

George Baxter
P.O. Box 951
Eagle Pass, TX 78853
April 24, 2024

Andrea Poole
Surface Transportation Board
c/o VHB
Attention: Environmental Filing
Docket No. FD 36652
1001 G Street NW, Suite 1125
Washington, DC 20001

RE: Comments Regarding Docket No. FD 36652, Green Eagle Railroad and Puerto Verde Bridges

Dear Ms. Poole:

I am a resident of the Hopedale area of Maverick County and live about 1.5 miles from the two proposed Puerto Verde Bridges and about one-half mile from the proposed port of entry area for the Puerto Verde highway bridge. We are not opposed to the concept of a third highway bridge or second rail bridge, but we are opposed to bridges in the location proposed by Puerto Verde for many reasons. These are:

1. Threat to the City of Eagle Pass Waterworks System (EPWWS).

The sole source of potable water for more than 90% of the population of Eagle Pass and Maverick County – more than 50,000 people – is the Eagle Pass Waterworks System (EPWWS). This system draws 100% of its water from the Rio Grande through a water intake at the north end of Eagle Pass.

Unlike the existing 3 bridges, which are downriver of this water intake, the Puerto Verde Bridges will be upriver of the intake, only about 1.5 miles away. In the event of a fuel spill or hazardous materials spill during construction or during operation of the bridges, our water supply would be shut down. This presents an unacceptable risk to the people of Maverick County.

The recent destruction of the Francis Scott Key Bridge in Baltimore is a prime example that catastrophic accidents do happen. Likewise, there was the train derailment and hazardous chemical spill in East Palestine, Ohio a year ago, one of nearly 1,000 derailments every year in the U.S. If such a spill had taken place on the Puerto Verde Bridge, our water system would have been shut down for days, weeks or months, depending on the scale and severity of the accident and spill. An 18 wheeler accident on the highway bridge would create a similar disaster.

Interestingly, the Puerto Verde Application makes no mention of the EPWWS. Even their section on “Construction Risks and Mitigation Strategy” on pages 69-70 of the Application (pp. 115-116 of the PDF) omits any discussion of the dangers to the water system or any attempt to mitigate them during construction.

We cannot live with a constant threat to our water supply 24/7/365, merely hoping that nothing goes wrong. We must take action before construction begins to prevent it from happening.

The first and best option would be to move the Puerto Verde Bridges downriver of the water intake. This would probably involve a crossing south of Eagle Pass, near the southern part of Loop 480 with the highway linking up with Loop 480 immediately after crossing the river and passing through a Port of Entry and the rail line running parallel to 480 on the east side until it linked up with the Union Pacific Railroad (UPRR) north of Eagle Pass. A general schematic of that option is attached as Attachment 1.

This first option would accomplish all the supposed benefits of the Puerto Verde plan – moving rail and highway traffic outside populated areas, reducing rail and traffic congestion, noise and pollution- even better than theirs (which merely moves all these problems from one populated area to another.

The second option is to move the Eagle Pass waterworks, or at least the water intake to upriver of the proposed bridge site. If this option is taken, the STB should require Puerto Verde to pay 100% of the cost of this project and the relocation must be completed before construction of the Puerto Verde Bridges can begin.

The STB cannot allow the Puerto Verde Bridges to be constructed in their current proposed locations without this issue being resolved so as to provide 100% protection to the only water supply that the people of Maverick County have.

2. The Green Eagle Railroad (GER) and Puerto Verde Bridges are located in an area which is unsuitable for bridge and rail line construction.

a. The GER line is located in a FEMA designated Flood Zone.

Puerto Verde proposes to build their bridges above the level of the FEMA 100 year flood level. This is a requirement that would apply to anywhere the bridges were constructed. What is troubling about their present plan is that the proposed location of the GER line runs through the 100 year flood zone of Seco Creek for its entire length.

In 2009, Maverick County commissioned a Flood Protection Study by Halff Associates of San Antonio to evaluate flood alleviation measures for Seco Creek and other Rio Grande tributaries. This study recommended a buyout of all endangered properties in the Seco Creek flood zone, stating that the alternatives (constructing detention ponds east of the Union Pacific Railroad to contain floodwater flow) were much more costly. So, in effect, this study recommends no

construction in the Seco Creek flood zone. Since this is not an option with the Puerto Verde plan, the STB should require construction of the recommended detention pond(s) on Seco Creek, upstream (east) of the Union Pacific Railroad.

Another area of concern is the “Retained Earth Track Embankment” that Puerto Verde depicts on page 27 of their Application (page 73 of the PDF). This shows a 45 foot wide raised soil embankment enclosed by vertical concrete walls on both sides. This is presumably the method that will be used to raise the GER above flood level. However, there has been no study of the effect that this continuous concrete wall (effectively a dike running the length of Seco Creek from the Rio Grande to the UPRR) will have on the diversion of floodwaters into nearby properties, perhaps at increased levels. The STB should require that such a study be conducted before construction begins.

b. The Puerto Verde plan places the exit route for its Highway Bridge inside the FEMA 100 year Flood Zone of Elm Creek.

