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October 24, 2005



Secretary, Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423
VIA FEDERAL EXPRESS AIBILL NO. 7901 9999 1667

Re: Docket Nos. AB-33 (Sub-No. 226X) and AB-654X
*Notice of Brownsville & Rio Grande International Railroad Company for Exemption of
Discontinuance and Union Pacific Railroad Company for Exemption of Abandonment,
Cameron County, Texas*

Dear Sir or Madam:

Enclosed herewith for filing are the original and 10 copies of a Notice of Exemption for Discontinuance and Abandonment in the above-entitled proceeding and checks numbered 465914 and 20403 for the combined filing fee of \$6,000.00. Please time and date stamp the additional copy of this letter and the notice and return it in the enclosed return envelope. Thank you for your assistance.

If you have any questions, don't hesitate to call or email me.

FILED

TRANSPORTATION BOARD

FILED

OCT 27 2005

TRANSPORTATION BOARD

Very truly yours,

William L. Rentfro
Attorney for Brownsville & Rio Grande
International Railroad Company
FOR THE FIRM

WR:wp
Enclosures (15)

ENTERED
Office of Proceedings

OCT 27 2005

Part of
Public Record



Before the

SURFACE TRANSPORTATION BOARD

_____ *215047*
Docket No. AB-33 (Sub-No. 226X)
and AB-654X *215048*

ENTERED
Office of Proceedings
OCT 27 2005
Part of
Public Record

**NOTICE OF
BROWNSVILLE & RIO GRANDE INTERNATIONAL
RAILROAD COMPANY
FOR EXEMPTION OF DISCONTINUANCE
AND
UNION PACIFIC RAILROAD COMPANY
FOR EXEMPTION OF ABANDONMENT**

FILED

OCT 27 2005

**SURFACE
TRANSPORTATION BOARD**

Cameron County, Texas

FEE RECEIVED

TRANSPORTATION BOARD

UNION PACIFIC RAILROAD
COMPANY

MACK H. SHUMATE, JR., ESQ.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
(312) 777-2055

Dated: October 24, 2005

BROWNSVILLE & RIO GRANDE
INTERNATIONAL RAILROAD COMPANY

WILLIAM L. RENTFRO, ESQ.
THE RENTFRO FAULK LAW FIRM, LLP
185 E. Ruben M. Torres, Sr. Blvd.
Brownsville, TX 78520
(956) 541-9600

Before the
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 226X)
and AB-654X



**NOTICE OF
BROWNSVILLE & RIO GRANDE INTERNATIONAL
RAILROAD COMPANY
FOR EXEMPTION OF DISCONTINUANCE
AND
UNION PACIFIC RAILROAD COMPANY
FOR EXEMPTION OF ABANDONMENT**

Cameron County, Texas

The Union Pacific Railroad Company ("UP") and the Brownsville & Rio Grande International Railroad Company ("B&RG") file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. §1152.50 for UP to abandon and B&RG to discontinue service over a 2.2 mile line between milepost 0.00, near UP Main Switch, and milepost 2.20, near Arthur Street, in Cameron County, Texas ("the Line"). No local or overhead rail traffic has moved over the Line since July 11, 2003,

1. **Proposed Consummation Date.** The proposed consummation date is December 14, 2005.
2. **Certification Required by 49 C.F.R. §1152.50(b).** See Exhibit A.
3. **Information Required by 49 C.F.R. §1152.50(a)(1) through (4), (7), and (8), and (e)(4).**

(a) **General.**

- (1) **Exact Name of Applicants.** The exact name of Applicant B&RG is Brownsville & Rio Grande International Railroad Company. The exact name of Applicant UP is Union Pacific Railroad Company.
- (2) **Whether Applicant is a Common Carrier by Railroad Subject to 49 U.S.C. Subtitle IV, chapter 105.** Both applicants are common carriers by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.
- (3) **Relief Sought.** UP and B&RG seek to use the class exemption at 49 C.F.R. §1152.50 to abandon and discontinue service, respectively, over a 2.2 mile line between milepost 0.00, near UP Main Switch, and milepost 2.20, near Arthur Street, in Cameron County, Texas
- (4) **Map.** See Exhibit B.
- (7) **Names, Titles, and Addresses of Representatives of Applicants to Whom Correspondence Should be Sent.** For UP, Mack H. Shumate, Jr., Esq., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago IL 60606 (312) 777-2055, and for B&RG, William L. Rentfro, Esq., The Rentfro Faulk Law Firm, LLP, 185 E. Ruben M. Torres, Sr. Blvd., Brownsville, TX 78520, (956) 541-9600.
- (8) **List of All United States Postal ZIP Codes that the Line Proposed for Abandonment Traverses.** The Line traverses ZIP Codes 78520 and 78521.

