

Summary

S.1 Introduction

S.1.1 Proceeding Background

On December 14, 2023, Green Eagle Railroad, LLC (GER), a non-carrier subsidiary of Puerto Verde Holdings (PVH), filed a petition for exemption with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) § 10502 in Docket No. FD 36652. The petition requested Board authority to construct and operate approximately 1.3 miles of new common carrier rail line in Eagle Pass and Maverick County, Texas (proposed line).¹ The proposed line would extend from the United States/Mexico border to the existing Union Pacific Railroad (UP) mainline, connecting at approximately UP milepost 31. The line would cross the Rio Grande River on a new rail bridge (New Rail Bridge), approximately three miles upriver from the existing Eagle Pass UP International Railroad Bridge (UP Rail Bridge). Because the construction and operation of the proposed line has the potential to result in significant environmental effects, the Board's Office of Environmental Analysis (OEA), together with the United States Coast Guard (USCG) as a cooperating agency, prepared this Draft Environmental Impact Statement (Draft EIS) pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370m-11); the Board's environmental regulations at 49 C.F.R. Part 1105; and other applicable environmental laws and regulations, including Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108) and Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536).²

The proposed line would be part of an international commercial transportation corridor proposed by PVH, the Puerto Verde Global Trade Bridge project, consisting, in addition to the proposed line, of a new border crossing for commercial motor vehicles (associated CMV Facility) between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. Only the proposed line requires licensing authority from the Board. However, GER and PVH intend to construct and operate the proposed line and the associated CMV Facility, respectively, as a single port of entry for freight rail and CMV traffic between the United States and Mexico. Therefore, the Draft EIS analyzes the effects of constructing and operating the associated CMV Facility as well as the impacts associated with constructing and operating the proposed line.

With this Draft EIS, OEA seeks to inform federal, state, and local agencies, as well as elected offices, tribes, affected communities, and the general public about the potential environmental impacts of the proposed line and the associated CMV Facility. To that end, the Draft EIS describes two alternatives (the Southern Rail Alternative and the Northern Rail Alternative) that OEA considered for the proposed line in addition to the No-Action Alternative; the affected environment;

¹ A common carrier rail line is part of the interstate rail network and is operated by a railroad that has a common carrier obligation to provide rail service to any shipper upon reasonable request.

² While much of the Draft EIS generally refers only to OEA, the document reflects input from the USCG, as well as other participating agencies that OEA consulted with during the preparation of the Draft EIS.

the potential impacts of the alternatives; and mitigation measures that OEA is preliminarily recommending to eliminate or lessen anticipated impacts.

S.1.2 Purpose and Need

The Board's action is its decision whether to authorize, with appropriate conditions, or to deny GER's request for authority to construct and operate the proposed line. Construction and operation of the proposed line is not a project proposed or sponsored by the federal government. Thus, the Purpose and Need for the proposed line should be informed by both GER's goals and the Board's enabling statute, the Interstate Commerce Act, as amended by the ICC Termination Act of 1995. Pub. L. No. 104-188, 109 Stat. 803.

The Purpose and Need for the proposed line and the associated CMV Facility is to address issues identified in the Texas Department of Transportation's Texas-Mexico Border Transportation Master Plan (BTMP) by developing an economically viable solution that meets the need for border infrastructure improvements at Eagle Pass, increases safety, and facilitates binational trade between the United States and Mexico. According to GER, the proposed line and the associated CMV Facility would alleviate rail and truck congestion, reduce cross-border wait times, and route rail traffic around the urban centers of Eagle Pass and Piedras Negras.

S.1.3 Alternatives Analyzed in the Draft EIS

NEPA directs that federal agencies consider "a reasonable range of alternatives to the proposed agency action, including an analysis of any negative environmental impacts of not implementing the proposed agency action in the case of a no action alternative, that are technically and economically feasible, and meet the purpose and need of the proposal." 42 U.S.C. § 4331 (C) (iii).