The Puerto Verde Application depicts the exit from its Highway Bridge joining FM 1589 (Hopedale Loop) between Elm Creek and Highway 277. Traffic would then proceed to join Highway 277 in Seco Mines. However, traffic proceeding north on 277, en route to the north end of Loop 480, has to cross the Highway 277 bridge over Elm Creek. This bridge is within the FEMA 100 year flood zone and would be completely submerged in the event of a 100 year rain event. This has actually happened three times in the recent past (June, 2013, June, 2014 and October, 2015). So by choosing this routing for their Highway Bridge traffic, Puerto Verde has created a situation where all northbound vehicles would be stopped in the event of another such rain event. Photo of the flooded Highway 277 bridge over Elm Creek in 2013 is attached as Attachment 2.

If the Puerto Verde Highway Bridge was constructed to join the south end of Loop 480, this problem would be alleviated – northbound traffic would drive the length of Loop 480 and exit onto Highway 277 north of the flood zone.

c. The GER line and Puerto Verde Bridges are proposed in locations that may be geologically unsound.

Puerto Verde has chosen the exact place to build their bridges where the Olmos Formation coal seam (which runs generally from northeast to southwest across Texas) passes under the Rio Grande and continues on into Mexico.

This formation varies markedly in depth from place to place. An Overburden Thickness Map (the distance from the surface to the top of the coal seam) from the Dos Republicas coal mine (about 5 miles to the north of the GER) shows coal depth varying from 20 feet to over 200 in a relatively small area (attached as Attachment 3).

This coal seam was extensively mined underground in the late 19th and early 20th centuries in the Seco Mines area. Of particular importance to this project is the International Coal Mine.

According to *Bituminous Coal in Texas* by Thomas J. Evans, University of Texas at Austin, 1974, operations at this mine began in 1893 with production of 150 tons of coal per day; in 1907, the International Coal Mine Co. took over and increased production to 1,000 tons per day; production ceased in the early 1920's. Figure 9 (page 26) in this book shows the location of this mine's shaft as just west of Highway 277 and just north of Seco Creek (attached as Attachment 4).

With almost 30 years of production, it is almost certain that the old tunnels from this underground mining operation underlay the route of the GER and perhaps even the Puerto Verde Bridges. According to the *Coal Field Directory, 1921*, page 913, the coal seam at the International Mine was 72 inches thick (Attachment 5). A photo of the relatively large scale International Coal Mine operation is attached as Attachment 6 (from *The Fuels Used in Texas*, by W. B. Phillips, Austin, 1913).

Building over old tunnels poses the risk of subsidence or sudden collapse if heavy structures or trains are placed over them.

Even without encountering tunnels, the unknown weight bearing capacity of this semi-bituminous coal would create a substantial uncertainty in planning the bridges and rail line.

In addition, the area along the Rio Grande from Rio Road north to Seco Creek was used up to the 1970's as the City of Eagle Pass dump. Large quantities of trash, garbage and, potentially, hazardous materials are buried there. Construction of the bridges and GER would disturb this unstable material, possibly releasing hazardous waste into Seco Creek/Rio Grande, upriver of the EPWWS. The presence of this unconsolidated material would also create an unstable foundation situation for the GER.

Before the STB can approve this project, Puerto Verde must be required to conduct an intensive geological survey, including test borings, to determine the underlying geology and load bearing capacity of the soil strata below the bridges and GER.

3. The Puerto Verde Bridges will create a traffic congestion, noise and pollution nightmare for residents of Seco Mines, Hopedale and adjacent areas.

One of the main "selling points" in the Puerto Verde Application is the claim that it will reduce noise, pollution and congestion by moving rail and traffic outside of Eagle Pass City limits. This will be news to the thousands of Maverick County residents who live in Seco Mines, Siesta Acres, Hopedale and Eagle Point. This plan merely moves all these problems from one area to another, doing nothing to reduce them.

In particular, the Highway Bridge traffic congestion problem may become worse. Puerto Verde depicts the exit to its Highway Bridge (a 6 lane road) passing through a Port of Entry and joining FM 1589 (Hopedale Loop) (a 2 lane highway). There is no depiction in the Application as to how this is to be accomplished without major congestion and traffic backup. Commercial traffic

from the Highway Bridge would then proceed east on FM 1589 for a short distance (about ¼ mile) to its intersection with Highway 277 (a 4 lane road) and then turn either north or south on 277. Again, there is no plan in the Application for how this traffic will merge onto heavily travelled Highway 277 in the middle of heavily populated Seco Mines/Siesta Acres without major traffic congestion. The STB must require Puerto Verde to provide these plans as well as a traffic study to evaluate the feasibility of this plan.