(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 and 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 Line traverses a wholly urban area that has an adequate road and highway network. Therefore, there is little or no likelihood that the rail corridor is needed for a transit or highway corridor. UP and B&RG are unaware of any restrictions on the title to the property.

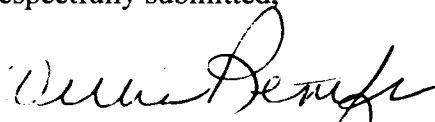
4. **The Level of Labor Protection.** There are no railroad employees whose interests may be adversely affected by the proposed abandonment and discontinuance of rail service, as the traffic formerly conducted over the Line has simply been re-routed to a new line as a part of a comprehensive Railroad Relocation Project. Although no employees of the Applicants who will be affected by the abandonment and discontinuance, Applicants recognize that this abandonment and discontinuation will be made subject to the employee protective conditions in Oregon Short Line Railroad Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

5. **Certification.** Certificates of compliance with the notice requirements of 49 C.F.R. §1152.50(d)(1) and 1105.11, including a Notice of Publication, are attached as

Exhibit C.

6. **Environmental Report.** *See* Exhibit D. Based on information in the possession of UP and B&RG, the Line does not contain federally granted rights-of-way. Any documentation in the railroads' possession will be made available promptly to those requesting it.
7. **Historic Report.** *See* Exhibit D.
8. **Responses to Notice.** The only responses received to the notices were approving notices. In addition to those attached to the Environmental & Historical report attached hereto as Exhibit D, approving responses from the Texas Commission on Environmental Quality (*Exhibit E*) and Texas Parks and Wildlife (*Exhibit F*) were also received and are attached hereto.

Respectfully submitted,



WILLIAM L. RENTFRO, ESQ.
THE RENTFRO FAULK LAW FIRM, LLP
185 E. Ruben M. Torres, Sr. Blvd.
Brownsville, TX 78520
(956) 541-9600
Attorney for BROWNSVILLE & RIO
GRANDE INTERNATIONAL RAILROAD
COMPANY

MACK H. SHUMATE, JR., ESQ.
Senior General Attorney
101 North Wacker Drive
Room 1920
Chicago, IL 60606
(312) 777-2055
Attorney for UNION PACIFIC
RAILROAD COMPANY

Dated: October 24, 2005.

EXHIBIT A
VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

THE STATE OF TEXAS *
 *
COUNTY OF CAMERON *

I, Norma Torres, being duly sworn, depose and state that I am President and Chief Operating Officer of the Brownsville & Rio Grande International Railroad ("BRG"), that I am authorized to make this verification and certification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that no local or overhead traffic has moved over BRG's lease 2.2 mile line between milepost 0.0, near UP Main Switch, and milepost 2.20, near Arthur Street, in Cameron County, Texas, for at least two year prior to the date hereof. Further, no formal complaint failed 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 is pending with the Surface Transportation Board or any U.S. District Court, or has been decided in favor of a complainant, with the two year period. The foregoing certification is made on behalf of BRG 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.

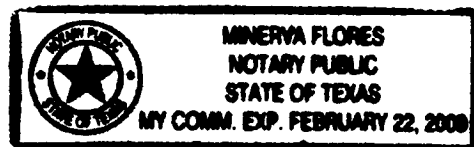


Norma Torres

SUBSCRIBED and SWORN TO before me this ____ day of October, 2005



Notary Public, State of Texas



VERIFICATION

STATE OF NEBRASKA)

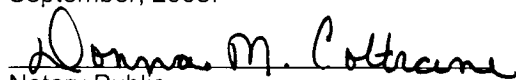
COUNTY OF DOUGLAS) ss:
)

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

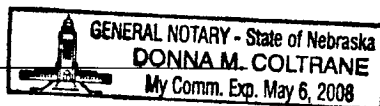
Dated at Omaha, Nebraska, this 20th day of September, 2005.


Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO
before me this 20th day of
September, 2005.


