APPENDIX B
WRITTEN COMMENTS RECEIVED ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

SEA received and fully considered a total of 638 comments on the Draft EIS. Of the 638 comments, 115 were oral comments received at the public meetings on January 14 and 15, 2003 (see Appendix A) and 523 are written comments that were emailed, faxed, or mailed to SEA or submitted at the public meetings. Table B-1 organizes both the written and oral comments on the Draft EIS alphabetically within the following categories:

- Elected Officials (Federal, state, and local)
- Agencies (Federal, state, tribal, and local)
- Organizations
- Citizens

Several commenters faxed or emailed written comments to SEA and then submitted the same comment letter by mail or messenger. When duplicate comments were submitted using different media, Table B-1 lists the commenter name only once but includes the unique comment numbers assigned to each submittal in the "Comment Number" column. Table B-1 also indicates when an oral comment was submitted at a public meeting (See Appendix A for the public meeting transcripts).

When the comments are large in number and volume, NEPA does not require Federal agencies to reprint all the written comments in the Final EIS. However, to serve public interest, this Appendix includes all of the unique written comments submitted on the Draft EIS, plus any attachments that commented directly on the Draft EIS. Several parties submitted voluminous information as attachments to their written comments, but not all of these attachments commented specifically on the Draft EIS. Table B-2 lists and describes in detail each attachment that was submitted, including a column indicating whether or not the attachment is reproduced in this Appendix. The comment attachments that are not reprinted in this Appendix are available in the public docket.

Each unique written comment that was received is reprinted in numerical order, following Tables B-1 and B-2 in this Appendix. As mentioned above, several parties submitted duplicate comments, and only one copy of each duplicate letter is included in this Appendix. SEA identified two distinct form letters submitted in the written comments. SEA is reprinting one copy of each of the two form letters. The commenters who submitted one of the two form letters are included in Table B-1 with a parenthetical notation to describe the applicable form letter that is printed in this Appendix.

Table B-1
Comments Received on the Draft EIS

Commenter Name	Commenter Title/Organization	Comment Number
ELECTED OFFICIALS		
Federal Government		
Coleman, Bill	Representing Nick Lampson, Member, U.S. House of Representatives	D0199 (public meeting transcript)
Delay, Tom	Member, U.S. House of Representatives	D0055 (form letter #1; see D0001)
Green, Gene	Member, U.S. House of Representatives	D0002/D0081(See D0002)
Green, Gene	Member, U.S. House of Representatives	D0026 (form letter #1; see D0001)
Green, Gene	Member, U.S. House of Representatives	D0192 (public meeting transcript)
Green, Gene	Member, U.S. House of Representatives	D0583
Green, Gene	Member, U.S. House of Representatives	D0635
Lampson, Nick	Member, U.S. House of Representatives	D0115/D0185 (See D0115)
Tyler, Peter	Representing Nick Lampson, Member, U.S. House of Representatives	D0122 (public meeting transcript)
State Government		
Davis, John	Member, Texas House of Representatives	D0173/D0369 (See D0173)
Noriega, Rick	Member, Texas House of Representatives	D0027 (form letter #1; see D0001)
Noriega, Rick	Member, Texas House of Representatives	D0193 (public meeting transcript)
Noriega, Rick	Member, Texas House of Representatives	D0567/D0602 (See D0567)
Local Government		
Alvarado, Carol	Member, Houston City Council	D0025 (form letter #1; see D0001)
Alvarado, Carol	Member, Houston City Council	D0196 (public meeting transcript)
Brown, Lee	Mayor, City of Houston	D0082
Edmundson, Nancy	Mayor, City of Shore Acres	D0123 (public meeting transcript)
Edwards, Ada	Member, Houston City Council	D0061 (form letter #1; see D0001)
Garcia, Sylvia	Commissioner, Harris County, Precinct 2	D0590/D0620 (See D0620)
Manlove, John	Mayor, City of Pasadena	D0121
Manlove, John	Mayor, City of Pasadena	D0125 (public meeting transcript)
O'Neil, Natalie	Mayor, Taylor Lake Village	D0079 (form letter #1; see D0001)
O'Neil, Natalie	Mayor, Taylor Lake Village	D0127 (public meeting transcript)
Ong, Natalie	Mayor, City of El Lago	D0582/D0621 (See D0582)
Parker, Anniese	Member, Houston City Council	D0198 (public meeting transcript)
Robinson, Caroll	Member, Houston City Council	D0195 (public meeting transcript)
Sekula-Gibbs, Shelley	Member, Houston City Council	D0124 (public meeting transcript)
Sekula-Gibbs, Shelley	Member, Houston City Council	D0194 (public meeting transcript)
Sekula-Gibbs, Shelley	Member, Houston City Council	D0574/D0595 (See D0574)
Sekula-Gibbs, Shelley	Member, Houston City Council	D0533

Table B-1 (continued)
Comments Received on the Draft EIS

Commenter Name	Commenter Title/Organization	Comment Number
Smith, Eloise	Mayor, City of South Houston	D0126 (public meeting transcript)
Vasquez, Gabriel	Member, Houston City Council	D0085 (form letter #1; see D0001)
Wiseman, Addie	Member, Houston City Council	D0197 (public meeting transcript)
Wiseman, Addie	Member, Houston City Council	D0532 (form letter #1; see D0001)
AGENCIES		
Federal Government		
Lawrence, Robert	U.S. Environmental Protection Agency, Office of Planning & Coordination, Region 6	D0624
Ruebsamen, Rickey	U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Habitat Conservation Division	D0549
State Government		
Cowan, Michael D.	Water Quality Division, Texas Commission on Environmental Quality	D0638
Oaks, F. Lawrence	Texas Historical Commission	D0105
Tribal Government		
McFadden, Doria Stern	Mescalero Apache Tribe	D0535
Local Government		
Babin, Latrice	Harris County Public Health & Environmental Services, Pollution Control Division	D0589/D0637 (See D0589)
Campos, Esther	Houston Independent School District	D0201 (public meeting transcript)
Haines, Albert	City of Houston, Office of the Mayor	D0109
Haines, Albert	City of Houston, Office of the Mayor	D0172
Hall, Anthony	City of Houston, Legal Department	D0581/D0599 (See D0599)
Hansen, Mary Margaret	Greater East End Management District	D0221 (public meeting transcript)
Lewis, Kirk	Pasadena Independent School District	D0102
Stripling, Kaye	Houston Independent School District, Office of the Superintendent	D0530/D0538/D0554 (See D0554)
ORGANIZATIONS		
Ashworth, Wendy	Atofina	D0155 (public meeting transcript)
Blackburn, James	Galveston Bay Conservation and Preservation Association	D0001 (form letter #1; printed)
Blackburn, James	Galveston Bay Conservation and Preservation Association	D0591
Blackburn, Jim	Galveston Bay Preservation and Conservation Association	D0147 (public meeting transcript)
Blackburn, Jim	Galveston Bay Conservation and Preservation Association	D0220 (public meeting transcript)

Table B-1 (continued)
Comments Received on the Draft EIS

Commenter Name	Commenter Title/Organization	Comment Number
Borgen, Dan	Bayport Rail Terminal	D0139 (public meeting transcript)
Boyd, Donovan	Hydrochem Industrial Services	D0137 (public meeting transcript)
Brown, Gregory	Meadowcreek Village Civic Club, Inc.	D0626
Caradec, Paul	Bay Glen Subdivision	D0555
Cherewaty, Vicki	Bay Glen Subdivision	D0556
Collins, Anthony	The Metropolitan Organization	D0206 (public meeting transcript)
Cornell, Steve	Atofina Petrochemicals	D0204 (public meeting transcript)
Cortez, Richard	Magnolia Park Precinct Judge	D0200 (public meeting transcript)
Cubley, Ruby	Clear Lake Area Chamber of Commerce	D0152 (public meeting transcript)
Dobberstine, Jim; Goldberg, Alisha	Galveston Bay Foundation	D0584/D0631 (See D0631)
Dovalina, Rick	LULAC	D0209 (public meeting transcript)
Duggan, George	Burlington Northern Santa Fe	D0213 (public meeting transcript)
Dwyer, Annette	North Fork Community Association/Association of Clear Lake Communities	D0153 (public meeting transcript)
Dwyer, Annette	North Fork Community Association/Association of Clear Lake Communities	D0234 (public meeting transcript)
Franklin, Scott	Onyx Industrial	D0148 (public meeting transcript)
Freeman, David	Burlington Northern Santa Fe	D0212 (public meeting transcript)
Gallegos, Robert	Eastwood/Lawndale-Wayside Super Neighborhood	D0238 (public meeting transcript)
Ganey, Steve	Baypoint Community Association	D0138 (public meeting transcript)
Gelinas, Robert	Basell	D0143 (public meeting transcript)
Goss, Gordon	East Lawndale Civic Association	D0174
Goss, Gordon	East Lawndale Civic Association	D0222 (public meeting transcript)
Gregson, Megan	Old World Industries	D0150 (public meeting transcript)
Hemmer, Jeff	Lyondell Chemical Company/Equistar Chemical Company	D0205 (public meeting transcript)
Kessler, Kurt	Equistar Bayport Chemicals Plant	D0119
Kessler, Kurt	Equistar Chemical Company	D0129 (public meeting transcript)
Kusske, Kathryn	San Jacinto Rail Line and Burlington Northern Santa Fe	D0543
Kusske, Kathryn	San Jacinto Rail Line and Burlington Northern Santa Fe	D0598
Leon, Norma	Metropolitan Organization	D0217 (public meeting transcript)
Lin, Lisa & Alex	Coalition for Responsible Rail	D0588
Martinez, Dan	Lyondell Chemical Company	D0203 (public meeting transcript)
Mathera, Doug	Lyondell Bayport Plant	D0118
Mathera, Douglas	Lyondell Chemical Company	D0131 (public meeting transcript)
McKinney, Michael	LBC Petro Chemical United	D0132 (public meeting transcript)

Table B-1 (continued)
Comments Received on the Draft EIS

Commenter Name	Commenter Title/Organization	Comment Number
McWilliams, David	Metropolitan Organization	D0218 (public meeting transcript)
Meyer, David	Union Pacific Railroad Company	D0565/D0572/D0592 (See D0565)
Meza, Paul	Second Ward Residents Organization	D0230 (public meeting transcript)
Ness, Daryl	Burlington Northern Santa Fe	D0214 (public meeting transcript)
Padilla, Theresa	Metropolitan Organization	D0219 (public meeting transcript)
Parker, Steve	Eastwood Civic Association	D0255 (public meeting transcript)
Parras, Juan	Environmental Justice Clinic at Southeastern Texas University/Labor Council for Latin American Advancement	D0242 (public meeting transcript)
Peters, Roseanne	Chavez High School PTA	D0571
Pocsik, Steve	Atofina	D0154 (public meeting transcript)
Puffer, Marty	Lyondell Bayport Plant	D0120
Rawlinson, Julie	Baywood Oaks Subdivision	D0525 (form letter #2; see D0349)
Rincon, Gregory	Greater East End Coalition	D0210 (public meeting transcript)
Sanders, Gene	Austin Industrial	D0134 (public meeting transcript)
Schick, Tom	American Chemistry Council	D0141 (public meeting transcript)
Schiefelbein, Richard	Port of Houston Authority	D0594
Seep, David	Burlington Northern Santa Fe	D0145 (public meeting transcript)
Steel, Scott	Clear Lake Area Chamber of Commerce	D0117/D0575 (See D0117)
Tee, Christie	Citizens for Responsible Rail	D0623
Tobin, Laurence	Vermillion & Western Holdings, Inc.	D0578
Tolson, Leah	Pecan Park Civic Association	D0247 (public meeting transcript)
Turner, Raymond	Meadow Creek Village Civic Club	D0248 (public meeting transcript)
Vargo, Mary	Southeast Neighborhood Coalition	D0028 (form letter #1; see D0001)
Vargo, Mary	Southeast Neighborhood Coalition/Coalition for Responsible Railroad Building	D0207 (public meeting transcript)
Vargo, Mary	The Southeast Neighborhood Coalition	D0600
Vargo, Mary	Southeast Neighborhood Coalition	D0625
Vargo, Mary	The Southeast Neighborhood Coalition	D0636
Weary, Frank	Bay Oaks Community Association	D0576
Whitfill, Kerry	Pine Brook Community Association	D0080 (form letter #1; see D0001)
Whitfill, Kerry	Bay Pointe Community Association	D0569/D0604 (See D0604)
Whitfill, Kerry	Pine Brook Community Association, Inc.	D0601/D0603 (See D0603)
Willits, Debora	Houston Yacht Club	D0157 (public meeting transcript)