In fact, the current situation, with commercial traffic crossing existing Bridge 2 and exiting by Loop 480 is preferable, especially when Loop 480 is completed to join Highway 277 north of Eagle Pass.

Again, the option outlined earlier, with the Puerto Verde Bridges located south of town and linking into Loop 480 there, would alleviate all these problems.

4. The Puerto Verde Application is deficient in several important areas.

While the Puerto Verde application is filled with studies on increased trade and numerous letters of support, it is extremely light on actual plans for the Bridges and GER.

The only plans provided in the application are extremely simplified ones on page A44 (PDF page 174) for the Highway Bridge and page A45 (PDF page 175) for the Railroad Bridge. They are so lacking in detail as to make evaluation of them impossible.

In addition, at least in the version on the STB website, these plans are almost illegible at any level of magnification. The same deficiency applies to the Construction Schedule on Page 69 of the Application (PDF page 115).

Puerto Verde seems to be operating on the belief that it can obtain its permits now and provide detailed plans later (or if at all). This can be abbreviated as “Permit Now, Plans Later”.

The STB must not accept this situation. Rather, the STB must require Puerto Verde to provide detailed engineering drawings of these bridges so that their feasibility can be evaluated before any permits can be issued.

5. The Puerto Verde Application is deficient in the Cultural Resources area.

On page 78 (PDF page 124) of the Puerto Verde Application it states that there are no cemeteries located within one mile of the Puerto Verde area. This is not true.

In 1895, a large group of American Blacks immigrated into Mexico. Later that year, they returned to the U.S. through Eagle Pass after some of them contracted smallpox in Mexico. They were placed in an isolation camp run by the U.S. Public Health Service called Camp Jenner.

Camp Jenner was located along both sides of Elm Creek, near where it flows into the Rio Grande. Some 411 people were received at this camp and 60 of them died there. They were buried nearby. The names of at least 25 of these victims are known and are listed below. Of course there is no one alive today who knows firsthand exactly where this cemetery is located.

The Puerto Verde Application also states that the Texas Historical Commission's (THC) "Texas Historic Sites Atlas" was consulted with negative results. Actually the first entry in this document under Cemeteries in Maverick County is "African-American Graves." The THC assigns a Cemetery ID Number of MV-C008 and an Atlas Number of 7323000805. It is not depicted on the Atlas Map as its exact location is unknown. The THC Atlas gives this cemetery the general location of "NW of Eagle Pass on Rio Grande near Elm Creek" and estimates the number of graves as about 125 with a burial date of "about 1894."

Both the Texas Health and Safety Code, Title 8, Subtitle C, Chapter 711 and the Texas Administrative Code, Title 13, Part 2, Chapter 22 spell out in great detail the procedures for handling unknown, abandoned and unverified cemeteries. Failure to follow these procedures could result in prosecution under the Texas Penal Code, Section 42.08, Abuse of a Corpse. It is a State Jail Felony, punishable by up to 2 years in prison, to "disinter, disturb or damage any part of a human corpse." In addition, the bad publicity for Puerto Verde for desecrating African-American graves would be considerable.

In order to avoid disturbing these graves, the STB must require Puerto Verde to hire a professional archaeological firm to conduct an intensive survey of their project area to determine the exact location of these graves and any prehistoric Native American graves such as were found along Elm Creek at the Dos Republicas coal mine only 5 miles to the north. These Native American remains were dated to the 1300s.

No construction by Puerto Verde should begin until this survey is complete.

Sources: Marine Hospital Service: Annual Report for Fiscal Year 1895, pages 370-373; "Public Health Reports". November-December 1984, pages 579-582; *Fevered Measures* by John McKiernan-Gonzalez, Duke University Press, 2012, pages 93-107.

Names of some of the smallpox victims buried at this cemetery (Source: Marine Hospital Service: Annual Report for Fiscal Year 1896, pages 237-238):

William Ellis	Aida Stillman	Ella Harris
Betty Wilson	Mitchell Lewis	Suberta Wilson
Arthur Wilson	Ed Hood	Aleck Means
Allen Rosebun	Henry Thompson	Mary Sauder
William Merritt	John Watson	Tilly Thompson
Bessie Rosebun	Ridley Bonnet	
Jenner Moore	Jim Lewis	
Rufus Thompson	Roxey Harris	
Olly Johnson	Rosa Carpenter	
Clark Stillman	Alec Bryant	

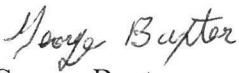
6. Puerto Verde conducted no outreach to the Eagle Pass community concerning this project.