Notary Public

My Commission expires: _____



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EXHIBIT B
Map

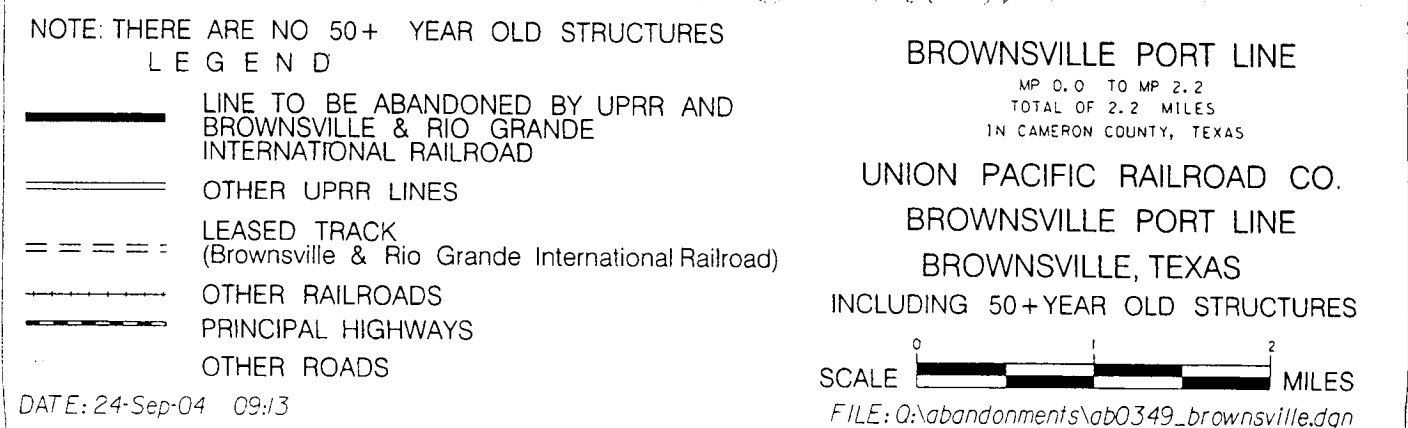


EXHIBIT C
Certificate of Service

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment and discontinuance of rail service in Docket Nos. AB-33 (Sub-No. 226X) and AB-654X was mailed via first class mail on February 8, 2005 to the following parties:

State Clearinghouse (or alternate):
Denise Francis
Governor's Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

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

State Environmental Protection Agency:
Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

National Park Service:
William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 "C" St., N.W., #MS3540
Washington, DC 20240

State Coastal Zone Management Agency
(if applicable):
Not applicable.

U.S. Natural Resources Conservation Service:
State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

Head of County (Planning):
Cameron County Commissioners
P.O. Box 2178
County Courthouse
Brownsville, TX 78522-2178

National Geodetic Survey:
Frank Maida, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

Environmental Protection Agency
(regional office):
U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

State Historic Preservation Office:
Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

U.S. Fish and Wildlife:
U.S. Fish & Wildlife Service
Region 2
P.O. Box 1306
Albuquerque, NM 87103-1306

Other Agencies Consulted:
Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744


Norma Torres, President & COO, Brownsville
& Rio Grande International Railroad Company

BROWNSVILLE The Herald

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS
CAMERON COUNTY

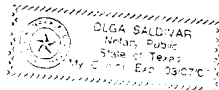
_____, Ricardo Acosta, BEING DULY SWORN ON HIS OATH STATES THAT HE
IS THE BOOKKEEPER OF THE BROWNSVILLE HERALD AND THAT THE ATTACHED NOTICE

Notice Of Intent To Abandon

APPEARED IN THE FOLLOWING ISSUES _____ October 24, 2005

SUBSCRIBED AND SWORN BEFORE ME THIS
2005

_____, 24th DAY OF _____ October



_____,
NOTARY PUBLIC, CAMERON COUNTY

NOTICE OF INTENT TO ABANDON

UNION PACIFIC RAILROAD COMPANY ("UP") and BROWNSVILLE & RIO GRANDE INTERNATIONAL RAILROAD COMPANY give notice that on or after October 24, 2005 they intend to file with the Surface Transportation Board, Washington, D.C. 20423, a Notice of Exemption under 49 C.F.R. Part 1152, Subpart F-Exempt Abandonments permitting an exempt abandonment and discontinuance, respectively, of the Brownsville Port Line from Milepost 0.00 near the UP main switch and Milepost 2.20 near Arthur Street, a total distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No.226X and AB-654X).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 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 SEA, Surface Transportation Board, Washington D.C., 20423 or by calling SEA at (202) 565-1545.

