

Union Pacific Refuses to Meet with Robertson County Landowners

A significant portion of the heritage-rich farming land of the Brazos Bottom between Mumford and Hearne, TX could be destroyed if Union Pacific (UP) is allowed to build its proposed 1,000 acre modern rail classification yard in this thriving, agricultural community of Robertson County.

The announcement, posted July 20th on the website of WTAW, a local Bryan-College Station radio station, along with a press release by the Mayor of Hearne and an interview with Clint Schelbitzki, Director of Public Affairs for Union Pacific's southern region, stated that the Robertson County location had been identified as an ideal place for the project because it's "...in the center of some of UP's biggest destinations in Texas: Dallas, Houston, Austin and San Antonio."

Though the final location has not yet been decided, the Brazos River Bottom Alliance (BRBA) believes that the proposed site is the wrong location to build this rail yard.

The group, made up of local landowners, farmers who rent the land that Union Pacific wants to acquire for the project, and residents who live in the area, formed after a visit from Union Pacific's real estate acquisition team to speak with some of the 20 or more landowners whose land could be condemned for the project. The real estate acquisition team was in the area for several days and shared very little information about the project with the landowners. As a result, they formed a committee to accomplish three things: (1) to gather more information about the project, (2) set up a meeting between UP officials and all landowners in the area whose land and access to their land could be impacted by the project, and (3) keep the landowners and others impacted by the project informed.

The Brazos Bottom River Alliance is against the site's current proposed location because it will destroy a significant portion of what is known as the historic 'Brazos Bottom,' an area between the Brazos and Little Brazos Rivers where landowners have been farming the fertile, unique soil for over a century.

"This site makes absolutely no sense," explains David Stratta, board member of the Brazos Valley Groundwater Conservation District. "The land is porous and the Brazos Alluvium water aquifer is very near the surface. An industrial site of this nature will have a polluting, irreversible effect on this aquifer that serves an area from Bosque County to Fort Bend County."

The project is also a threat to the Brazos Bottom economy, which contributes millions of dollars in agriculture, oil and gas revenue to the region.

"My grandfather, a Sicilian immigrant came here to sharecrop this land in the 1800's," explains Kathleen Cotropia Hubbard, who grew up in the Brazos Bottom and is one of the leaders in the BRBA group. "Why would someone want to take unique, fertile land like this and turn it into an ugly industrial site?"

Furthermore, the Brazos River Bottom Alliance feels that the manner in which UP representatives have dealt with local landowners in pursuing the acquisition of land for their project has been disrespectful, dishonest and misleading under Texas State law.

"I frequently get calls from landowners faced with eminent domain who feel helpless and intimidated by the tactics of big utilities like Union Pacific," explains Patrick Reznik, a condemnation attorney with Braun & Gresham, the law firm providing legal advice to the Brazos River Bottom Alliance. "But I always tell them, the important thing to remember is that you do have rights and that the condemning agency must make affected landowners a 'bona fide offer' to acquire their property voluntarily before wielding their powers of eminent domain."

Since UP's visit by their land acquisition team, members of the BRBA committee have learned that local government officials were under the impression that UP had met with *all* of the potentially affected landowners and that UP had also given them a copy of their rights under state law.

In addition, in his interview with WTAW, Mr. Schelbitzki stated that UP's real estate acquisition team was "...working day-to-day with the landowners."

"UP is telling local officials and the press that this has been an inclusive process with the owners whose land will be affected, but this is just false," explains Ms. Hubbard. "All of the landowners have not received a copy of their rights and most have neither heard from or seen a UP representative." A member of the BRBA committee contacted Mr. Joe Adams, UP's Vice President of Public Affairs for the southern region, and requested a meeting with UP, the landowners, and others who could be impacted by the project. That request was turned down. When asked why UP would not meet with the landowners but was talking with local government officials, Mr. Adams responded, "That's the way UP does things."

Mr. Adams also stated that they have been unable to locate all of the landowners. "I'm not surprised by this," explains Hubbard. "After reviewing an aerial map of the area at the Hearne Economic Development Department, I realized that they'd included the name of landowner that's now deceased. This only further validates my impression that the folks at UP are completely disconnected from those who live in this community and how this land will be affected."

In addition, local residents are concerned that UP would be a bad neighbor if they're allowed to build their rail yard in the Brazos Bottom. In the comments section of the WTAW July 20th news release, local landowner Wayne LePori wrote this: "The TXGN railroad established a rail yard to 'store empty rail cars' [between Gonzales and Harwood, TX]. Now they own about 500 acres bringing in pipe and frack sand for the oil industry, shipping crude oil out...a railcar recycling facility, [and] a poultry feed transfer station (rail to trucks)...My ranch is east of the railroad and has been in the family since 1890. Now my cows get to enjoy noise, smoke, dust and lights at night." Also, UP has pointed to a similar facility in Livonia, LA. A government official from there told a member of the committee that UP has been a "bad neighbor." According to this official, UP has frequent chemical spills at this site and try to cover them up so that they don't have to report them.

The Brazos River Bottom Alliance is not against economic development that would help the Robertson County area. This may be the right project for the area, but it's absolutely the wrong site. It does not exploit all of the potential economic benefits that the area *could* experience if UP were to collaboratively work with the community to identify a more suitable site.

The Brazos River Bottom Alliance suggests that UP and the local leaders of Robertson County consider a site that has less cropland, which is becoming more scarce as water supplies in the State dwindle, and does not contribute as much to the local economy so that the entire region can maximize the economic benefits from the addition of this rail yard.