There was zero information conveyed by Puerto Verde to the general public in Maverick County about this project, either before or after submitting their Application. Rather, they confined their efforts to contacting elected officials and businessmen.

When the Railroad Commission of Texas was conducting public hearings concerning the Dos Republicas coal mine in Maverick County in 2011, they required the permit applicant to make an informational presentation to the public and to take questions concerning the project. This meeting was well advertised in the local media ahead of the scheduled date.

The STB should require permit applicants to conduct the same type of informational outreach to the general public and these meetings should be advertised in advance in local media, not just on U.S. Government websites.

Sincerely,


George Baxter

Attachments (6)

OPTION 1



— HIGHWAY
— RAILROAD

ATTACHMENT 1



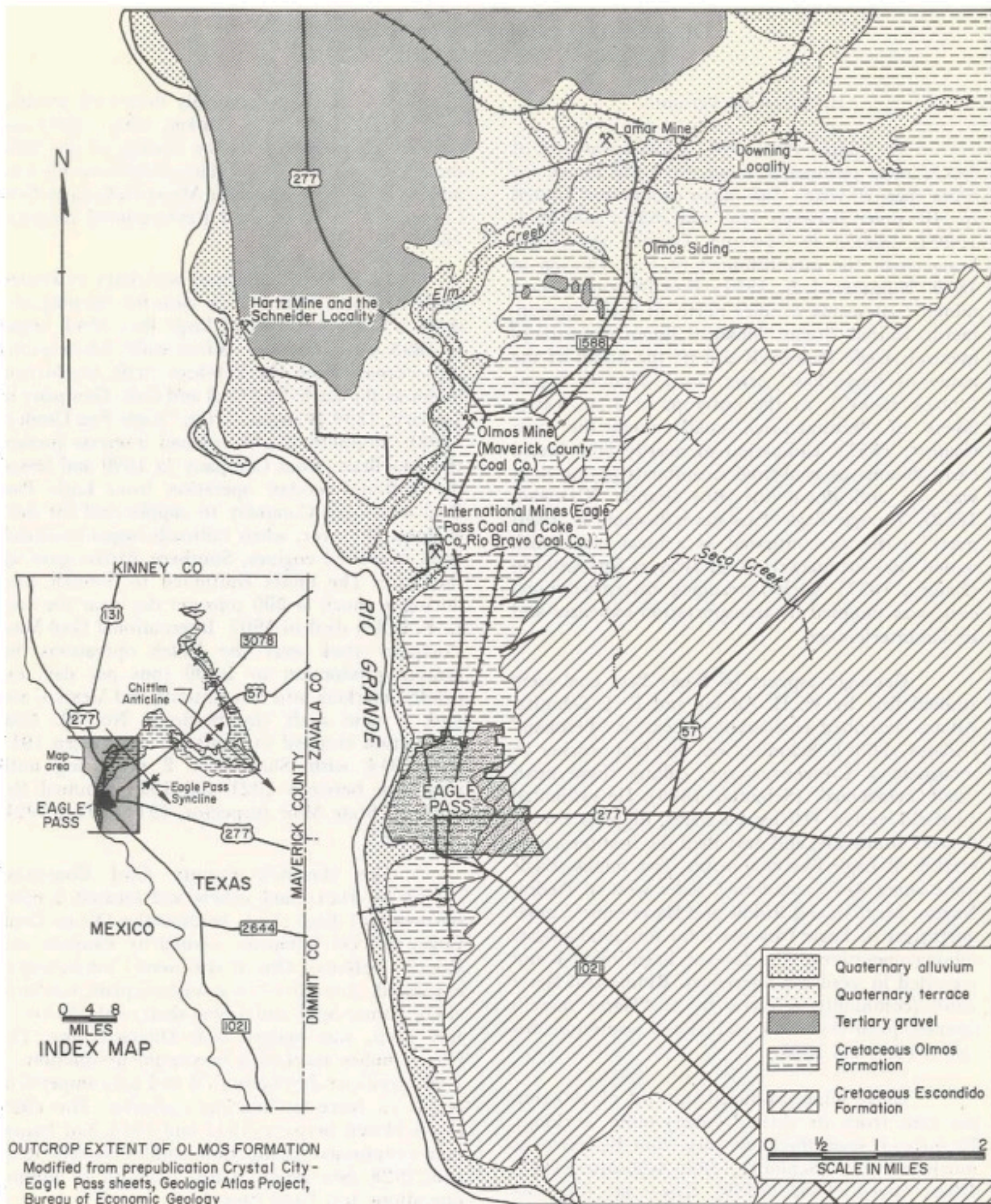


Figure 9. Surface geology, coal seam outcrops, and mine locations in Olmos Formation coal seam near Eagle Pass, Texas.