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Aaderson, L. Nell	D0036 (form letter #1; see D0001)
Aaderson, Robert	D0037 (form letter #1; see D0001)
Abad, Mikhail	D0320
Acosta, Israel	D0263
Acosta, Juan	D0442
Acosta, Vanessa	D0336
Adams, Leora	D0500
Aguilera, Ruby	D0305
Alaniz, Felipe	D0289
Aleman, Luz	D0368
Alford, Brad	D0110
Allcorn, Joanne	D0116
Alvarez, Misael	D0383
Amador, Hormelinda	D0551
Anguiano, Javier	D0474
Antrobus, Sally	D0058 (form letter #1; see D0001)
Antrobus, Sally	D0614 (form letter #2; see D0349)
Arguelles, Roy	D0071 (form letter #1; see D0001)
Argueta, Carlos	D0477
Argueta, Joanna	D0364
Armenta, Diana	D0291
Arroya, Luis	D0516
Arteaga, Diana	D0418
Arzola, Jesus	D0308
Autrey-Rodriguez, Lara	D0261
Axton, Daniel & Melissa	D0634
Aylor, Jared	D0410
Banbosa, George	D0016 (form letter #1; see D0001)
Barbick, Chris	D0223 (public meeting transcript)
Barraza, Jessica	D0487
Barringer, Cynthia	D0557
Barron, Jessica	D0402
Basan, Ivette	D0292
Beaudreau, Ross	D0616
Beck, Beverly	D0627
Benavides, Alexandra	D0293
Berg, Cheryl	D0149 (public meeting transcript)
Bill, R.S.	D0240 (public meeting transcript)
Bish, John	D0156 (public meeting transcript)
Blanco, Alfredo	D0019 (form letter #1; see D0001)
Blanco, Esmeralda	D0379
Blome, Glenn	D0348
Bloomer, Elizabeth	D0628
Bond, Joy	D0550

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Bonilla, Pedro	D0335
Bonner, Marques	D0286
Bowyer, Steven & Joanna	D0298
Brandt, Lucille	D0012 (form letter #1; see D0001)
Brannigan, Peggy	D0090 (form letter #1; see D0001)
Bridges, Bill	D0171 (public meeting transcript)
Bridges, Bill	D0256 (public meeting transcript)
Brody, Frank	D0091 (form letter #1; see D0001)
Brooks, Marika	D0513
Brotzman, Richard	D0096 (form letter #1; see D0001)
Brotzman, Richard & Betty	D0106
Brown, Gregory	D0013 (form letter #1; see D0001)
Brown, Gregory	D0208 (public meeting transcript)
Brown-Garison, Ann	D0033 (form letter #1; see D0001)
Brunsfeld, John	D0170 (public meeting transcript)
Buenrostro, Gabriela	D0260
Butanda, Sonya	D0438
Butcher, Judy	D0065 (form letter #1; see D0001)
Cabanas, Aide	D0521
Cabrera, Nelson	D0427
Cabrera, Horacio	D0314
Campos, Esther	D0006 (form letter #1; see D0001)
Canales, Priscila	D0357
Caradec, Rosebud	D0088 (form letter #1; see D0001)
Caradec, Rosebud	D0544
Castaneda, Mario	D0478
Castilleja, Dora	D0287
Castillo, Ashely	D0411
Castillo, Liza	D0227 (public meeting transcript)
Ceruontez, Jose	D0491
Cespedes, Juan	D0262
Chavez, Guadalupe	D0414
Cherry, Eunice	D0003 (form letter #1; see D0001)
Cheuvront, David	D0111
Cheuvront, David	D0169 (public meeting transcript)
Cobarruvias, John	D0024 (form letter #1; see D0001)
Cobarruvias, John	D0128 (public meeting transcript)
Cobarruvias, John	D0231 (public meeting transcript)
Cody, Caitlin	D0518
Conforc, Gus	D0391
Constantine, Leo	D0288
Contreras, Xavier	D0104
Cook, James	D0034 (form letter #1; see D0001)
Cook, Landa	D0032 (form letter #1; see D0001)

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Coreas, Jeremias	D0378
Coria, Manuel	D0466
Cornejo, Sergio	D0421
Coronado, Christine	D0252 (public meeting transcript)
Coronado, Gilbert	D0243 (public meeting transcript)
Cortez, Richard	D0022 (form letter #1; see D0001)
Cotter, Susan	D0113
Cowpersmith, Eric	D0362
Cox, Steve	D0496
Critelli, Nickie	D0191/D0529 (form letter #2; see D0349)
Crum, Meghan; Kim, Joyce; Scleuler, Christina; De Lorey, Kaie	D0570
Cruz, Cruz	D0371
Cruz, Peter	D0559
Cuellar, Jose	D0397
Cupples, Susan	D0075 (form letter #1; see D0001)
Daumas, Rossana	D0629
Dave	D0481
Davis, Bill	D0596 (form letter #1; see D0001)
Davis, Darren	D0469
Davis, John	D0050 (form letter #1; see D0001)
Davis, Judell	D0437
de Gussman, Dianna Almos	D0224 (public meeting transcript)
Delgado, Freddy	D0310
Dickson, Drusilla	D0612
Dix, Paul Kevin	D0038 (form letter #1; see D0001)
Dominguez, Daisy	D0380
Dominguez, Christina	D0396
Dominguez, Nubia	D0422
Dow, Julie	D0184
Drake, Gerald	D0580
Draper, Cameron	D0499
Dujan, Merce	D0408
Duron, Linda Kay	D0541
Dwyer, Annette	D0062 (form letter #1; see D0001)
Ekong, Archie	D0228 (public meeting transcript)
Elwood, Edwin & Dorothy	D0004 (form letter #1; see D0001)
Enriquez, Rafael	D0249 (public meeting transcript)
Escobar, Guadalupe	D0506
Escobedo, Gilbert	D0285
Espinoza, Ellyse	D0259
Fairchild, Robert	D0548 (form letter #2; see D0349)
Fakan, Leandro	D0321
Fernandez, Mark	D0176
Feustel, Indira; Jay, Andrew	D0083

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Finlay, George	D0558
Flores, Juventino	D0180
Flores, Natalie	D0304
Flores, Pedro	D0472
Flowers, Thermon	D0435
Fraga, Felix	D0202 (public meeting transcript)
Franco, Jonathan	D0294/D0536 (See D0294)
Franco, Nancy	D0103
Frank, Mr. & Mrs. M.P.	D0610 (form letter #2; see D0349)
Gallegos, Stephanie	D0352
Gamez, Esmeralda	D0423
Ganiel, Adrian	D0515
Garay, Alyssa	D0324
Garces, Zulema	D0398
Garcia, Brian	D0519
Garcia, Catalina	D0182
Garcia, Charles	D0467
Garcia, Delia	D0278
Garcia, Frank	D0401
Garcia, Jesus	D0505
Garcia, Juan	D0434
Garcia, Richard	D0095 (form letter #1; see D0001)
Garcia, Selene	D0279
Garza, Adrian	D0356
Garza, Lilian	D0433
Garza, M.E. Sonny	D0107
Gauntt, Betty	D0140 (public meeting transcript)
Gauntt, Betty	D0232 (public meeting transcript)
Gauntt, Betty	D0562
Gauntt, Johnny	D0163 (public meeting transcript)
Gauntt, Johnny	D0233 (public meeting transcript)
Gerguis, Sabri	D0072 (form letter #1; see D0001)
German, Harry	D0546
German, Patricia	D0018 (form letter #1; see D0001)
Gibbs, R.W.	D0020 (form letter #1; see D0001)
Gibbs, Robert	D0112
Gilbert, Mary	D0633
Given, Chris	D0166 (public meeting transcript)
Gloria, Guardo	D0492
Gonzalez, Alma	D0290
Gonzales, Lee	D0181
Gonzales, Monique	D0280
Gotting, Peter	D0295
Grauerholz, Doris	D0183

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Groves, Eileen	D0162 (public meeting transcript)
Groves, Eileen	D0563/D0579 (See D0563)
Guerra, Dyanara	D0281
Guerrero, Leticia	D0539
Guevara, Daniel	D0426
Guevara, Nancy	D0327
Guillen, Thomas	D0319
Guilliams, JohAnna	D0431
Gussman, Antonio	D0225 (public meeting transcript)
Guthier, Jessica	D0415
Gutierrez, Junior	D0452
Gutierrs, Crystal	D0384
Guzman, Francisco	D0282
Hammock, Tal	D0165 (public meeting transcript)
Hansen, Mary	D0007 (form letter #1; see D0001)
Harpole, David	D0135 (public meeting transcript)
Haud, Elizabeth	D0005 (form letter #1; see D0001)
Helmkemp, Matthew	D0158 (public meeting transcript)
Henn, Daniel	D0057 (form letter #1; see D0001)
Hernandy, Pedro	D0403
Hernandez, Brenda Jean	D0484
Hernandez, Catalina	D0283
Hernandez, Lizandy	D0365
Hill, Robert	D0351 (form letter #2; see D0349)
Hlaveck, Rita	D0617
Hobun, Jesse	D0447
Howard, Kenneth	D0462
Howard, Thomas	D0392
Huerta, Juanita	D0216 (public meeting transcript)
Huffsmeth, Lola	D0526
Ibarra, Sharlyne	D0358
Igwe, Kay	D0284
Illegible	D0035 (form letter #1; see D0001)
Illegible	D0047/D0531 (form letter #1; see D0001)
Jeffords, Robert	D0561/D0609 (See D0561)
Jopy, Joe	D0388
Joseph, Shernitta	D0512
Kajs, Lawrence	D0568
Kelley, Bill	D0168 (public meeting transcript)
Kerr, Evan	D0586
Ketner, Debbie	D0254 (public meeting transcript)
Kimmey, Cynthia	D0023 (form letter #1; see D0001)
Kopfer, Jay	D0048 (form letter #1; see D0001)
Krommenhoek, Jane	D0043 (form letter #1; see D0001)