The Draft EIS analyzes the impacts of two build alternatives for the proposed line: The Southern Rail Alternative and the Northern Rail Alternative. As noted above, the Draft EIS also analyzes the effects of constructing and operating the associated CMV Facility. PVH would construct the associated CMV Facility with either the Southern or the Northern Rail Alternative.

S.1.3.1 Southern Rail Alternative

The Southern Rail Alternative is described in *Chapter 2, Section 2.3.2.1, Southern Rail Alternative*, and illustrated in *Figure 2-3* of the Draft EIS. The Southern Rail Alternative is GER's preferred alignment and OEA's preliminary Preferred Alternative.

Under the Southern Rail Alternative, the proposed line would be a secure, double-tracked, approximately 1.3-mile rail line extending between the existing UP mainline at approximate milepost 31 and the United States/Mexico border. The Southern Rail Alternative would cross the Rio Grande River on a new rail bridge (New Rail Bridge), that would stand approximately 60 feet above the water line and would be approximately 45 feet wide. The New Rail Bridge would have only one in-water pier, on the Mexican side of the border. East of the Rio Grande River, the Southern Rail Alternative would run to the south of Seco Creek. It would cross U.S. 277 (Del Rio Boulevard); Barrera Street; a concrete-lined stormwater drainage channel; and Seco Creek on four other, smaller bridges. These four bridges are referred to in this Draft EIS as the U.S. 277 Bridge; the Barrera Street Bridge; the Stormwater Channel Bridge; and the Seco Creek Bridge. Between bridges, the Southern Rail Alternative would be constructed on an elevated embankment up to

approximately 19 feet high and 130 feet in width. Other features of the Southern Rail Alternative include a non-intrusive inspection (NII) facility just past the eastern end of the New Rail Bridge; culverts; fencing; service roads; and 20-foot-high noise barriers on both sides of the tracks between the Stormwater Channel Bridge and the NII facility. However, there would be no noise barriers on the U.S. 277 Bridge and the Barrera Street Bridge.

S.1.3.2 Northern Rail Alternative

The Northern Rail Alternative is described in *Chapter 2, Section 2.3.2.2, Northern Rail Alternative*, and illustrated in *Figure 2-4* of the Draft EIS.

Under the Northern Rail Alternative, the proposed line would be a secure, double-tracked, approximately 1.3-mile rail line extending between the existing UP mainline at approximate milepost 31 and the United States/Mexico border. East of U.S. 277, the Northern Rail Alternative would be the same as the Southern Rail Alternative. West of U.S. 277, the Northern Rail Alternative would run along a slightly more northern alignment than the Southern Rail Alternative. The New Rail Bridge under the Northern Rail Alternative would cross the Rio Grande River (with one in-water pier on the Mexican side of the border) and then it would cross Seco Creek in three locations. Between bridges, the Northern Rail Alternative would be constructed on an elevated embankment like the Southern Rail Alternative. Other features of the Northern Rail Alternative include an NII facility between Seco Creek and U.S. 277; culverts; fencing; service roads; and 20-foot-high noise barriers on both sides of the tracks between the Stormwater Channel Bridge and the NII facility. However, there would be no noise barriers on the Barrera Street Bridge, the U.S. 277 Bridge, and the New Rail Bridge.

S.1.3.3 Preliminary Preferred Alternative

In the Draft EIS, OEA preliminarily identifies the Southern Rail Alternative as the Preferred Alternative. The Southern Rail Alternative is GER's preferred alignment. OEA's analysis showed that the beneficial and adverse impacts of the Southern Rail Alternative and those of the Northern Rail Alternative would be generally similar, with the exception of impacts on visual quality, noise, and water resources.

While the Southern Rail Alternative would have greater visual impacts than the Northern Rail Alternative, it would have lesser noise impacts (severe impacts on three receptors versus 12 receptors for the Northern Rail Alternative). The Southern Rail Alternative also includes only one crossing of Seco Creek, compared to four crossings for the Northern Rail Alternative, resulting in lesser potential impacts on the creek.

