

Chapter 1

Purpose and Need

1.1 Introduction

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 the city of Eagle Pass and Maverick County, Texas.¹ The proposed line would extend from the United States/Mexico border to the existing Union Pacific Railroad (UP) mainline, connecting at approximate UP milepost 31. The proposed line would cross the Rio Grande River on a new rail bridge (New Rail Bridge), approximately three miles upriver from the existing UP International Railroad Bridge in Eagle Pass (UP Rail Bridge). The proposed line would be part of an international commercial transportation corridor proposed by PVH, the Puerto Verde Global Trade Bridge project, also consisting of a new border crossing for commercial motor vehicles (CMVs) between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. The new border crossing for CMVs associated with the proposed line is referred to in this Draft Environmental Impact Statement (Draft EIS) as the “associated CMV Facility.” The associated CMV Facility would include a new road bridge (New Road Bridge) and inspection and surveillance facilities (see *Chapter 2, Figure 2-2*).

The associated CMV Facility is not within the Board’s jurisdiction and does not require a license from the Board. However, GER and PVH intend to construct and operate the proposed line and associated CMV Facility, respectively, as a single port of entry for freight rail and CMV traffic between the United States and Mexico. Therefore, this 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.

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) prepared this 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). This chapter describes the Purpose and Need for the proposed line, the Board’s role in authorizing new railroad lines, and the Board’s environmental review process.

1.2 Purpose and Need

The Board’s action in this case is its decision whether to authorize, with appropriate conditions, or to deny GER’s request for authority to construct and operate the proposed line. Board authority is required

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.

for the construction and operation of a new common carrier railroad line (49 U.S.C. § 10901; 49 U.S.C. § 10502). Construction and operation of the proposed rail 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.

GER states the following:

- The UP Rail Bridge is the second-busiest rail crossing between the United States and Mexico. Rail traffic currently crosses the border via this single-tracked bridge. The Mexican side of the bridge is owned by the Mexican federal government, with rail operations concessioned to Ferromex, the largest railroad network in Mexico. BNSF Railway Company also operates over the UP Rail Bridge via trackage rights.² Currently, trains must stop on the UP Rail Bridge to allow for crew changes at the border.
- In Eagle Pass, trains that currently use the existing UP Rail Bridge travel along the UP mainline, which traverses congested areas in Eagle Pass and has nine public at-grade crossings.³ In Piedras Negras, Coahuila, trains that use the existing UP Rail Bridge also traverse the downtown area.
- In 2021, the Texas Department of Transportation (TxDOT) released the Texas-Mexico Border Transportation Master Plan (BTMP). The BTMP analyzed capacity at the Texas/Mexico border and provided recommendations to address congestion. The BTMP found that the UP Rail Bridge is heavily used, with traffic projected to increase substantially over the next couple of decades. The BTMP noted that annual northbound rail traffic grew from 61,600 rail cars in 1996 to 336,500 rail cars in 2019 and is projected to grow to an estimated 943,700 by 2050.
- The BTMP identified challenges related to single tracking at all Texas border rail crossings. Single tracking prevents simultaneous two-way operations and creates bottlenecks with trains queueing in both directions. At Eagle Pass, the BTMP found limited train speeds and freight capacity that it attributed to a need for improved infrastructure and expanded track. The BTMP also found a need for operational efficiency and increased system capacity.
- The BTMP found that continued growth of population, trade, and personal travel has resulted in increased border crossing times and congestion, which, without border infrastructure improvements, will become unmanageable and put the economic competitiveness of trade between the United States and Mexico at risk.

According to the BTMP, infrastructure needs are not limited to the existing rail corridor. The existing CMV border crossing is also under strain, with significant wait times for truck traffic crossing from Mexico into the United States.

Therefore, the Purpose and Need for the proposed line and the associated CMV Facility is to address the issues identified in the 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

² Trackage rights allow trains from one railroad company to use tracks owned by another railroad company.

³ Of the nine public at-grade crossings in Eagle Pass, two are currently closed to vehicular traffic (Williams Street and Church Street). Of the seven operational public at-grade crossings, one is located on a rail spur south of the UP Rail Bridge (Industrial Park Boulevard). The other six are located between the UP Rail Bridge and milepost 31.

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.

1.3 Role of the Board in Authorizing Railroad Lines

The Board is a nonpartisan, independent federal regulatory agency, composed of five presidentially appointed Members confirmed by the Senate. The Board has jurisdiction over certain rail transportation matters, including the construction and operation of new railroad lines; railroad acquisitions, mergers, consolidations and line sales; rail rates and service issues; and abandonment of rail lines. Construction and operation of new railroad lines require prior authorization by the Board under either 49 U.S.C. § 10901 or § 10502.