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Kuan, Janet Lee Lai	D0076 (form letter #1; see D0001)
Lacayo, Damilo	D0465
Lawrence, Betty	D0054 (form letter #1; see D0001)
Lawrence, Ron	D0053 (form letter #1; see D0001)
Laynez, Fermina	D0274
Le, Aah	D0078 (form letter #1; see D0001)
Liberature, Vanessa	D0074 (form letter #1; see D0001)
Liebeg, Sandra	D0239 (public meeting transcript)
Lindsay, Robert	D0144 (public meeting transcript)
Longmire, Carol	D0108
Longoria, Gonzalo	D0436
Longoria, Matthew	D0275
Lopez, Christina	D0460
Lopez, Gabriela	D0331
Lopez, Guadalupe	D0330
Lopez, Jeremy	D0424
Lopez, Suzy	D0276
Lucio, Veronica	D0420
Luna, Sara	D0489
Lundry, Candia	D0063 (form letter #1; see D0001)
M., Leidu	D0342
Maddocks, Colonel and Mrs. Robert	D0099/D0100 (See D0099)
Maher, Mary Beth	D0560/D0618 (See D0560)
Maldonado, Krystle	D0439
Malonado, Magaly	D0537
Malone, David Ray	D0073 (form letter #1; see D0001)
Marin, Juana	D0517
Marrack, David	D0229 (public meeting transcript)
Marrack, David	D0577/D0622 (See D0577)
Martinez, Analy	D0385
Martinez, Andrew	D0454
Martinez, Brenda	D0277
Martinez, Daniel	D0468
Martinez, Evelyn	D0346
Martinez, Laura	D0376
Martinez, Marcel	D0490
Martinez, Maria	D0226 (public meeting transcript)
Mata, Geovany	D0425
Matias, Marta	D0337
Mayfield, Charles	D0236 (public meeting transcript)
Mayse, J.	D0606
Mayse, Julio	D0015 (form letter #1; see D0001)
McClure, Scott	D0049 (form letter #1; see D0001)
McDaniel, Clinton	D0303

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
McEwing, David	D0215 (public meeting transcript)
McImar, Pris	D0573
McLarty, N.S.	D0597
McLean, Martin	D0566
McWashington, Ashley	D0501
Medina, Megin	D0361
Medrano, Mayra	D0377
Medrano, Dulce	D0345
Mendez, Esmeralda	D0328
Mendez, George	D0444
Mendez, Michael	D0488
Mendoza, Luis	D0307
Meza, Paul	D0014 (form letter #1; see D0001)
Miguel, Pablo	D0270
Miller, Josh	D0146 (public meeting transcript)
Miniel, Elias	D0387
Molina, Sabrina	D0440
Moncada, Patricia	D0416
Monks, Pat	D0066 (form letter #1; see D0001)
Moody, Barbara	D0070 (form letter #1; see D0001)
Morales, Bianca	D0495
Morales, Dulce	D0386
Morales, Freddy	D0504
Morales, Haniel	D0333
Morales, Melissa	D0338
Morales, Patrick	D0450
Moran, Steve & Jan	D0605
Moreno, Briceyda	D0404
Moreno, Manuel	D0366
Morey, Andrew	D0114
Morris, Jeff	D0077 (form letter #1; see D0001)
Morua, Alejandro	D0251 (public meeting transcript)
Murillo, Katherine	D0311
Murphy, Adrian	D0471
Musler, Jeffrey	D0056 (form letter #1; see D0001)
Nevareaz, Maria Kita	D0316
Nguyen, Dung	D0464
Nguyen, Hao	D0511
Nieto, Patricia	D0271
Nix, Thomas	D0101
Nogel, Ralph	D0527
Nunez, Anna	D0179
Nunez, Anna	D0250 (public meeting transcript)
Nute, Charles	D0619

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Oliver, Suzanne	D0040 (form letter #1; see D0001)
Oliver, Suzanne	D0299 (form letter #2; see D0349)
Oliveros, Alejandro	D0540
Oliveros, Monica	D0325
Ong, Natalie	D0097 (form letter #1; see D0001)
Oritz, Anthony	D0322
Ortega, Daniel	D0393
Ortiz, Alejandro	D0407
Ortiz, Carlos	D0272
Ortiz, Keven	D0367
Ortiz, Rebecca	D0430
Parada, Alex	D0395
Parkinson, Kristen	D0069 (form letter #1; see D0001)
Parras, Juan	D0164 (public meeting transcript)
Patricio, Jose	D0273
Pena, Manuel	D0507
Peralta, Steven	D0312
Perea, Maria	D0375
Pererira, Erica	D0339
Perez, Cecily	D0432
Perez, Esmeralda	D0323
Perez, Harun	D0258
Perez, Joyce	D0494
Perez, Maria	D0332
Perez, Veronica	D0485
Peterson, Doug	D0160 (public meeting transcript)
Peterson, Doug	D0237 (public meeting transcript)
Picha, Dixie	D0010 (form letter #1; see D0001)
Pineda, Lilia	D0266
Plasek, Edward & Grace	D0607
Portillo, Napolean	D0483
Post, Kevin	D0042 (form letter #1; see D0001)
Powell, Kay	D0370
Puffer, William	D0130 (public meeting transcript)
Pulgini, Douglas	D0133 (public meeting transcript)
Radcliffe, Barrey & Joan	D0632
Rainford, Conrad	D0564
Ramirez, Enrique	D0354
Ramirez, Ericka	D0480
Ramirez, Macario	D0245 (public meeting transcript)
Ramirez, Michael	D0475
Ramirez, Roxanne	D0459
Ramos, Brittany	D0269
Ramos, Eric	D0448

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Ramos, Hunter	D0334
Ramos, Lissett	D0417
Rangel, Jessica	D0355
Rankin, Frances	D0613 (form letter #2; see D0349)
Rankin, Sally	D0064 (form letter #1; see D0001)
Rayos, Edna Nayeli	D0502
Recendis, Rudolfo	D0482
Register, Carol & Illegible	D0046 (form letter #1; see D0001)
Register, Patti	D0044 (form letter #1; see D0001)
Register, Steven	D0045 (form letter #1; see D0001)
Regner, Renee	D0545
Reitan, Leo	D0593
Reyes, Roger	D0296
Rice, Gabriela	D0400
Rico, Crystal	D0318
Rincon, Greg	D0093 (form letter #1; see D0001)
Rios, Mario	D0394
Robinson, Leroy	D0498
Rodriggs, Michael	D0253 (public meeting transcript)
Rodriggs, Michael	D0347
Rodriguez, Andrew	D0264
Rodriguez, Crystal	D0359
Rodriguez, Glenn	D0453
Rodriguez, Jacob	D0363
Rodriguez, John	D0503
Rodriguez, Leonard	D0009 (form letter #1; see D0001)
Rodriguez, Lizett	D0413
Rodriguez, Nataly	D0446
Rodriguez, Patricia	D0008 (form letter #1; see D0001)
Rodriguez, Ricardo	D0528
Rodriguez, Salina	D0341
Rodriguez, Victor	D0524
Rodriquez, Issac	D0523
Roque, Brenda	D0177
Rudisell, Theresa	D0067 (form letter #1; see D0001)
Ruiz, Eleazar	D0309
Ruiz, Guadalupe	D0381
Russell, John	D0142 (public meeting transcript)
Saenz, Venus	D0399
Sagredo, Maria	D0315
Salazar, Alejandro	D0445
Salazar, Cristobal	D0443
Saldana, Angelica	D0522
Salinas, Frances	D0175

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Salumunek, Theresa	D0011 (form letter #1; see D0001)
Samano, Fernando	D0585
Samano, Geraldine	D0473
Sanchez, Eric	D0409
Sanchez, Jessica	D0508
Sanchez, Jose	D0449
Sanchez, Mayra	D0360
Sanchez, Vicky	D0374
Sandhu, David	D0297
Santibanez, Reynaldo	D0267
Santivanez, Rodolfo	D0493
Sauceda, Celina	D0382
Saucedo, Sergio	D0428
Saudaual, Elvis	D0451
Scholes, Weda	D0611
Schuetze, Neal	D0542
Sellers, Chevell	D0389
Serrano, Frank	D0419
Sessums, Catherine	D0017 (form letter #1; see D0001)
Sexton, Janette	D0246 (public meeting transcript)
Simon, Joseph	D0068 (form letter #1; see D0001)
Siwinski, Lisa	D0136 (public meeting transcript)
Siwinski, Lisa, Dave, Ryan & Joseph	D0534 (form letter #1; see D0001)
Smitherman, Marijane	D0159 (public meeting transcript)
Solorzano, Crystal	D0486
Sommer, Michael	D0089 (form letter #1; see D0001)
Soriano, Jasmine	D0441
Sosa, Steven	D0406
Soto, Diego	D0458
Soto, Jose	D0021 (form letter #1; see D0001)
Soto, Yesenia	D0268
Stehly, Mark	D0211 (public meeting transcript)
Stevens, Gary	D0301
Suarez, Fabiola	D0372
Sulis, Ofelia	D0455
Sustaita, Amaris	D0509
Sweezey, Alan	D0098 (form letter #1; see D0001)
Taylor, Antoine	D0470
Tee, Kristy	D0151 (public meeting transcript)
Thomas, Paula	D0060 (form letter #1; see D0001)
Thomassee, John	D0084 (form letter #1; see D0001)
Thompson, John	D0087 (form letter #1; see D0001)
Thorn, Geraldine	D0086 (form letter #1; see D0001)
Throup, Lesley	D0608

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Tobin, Laurence	D0041 (form letter #1; see D0001)
Torres, Danielle	D0429
Treece, Michael	D0052 (form letter #1; see D0001)
Trevino, Manuel	D0456
Trevino, Rebecca	D0373
Trojanowski, Kitty	D0244 (public meeting transcript)
Turner, Steve	D0186
Unsigned	D0317
Unsigned	D0329
Unsigned	D0349 (form letter #2; printed)
Unsigned	D0350 (form letter #2; see D0349)
Valdes, Luis	D0235 (public meeting transcript)
Valdes, Luis & Thusnelda	D0190
Valdes, Luis & Thusnelda	D0547
Valdez, Nelda	D0241 (public meeting transcript)
Valdivia, Valenti	D0463
Van Maanen, Ned	D0031 (form letter #1; see D0001)
Vantrease, Marvin & Bonnie	D0300
Vargas, Erandi	D0343
Vargo, Mary	D0161 (public meeting transcript)
Vasquez, Elizabeth	D0457
Velasco, Gabuela	D0344
Velasquez, Sandro	D0520
Velazquez, Charly	D0340
Vick, Kay	D0302
Vielma, Maria	D0265
Villa, Bethzy	D0313
Villarreal, Angelique	D0306
Villarreal, Krystal	D0476
Villarreal, Vanessa	D0412
Vitela, Arthur	D0461
Walch, Steven	D0187
Walch, Steven	D0188
Walch, Steven	D0189
Ward, Alan	D0094 (form letter #1; see D0001)
Wehrman, Richard	D0553
Weinberger, Maurice	D0030 (form letter #1; see D0001)
Wells, Charlotte	D0587 (form letter #2; see D0349)
White, Patricia	D0029 (form letter #1; see D0001)
Wilder, Terry	D0630
Wilkinson, Justin	D0059 (form letter #1; see D0001)
Wilkinson, Justin	D0615
Williams, Takesha	D0514
Williamson, Kilen	D0479

Table B-1 (continued)
Comments Received on the Draft EIS

CITIZENS	
Commenter Name	**Comment Number**
Wise, Laury	D0039 (form letter #1; see D0001)
Wizzy, Terry	D0051 (form letter #1; see D0001)
Wolsey, Crystal	D0353
Word, Nichole	D0390
Wortham, Mike	D0167 (public meeting transcript)
Yatsu, Carolyn	D0092 (form letter #1; see D0001)
Zamarripa, Laura	D0326
Zavala, Jacqueline	D0510
Zavala, Maria	D0497
Ziesemer, Maxie	D0552
Zuckert, Rachel	D0178
Zyada, Martha	D0405