OEA found that the Southern Rail Alternative would have fewer impacts on noise and Seco Creek when compared to the Northern Rail Alternative and that this would compensate for the greater visual impact of the Southern Rail Alternative. OEA specifically requests comments on the preliminary Preferred Alternative.

S.1.3.4 Associated CMV Facility

The associated CMV Facility would be constructed a short distance to the north of the proposed line, on what is currently agricultural land. The associated CMV Facility would consist of a new bridge (New Road Bridge) across the Rio Grande River just north of the New Rail Bridge; a new road

(CMV Road) connecting the New Road Bridge to FM 1589 (Hopedale Road); and associated border inspection facilities.

S.1.3.5 No-Action Alternative

Under the No-Action Alternative, the Board would deny authority for GER to construct and operate the proposed line. All three existing international bridges in Eagle Pass would continue to operate as they do today. Freight trains (an average of 19 trains a day) would continue to travel through downtown Eagle Pass, with associated noise impacts from train engines and horn blowing, as they do today. The 1,980 noise receptors which, according to OEA's analysis, currently experience the equivalent of severe noise impacts based on the classification developed by the Federal Transit Administration (FTA), would continue to experience these impacts.

S.2 Environmental Review Process

S.2.1 Cooperating Agency

A cooperating agency is any federal agency with jurisdiction by law or with special expertise with respect to any environmental impacts involved in a proposal (Fiscal Responsibility Act of 2023, Pub. L. No. 118-5 § 107 (a)(3)). A state, tribal, or local agency of similar qualifications may become a cooperating agency by agreement with the lead agency. As part of its role as the lead agency, the Board, through OEA, coordinated and consulted with appropriate agencies to ensure that they were notified of the proposed line and the associated CMV Facility. OEA identified eight agencies that would potentially need to permit or otherwise authorize parts of the proposed line or the associated CMV Facility and comply with NEPA for their respective actions. OEA invited those agencies to be cooperating agencies. USCG accepted the invitation. The proposed line and the associated CMV Facility include two new bridges across the Rio Grande River that would require permitting by USCG. The Draft EIS includes information USCG will need to decide whether to authorize the portions of the proposed line and the associated CMV Facility within its jurisdiction. No other agency requested to be a cooperating agency although OEA consulted various other agencies throughout the Draft EIS process (See *Appendix A* of the Draft EIS).

S.2.2 Public Scoping

On March 29, 2024, OEA published a Notice of Intent (NOI) to prepare an EIS and a Draft Scope of Study for the EIS in the Federal Register. Publication of the NOI initiated a 31-calendar-day public scoping period ending on April 29, 2024. In addition to announcing that the Board would prepare an EIS, the NOI requested comments on the scope of the EIS, identification of potential alternatives, and information and analyses relevant to the EIS. The NOI also presented the schedule of public scoping meetings and information on other ways to submit comments.

During the scoping period, OEA hosted three public meetings to receive oral and written comments. OEA also met with federal, state, and local agencies to discuss the scope of the EIS. OEA considered all input received during the scoping process. On July 8, 2024, OEA published the Final Scope of Study for the EIS in the *Federal Register*.

S.2.3 Agency Consultation

In December 2023, OEA sent preliminary consultation letters to relevant agencies to inform them of the proposed rail line and the associated CMV Facility; to ask them to confirm whether permitting or another action from them would be required; and to invite them to participate in the NEPA process as a cooperating agency. On March 29, 2024, OEA sent letters to the same agencies announcing the Board's intent to prepare an EIS and soliciting comments. The letters also provided information on the public scoping meetings. OEA continued to consult with federal, state, and local agencies, as appropriate, during the preparation of the Draft EIS (see *Appendix A* of the Draft EIS).

