



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 1, 2024

Mr. Thomas W. Wilcox
Law Office of Thomas W. Wilcox, LLC
1629 K. Street, NW Suite 300
Washington, DC 20006

Re: Docket No. FD 36815: Texas Materials – Construction and Operation
Exemption – in Lampasas and Burnet Counties, Tex.; Waiver of Six-Month
Prefiling Notice and Approval of Third-Party Contractor

Dear Mr. Wilcox:

Thank you for your letter dated October 24, 2024 requesting a waiver of the six-month prefiling notice requirement and approval of a third-party contractor in connection with the above-referenced proceeding. According to your letter, Texas Materials intends to file a petition with the Surface Transportation Board (Board) for an exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10901 to construct and operate an approximately 27-mile rail line in Lampasas and Burnet Counties, Texas. As part of the Board's licensing process, the Board's Office of Environmental Analysis (OEA) will conduct an environmental review for the proposed rail line under the National Environmental Policy Act (NEPA), and related environmental laws including the National Historic Preservation Act (NHPA), and the Board's environmental rules at 49 C.F.R. Part 1105.

Waiver of the Six-Month Notice Requirement

Pursuant to 49 C.F.R. § 1105.10(c), OEA is granting your request for waiver of the six-month prefiling notice generally required for rail line construction projects under 49 C.F.R. § 1105.10(a)(1). OEA met with Texas Materials on August 28, 2024 regarding the proposed rail construction project. At the meeting, Texas Materials' representatives provided OEA with an overview of the project, and OEA explained the Board's environmental review process.

OEA understands that Texas Materials proposes to construct and operate approximately 27 miles of new rail line to connect to an existing line operated by the Austin Western Railroad (AWRR) near the town of Burnet, and to the BNSF Railway (BNSF) main line near the town of Lampasas. Part of the project would involve reinstating service over approximately 20 miles of previously abandoned right of way. Moreover, the proposed rail line would serve four active

quarries and would be operated by a newly-created rail carrier affiliated with Texas Materials or by an existing railroad granted authority by Texas Materials to operate over the line.

After meeting with Texas Materials on the August 28, 2024, OEA believes that it has adequate information and that Texas Materials is sufficiently aware of the environmental review process, to grant this waiver request.

Third-Party Contractor Approval

Your request for approval under 49 C.F.R. 1105.10(d) and 40 C.F.R. 1506.5 for retention of Vanasse Hangen Brustlin, Inc. (VHB) as an independent third-party contractor is also approved. OEA will work with VHB to prepare the appropriate environmental document on behalf of the Board for this project. Enclosed please find a disclosure statement that we ask you to forward to VHB to complete. Once the statement is signed by VHB, we request that VHB send it back to us. As discussed at our August 28, 2024 meeting, OEA will directly supervise the independent third-party contractor and review and approve all environmental documents.

If we can be of further assistance, please contact me or Adam Assenza of my staff at (202) 245-0301 or by email at adam.assenza@stb.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Office of Environmental Analysis

Enclosure

**SURFACE TRANSPORTATION BOARD
DISCLOSURE STATEMENT**

On behalf of _____, I certify that _____ has
(name of contractor) (name of contractor)

no financial or other interests in the outcome of the prospective petition of the

_____ to construct a rail line in _____.
(name of applicant/petitioner) (location of proposed rail line)

Signature: _____

Printed Name: _____

Title: _____

Date: _____