Table B-2
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
D0562	Betty Gauntt	Citizen	Petition Opposing the San Jacinto Rail	Petition with 50 signed names	Signed names not included
D0569/ D0604 (See D0604)	Kerry Whitfill	Bay Pointe Community Association	BNSF Pipeline Hazard Presentation	Presentation on co-location of utility lines and railroads	Not included
D0581/ D0599 (See D0599)	Anthony W. Hall, Jr.	City of Houston, Legal Department	Vicinity of Ellington Field	Large color fold-out map depicting locations of Southeast Water Purification Plant (SEWPP) and Ellington Field	Not included
			Right of Way Deed for the Texas Pipe Line Company	Photocopy of 2-page deed	Not included
			SEWPP Facility Expansion Plan	Large color fold-out map depicting expansions in 2007, 2015, and 2040	Not included
			SEWPP Layout Plan	Large color fold-out map depicting current layout of SEWPP	Not included
			Proposed San Jacinto Rail Ellington Field Area	Large color fold-out map depicting location of proposed rail with respect to Ellington Field	Not included
			Friendswood 7.5 Minute Quadrangle	Large color fold-out map depicting pipeline locations	Not included
D0583	Gene Green	U.S. House of Representatives	Inventory of Railroad Operating Conditions in the East End of Houston, authored	43-page report authored by the Texas Transportation Institute	Not included
D0591	James B. Blackburn, Jr.	Galveston Bay Conservation and Preservation Association	Exhibit 1: BNSF Pipeline Hazard Presentation	Presentation on co-location of utility lines and railroads	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			Exhibit 2a: Pipeline Map of LaPorte, Texas	Large color fold-out maps from the Texas Railroad Commission	Not included
			Exhibit 2b: Pipeline Map of Pasadena, Texas		Not included
			Exhibit 2c: Pipeline Map of League City, Texas		Not included
			Exhibit 2d: Pipeline Map of Friendswood, Texas		Not included
			Exhibit 3: Dr. H.C. Clark Expert Report	Report on geology of the area	Included
			Exhibit 4: Prof. Olga Moya Expert Report	Report on environmental justice in the area	Included
			Exhibit 5: Peter Brown Expert Report	Report on land use in the area	Included
			Exhibit 6: John Jacob Expert Report	Report on wetlands in the area	Included
			Appendix A: Union Pacific Houston Service Unit 2002 Derailments	16 pages of graphs displaying incidences of derailments	Not included
			Appendix B: STB's Failure to Count 90% Hispanic Population within 1/4-mile and the Census 200 Analysis	21-page presentation defining minority groups and presenting redrawn demographic maps	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			Appendix C: Financial Docket 33877-Illinois Central Railroad Company-Construction and Operation-East Baton Rouge Parish, LA. Environmental Assessment, July 20, 2001	74-page environmental assessment	Not included
			Appendix D: Financial Docket 31321-Indiana and Ohio Railway Company-Construction and Operation-Butler, Warren, and Hamilton Counties, OH. Decision dated July 23, 1993	1-page decision to deny application for I&O reconstruction.	Not included
			Appendix E: Financial Docket 34040-Riverview Trenton Railroad Company-Construction and Operation-Wayne County, MI Environmental Assessment, Vo. I, October 15, 2001	85-page environmental assessment	Not included
			Appendix F: Financial Docket 33782-Entergy Arkansas and Entergy Rail, Construction and Operation-White Bluff to Pine Bluff, AR. Draft Environmental Assessment, November 2, 2000, excerpted land use and socioeconomic sections	5 pages of environmental assessment	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			Appendix G: Financial Docket 34060-Midwest Generation LLC Construction and Operation, Will County, IL. Environment Assessment, April 12, 2001, excerpted environment justice section	16 pages of environmental assessment	Not included
			Shoal Point Final EIS, November 2002	Final EIS on CD	Not included
			Bayport Terminal DEIS, November 17, 2001	DEIS on CD	Not included
			GBCPA Comments on Bayport Terminal DEIS	Comments on 3 CDs	Not included
D0596	Father Bill Davis	Immaculate Heart of Mary Church	Petition Opposing the San Jacinto Rail	500+ names	Signed names not included
D0598	Kathryn A. Kusske	San Jacinto Rail Line and Burlington Northern Santa Fe	Wetland Mitigation Ratios (Jurisdictional & Non-Jurisdictional Waters), San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignment 2D/1B	See reproduction	Included
			Wetland (Jurisdictional & Non-Jurisdictional) Mitigation Ratios, San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignment 1C/1B		Included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			Wetland Mitigation Ratios (Jurisdictional & Non-Jurisdictional Waters), San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignments 1/1B and 2D/1B		Included
			Wetland Mitigation Ratios (Jurisdictional Waters Only), San Jacinto Rail Limited, Bayport Loop Build-Out Project, Alignment 1/1B		Included
			Wetland Mitigation Ratios (Jurisdictional Waters Only), San Jacinto Rail Limited, Bayport Loop Build-Out Project, Alignment 1C/1B		Included
			Letter from Frederick Herman, Project Manager at BNSF Engineering to John Machol, PWS USACE Regarding Proposed Mitigation Ratio Summary, San Jacinto Rail Limited, Permit Application #22823		Included
			Location of Bayport Loop Build-Out Proposed Rail Line Houston, Texas	Photocopied aerial photographs	Not included
			Location of Indiana and Ohio Railway Company Proposed Rail Line Near Cincinnati, Ohio		Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
D0600	Mary Vargo	The Southeast Neighborhood Coalition	BNSF Internal Document[35]	Pipeline hazard presentation on co-location of utility lines and railroads	Not included
			Photos of Pipeline Markers	8 pages of photographs showing pipeline markers and homes near rail line along Highway 3	Not included
			Demographics	Maps and tables of Houston Independent School District Schools that show ethnicity, free lunch participation, LEP program participation, and other relevant demographics	Not included
			Rail Accident Statistics	Tables and reports printed from the web USDOT and FRA	Not included
			Hazardous Chemicals	Information and maps from ethyleneoxide.com and other Internet sources	Not included
				Maps of Hazardous Materials Incidents by Incident Location (2000)	Not included
				Ethylene oxide User's Guide and Overview of Hazards-2nd edition	Not included
				Local Government and Hazardous Substances: Part II, Dealing with the Situation authored by Illinois State Museum Geography Program	Not included
			Toxic Release Inventory	Tables containing San Jacinto Rail Partner Chemical Companies TRI information	Not included
			Friendswood 7.5 Minute Quadrangle	Large color fold-out maps with pipeline locations	Not included

[35] In the reproduction of the comment letters in this Appendix, the cover pages to each attachment were included for D0600.

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			La Porte 7.5 Minute Quadrangle		Not included
			League City 7.5 Minute Quadrangle		Not included
			TX Railroad Commission Map		Not included
			Rail Accident Media Reports (printed from Internet)	Cleanup follows derailment, hundreds displaced (CNN.com, 2/10/03)	Not included
				Train Wreck Fires Extinguished (ABCNEWS.com, 5/30/00)	Not included
				Freight Train Fallout (ABCNEWS.com, 5/29/00)	Not included
				OSHA Factsheet on Ethylene Oxide	Not included
				EPA Investigation Report RE: Accra Pac Accident	Not included
				Baltimore rail fire heightens concerns (Technological Disasters-News, 7/24/01)	Not included
				Atofina Chemical Explosion (SEMCOSH)	Not included
				Train Wreck Fires Extinguished (ABCNEWS.com, 5/30/00)	Not included
				Residents Await Derailment Cleanup (Louisiana Office of Emergency Preparedness, 10/14/02)	Not included
				Vapor cloud to blame for deadly explosion in Brazoria County (ABC13.com, 1/17/03)	Not included
			Do the Math	See reproduction	Included
			The FBI	Information from FBI website regarding terrorism risk	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			U.S. Department of Transportation Reports	Over 100 pages of reports of unanticipated events that have taken place in hazardous materials transport as well as rail incidents in general	Not included
			National Transportation Safety Board Reports	Over 100 pages of reports of unanticipated events that have taken place in hazardous materials transport as well as rail incidents in general	Not included
			Opposition	Petitions with hundreds of signatures opposing the San Jacinto Rail	Signed names not included
			Congressman Green Neighborhood Rail Accountability Act	Green's statement and the Bill	Not included
			Laws	Section-by-Section Analysis of the STB Reauthorization Act of 1999 from the FRA website	Not included
			Federal Railroad Administration Accident Prediction Report for Harris County Highway-Rail Crossings	Reports from FRA's Web Accident Prevention System	Not included
			Additional Data Sources	Statement suggesting that the STB review the additional data sources and web addresses cited throughout the binder	Not included
			Comments	20 pages of comments presented at community meetings	Not included
D0601/ D0603 (See D0603)	Kerry Whitfill	Pine Brook Community Association, Inc.	BNSF Pipeline Hazard Presentation	Presentation on co-location of utility lines and railroads	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
D0625	Mary Vargo	The Southeast Neighborhood Coalition	Conclusions: The result of research presented in earlier comments and information in this book	See reproduction	Included
			Statements of politicians, articles, and other printouts from the Web	Senator John D. Rockefeller IV at the Surface Transportation Board (STB) Reauthorization Hearing before the Surface Transportation and Merchant Marine Subcommittee (3/21/01)	Not included
				Senator John D. Rockefeller IV Statement on the Senate Floor on the Introduction of the Railroad Competition Act of 2001 (6/26/01)	Not included
				BMWE-Journal Online: Reauthorization of the Surface Transportation Board (June/July 1998)	Not included
				Railway Age: STB reauthorization at what price? (1999)	Not included
				H.R. 141: Surface Transportation Board Reform Act of 2001 (January 13, 2001)	Not included
				Testimony of Bob Chipkevich before the Committee on Transportation and Infrastructure Subcommittee of Railroads House of Representatives Regarding Railroad Track Safety (3/29/01)	Not included
				Testimony of Robert Chipkevich, Chief, Pipeline and Hazardous Materials Division, NTSB, before the Committee on Commerce, Science, and Transportation Subcommittee on Surface Transportation and Merchant Marine, U.S. Senate Regarding Hazardous Materials Safety (5/8/97)	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
				Testimony of Marion C. Blakey, Chairman, NTSB, before the Committee on Transportation and Infrastructure Subcommittee on Railroads House of Representatives Regarding Railroad Safety (6/6/02)	Not included
				Remarks by Jim Hall, Acting Chairman, NTSB, at the Damage Prevention Convention Boston, MA (11/30/00)	Not included
				Remarks by Jim Hall, Acting Chairman, NTSB, at the Damage Prevention Convention Pipeline Safety Hearing, Washington, DC (11/15/00)	Not included
				Testimony by Jim Hall, Chairman, NTSB before the Committee on Appropriations Subcommittee on Transportation U.S. Senate Regarding Transportation Safety Issues (2/24/00)	Not included
				Testimony of Robert Chipkevich, Director, Office of Railroad, Pipeline, and Hazardous Materials Investigations, NTSB, before the Committee on Energy and Commerce Subcommittee on Energy and Air Quality House of Representatives Regarding Pipeline Safety (3/19/02)	Not included
				Testimony of Vernon S. Ellingstad, PhD, Director, Office of Research and Engineering, NTSB, before the Surface Transportation and Merchant Marine Subcommittee Senate Commerce Committee regarding Fatigue in the Trucking and Rail Industry (9/16/98)	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
				Testimony of Robert C. Lauby, PE Director, Office of Railroad Safety, NTSB, before the Subcommittee on Railroads Committee on Transportation and Infrastructure U.S. House of Representatives Regarding Railroad Safety (4/1/98)	Not included
			NTSB Safety Recommendations	Over 100 pages of reports addressing the adequacy of Federal regulations and oversight for cargo transfer operations involving bulk containers transporting hazardous materials	Not included
			Labor Union Article Printouts from the Web (United Transportation Union News)	Railroads argue against state safety rules (2/14/03)	Not included
				UTU seeks emergency safety summit (2/19/03)	Not included
				Member crushed to death between boxcars (2/19/03)	Not included
				Legislation targets fatigue (9/01)	Not included
				No simple solutions to fatigue problem (9/01)	Not included
				Our nation demands a better rail system (11/01)	Not included
				UTU member killed in crash (1/02)	Not included
				Two members killed on NS (2/02)	Not included
				Railroads resist installing life-saving technologies (2/02)	Not included
				NTSB cites driver in crash (3/02)	Not included
				Rails' promises of growth ring with employees (3/02)	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
				UTU, BNSF agree on new safety culture (4/02)	Not included
				New BNSF safety rules the result of determination (4/02)	Not included
				Two members killed on BNSF (7/02)	Not included
				Time for carriers to walk the talk on safety (7/02)	Not included
				UTU advises Congress on rail safety (7/02)	Not included
				NTSB urges UTU activism (8/02)	Not included
				Railroads must stop intimidating the injured (8/02)	Not included
				Member on NS killed in switching accident (8/02)	Not included
				Deeds are the true measure (9/02)	Not included
				Railroad fatalities rise (10/02)	Not included
				FRA warns rail managers against worker intimidation (10/02)	Not included
				Two members killed on the job (10/02)	Not included
				We are sick and tired of being worked to death (11/02)	Not included
				Fatigue invites disaster (11/02)	Not included
			Population Density by Census Tract (1999)	Large fold-out color demographic maps	Not included