The Board is reviewing GER's request for authority to construct and operate the proposed line through two parallel but distinct processes: (1) the transportation merits-related process and (2) the environmental review process.

In deciding whether to authorize construction and operation of the proposed line, the Board will consider this Draft EIS, the Final EIS, public comments, and any final environmental mitigation proposed by OEA, as well as the transportation merits of the construction and operation of the line.

1.4 NEPA Process

The environmental review process under NEPA is intended to assist the Board and the public in identifying and assessing the potential environmental consequences of a proposed action before a decision on that proposal is made. OEA is responsible for the Board's compliance with NEPA. OEA conducted preliminary consultation with federal, state, and local agencies as well as tribes and elected officials in December 2023 to determine whether to prepare an Environmental Assessment or an EIS (see **Appendices A and B**). Based on the initial information provided by GER, preliminary consultation with agencies and elected officials, and preliminary analysis, OEA determined that construction and operation of the proposed line has the potential to result in significant environmental effects and that, therefore, preparation of an EIS is appropriate under NEPA.

1.4.1 Lead Agency

The Board, through OEA, is the lead agency responsible for preparing this Draft EIS to identify and evaluate the potential environmental impacts associated with the proposed line and the associated CMV Facility, as appropriate. The Board is also the lead agency for Section 106 of the NHPA and Section 7 of the ESA consultation.

1.4.2 Cooperating Agencies

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 rail line and the associated CMV Facility. OEA invited these agencies to participate in the NEPA process, as appropriate.

Specifically, OEA identified eight agencies (shown in **Table 1-1** below) that would potentially need to permit or otherwise authorize parts of the larger Puerto Verde Global Trade Bridge project and have to comply with NEPA for their respective actions. In December 2023, OEA sent preliminary consultation letters to these 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 (see **Appendix A** for copies of preliminary consultation letters).

Table 1-1. Agencies Invited to Be a Cooperating Agency

Agency	Accepted Cooperating Agency invitation?
Federal Highway Administration	No (Declined)
General Services Administration	No (No response)
International Boundary and Water Commission	No (Declined)
Texas Department of Transportation	No (No response)
U.S. Army Corps of Engineers	No (Declined)
U.S. Coast Guard	Yes
U.S. Customs and Border Protection	No (Declined)
U.S. State Department ¹	No (Declined)

Note:

¹ On October 17, 2023, PVH submitted to the U.S. State Department a Presidential Permit Application for the Puerto Verde Global Trade Bridge project on behalf of Maverick County, Texas, as the Project Sponsor (PVH 2023). President Joe Biden issued a Presidential Permit on May 31, 2024 (The White House 2024).

1.4.3 United States Coast Guard

The United States Coast Guard (USCG) accepted the invitation to be a cooperating agency. The proposed line and the associated CMV Facility include two new bridges across the Rio Grande River — the New Rail Bridge for the line and the New Road Bridge for CMVs — that would require permitting by USCG. USCG is responsible for approving the location and plans of bridges constructed across navigable waters of the United States and international bridges under the Rivers and Harbors Act of 1899 (33 U.S.C. §§ 401 et seq.); the General Bridge Act of 1946 (33 U.S.C. § 525); and the International Bridge Act of 1972 (33 U.S.C §§ 535a, 535b, 535c, 535e, 535f, 535g, and 535h). The Draft EIS includes the information USCG will need to decide whether to authorize the portions of the proposed line and the associated CMV Facility within its jurisdiction.

1.4.4 Other Federal Agencies

The other agencies OEA contacted declined the invitation to be cooperating agencies or did not respond (See **Table 1-1**). The following federal agencies would or may have actions related to the proposed line and the associated CMV Facility and are participating in this EIS process.

International Boundary and Water Commission (IBWC): IBWC has authority over the bed and bank of the international stretch of the Rio Grande River under the 1944 Water Treaty and responsibility under the 1970 Boundary Treaty Article IV. The proposed line and the associated CMV Facility would

require authorization from IBWC to ensure that they do not adversely impact the normal flow or flood flows of the Rio Grande River.

U.S. Army Corps of Engineers (USACE): Section 404 of the Clean Water Act (33 U.S.C. § 1344) requires authorization from the Secretary of the Army, acting through USACE, for the discharge of dredged or fill material into all waters of the United States, including wetlands. The proposed line and the associated CMV Facility may require an individual permit from USACE if not covered under a current Nationwide permit. The Corps is also responsible for activities that may affect navigable waters of the United States, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). Section 10 requires that any entity proposing to perform work in, under, or over navigable waters obtain a Section 10 permit from the Corps prior to commencing the activity. Because the New Rail Bridge and New Road Bridge involve crossing navigable waters of the United States (the Rio Grande River), GER and PVH could need to obtain a Section 10 permit prior to beginning construction work.