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 that 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 the Secretary, 1925 K Street, N.W., Washington D.C. 20423-0001 (See 49 C.F.R. Sections 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative [See 49 C.F.R. Section 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 at (202) 565-1650. Copies of any comments or requests for conditions should be served on the applicant's representative: Mack H. Shumate, Jr., Senior General Attorney, 101 North Wacker Drive, Room 1920, Chicago, Illinois 60606; and William L. Rentfro, Esq., THE RENTFRO FAULK LAW FIRM, LLP, 185 East Ruben M. Torres Sr. Blvd., Brownsville, TX 78520

UNION PACIFIC RAILROAD COMPANY
BROWNSVILLE & RIO GRANDE
INTERNATIONAL RAILROAD COMPANY

10/24/05

EXHIBIT D
Environmental and Historical Report
and Copy of 10-Day Notice filed with STB



COPY

April 18, 2005

VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a ^{Notice of}~~Petition for~~ Exemption in this matter on or after May 9, 2005.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Enclosures

O:\ABANDONMENTS\33-226X\STB-EHR.doc

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

bcc: w/ Enclosures

Ray Allamong, Mailstop - 1350
Lynda Prucha, Mailstop - 1580
Mike Sattler, Mailstop - 1690
Joe Bateman, Mailstop - 1690

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 226X)
Docket No. AB-654X

UNION PACIFIC RAILROAD COMPANY
BROWNSVILLE & RIO GRANDE INTERNATIONAL RAILROAD
-- ABANDONMENT EXEMPTION --
IN CAMERON COUNTY, TEXAS
(BROWNSVILLE PORT LINE)

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: April 18, 2005
Filed: April 19, 2005

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 226X)
Docket No. AB-654X

UNION PACIFIC RAILROAD COMPANY
BROWNSVILLE & RIO GRANDE INTERNATIONAL RAILROAD
-- ABANDONMENT EXEMPTION --
IN CAMERON COUNTY, TEXAS
(BROWNSVILLE PORT LINE)

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") and Brownsville & Rio Grande International Railroad ("BRGI") submit this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an exempt abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas (the "Line").

The Line traverses U. S. Postal Service Zip Codes 78520 and 78521. A Notice of Exemption to abandon the Lines pursuant to 49 C.F.R. § 1152.50 (no local traffic for at least two years) will be filed on or after May 9, 2005.

A map of the Line marked **Attachment No. 1** is attached hereto and hereby made part hereof. The letter to federal, state and local government agencies on behalf of UP and BRGI is marked **Attachment No. 2** , and is hereby made a part hereof.

Responses to letters received to date are attached and sequentially numbered as indicated below.

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.

Response: The proposed action involves the abandonment and discontinuance of service on the Brownsville Port Line from M. P. 0.0 to M. P. 2.2, a distance of 2.20 miles in Cameron County, Texas (the "Line"). There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line.

The Line was constructed by the St. Louis, Brownsville & Mexico Railway Company, date unknown. The Line consists of a combination of 90, 112 and 115-pound rail.

There appears to be no reasonable alternative to the abandonment. There has been no local traffic for at least two years, and overhead traffic has been shifted to an adjacent BNSF line. After abandonment, the City of Brownsville will continue to receive rail service from UP, BNSF Railway, BRGI, and cross-border service via TFM. Brownsville is served by U.S. Routes 77/83 and 281, and cross-border via Mexican Federal Routes 2 and 101. Ocean shipping is provided at the Port of Brownsville.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way and consists of fee property and property use by franchise ordinance granted by the City of Brownsville. Approximately eighty percent (80%) of the Line runs down street rights-of-way, the majority of which is not currently open to public traffic. Any documentation in the railroad's possession will be made available promptly to those requesting it. A map of the Line is attached as **Attachment No. 1**.

(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.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The subject Line has not been used for local freight traffic for at least two years.

(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.

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

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(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.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. The Brownsville Metropolitan Planning Organization is

favorable to the proposed abandonment, and stated in their response dated March 10, 2005 that the proposed abandonment is in keeping with their adopted plans and policies. The Planning Organization's March 10, 2005 response is attached as **Attachment No. 3** and is hereby made part hereof.

(ii) The Soil Scientist with Texas' Natural Resources Conservation Services reviewed the proposed abandonment, and has determined that the proposed abandonment does not involve soils classified as Important Farmland Soils and is not subject to FPPA. The State Soil Scientist's response dated February 15, 2005 is attached as **Attachment No. 4**, and is hereby made part hereof.

(iii) Not applicable.

(iv) UP believes the best use for the corridor upon abandonment would be the continued and future use as public streets. The properties held in fee could either be used as connectors to the street right-of-ways or sold to expand the adjoining residential lots. The first one-mile segment could be used for a walking or hiking trail as it winds primarily through a residential area. However, because of numerous street crossings, such a use may pose a safety concern. The next 0.6 mile segment runs within an open street and would likely remain a street following abandonment. Finally, the remaining 0.6 mile segment also runs through a residential area.

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

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

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

(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.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

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

(A) an increase in rail traffic of at least 100% (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% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

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

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% 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. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (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.

Response: 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.

Response: 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).

(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.

(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.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

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

(iii) Not applicable.

(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.

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

Response: (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) The National Park Service has been contacted. To date UP has received no response.

(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.

(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.

(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.)