Table B-2 (continued)
Written Comment Attachments

Comment Number	Commenter Name	Affiliation	Attachment Title	Attachment Description	Included in Appendix B
			Median Income by Census Tract (1999)		Not included
			Ethnicity by Zip Code (1999)		Not included
			Hispanic Population Density by Zip Code (1999)		Not included
			Population Distribution by Census Tract (1999)		Not included
			Rand McNally City of Houston map	Includes location of public schools	Not included
D0626	Gregory Brown	Meadowcreek Village Civic Club, Inc.	BNSF Pipeline Hazard Presentation	Presentation on co-location of utility lines and railroads	Not included
			Article: Cleanup follows derailment, hundreds displaced	Article from CNN.com (2/10/03)	Not included
D0635	Gene Green	U.S. House of Representatives	U.S. Census Bureau Tables	28 pages of tables depicting general demographic characteristics based on Census 2000 for various geographic areas located within the East End area in Houston	Not included

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FD 34079
D0001

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December 9, 2002

Via Fax 1-866-293-4979
Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

RE: Environmental Filing FD No. 34079

Dear Ms White:

Galveston Bay Conservation and Preservation Association hereby requests an extension of the comment period in Finance Docket 34079. The comment period is an essential tool for citizens to participate in projects that will affect their community and environment.

The Draft Environmental Impact Statement was released on Friday, December 6, 2002, and the comment period is scheduled to close January 27, 2003. The issues presented in the DEIS are complex, and in order to produce substantial, meaningful comments that will assist the Surface Transportation Board in making their final decision, we need additional time.

Also, due to the holiday season, many of the working weeks between now and January 27th will be interrupted. For these reasons, GBCPA respectfully requests that the comment period be extended forty-five days until March 13, 2003.

Sincerely yours,

BLACKBURN CARTER, P.C.

James B Blackburn Jr by JMC
James B. Blackburn

FD 34079
D0002

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COMMITTEE ON ENERGY AND COMMERCE
- SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET
- SUBCOMMITTEE ON HEALTH
- SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

DEMOCRATIC DEPUTY WHIP

DEMOCRATIC STEERING COMMITTEE

December 10, 2002

The Honorable Linda Morgan
Chairwoman
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

RE: Environmental Filing FD No. 34079

Dear Chairwoman Morgan:

I am in receipt of the Surface Transportation Board's (STB) December 6, 2002 Draft Environmental Impact Study (EIS) on the San Jacinto Rail Limited project. I am extremely disappointed in the conclusions reached by the STB in this document. I am especially frustrated that the Draft EIS claims that the environmental impact on the East End will be "negligible." The Draft EIS does not consider the current rail traffic in East End Houston and the current problems of rail, auto, and urban community interface.

First, I am requesting that the time for public comments be extended by 45 days. The January 27 deadline falls too closely to the planned public meetings scheduled for January 14 and January 15. I am concerned that the STB will not have adequate time to consider all the public comments that will be presented at these meetings.

Second, the Texas Transportation Institute (TTI) at Texas A&M is conducting a study on the impacts of increased rail traffic in and around the East End neighborhoods. This study is expected to be completed in early February, and it is clear to me that the STB would greatly benefit from addition views on our already congested local rail transportation network.

The Draft EIS completely discounts the significant public safety issue of traffic mobility. There is going to be increased train traffic in the East End if this build-in is eventually constructed and this means there will be an increase in residential traffic/train interaction. While the STB baseline of two trains a day seems low, that still does not negate the fact that it is an increase. In addition, there is no guarantee that two trains will be the limit; it could be many more.

The Draft EIS makes no provision nor requires any additional follow-up if train traffic increases from the above stated two trains a day. When considering that there was no requirement for grade separations at Howard Road, Broadway Street, or Spencer

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Highway, I believe the Board has taken a bad situation and made it worst. Increase train traffic justifies significant infrastructure improvements to traffic mobility and especially in light of the fact that there could be addition train traffic added in the future.

While I do not doubt the expertise or the competency of the technical staff at the STB, the issue of traffic mobility is being more thoroughly addressed by the experts at TTI. There is no reason why a final EIS could not be delayed until the TTI study is completed and analyzed by the local residents to better understand what they are potentially facing with increased train traffic.

Local residents deserve to have all the information available to them and know that their health and safety are being taken care of at the STB. The Draft EIS is clearly deficient in that respect and without this limited extension of the comment period all the needed requirements that should be in the final EIS will not be included.

Thank you for your prompt consideration of my request. I look forward to working with you to ensure that the lives of the residents of the East End are safeguarded and protected.

Sincerely,

Gene Green
Member of Congress

GG:mog

12-17-02; 9:41AM;City of Houston ;7132472100 # 2

FD34079
D0082

CITY OF HOUSTON
Office of the Mayor

Lee P. Brown
Mayor

P.O. Box 1562
Houston, Texas 77251-1562
901 Bagby, 3rd Floor
Houston, Texas 77002

T. 713.247.2545
F. 713.247.1067
www.cityofhouston.gov

December 12, 2002

Chairman Roger Nober
Surface Transportation Board
U. S. Department of Transportation
1425 K Street N.W.
Washington, D.C. 20423

Re: STB Finance Docket No. 34079

Dear Chairman Nober:

On behalf of the City of Houston and a number of constituents and neighborhood groups, I am writing to request that you extend the time for comments on the Draft Environmental Impact Statement (DEIS) on the above-referenced matter for 45 days, to March 13, 2003. The release of the DEIS during the holiday season, with a comment deadline of January 27, 2003, compromises the ability of interested persons to respond adequately to the DEIS. As you know, the thorough analysis of the potential impacts of the Bayport Loop Build-Out railroad in DEIS is critical to your approval process. In particular, you have requested that parties provide "meaningful comments" on any additional mitigation beyond the voluntary mitigation proposed by the applicant. Our ability to provide "meaningful comments" is dependent on having adequate time to develop and prepare the comments. Therefore, allowing all interested persons adequate time to analyze and comment on the DEIS by extending the deadline for comments, will better assure that potential concerns are properly addressed in the final Environmental Impact Study (EIS).

We appreciate your continued consideration in this regard.

Sincerely,

Lee P. Brown
Mayor

LPB:AWH:DFM:dfm
C: All City Council Members

Council Members: Bruce Tatro Carol M. Galloway Mark Goldberg Ada Edwards Addie Wiseman Mark A. Ellis Bert Keller Gabriel Vasquez Carol Alvarado Annise D. Parker Gordon Quan Shelley Sekula-Rodriguez M.D. Michael Berry Carroll G. Robinson Controller: Sylvia R. Garcia

FD34079
D0083

ANDREW AND INDIRA FEUSTEL
4003 ELM CREST TRAIL
HOUSTON, TX 77059

December 17, 2002

Ms. Dana White
Surface Transportation Board
FAX: 1-866-293-4979

Dear Ms. White:

Re: San Jacinto Rail Limited rail line, Clear Lake, TX

I am writing to request that the comment period for the DEIS be extended to March 7, 2003, and that the public meetings be held no earlier than the last week of February. I believe that with the holiday season upon us, it is unreasonable to expect that individuals can have ample time to prepare responses to the DEIS regarding this project.

As with most of the activities surrounding this project, this comment period is being held at such a time as to create an unfair advantage to the community that is opposed to such actions.

Please stop providing a favorable environment for this project to succeed and recognize that it is intimately linked with the Bayport Expansion project that is planned for south Pasadena. **In light of the connection between the two projects, it is critical that the DEIS be repeated considering the two projects linked as one.**

Thank you in advance for your consideration.

Respectfully,

Andrew Jay Feustel, Ph.D.
Indira D.B. Feustel, M.S., CCC-SLP

FD 34079
D0099

Colonel and Mrs. Robert A. Maddocks, Jr., USMC (Retired)
2110 Woodside Drive
Houston, Texas 77062

December 27, 2002

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K. Street, NW
Washington, D.C. 20423-0001

Re: Environmental Filing FD No. 34079 (Build-Out to the Bayport Loop near Houston, Harris County, Texas)

Dear Ms. Dana,

As a professional engineer and medical scientist and residents of the Clear Lake City area, we strongly oppose the build-out of the San Jacinto Rail Bayport Loop for the following reasons:

- The proposed route significantly and detrimentally impacts land use throughout the residential and recreational areas of Clear Lake City and in undeveloped areas west of the Armand Bayou wildlife habitat. Locating the rail line through these areas will unnecessarily generate secondary industrial and commercial development proximate to residential, wildlife habitat, and recreational areas. This development will have a significant detrimental impact on residential and recreational property values and subsequent community tax bases.

- The proposed route will detrimentally affect wetlands in southeast Harris County that have already been severely reduced or are potentially hazarded by the Port of Houston Authority's proposed 1200-acre Bayport container port facility. These potential cumulative impacts are not fairly or fully disclosed in the DEIS. Likewise, the DEIS does not lawfully disclose the obvious potential future use of this rail line as a conduit for significant numbers of container cargo trains transiting to and from the Bayport area.

- The DEIS fails to effectively analyze the potential national security impacts, catastrophic hazardous material disaster impacts, effects on water treatment systems, and public infrastructure and funding impacts of alternate routes both north and south of Ellington Field.

- The BNSF build-out poses significant and major environmental justice issues by impacting lower income, minority residential areas along the Highway 3 proposed route. These predominantly non-Anglo

neighborhoods lack the economic resources to effectively oppose the BNSF.

- Numerous pipelines that carry highly flammable and volatile petroleum and chemical products cross the entire Clear Lake City area. The rail industry has identified to Congress the potential for major catastrophic fires and/or releases associated when a derailment occurs where pipelines are located. The DEIS fails to identify the location and contents of pipelines that will be crossed by the San Jacinto rail line and the potential for major disasters of this type in proximity to schools and residential areas.

These significant DEIS omissions and issues (e.g. major changes in land use, loss of wetlands due to industrial sprawl, assessment of alternative routes and pipeline incompatibility) will severely impact the citizens living near this proposed rail line and the future of our community as a viable residential area.