S.2.4 Tribal Consultation

OEA identified and consulted with seven federally recognized tribes that may have current or historic interests in the area of the proposed line and the associated CMV Facility: Apache Tribe of Oklahoma; Comanche Nation, Oklahoma; Kickapoo Traditional Tribe of Texas; Kickapoo Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Tonkawa Tribe of Indians of Oklahoma; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma. The Kickapoo Traditional Tribe of Texas indicated that it does not own land near the proposed line or the associated CMV Facility and is not aware of any tribal cultural, historical, or sacred sites that could be affected. OEA received no responses from the other tribes. To date, no tribes have expressed an interest in participating in the EIS process.

S.2.5 Final EIS

Following issuance of this Draft EIS and the 45-day public comment period, OEA will prepare and issue a Final EIS that addresses the substantive comments received on the Draft EIS. The Final EIS will also set forth OEA's final recommended environmental mitigation measures. In reaching its decision on whether to grant GER's request for authority to construct and operate the proposed line, the Board will consider the Draft EIS, the Final EIS, public comments, and any final environmental mitigation recommended by OEA, as well as the record on the transportation merits.

S.3 Summary of Major Conclusions in the Draft EIS

OEA reviewed the potential environmental impacts that could result from construction and operation of the proposed line and the associated CMV Facility. OEA's findings were based on consultation with federal, state, and local agencies; input from GER and the public; and OEA's own independent analyses. OEA is preliminarily recommending mitigation for the following resource areas: noise, cultural resources, and biological resources. OEA is not recommending mitigation for other resource areas because impacts would be beneficial; they would be minor and minimized through compliance with applicable laws and regulations; or they cannot feasibly and reasonably be mitigated.

S.3.1 Overview

Because the Southern Rail Alternative and the Northern Rail Alternative only differ west of U.S. 277 and remain close to each other between U.S. 277 and the Rio Grande River, the potential impacts of both alternatives on a wide range of resources are similar. Neither the Southern nor the Northern

Rail Alternative would generate new or additional freight rail traffic. Instead, they would reroute all through trains that currently use the existing UP Rail Bridge and UP mainline south of UP milepost 31 to the proposed line, thereby reducing the distance traveled by trains between the border and UP milepost 31 from approximately 4 miles with seven public at-grade crossings to 1.3 miles with no at-grade crossings. This would result in beneficial impacts on freight rail safety, grade crossing safety and delay, air quality, and energy when compared to the No-Action Alternative. It would also eliminate existing severe noise impacts experienced by 1,980 receptors near the UP mainline south of milepost 31. Both the Southern and the Northern Rail Alternatives would also have similar impacts on land use, cultural resources, and biological resources. Only their respective impacts on noise, visual quality, and water resources would differ.

The following paragraphs summarize OEA's key findings for each resource area considered in the Draft EIS. *Table 2-1 in Chapter 2, Proposed Action and Alternatives*, of the Draft EIS, presents a summary and comparison of the impacts.

S.3.2 Freight Rail Safety

OEA determined that both the Southern and the Northern Rail Alternatives would result in a reduction in the number of incidents per year in the study area from one predicted incident every 8 to 16 years under the No-Action Alternative to one incident every 25 to 50 years. This would be a beneficial impact. The reduction would be a consequence of the shorter distance that trains would travel between the United States/Mexico border and UP milepost 31 when compared to existing conditions and the No-Action Alternative. Trains would operate at speeds below the proposed line's design speed, which would further reduce the likelihood of incidents.

While unlikely, a release of hazardous materials would be addressed through the laws and regulations administered by the Federal Railroad Administration (FRA) and the U.S. Environmental Protection Agency (EPA) that govern the safe transport of hazardous materials and emergency response actions by rail operators and by local, state, and federal agencies. Therefore, OEA expects that if a release of hazardous materials were to occur, it would involve a relatively short duration of exposure and would be contained quickly, minimizing the potential for groundwater contamination, limiting the extent of any soil contamination, and allowing for the proper management of any surface water contamination.

