFICATION: UNCLASSIFIED

Jerry,

Yes, you can forward my email below, with the NWP 1982 attachment, to whom ever you want. This email is a general discussion regarding USCG's authority for bridge removal. I'm not sure it's what they will ultimately need. If the applicant needs something official and/or project specific they will have to make a formal written request to the Corps. They can send their letter to my attention in my signature block below.

Kristi N. McMillan
Leader, Central Evaluation Unit
Regulatory Division
Galveston District
US Army Corps of Engineers
2000 Fort Point Road
P.O. Box 1229
Galveston, TX 77550
Office: 409-766-3083
Fax: 409-766-3931

Please tell me how I am doing by completing the survey found at:
<http://per2.nwp.usace.army.mil/survey.html>

-----Original Message-----

From: Androy, Jerry L CIV USARMY CESWG (US)
Sent: Thursday, July 19, 2018 11:05 AM
To: McMillan, Kristi N CIV USARMY CESWG (US)
<Kristi.N.McMillan@usace.army.mil>
Subject: FW: Cedar Bayou RR Lift Bridge (UNCLASSIFIED)

Hi Kristi -

I just got a call from TXDOT and UP on the removal of the lift bridge over Cedar Bayou. Apparently, the SHPO would like something in writing from the Corps on our involvement in this project. Based on our discussions, they do

not need a permit from the Corps - can we forward the email chain below? Or is there something else we should/could do?

Jerry Androy
Regulatory Archeologist and Tribal Liaison
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, TX 77550
(409) 766-3821
Jerry.L.Androy@usace.army.mil

-----Original Message-----

From: McMillan, Kristi N CIV USARMY CESWG (US)
Sent: Thursday, April 05, 2018 1:16 PM
To: Androy, Jerry L CIV USARMY CESWG (US) <Jerry.L.Androy@usace.army.mil>
Subject: RE: Cedar Bayou RR Lift Bridge (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Jerry,

I agree. I did some research on bridge removal and here's what I found:

1982 - 33 CFR 322
Appendix A - US Coast Guard & Chief of Engineers Memorandum of Agreement
"The jurisdiction of the Secretary of Transportation and the Coast Guard over bridges and causeways includes authority to approve the removal of such structures when the owners thereof desire to discontinue their use." -
Highlighted in Yellow

Kristi
409-766-3083

-----Original Message-----

From: Androy, Jerry L CIV USARMY CESWG (US)
Sent: Thursday, April 05, 2018 9:31 AM
To: McMillan, Kristi N CIV USARMY CESWG (US)
<Kristi.N.McMillan@usace.army.mil>
Subject: FW: Cedar Bayou RR Lift Bridge

Hi Kristi -

Here are the plans they submitted (very general, but should be enough info for us). It sounds like they still need to talk with the Coast Guard.

Jerry Androy
Regulatory Archeologist and Tribal Liaison
U.S. Army Corps of Engineers
2000 Fort Point Road
Galveston, TX 77550
(409) 766-3821
Jerry.L.Androy@usace.army.mil

-----Original Message-----

From: George, Eddie [mailto:egeorge@gpi-99.com]
Sent: Wednesday, March 28, 2018 12:40 PM
To: Androy, Jerry L CIV USARMY CESWG (US) <Jerry.L.Androy@usace.army.mil>
Cc: Friedrich, Erik <efriedrich@gpi-99.com>; Stan Reece
<sreece@aci-group.net>; GUDURU, SATYA <sguduru@gpi-99.com>

Subject: [Non-DoD Source] RE: Cedar Bayou RR Lift Bridge

Sorry Jerry, but the copy I sent you was not a clean version. Please see attached clean version without edits.

From: George, Eddie
Sent: Wednesday, March 28, 2018 12:38 PM
To: Jerry.L.Androy@usace.army.mil
Cc: Friedrich, Erik <efriedrich@gpi-99.com>; Stan Reece <sreece@aci-group.net>; George, Eddie <egeorge@gpi-99.com>; GUDURU, SATYA <sguduru@gpi-99.com>
Subject: Cedar Bayou RR Lift Bridge

Jerry

My name is Eddie George and I am the Environmental Compliance Manager for the Grand Parkway Segments H, I1, and I2 construction project. Under our contract, we are scoped to demolish the Cedar Bayou RR Lift Bridge. We are in the process of identifying a subcontractor to perform this task, but we were informed that we needed to further discuss with you the demolition plan for this bridge so TxDOT/GPI can close out the MOU requirement for the demolition of the Cedar Bayou RR Lift bridge. It was described to me by TxDOT that the USACE and the USCG are still in need to sign off on this MOU with THC in order to complete this process and that you would need to approve the Demo Plan before signing the MOU. Please see attached Demo Plan that was provided to me by the Construction Team. I am hoping that this is to your satisfaction and would be willing to sign off on the MOU after you have the opportunity to review this plan.

Also, in knowing that this will need to be reviewed by the USCG, do you know who I need to contact there regarding this project so I can also coordinate this plan with them? Or is it necessary that I provide you the plan and it will be shared with the USCG by yourself (USACE)?

you have any questions or would like to discuss in further detail, please feel free to contact me at 713-826-8237.

Sincerely,

Eddie George

Environmental Compliance Manager

Grand Parkway Infrastructure - H&I

8811 FM 1960 Bypass, Suite 400

Humble, Texas 77338

C. 713-826-8237

EGeorge@gpi-99.com <mailto:EGeorge@gpi-99.com> |

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