As a result, we strongly oppose the build-out of the San Jacinto rail line.

Sincerely,

Robert A. Maddocks, Jr.

Mary Jane Maddocks

FD 34079
D0101

Monday, January 06, 2003

Mrs. Dana White
U.S. SRUFACE TRANSPROTIAOTN BOARD
1925 K St. NW
Washington D.C. 20423

Regarding FD 34079

Dear Ms. White,

I am writing to ask you to block construction of a new industrial rail line in the Clear Lake area of Houston Texas. It is being driven because of "lack of competition" from poorly thought out (or executed) deregulation actions from the US Congress.

There exists a dedicated rail corridor in Bayport which could be added to or shared but the two railroads choose to just make life difficult for everyone else entirely serving their own interests. **The existing line goes through dedicated industrial zone and poses NO ADDITIONAL environmental or security risk to ANYONE here in southeast Houston.**

In the initial EIS ruling, I saw the statement that the new line will add no new risks. This is crazy; how can a new line going through virgin wetlands not pose more risk than adding to a line already going through navigable watersheds adjacent to roads and highways which facilitate spill response???

In Clear Lake, this new rail line will border thousands of homes which are a HUGE part of Houston's property tax base and tie in with an already overloaded BNSF yard in southeast Houston affecting those neighborhoods as well. It will pass by Ellington Field which could jeopardize National Guard flight operations, a drinking water plant which services 750,000 residents, a brand new city park, numerous schools and churches, and an Alzheimer's senior home.

- I was at a BNSF sponsored meeting where BNSF argued that they could not consider use the northern alternate route because of risks to the drinking water plant from spills minutes after they told homeowners that they should not mind the line coming so close to their homes because statistically there were no risks.
    - These homeowners are all NASA type folks you would not normally assume are dumb as bricks.

The sponsoring industrial plants argue that their viability is at stake because of high shipping costs. ***I argue that if cheaper freight costs are what will make the difference in their survival, they should shut down today because they are already DEAD MEAT.***

Ms. White please note my objections to the new rail line and take the time to go down to an industrial rail line in the near future and see if you would want to live by one. Thank you for your consideration.

Thomas Nix
3710 Sand Myrtle Drive
Houston, Texas 77059

FD34079
D0102

Pasadena Independent School District
A Texas Recognized District

Kirk Lewis
Deputy Superintendent
of Administration, Public Relations & Governmental Affairs

January 26, 2002

Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-001

RE: Environmental Filing FD No. 34079

To Whom It May Concern:

On behalf of the Pasadena Independent School District, I would like to express my concerns with the environmental impact of the proposed San Jacinto Rail Limited and the Burlington Northern and Santa Fe Railway Bayport Loop Build-Out (Finance Docket 34079).

We have serious reservations about the viability of extending additional rail service within close proximity to our children and our school through developing residential and commercial neighborhoods.

The area under consideration is a rapidly growing area. Within the past 10 years, Pasadena ISD has built three new schools within a mile of the proposed route designated Alignment 2B. A fourth new campus, currently under construction, will be opened in the fall of 2003. The Pasadena Independent School District already faces the dangers of hazardous rail traffic along its northern boundary and cutting through the western quarter of our district. The extension from Bayport to the lines near State Highway 3 would stretch another hazardous route along our southern boundary and add additional hazardous material travelling through the western quarter of the district. Our students, parents and staff already face the daunting prospect of chemical leaks and accidents without increasing the risks in other areas of our community.

The GH & H line along Highway 3 already carries hazardous materials just a short distance from seven of our schools. Some of these campuses are less than two blocks from the rail line. As many as six or seven more campuses could be affected if prevailing winds carry hazardous materials in their direction.

I understand from the previous briefings that the proposal only calls for limited traffic along the railway. Those involved shared with us that two trains per day would make the run from Bayport to Highway 3. They also stated that only 15 percent of the material transported would be hazardous chemicals.

While that may be their original proposal, I cannot believe it will be limited to that extent for long. The companies involved would eventually use the new railway for the transportation of additional hazardous materials. There will be more trains and more hazardous materials. The increase in traffic and the increase in hazardous materials pose a significant danger to our students and the residents of our community.

1515 Cherrybrook • Pasadena, Texas • 77502
713-920-6822

It is our belief that existing railways northward from Bayport to State Highway 225 could carry this load without the need for additional facilities. Using the existing lines takes the traffic and hazardous chemicals along routes already established through neighborhoods that grew around the railways, not the other way around.

On behalf of the Pasadena Independent School District, we respectfully ask that you deny the request for the Bayport Loop Build-Out. Failing that, we certainly would request use of Alignment 1 or 1C that would take the route away from some of our schools and our children.

Thank you for your consideration.

Sincerely,

Kirk Lewis

FD 34079
D0103

January 9, 2003
406 Loper St.
Houston, TX 77017

Surface Transportation Board
Attention: Dana White
Soction of Environmental Analysis
Environmental Filing FD #34679
1925 K Street NW. Washington,
DC. 204230001

To who ever this may concern,

I'm writing to you about the new train tracks that will be build this year. I'm concerned about the danger and other problems that the new trains will make when the train is there.

At first I would like to write about the danger. One of the dangers that can happen is the chemicals that it cares could pollute the air or it could be very dangerous to smell. Another dangerous thing that I should point out is the children. The children are very important because they could get hurt very badly and create big accidents.

Other thing that you should know about is the noise the trains make. The noises that the trains make are very annoying to many people. For example I'm a student at YES College Preparatory School and the trains will be built near by and if we hear the noise we ,the students could loose their concentration.

All these reasons count for an important reason for you not to build a railroad for trains to pass by our homes and schools.

Sincerely,
Nancy Franco
Nancy Franco

FD 34079
D0104

January 9, 2003

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Fax No: 1-866-293-4979

Dear Dana White:

This letter is in regards to my **OPPOSITION** for the proposed Alignment "2B" and "2D" portion (as shown on the "BAYPORT LOOP BUILD-OUT ALIGNMENTS IN THE STB DRAFT ENVIRONMENTAL IMPACT STATEMENT AS OF DECEMBER 6, 2002" map) along Genoa-Redbluff Road of the San Jacinto Rail Limited project. I am a homeowner in the Baywood Oaks West sub-division on the corner of Crenshaw and Jana and my drive to and from my home is through Genoa-Redbluff Road. As it currently stands Genoa-Redbluff Road is a two-way road with little maneuverability due to ditches and commercial buildings along side the road. This road is heavily used by residents in the Baywood Oaks sub-division and with the addition of a rail system parallel to Genoa-Redbluff could possibly distract drivers and cause accidents. In addition to the above concern, being a homeowner I have invested much of my savings to a nice home for my family in a quiet neighborhood. I feel the addition of a rail system along Genoa-Redbluff Road will bring unwanted noise to my sub-division. This noise along with the fact of having an unpleasant view of trains along Genoa-Redbluff Road will bring down my property value and lose any possible investment I have in my home.

I plead that the SEA take these concerns and **ELIMINATE** the proposed Alignment "2B" and "2D" portion along Genoa-Redbluff Road.

Sincerely,

Xavier Contreras
4847 Water Oak Dr.
Pasadena, TX 77505

Phone No. 281-991-9251

FD34079
D0105

TEXAS HISTORICAL COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWERENCE OAKS, EXECUTIVE DIRECTOR

January 9, 2003

Attn: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: Project review under Section 106 of the National Historic Preservation Act of 1966
Request for review of Draft Environmental Impact Statement: Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas (STB)

Dear Ms. White:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff led by Sergio A. Iruegas has completed its review. This agency has determined that the draft EIS demonstrates that there is no affect to any archeological or architectural historic properties, and the cultural resources sections of the draft EIS are ready for final production. Please be aware, however, that if any portion of the alignment segments change during the construction, this office should be notified for recommendations for any further survey within the changed alignment routes. Please also be advised that if any cultural resources or human remains are inadvertently discovered during construction, all work should cease in the immediate area and this office should be notified. Construction may continue in other areas away from the emergency discovery area.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Sergio A. Iruegas at 512/463-8881.**

Sincerely,

for
F. Lawerence Oaks, State Historic Preservation Officer

LO/wjm/si

P.O. BOX 12276 · AUSTIN, TX 78711-2276 · 512/463-6100 · FAX 512/475-4872 · TDD 1-800/735-2989
www.thc.state.tx.us

JAN-09-2003 THU 01:07 PM TX HISTORICAL COMM 5124758827 P. 02

Sunday, January 12, 2003 1:58 AM Dick Brotzman 281-488-3250 p.01

FD 34079
D0106

January 12, 2003

Attn: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board

VIA FACSIMILE TRANSMISSION: 866-293-4979

The DEIS omits many serious considerations. This proposed San Jacinto Rail Plan would seriously and negatively revise the nature and character of the surrounding areas. By its existence it would place in danger existing schools and residential neighborhoods. Additionally, its presence would encourage industrialization, thus changing the longtime residential nature of the affected neighborhoods. It is time to consider people, and not just corporations. A reduction in shipping rates for four corporations does not justify the loss of property values, safety, quality of life, and health of citizens living in these residential neighborhoods.

The companies involved with this rail plan have in the past mentioned that Initially they envision running one train per day. Common sense clearly dictates that building this rail line requires an investment that will mandate a higher traffic volume than this. If such a rail line were in place, the argument would then become "What is the harm in using it for more traffic?" The slippery slope danger has been established.

In addition to danger to residential areas and schools, routes south of Ellington Field would have national security implications that are not currently being considered. These must not be ignored.

The northern route is perilously close to the Southeast Water Treatment System. An accident or sabotage incident here would have major impact to the city of Houston.

The impact of this proposal must be evaluated in conjunction with the proposed Bayport container port facility. The combined impact of

Sunday, January 12, 2003 1:58 AM Dick Brotzman 281-488-3250 p.02

these two developments will be even more devastating if both projects take place as currently proposed. Irreplaceable prairie pothole wetland assets will vanish as a result of these projects and the resultant industrialization.

Human beings, the environment, and security need to be considered before the profit ratios of four chemical plants. This rail line would bring industrial sprawl to a long time proudly residential area.

This entire rail line project is an absolutely unnecessary, costly, and dangerous duplication of existing rail capabilities. We are opposed to all of the routes currently being evaluated for the San Jacinto Rail Project. Please do not approve this totally unwarranted danger to the citizens of this area. Consider something in life other than the wants of four companies.

Yours truly,

Richard D. Brotzman
Betty J. Brotzman
PO Box 890069
Houston, TX 77289-0069

JAN-12-2003 15:09 COX RADIO 713 621 4398 P.01/02

FD 34079
D0107

M.E. Sonny Garza
4422 Walker Street
Houston, Texas 77023

Surface Transportation Board
1925 K St. NW
Washington, D.C. 20423-0001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

Fax Number: 1-866-293-4979.

Re: San Jacinto Rail Expansion

Dear Sirs:

I am an eighteen year resident of the East End (Eastwood specifically), living within one block of the rail line and am very familiar with the ongoing problems of being completely encircled by the railroad.

Traffic delays, noise and dangerous crossings aside; after attending the most recent Houston City Council meeting to learn more, I continue to be very much against the expansion of the San Jacinto Rail Line.

My reasons include...