S.3.3 Grade Crossing Safety

OEA determined that both the Southern Rail Alternative and the Northern Rail Alternative would result in a beneficial impact on grade crossing safety because they would eliminate the current risk of crashes at all seven existing operational public at-grade crossings in Eagle Pass south of milepost 31 by relocating all freight traffic from the UP mainline to the proposed line. Under either the Southern or the Northern Rail Alternative, both road crossings along the proposed line (at U.S. 277 and Barrera Street) would be grade-separated, eliminating the risk of vehicular crashes at these crossings.

S.3.4 Grade Crossing Delay

OEA determined that both the Southern Rail Alternative and the Northern Rail Alternative would result in a beneficial impact on grade crossing delays because they would eliminate current delays at all seven existing operational public at-grade crossings in Eagle Pass south of milepost 31 by

relocating all freight traffic from the UP mainline to the proposed line. Under either the Southern or the Northern Rail Alternative, both road crossings along the proposed line (at U.S. 277 and Barrera Street) would be grade-separated, creating no delays.

S.3.5 Roadway Capacity

The proposed line has no potential to affect roadway capacity. OEA determined that operation of the associated CMV Facility under the Southern Rail Alternative or the Northern Rail Alternative would result in the following adverse impacts on roadway capacity before any improvements by TxDOT: the intersection of U.S. 277 and FM 1589 (eastbound movement) would operate at level of service (LOS) F in both the morning and evening peak hours; and the intersection of the CMV Facility's exit road and FM 1589 (northbound and eastbound) would operate at LOS F in the evening peak hour. However, OEA also determined that after TxDOT installs an anticipated traffic signal at the intersection of U.S. 277 and FM 1589, the same intersections would operate at LOS B or better.

S.3.6 Roadway Safety

The proposed line has no potential to affect roadway safety. OEA determined that operation of the associated CMV Facility under the Southern or the Northern Rail Alternative would result in an increase in the number of expected crashes per year when compared to the No-Action Alternative (1.35 more crashes in the entire study area), with the greatest increase at the intersection of U.S. 277 and FM 1588 (0.6 crashes per year). However, the number of expected crashes per year would be less than under existing conditions because of the reduction in traffic volumes along U.S. 277 that would result from TxDOT's anticipated completion of State Loop (SL) 480.

S.3.7 Noise and Vibration

OEA determined that under the Southern Rail Alternative, three receptors would be exposed to noise levels of 65 DNL or greater, with a 3 dBA increase, because of gaps in the noise barriers at the proposed U.S. 277 and Barrera Street Bridges. These receptors would experience a severe impact per FTA classification. Under the Northern Rail Alternative, 12 receptors would experience such a severe impact because of gaps in the noise barriers at the proposed U.S. 277 and Barrera Street Bridges and the lack of noise barriers on the New Rail Bridge. The associated CMV Facility would not expose any receptors to noise levels of 65 DNL or greater.

Therefore, for the Southern Rail Alternative, OEA preliminarily recommends mitigation requiring GER to install noise barriers on both sides of the proposed U.S. 277 and Barrera Street Bridges (**MM-Noise-01a**). For the Northern Rail Alternative, OEA preliminarily recommends mitigation requiring GER to install noise barriers on both sides of the proposed U.S. 277 and Barrera Street Bridges and along the south side of the New Rail Bridge to a point past the nearby residential development (**MM-Noise-01b**). With this mitigation, neither build alternative would have severe noise impacts. OEA is specifically requesting comments on this issue.

Currently, 1,980 receptors experience the equivalent of an FTA "severe" impact from existing rail operations on the UP mainline compared to what noise levels would be without these operations. With the elimination of rail operations on the UP mainline, there would no longer be severe impacts to these 1,980 receptors.

S.3.8 Air Quality

OEA determined that construction of the Southern Rail Alternative, the Northern Rail Alternative, and the associated CMV Facility would generate temporary emissions of criteria pollutants, hazardous air pollutants (HAPs), and greenhouse gases (GHG). However, these emissions would be concentrated at the construction sites, and they would cease when construction is complete. Moreover, the emissions of criteria pollutants would be below the *de minimis* thresholds (used for information only, as Maverick County is in attainment for all criteria pollutants).