Response: (i) Region 6 of the U. S. Environmental Protection Agency has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

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

Response: There are no known adverse environmental impacts.

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(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:

Response: See **Attachment No. 1.**

(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:

Response: The right-of-way along the proposed abandonment route is variable in width, not exceeding 100 feet and the topography of the area is essentially

flat with little to no visible grade. It runs generally in a northeasterly direction through older well established areas of Brownsville comprised mostly of residential neighborhoods and a mix of civic and small local business establishments.

Approximately 80 percent of the right-of-way runs down street rights-of-way, of which forty percent (40%) runs in or along an established public street while the remaining sixty percent (60%) runs along streets not open to the public.

(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:

Response: There are no structures over fifty years in age which are affected by the proposed abandonment.

(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:

Response: Not applicable.

(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:

Response: See UP's response to question (1) in the environmental Report for a brief history and description. The Line has not been used for rail operations for at least two years.

(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:

Response: Not Applicable.

(7) An opinion (based on readily available information in the UP's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 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):

Response: The Texas Historical Commission has reviewed the proposed abandonment and stated that no historic properties are affected. The Texas Historical Commission's response dated February 21, 2005 indicates that no historic properties are affected by the proposed abandonment and that the project may proceed. A copy of the Texas Historical Commission's response is attached as **Attachment No. 5** and is hereby made part hereof.

(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:

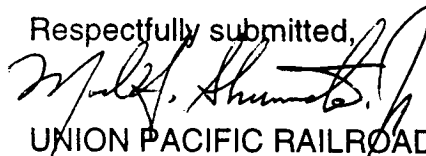
Response: UP does not have any such readily available information.

(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 locations and type of the site (i.e., prehistoric or native American):

Response: Not applicable.

Dated this 18th day of April, 2005.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 226X), and AB-654X for the Brownsville Port Line in Cameron County, Texas was served by first class mail on the 18th day of April, 2005 on the following:

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

State Coastal Zone Management Agency
(if applicable):

Not applicable.

Head of County (Planning):

Cameron County Commissioners
P. O. Box 2178
County Courthouse
Brownsville, TX 78522-2178

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 6
1455 Ross Avenue
Dallas, TX 75202-2733

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service
Region 2
P. O. Box 1306
Albuquerque, NM 87103-1306

U.S. Army Corps of Engineers:

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

National Park Service:

William D. Shaddox
Chief, Land Resources Division
National Park Service
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resources Conservation Service
Poage Federal Building
101 South Main Street
Temple, TX 76501-7685

National Geodetic Survey:

Frank Maida, Chief
Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

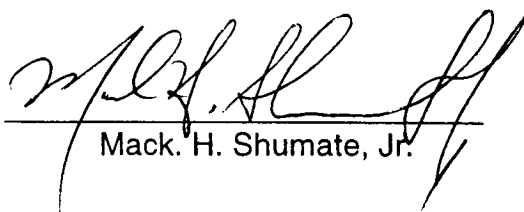
State Historic Preservation Office:

Texas Historical Commission
P.O. Box 12276, Capitol Station
Austin, TX 78711

Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Dated this 18th day of April, 2005.


Mack. H. Shumate, Jr.



April 18, 2005

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Cameron County Commissioners
P. O. Box 2178
County Courthouse
Brownsville, TX 78522-2178

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(regional office):**

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1455 Ross Avenue
Dallas, TX 75202-2733

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U.S. Fish & Wildlife Service
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U.S. Army Corps of Engineers:

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Fort Worth District
819 Taylor Street
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National Park Service:

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Poage Federal Building
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Temple, TX 76501-7685

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Spatial Reference System Division
National Geodetic Survey
NOAA N/NGS
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

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P.O. Box 12276, Capitol Station
Austin, TX 78711

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4200 Smith School Road
Austin, TX-78744

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

RE: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

Dear Sirs:

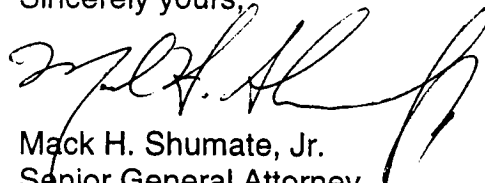
This is notice that Union Pacific Railroad Company intends to abandon the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles near Cameron County, Texas, (the "Line"). The Line traverses U.S. Postal Service Zip Codes 78520 and 78521. The proceeding will be docketed as No. AB-33 (Sub-No. 226X).

The "no business" exemption procedure will be used to abandon the Line, pursuant to the abandonment regulations of the Surface Transportation Board at 49 C.F.R. Section 1152.50. No local traffic has moved over the Line in at least two years and there is no overhead traffic on the rail Line. A Notice of Exemption will be filed with the Surface Transportation Board on or after May 9, 2005.