- Representatives stated only two (2) trains per day are scheduled for the line—however there are no caps as to the number of trains eventually using the track
- With over 110 street crossings (most without cross arms) it doesn't take a derailment to cause a catastrophe—and that's without even considering the terrorism factor

1 of 3
MK Vargo
Southeast Neighborhood Coalition

- Homes in Eastwood and throughout the East End abut the rail line – already enduring train whistles at every cross street. I am personally aware of the 11PM, 2AM, 5am, 7am and 7pm crossings plus those during the day I miss while at work. Additional train traffic adds immediately to both noise pollution and traffic delays for thousands of residents, their homes and schools

- Although rail representatives touted a 99 plus percentage safety record; damages incurred by BNSF Railroad between 1996 - 2002 totaled over $375.5 million. Imagine an accident in the midst of a neighborhood with few or no exits!

- The proposed rail line runs adjacent to both Ellington Field and a major drinking water reservoir. With rail accidents in the U.S. having increased 31.7% from1998 – 2000 and 19.1% 1999 – 2000, its proximity to them both has the potential for disaster

- There are over 50 schools located within one mile of the proposed San Jacinto Rail route, beginning in Clear Lake, along Hwy. 3, into the East End, as well as thousands of homes

ALTHOUGH THE ENVIRONMENTAL STUDY SUBMITTED SUGGESTS LITTLE IMPACT ON LOCAL ECOSYSTEMS, I REMIND YOU THAT SOME CONSIDERATION MUST BE GIVEN TO THE "QUALITY OF LIFE" ISSUES FOR THE RESIDENTS LIVING ALONG THIS THIRTEEN MILE LONG INTRUSION.

YOUR CONSIDERATION IS MUCH APPRECIATED. I CAN BE CONTACTED AT 713-963-1222 OR BY EMAIL AT SONNY.GARZA@COX.COM. THANK YOU.

J R 03
MKTarga
Southeast Neighborhood Coalition

TOTAL P.02

FD 34079
D0108

Carol Longmire
514 South Wafer Street
Pasadena, Texas 77506
January 5, 2003

RECEIVED
JAN 13 2003
MANAGEMENT
STB

Surface Transportation Board
1925 K St. NW,
Washington, D.C., 20423-0001

Attention: Dana White,
Section of Environmental Analysis
Re: Environmental Filing FD No. 34079

Madam:

Under no circumstances should further industrial traffic be allowed to intrude into that area known as "East End", a part of the City of Houston, Texas and contiguous with those areas of Harris County, Texas designated as "Old Harrisburg" and "North Pasadena". The issues surrounding the addition of rail tracks demand close scrutiny and are more complex than degradation of quality of life, environmental impact and interrupted attempts at revitalization within the local community. It is not commendable but understandable that parochial interests would be sacrificed to the profit of large corporate entities. It becomes a matter of political import when the sacrifice of those interests involves economic loss to an entire constituency through mismanagement of available resources. This may well prove to be the case in the proposed additional rail traffic.

Examination of the physical condition of the historic landmarks of South East Harris County present a prima facie case demonstrating that the State of Texas , Harris County, Texas and the City of Houston, Texas have been dilatory in identifying and maintaining historic sites and structures. East End, Old Harrisburg and North Pasadena comprise the Cradle of the State of Texas. The history of South East Harris County is provocative, tragic, rousing, amusing: but never boring. South East Harris County enjoys a distinct advantage in the geography of its historical resources: from Old Harrisburg to San Jacinto is only a few miles, and all points of interest are easily accessible. Harrisburg, or East End, is struggling economically but offers a rich cultural blend and possesses an exotic atmosphere rivaled only by the French Quarter of New Orleans. It would take comparatively little time and money to develop this area for the tourist trade.

Any environmental impact study should take into account present conditions as well as potential effects, and if the study allegedly underway is thorough, there will be some interesting factors which will affect the balance of the equation.

1. Population density, income level, age distribution and employment: if travel delays are incurred by additional rail traffic, how will this affect employment? If a large segment of the community relies on Metro (bus) transportation, how will delays affect

service delivery by the Transportation Authority? What impact will occur on employment retention?

2. Present contaminants and pollution. What areas affected by the proposed additional rail traffic are already designated as having poor air quality? What areas are already designated as being contaminated by industrial waste? What areas have been the subject of "clean up" efforts and what is the current status of those sites?

3. What percentage of the profit to the users of the expanded rail system will accrue to the benefit of the community? Will the community be required to absorb the costs of increased service for community properties (private and public) due to usage? What impact will the additional traffic have on the community with respect to noise pollution and other hazardous by-products of usage?

4. Will the community lose economically productive members if negative costs to the community are incurred, and if those members are lost, how will the community be compensated for the diminished tax base?

5. Identification of existing historical sites and landmarks, condition of same and impact of increased usage on maintenance, repair and access to sites.

It seems simpler to put the time and money into developing and marketing a positive resource that the members of the community have demonstrated a willingness and ability to utilize-especially since that resource is the community itself. This is not idealistic; it is simple fiscal common sense. If East End suffers, so will the rest of the County. If East End prospers, the County will gain financially.

And there is a point other than money. A people that fail to protect their heritage are inherently weak. In the words of Roland, they have "forgotten the Face of Their Father". The Face of Texas was drawn on land spanning Old Harrisburg to San Jacinto, a very short distance which is the geographical area in question. It's sad to think that as in another book, the birthright may be sold for a mess of pottage.

Sincerely,

Carol Longmire

The Honorable Gene Green
2335 Ray burn House Office Building
Washington, D.C 20515-4329

The Honorable Rick Noriega
PO Box 230234
Houston, Texas 77023

FD 34079
D0109

CITY OF HOUSTON
Office of the Mayor

Albert E. Haines
Chief Administrative Officer

P.O. Box 1562
Houston, Texas 77251-1562
901 Bagby, 4th Floor,
Houston, Texas 77002

T. 713.247.2257
F. 713.247.2954
www.cityofhouston.gov

RECEIVED
JAN 14 2003

January 14, 2003

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Re: Environmental Filing FD N. 34079

Dear Ms. White:

The City of Houston intends to submit written comments prior to the end comment period of February 21, 2003.

Sincerely,

Albert E. Haines
Chief Administrative Officer

Council Members: Bruce Tatro Carol M. Galloway Mark Goldberg Ada Edwards Addie Wiseman Mark A. Ellis Bert Keller Gabriel Vasquez Carol Alvarado Annise D. Parker Gordon Quan Shelley Sekula-Gibbs M. D. Michael Berry Carroll G. Robinson Controller: Sylvia R. Garcia

FD 34079
D0110

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 14 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: BRAD ALFORD
Address: 310 LINCOLN ST
DEER PARK, TEXAS 77536
Phone: 281 479 4063

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
I feel that the Rail Line for the Bayport Loop is A project that will be a benefit to the area. Having only one rail line serving Bayport is restrictive to free enterprise. I've lived in the Pasadena area all my life (47yr) and know about the hazards of the chemical industry. I also know that this industry is responsible for the standard of living that most people in Southeast Texas get to enjoy. Where there may be a hazard of transporting by rail to a portion of the community, I feel that stringent guidelines would be used along with engineering standards that would make this a safe project. The outcry over this project I feel is part of a media feed used by a very select group of people who are unfamiliar with the vast infrastructure the chemical industry provides this area.
Thank You

FD 34079
D0111

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 14 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: DAVID L. CHELLVARONT
Address: 1406 SAXONY LN.
HOUSTON TX
77058
Phone: 281-335-1837

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
- REVISE TO CONSIDER CUMMULATIVE IMPACTS WITH ALL OTHER PROPOSED FACILITIES WITHIN THE AREA
- EVALUATE ~~RE~~ BENEFITS OF A DUPLICATING THE TRANSPORTATION CAPABILITY VS THE RISKS ASSOCIATED WITH IT.
- EVALUATE IF THE EXISTING RAIL LINE RUN BY UNION PACIFIC HAS THE CAPABILITY AND CAPACITY TO HANDLE THE LOAD. IF SO, IS THE ADDITIONAL CAPABILITY REALLY NECESSARY?
- EVALUATE OTHER MEANS TO OBTAIN THE ~~RES~~ NEEDED RATE REDUCTIONS, INCLUDING ~~ACQU~~ FORCED ACQUISITION OF THE EXISTING TRACKS FOR USE BY COMPETING SERVICES.
- CONSIDER USE OF PUBLIC DOMAIN TO ACQUIRE FORCEABLY THE EXISTING TRACK AND RUNNING IT AS A PUBLIC RIGHT OF WAY SO ANY RAIL OPERATOR MAY USE IT

FD 34079
D0112

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 14 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: ROBERT GIBBS
Address: 14222 GOLF VIEW TRAIL
HOUSTON TX 77059
Phone: (713) 516 8629

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
I am opposed to all the routes proposed for the following reasons-
1) THE THREAT TO THE SAFETY of the Public Water Supply
2) THE THREAT TO THE SAFETY OF the Children IN the HISD Schools NEAR the Routes
3) THE THREAT TO the Property Values - The Road would cause a decrease in property values -
4) THE INTERFERANCE with the peaceful and QUIET enjoyment of my home -
5) THE THREAT to Roads and other hospitals in the area

FD 34079
D0113

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 14 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Susan Cotter
Address: 14018 Loch Creek Ct
Houston, TX 77062
Phone: 281-480-7607

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
The railroad and chemical companies talk about an impact to their business. They are willing to spend 80 million dollars to ensure their profit.
What about the impact the rail will have on my largest investment — my home. People are already selling their homes. The prices have not continued to rise as previous. Some people have decided not to buy homes in Clear Lake due to the rail proposal. I know the rail will hurt my pocketbook. Why is it O.K.?
I also know that the polution and potential safety of my children is at risk. How come ~~a~~ chemical companies' profit comes above my children's health.

FD 34079
D0114

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 14 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: ANDREW MOREY

Address: 13830 MARBLEDACE CT
HOUSTON, TX
77059

Phone: 281-218-9477

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I AM OPPOSED TO THE BAYPORT LOOP RAIL AND HAVE THE FOLLOWING CONCERNS WITH THE EIS:

1. THE STUDY IS BASED SOLELY ON the initial loading of 2 TRAINS per DAY. IN REALITY, OTHER COMPANIES WOULD LIKELY USE THE RAIL AND INCREASE RAIL TRAFFIC, THEREBY INCREASING IMPACTS.

2. Due to the proximity AND timing, of the Port of Houston terminal project THE TWO projects SHOULD BE considered cummulatively to determine environmental IMPACTS.

3. I Am concerned that the rail line will change LAND USE FROM RESIDENTIAL TO INDUSTRIAL AND INCREASE IMPACTS from future development.

IN CLOSING, I support competitive RAIL RATES for the BAYPORT COMPANIES, HOWEVER, ENVIRONMENTAL IMPACTS CAN BE ELIMINATED, BY BREAKING THE UP MONOPOLY AND ALLOWING COMPETITIVE SERVICE ON EXISTING RAILS.

Jan-13-2003 1:44PM 713-6767 P.1

FD 34079
D0115

Congress of the United States
House of Representatives
Washington, DC 20515–4309

NICK LAMPSON
9TH DISTRICT, TEXAS

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

COMMITTEE ON SCIENCE

CONGRESSIONAL MISSING AND EXPLOITED CHILDREN'S CAUCUS

RECEIVED
JAN 14 2003

January 10, 2003

Roger Nober
Chairman
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Dear Chairman Nober:

I am writing to urge a review and reconsideration by the Surface Transportation Board (STB) of the Environmental Impact Statement (EIS) for the proposed San Jacinto Rail project.

The proposed rail project continues to be of great concern to affected residents and communities. I have significant reservations regarding the planned rail project due to the adverse impact to the constituents living in the Clear Lake area of my district, as well as other communities. For these reasons, I am restating my opposition to the proposed rail line. I am hopeful that the involved companies can find an alternative rail scenario that allows for efficient transport of goods without locating a new rail line that is too close to homes, businesses, schools, parks and other vital facilities.