OEA also determined that, compared to the No-Action Alternative, operation of the Southern Rail Alternative, the Northern Rail Alternative, and the associated CMV Facility would result in a net reduction in both rail and truck emissions, as well as vehicle emissions at at-grade crossings, for all analyzed air pollutants. This reduction would be due to a decrease in train and truck vehicle miles traveled and idling times. Thus, the proposed line and the associated CMV Facility would result in a beneficial impact on air quality.

S.3.9 Energy

OEA determined that the Southern and Northern Rail Alternatives and the associated CMV Facility would have a beneficial impact on energy efficiency. Compared to the No-Action Alternative, reduced travel distances and idling times would decrease fuel consumption for rail operations from approximately 529,870 gallons of diesel fuel annually under the No-Action Alternative to approximately 167,866 gallons. For truck operations, the reduction would be from approximately 1,909,095 gallons annually to approximately 510,640 gallons.

S.3.10 Cultural Resources

OEA determined that the Southern and Northern Rail Alternatives and the associated CMV Facility would have no effect on any National Register-eligible properties, as none are present in the Area of Potential Effects (APE). Because alluvial deposition in floodplains has the potential to bury archaeological deposits below the reach of conventional shovel testing, OEA preliminarily recommends mitigation requiring GER to conduct additional archaeological surveys via deep mechanical trenching of floodplain areas of the APE prior to drilling piles for new bridge piers on the rail line to confirm the presence or absence of deeply buried archaeological deposits (**MM-Cultural-01**). OEA also preliminarily recommends mitigation requiring GER to provide a construction monitoring plan to OEA no later than 30 days prior to the start of construction of the rail line and to abide by the provisions of the plan, including any revisions by OEA, during rail construction (**MM-Cultural-02**).

S.3.11 Biological Resources

OEA determined that the Southern and Northern Rail Alternatives and the associated CMV Facility would have minor impacts on plant communities and wildlife habitat. Both would be in areas of scrub-shrub and agricultural land that are fragmented and degraded by human activity.

OEA has determined that the Southern and Northern Rail Alternatives and the associated CMV Facility (1) *may affect, are not likely to adversely affect* the Texas hornshell (federally endangered) (2) *are not likely to jeopardize* the Mexican fawnsfoot (proposed federally endangered) and monarch butterfly (proposed federally threatened); and (3) *would not adversely modify* proposed critical

habitat for the Texas hornshell and Mexican fawnsfoot. OEA initiated consultation with the U.S Fish and Wildlife Service (USFWS) and prepared a Biological Assessment (BA) documenting these findings. To ensure compliance with Section 7 of the ESA, OEA preliminarily recommends mitigation requiring GER to implement the conservation, minimization, and mitigative measures developed with USFWS for the protection of the federally listed or proposed threatened and endangered species that could be affected by the rail line (**MM-Biological-01**).

To ensure compliance with the Migratory Bird Treaty Act, OEA preliminarily recommends mitigation requiring GER to clear vegetation in preparation for construction of the rail line before or after the breeding bird nesting season to avoid inadvertent removal of active nests (*i.e.*, nesting adults, young, or eggs); or, if clearing is required during the nesting season, that GER consult with OEA and USFWS on appropriate nest survey methods for that area prior to any clearing or construction activities (**MM-Biological-02**).

S.3.12 Water Resources

OEA determined that construction of the Southern Rail Alternative, or the Northern Rail Alternative, and the associated CMV Facility could result in short-term, localized and downstream water quality impacts in the Rio Grande River and Seco Creek due to ground disturbance, with the Northern Rail Alternative potentially causing greater disturbance to Seco Creek than the Southern Rail Alternative because it would cross the creek in four locations, compared to only one for the Southern Rail Alternative. Construction activities on the Mexican side of the Rio Grande River also could lead to erosion of sediments into the Rio Grande River under both the Southern and the Northern Rail Alternatives. However, GER and PVH would have to comply with Texas Pollutant Discharge Elimination System (TPDES) permit requirements, which would minimize these impacts.