Based on information in our possession, the Line does contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information.

Sincerely yours,



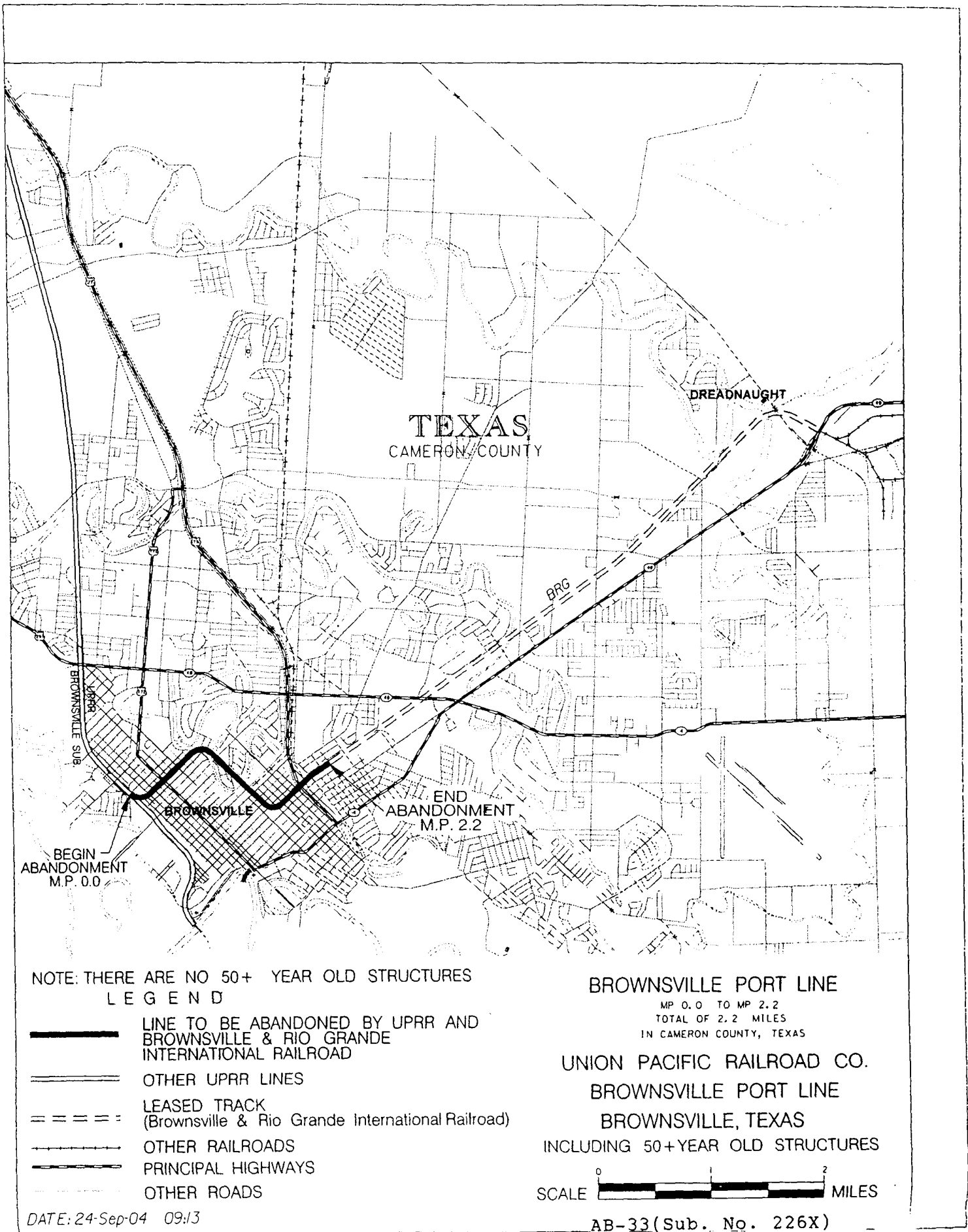
Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

bcc: w/ Enclosures

Ray Allamong, Mailstop - 1350
Lynda Prucha, Mailstop - 1580
Mike Sattler, Mailstop - 1690
Joe Bateman, Mailstop - 1690

O:\ABANDON\33-226X\TDL.doc





February 8, 2005

State Clearinghouse (or alternate):

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Cameron County Commissioners
P. O. Box 2178
County Courthouse
Brownsville, TX 78522-2178

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Texas Historical Commission
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Other Agencies Consulted:

Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Re: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

Dear Sirs:

Union Pacific Railroad Company and Brownsville & Rio Grande International Railroad plan to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts. However, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) 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, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