U.S. Customs and Border Protection (CBP) and General Services Administration (GSA): CBP and GSA may have actions related to the ownership transfer, leasing, or operation of the inspection facilities included in the proposed line and the associated CMV Facility. The Draft EIS analyzes the impacts of these agencies' related actions, as appropriate.

1.4.5 Scoping Process

The first step of the EIS process is scoping. Scoping is an open process to solicit meaningful engagement from potentially affected communities to help determine the range of issues that should be examined and assessed in the EIS.

The Board issued a Notice of Intent (NOI) to prepare an EIS on March 29, 2024. Issuance of the NOI initiated a scoping period that lasted for 31 calendar days and ended 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.

At the same time as the issuance of the NOI, OEA sent letters to federal, state, and local agencies to announce the Board's intent to prepare an EIS and solicit comments. The letters also provided information on the planned public scoping meetings. Sample letters and the list of agencies that OEA contacted are in **Appendix A**.

OEA identified seven federally recognized tribes that may have current or historic interest 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
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

OEA consulted with these federally recognized Indian tribes consistent with NEPA, NHPA, and Executive Order (EO) 13175, "Consultation and Coordination with Indian Tribal Governments," as detailed in **Appendix A**. OEA received one response. The Kickapoo Traditional Tribe of Texas

responded that it does not own land near the proposed line and the associated CMV Facility and is not aware of any tribal cultural, historical, or sacred sites that could be affected. To date, no tribes have expressed an interest in participating in the EIS process.

OEA informed the public about the Board’s intent to prepare an EIS, solicited comments, and provided information on ways to submit comments through various means, as detailed in **Appendix B**. During the scoping period, OEA hosted three public meetings to receive oral and written comments: two in-person meetings in Eagle Pass on April 16, 2024, and one online meeting on April 23, 2024.

Most residents in Eagle Pass and Maverick County identify as Hispanic or Latino, and speak a language other than English, predominantly Spanish, at home. Therefore, OEA took a range of measures to facilitate communication with persons whose primary or unique language is Spanish, including making various public information materials available in both English and Spanish. OEA also set up and publicized a toll-free telephone line (1-888-319-2337) and project email address (contact@greeneaglerreis.com) for members of the public to request information on the EIS process and help with participating in this process in either language.

After the close of the scoping comment period on April 29, 2024, OEA reviewed all comments received and issued a Final Scope of Study (Final Scope) for the EIS on July 8, 2024. The Final Scope (included in **Appendix B**) contained a summary of the comments received and explained that, in addition to the No-Action Alternative, the Draft EIS would evaluate two build alternatives for the proposed line.⁴

1.4.6 Comment Period for the Draft EIS

1.4.6.1 Availability of the Draft EIS

OEA is providing a 45-day comment period for the Draft EIS with comments due on or before **May 5, 2025**. The Draft EIS is available on the Board’s website (www.stb.gov) by clicking on the “View all Decisions” button and searching by Service date (March 14, 2025) or Docket Number (FD 36652). The Draft EIS is also available on the Board-sponsored project website (www.greeneaglerreis.com) and EPA’s NEPA Database (<https://cdxapps.epa.gov/cdx-enepa-II/public/action/nepa/search>). OEA also made a printed copy available at the Eagle Pass Public Library, at 589 Main Street, Eagle Pass, Texas. When submitting comments on this Draft EIS, the Board encourages commenters to be as specific as possible and substantiate concerns and recommendations. OEA specifically requests comments on the preliminary Preferred Alternative (see *Chapter 2, Section 2.5.3, Preliminary Preferred Alternative: Southern Rail Alternative*) and the noise mitigation that OEA is preliminary recommending (see *Chapter 3, Section 3.6.3, Environmental Consequences*).

1.4.6.2 How to Comment

OEA will host two in-person public meetings in Eagle Pass and one public meeting online during which 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:

⁴ The Final Scope also set forth a number of environmental issues to be examined in the EIS, as appropriate. Because of Executive Actions taken by the new administration, this EIS does not examine environmental justice.

- Tuesday, **April 29, 2025**, 11:30 a.m. to 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 p.m. to 8:00 p.m. (CDT) in person at the same location.
- Thursday, **May 1, 2025**, 6:00 p.m. 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 to submit written comments electronically through the Board's website (www.stb.gov) by clicking on the "File an Environmental Comment" link (in the lower right corner of the home page). 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. The comments received will become part of the public record and will be available on the Board's website. All comments must be submitted **on or before May 5, 2025**.

1.4.7 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. Then, 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.