In the unlikely event of a hazardous materials release resulting from rail incidents during operation of the Southern or Northern Rail Alternative, as noted above, OEA expects that the amount released would be small and that compliance with existing emergency response and cleanup regulations would minimize impacts.

OEA determined that part of the Southern and Northern Rail Alternatives would be constructed within the 100-year floodplains of the Rio Grande River and Seco Creek. However, GER would design the proposed line in compliance with existing regulations governing construction in the floodplain, resulting in minimal impacts. OEA determined that the associated CMV Facility would be outside the floodplain, resulting in no impact.

OEA also determined that compaction and pavement associated with construction of the Southern Rail Alternative, the Northern Rail Alternative, and the associated CMV Facility would reduce groundwater recharge. However, the size of the altered area would be very small compared to the size of the overall watershed, resulting in minimal impacts. No groundwater withdrawals would be needed to operate the Southern or Northern Rail Alternative, or the associated CMV Facility.

S.3.13 Land Use

OEA determined that the Southern and Northern Rail Alternatives would require partial rezoning by the City of Eagle Pass to construct the proposed line. GER would file with the City to rezone an existing Residential zoning district to Industrial. Constructing the proposed line under either alternative would displace two businesses and one residence not currently owned by GER. The

Board would not be involved in the land acquisition process. Construction of the associated CMV Facility would result in the conversion of land currently used for agriculture to a transportation use.

S.3.14 Visual Quality

OEA determined that, while GER proposes to reestablish native tree plantings where possible and as appropriate to help screen the proposed line from adjacent viewsheds, the Southern Rail Alternative would dominate the visual quality of two of the four key observation points (KOPs) included in the visual impact analysis: KOP 1 and KOP 2. The Northern Rail Alternative would dominate the visual quality of KOP 2. OEA preliminarily determined that there is no reasonable and feasible mitigation to recommend that would reduce impacts on KOP 1 and KOP 2 because these impacts are caused by aspects of the proposed line (*e.g.*, location of the NII facility and height of the noise barriers) that cannot practically be changed. The associated CMV Facility would not dominate the visual quality of any of the four KOPs considered in the analysis.

S.4 Draft EIS Public Comment Period

OEA is providing a 45-day period for public review and comment on the Draft EIS. During the comment period, OEA will host two in-person public meetings in Eagle Pass and one public meeting online. At the meetings, interested parties are invited to make oral comments on the Draft EIS in a formal setting, and/or submit written comments. During the meetings, each interested individual will be given three minutes to present oral comments. The meetings will be held at the following dates, times, and locations:

- Tuesday, **April 29, 2025**, 11:30 a.m.-1:30 p.m. (Central Daylight Time [CDT]) in person at the Eagle Pass International Center for Trade, 3295 Bob Rogers Drive, Eagle Pass, Texas, 78852
- Tuesday, **April 29, 2025**, 6:00-8:00 p.m. (CDT) in person at the same location
- Thursday, **May 1, 2025**, 6:00 to 8:00 p.m. (CDT) online (for information on how to access the online meeting, visit www.greeneaglerreis.com)

Simultaneous interpretation and translation services from English to Spanish and from Spanish to English will be provided.

OEA encourages parties who want to submit written comments to do so electronically through the Board's website at <https://www.stb.gov/proceedings-actions/e-filing/environmental>.

Written comments may also be mailed to Andrea Poole, Surface Transportation Board, c/o VHB, Attention: Environmental Filing, Docket No. FD 36652, 1001 G Street NW, Suite 1125, Washington, DC 20001. It is not necessary to mail written comments that have been filed electronically.

Refer to Docket No. FD 36652 in all comments submitted on the Draft EIS. All comments must be submitted **on or before May 5, 2025**. The comments received will become part of the public record and will be available on the Board's website. When submitting comments on this Draft EIS, OEA encourages commenters to be as specific as possible and substantiate concerns and recommendations.