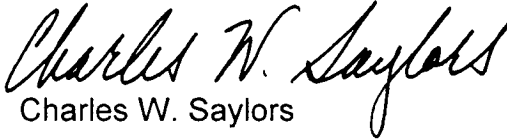
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

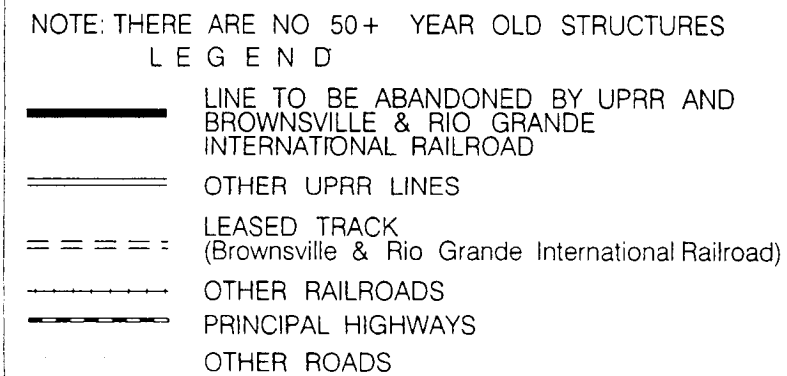
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment



MP 0.0 TO MP 2.2
TOTAL OF 2.2 MILES
IN CAMERON COUNTY, TEXAS

INCLUDING 50+ YEAR OLD STRUCTURES

SCALE  MILES
FILE:Q:\abandonments\ab0349_brownsville.dgn



March 10, 2005

Chuck Saylor
Union Pacific Railroad Co.
1400 Douglas Street
Mail Stop 1580
Omaha, NE 68179

Dear Mr. Saylor:

Cameron County officials forwarded your recent STB letter to me. The letter requests comments as to a request for the discontinuance of rail service in Brownsville, Texas. Specifically, that rail service on the Brownsville Port Line (from Milepost 0.0 to Milepost 2.2) is to be abandoned (if the Surface Transportation Board agrees) by both the Union Pacific Railroad Company and the Brownsville Rio Grande International Railroad.

Please be informed that the Brownsville Metropolitan Planning Organization views this request favorably. The end of rail service at the aforementioned location is in keeping with the MPO's adopted plans and policies.

Over the last year, we have appreciated the benefits associated with the temporary cessation of rail service on this portion of the Port Line. We look forward to a permanent change, (ie; rail removal), as it means the end of conflict points. It would remove the possibility of potential mishaps or injury at at-grade crossings.

If you have any further questions, please call me at (956) 548-6150.

Best wishes,

A handwritten signature in black ink, appearing to read "Mark Lund".

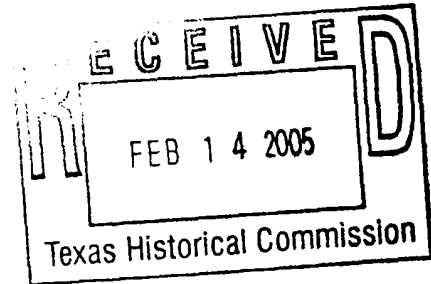
Mark Lund
MPO Director

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request 2-8-2005			
Name of Project Brownsville Port Line Abandonment		Federal Agency Involved U S Surface Transportation Board			
Proposed Land Use Railroad Abandonment		County and State Cameron County, Texas			
PART II (To be completed by NRCS)		Date Request Received By NRCS 2-10-2005		Person Completing Form: James Greenwade	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☐	NO x ☐	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly					
B. Total Acres To Be Converted Indirectly					
C. Total Acres In Site					
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C Site D
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:	Date Of Selection	Was A Local Site Assessment Used? YES ☐ NO ☐			
Reason For Selection:					
Name of Federal agency representative completing this form:					Date:



February 8, 2005

**State Clearinghouse (or alternate):**

Denise Francis
Governors Office of Budget & Planning
P.O. Box 12428
Austin, TX 78711

State Environmental Protection Agency:

Mr. Dan Burke, Deputy Director
Office of Water Resource Management
Texas Natural Resource Conservation Commission
P.O. Box 13087, m205
Austin, TX 78711-3087

**State Coastal Zone Management Agency
(if applicable):**

Not applicable.

Head of County (Planning):

Cameron County Commissioners
P. O. Box 2178
County Courthouse
Brownsville, TX 78522-2178

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(regional office):**

U.S. Environmental Protection Agency
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Texas Historical Commission
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Mr. Andrew Swanson
Texas Parks & Wildlife
4200 Smith School Road
Austin, TX 78744

Re: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

Law Department

UNION PACIFIC RAILROAD
1400 Douglas St., Stop 1580, Omaha, NE 68179-1580
fx. (402) 501-0127

NO HISTORIC
PROPERTIES AFFECTED
PROJECT MAY PROCEED

By [Signature]
for F. Lawrence Oaks
State Historic Preservation Officer
Date 2/21/05

Dear Sirs:

Union Pacific Railroad Company and Brownsville & Rio Grande International Railroad plan to request authority from the Surface Transportation Board (STB) to abandon and discontinue service on the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas. A map of the proposed track abandonment shown in black is attached.

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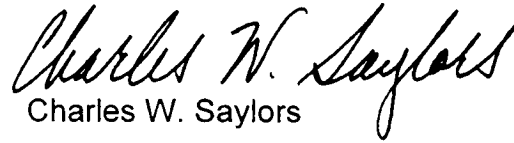
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Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1400 Douglas Street, Mail Stop 1580, Omaha, NE, 68179. If you need further information, please contact me at (402) 544-4861.

Yours truly,


Charles W. Saylor

Attachment



COPY

April 21, 2005

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

U.S. Department of Agriculture
Chief of the Forest Service
4th Flr., N.W., Auditors Bldg.
14th Street & Independence Ave., S.W.
Washington, D.C. 20250

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

Military Traffic Management Command
Transportation Engr. Agency
Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

U. S. Department of the Interior
National Park Service
Midwest Regional Office
1709 Jackson Street
Omaha, NE 68102

U. S. Department of the Interior
National Park Service
Midwest Region
601 Riverfront Drive
Omaha, NE 68102-4226

RE: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

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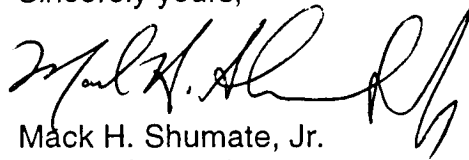
Mack H. Shumate, Jr.
Senior General Attorney, Law Department

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101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065

Based on information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the Railroad's possession will be made available promptly to those requesting it.

A map showing the Line to be abandoned is attached, for your information.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", with a stylized flourish at the end.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosures

bcc: w/ Enclosures

Ray Allamong, Mailstop - 1350
Lynda Prucha, Mailstop - 1580
Mike Sattler, Mailstop - 1690
Joe Bateman, Mailstop - 1690

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EXHIBIT E
Response from Texas Commission on Environmental Quality

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



File → AB 33-226X
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LAW DEPARTMENT
UNION PACIFIC RR CO.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 23, 2005

Mr. Mack H. Shumate, Jr.
Senior General Attorney, Law Department
Union Pacific Railroad
101 N. Wacker Dr. Rm. 1920
Chicago, IL 60606-1718

Re: TCEQ GEARS #6522, Union Pacific, Abandonment of Brownsville Port Line ✓

Dear Mr. Shumate:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

A review of the project for General Conformity impact in accordance with 40 CFR Part 93 and Title 30, Texas Administrative Code § 101.30 indicates that the proposed action is located in Cameron County, which is currently unclassified or in attainment of the National Ambient Air Quality Standards for all six criteria air pollutants. Therefore, general conformity does not apply.

Although any demolition, construction, rehabilitation or repair project will produce dust and particulate emissions, these actions should pose no significant impact upon air quality standards. Any minimal dust and particulate emissions should be easily controlled by the construction contractors using standard dust mitigation techniques.

We do not anticipate significant long term environmental impacts from this project as long as construction and wastes disposal activities associated with it are completed in accordance with applicable local, state, and federal environmental permits and regulations. We recommend that the applicant take necessary steps to insure that best management practices are utilized to control runoff from construction sites to prevent detrimental impact to surface and ground water.

Thank you for the opportunity to review this project. If you have any questions, please call Ms. Leigh Ann Brunson at (512) 239-1903.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. Weber".

Thomas W. Weber, Manager
Water Programs
Chief Engineer's Office

EXHIBIT F
Response from Texas Parks & Wildlife



Texas Parks & Wildlife Dept.

April 18, 2005

APR 21 2005

VIA U.P.S. OVERNIGHT

Wildlife Habitat Assessment Program

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Proposed Abandonment of the Brownsville Port Line from Milepost 0.0 to Milepost 2.2, a distance of 2.2 miles in Cameron County, Texas; STB Docket No. AB-33 (Sub-No. 226X) and AB-654X

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a ^{Notice of} ~~Petition~~ for Exemption in this matter on or after May 9, 2005.

Sincerely,

Enclosures



Review of the project activity as proposed indicates minimal impacts to fish and wildlife resources.
Reviewed: Russell Foster
Date: 9-23-05

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065