At the same time, the rail project is obviously quite complex and requires a robust process for understanding the many impacts. However, throughout the review process, the public has not had adequate opportunity for input and participation. From an inconclusive Draft Environmental Impact Statement to inadequately brief comment periods, it seems evident that the STB has demonstrated an insufficient level of concern for public opinion, and thus the public well-being.

I have also recently been made aware by some in the community of concerns regarding the demographic analysis of affected minority and low income communities. Federal policy requires that the Department of Transportation take into consideration any discernable or disproportionate adverse effects on the minority or low income population during consideration and review of major transportation projects. I believe it appropriate that these comments be dutifully considered by the Surface Transportation Board during consideration of the final EIS.

I therefore urge that the STB reinitiate the review process, thereby allowing full and complete analysis of the proposal. I look forward to working with the STB on this issue during the months ahead.

Sincerely,

NICK LAMPSON
Member of Congress

NVL/pt

WASHINGTON OFFICE: 417 CANNON HOUSE OFFICE BUILDING WASHINGTON, DC 20515–4309 (202) 225–6565
HOME OFFICES:
300 WILLOW, SUITE 322, BEAUMONT, TX 77701 (409) 838–0061
601 ROSENBERG, SUITE 216, GALVESTON, TX 77550 (409) 762–5877
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FD 34079
D0116

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Leanne Alhorn

Address: 1734 Diamond Beach
Houston, TX 77062

Phone: 281 286-3133

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Came here to listen & voice the concern of the communities affected. Not to hear Representatives from the chemical companies talk.

FD 34079
D0117

clear lake area chamber of commerce

1201 NASA ROAD 1, HOUSTON, TEXAS 77058-3391

Telephone (281) 488-7676 • FAX (281) 488-8981 • http://www.clearlakearea.com

14 January 2003

Office of the Secretary, Case Control Unit
Surface Transportation Board
Attn: Dana White
1925 K. Street, NW
Washington, DC 20423-0001

RECEIVED
JAN 14 2003

STB Finance Docket No. 34079
Section of Environmental Analysis
Environmental Filing

RE: AMENDED COMMENTS – SAN JACINTO RAIL LIMITED PROPOSED NEW RAIL LINE

Dear Surface Transportation Board Members:

This letter amends and replaces comments filed in March 2002 by letter from the Clear Lake Area Chamber of Commerce. This new filing states our organization's concerns and comments regarding the proposal of the San Jacinto Rail Limited project to construct a new rail line to service the Bayport Industrial portion of the Clear Lake area.

Our organization represents some 2,000 members and a business community encompassing nine municipalities located in Harris or Galveston counties of Texas. These municipalities are home to some 200,000 residents who currently enjoy a comparatively high quality of life.

It is the view of our organization that:
1. There should be adequate and competitive transportation services, including railway, for the numerous petrochemical plants and other industries operating in the Bayport Industrial area of our community;
2. These industries are important to the continued economic viability and growth of the Clear Lake area;
3. The quality of life for our 200,000 residents is important to the economy of our area, and should not be compromised by an additional railway winding its way across the area – increasing noise, causing interruptions to roadway traffic with

OFFICERS
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Clear Creek Independent School District

GENERAL COUNSEL
DICK GREGG, JR., President/Attorney
Gregg & Gregg, P.C.

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CINDY HARRELD, Director of Special Projects
JUNE MUECKE, Director of Communications
FAITH NORRIS, Administrative Assistant
SHARI SWEENEY, Director of Marketing
DEAN WRIGHT, Director of Member Services

Serving the Clear Lake Community in Harris and Galveston Counties
CLEAR LAKE CITY • CLEAR LAKE SHORES • EL LAGO • KEMAH • LEAGUE CITY
NASSAU BAY • SEABROOK • TAYLOR LAKE VILLAGE • WEBSTER
BAYPORT • ELLINGTON FIELD • NASA/JOHNSON SPACE CENTER
UNIVERSITY OF HOUSTON-CLEAR LAKE

additional rail crossings and posing potential environmental and public health threats from accidents/spills along the proposed rail line;
4. All routes currently proposed by the San Jacinto Rail Limited project are too close to existing residential and public areas. In some locations, the railway could be only a few hundred feet from homes. Additionally, proximity to a public park and a school are of concern. All of this will adversely affect the residential desirability of the area and negatively impact private property values.
5. National security and terrorism are of concern. All routes now proposed place the railway adjacent to or very near one of this nation's vital defense facilities – Ellington Field. This airfield is the operational home of the 147th Fighter Wing of the Texas Air National Guard, which provides air defense along the Gulf Coast. There is concern that having a train carrying hazardous and perhaps toxic chemicals and subject to possible dangerous chemical releases by either accident or terrorist attack could compromise the airfield's function as an essential national defense facility.

It also is a fact that currently, another rail line, the Union Pacific Railroad, holds a monopoly on rail service to a number of our area's industries.

We believe that instead of permitting a new rail line to be constructed and operated, the Union Pacific Railroad should be encouraged to allow – with proper and realistic compensation – the Burlington Northern Santa Fe Railroad (the railroad partner in the San Jacinto Rail Limited project) the use of portions of Union Pacific's existing tracks and rights-of-way.

By acting to cause the utilization by multiple users of existing Union Pacific railway tracks, the Surface Transportation Board would:

1. Keep the rail cars and their chemical cargoes farther away from populated areas and more within existing industrial areas; thus, eliminating the Clear Lake community's safety and environmental concerns about a new rail line near homes, schools and parks;
2. Not place a new target for a terrorist attack or potential for a debilitating operational accident alongside an important national defense facility – Ellington Field.
3. Eliminate the need for additional rail crossings of public roadways; and
4. Provide a means for industry to have a competitive choice of more than one rail carrier.

We respectfully request you work on behalf of the citizens of Clear Lake and encourage the Union Pacific Railroad and the San Jacinto Rail Limited group to come together and develop a way to conduct their businesses in a manner that serves the interests of industry, the general public and national defense.

Should you have any questions or require additional information regarding our Chamber's position, please do not hesitate to contact us.

Sincerely,

Scott Steel
Chairman of the Board

cc: San Jacinto Rail Limited
Union Pacific Railroad
U. S. Senator John Cornyn
U. S. Senator Kay Bailey Hutchison
U. S. Representative Tom DeLay
U. S. Representative Nick Lampson

FD 34079
D0118
RECEIVED
JAN 14 2003

Comments by Doug Mathera
San Jacinto Rail Public Meeting
January 14, 2003
Pasadena Convention Center
7:00 p.m.

My name is Doug Mathera. I manage the Lyondell Bayport plant. My wife and I have lived in the Clear Lake area with our three children for 14 years.

I appreciate the opportunity to comment on the Draft Environmental Impact Statement and to compliment the Board on what I believe is a thorough, complete, accurate and balanced assessment of the environmental issues.

I must also reiterate for the board, however, the reasons why we have joined with competing chemical companies and Burlington Northern Santa Fe to bring rail competition to Bayport.

We must have relief from the crippling high rates charged by Union Pacific for moving our products to our customers.

Without competition for rail service, Lyondell, Equistar, Basell and Atofina often pay up to twice as much to ship our products as do plants with competitive rail options.

These are particularly difficult times for chemical manufacturers. Increasing costs and weak demand over the past several years have brought us to significant changes in how we run our plants.

We must scrutinize every dollar that we spend to drive down costs, while at the same time maintaining the highest level of safety and environmental performance.
We've cut production jobs.
We've realigned our management structure to eliminate jobs.
We've built in new reliability standards.
We've reduced our energy consumption.
We've adjusted our processes to more efficiently use our raw materials.
We've renegotiated supplier contracts. We've even received concessions from trucking companies who transport our products.

There is only one area where we've been unable to cut our costs—rail transportation. And the effects of the Union Pacific monopoly are plain.

The future viability of our plants and others operating in the Bayport Industrial District is in jeopardy of falling behind other regions of the United States and the world. Having to pay millions of dollars a year in excessive transportation expense hampers our ability to compete in global chemical markets and diverts capital that could be more beneficially invested in the local economy.

Simply put, plants in the Bayport Industrial District are not cost-competitive with facilities that enjoy alternative rail options.

It has been asserted that we need only ask Union Pacific to negotiate new rates to resolve this issue. Decades of negotiations have not changed the reality that captive shippers are charged rates far in excess of shippers who have competitive alternatives.

We would not have proceeded with this costly and controversial decision if other options existed for us.

The San Jacinto Rail Partners have diligently followed the proscribed procedures and regulations to develop a solution to our rail transportation requirements through the remedies provided by the Surface Transportation Board and its predecessors. San Jacinto Rail is a thoughtful, environmentally-sensitive development proposal that balances the needs of the communities and the industrial district in which it will operate.

I thank the Board for the opportunity to share my point of view and I urge that you accept the findings of the Draft Environmental Impact Statement.

Thank you.

FD 34079
D0119
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JAN 14 2003

Comments by Kurt Kessler
San Jacinto Rail Public Meeting
January 14, 2003
Pasadena Convention Center
7:00 p.m.

My name is Kurt Kessler. I am the production superintendent at the Equistar Bayport chemicals plant. I am a chemical engineer and I am responsible manufacturing ethylene oxide. My wife and I live in the Clear Lake area, where she practices veterinary medicine.

I appreciate the opportunity to speak to important issues regarding the rail project. I have studied the draft environmental impact study and I compliment the Board on its thorough, accurate and sensitive review of the project.

Since this project was announced many months ago, members of the community—and that includes our friends and neighbors--have questioned us about the safe handling and transportation of ethylene oxide and propylene oxide.

To understand what we do to make and ship these products safely, one must understand how we view safety.

Safety starts with the design and construction of these billion-dollar plants.

Over the years we've spent hundreds of millions to develop clean, safe processes which are continually reviewed and refined.

We spend millions annually to assure that these facilities are safe, efficient and clean.

Each of our people receives—on average—more than 100 hours each year of training that focuses on safe, clean and efficient operations. Our success is evident in our historical performance. To my knowledge, never has either plant experienced an incident that required any protective action on the part of the public.

Our responsibility to each other and to the community at large, however, does not stop at our fence lines. The same high standards apply to transportation.

The rail cars used to transport ethylene oxide and propylene oxide are state of the art. They're designed not to leak, regardless of whether they're being loaded, standing still or rolling along the rails. They're tough, reinforced with three-quarter-inch-thick steel to maintain the tank's integrity in the event of a derailment.

Every car is rigorously inspected before it is loaded, while it's being loaded and again before it leaves the plant. Those inspections include not only the wheels, couplings, brakes and other mechanical items of the car itself, but also the valves, seals, connections and piping of the vessel. Similar inspections are conducted by the railroads along the route to our customers.

We believe that the whole transportation process is inherently safe. We believe that the performance of our people, our equipment and the railroads—regardless of whether it's the Union Pacific or Burlington Northern Santa Fe—speaks for itself. There has not been a leak during transportation of either of these products industry-wide in decades…since 1989 to be precise.

In closing, I'd like to make one other comment. We are not a giant, faceless chemical plant hiding behind our gates. We're your neighbors. We're making products used to make everything from automotive parts to medical equipment, from paints and varnishes to pharmaceuticals. And we want the same things you want… a safe, quiet place to raise our families, good schools, good jobs and neighbors who care about one another.

The quality of life is important to us too. If it wasn't we wouldn't live in Clear Lake.

I thank the Board for the opportunity to share my point of view and I urge that you accept the findings of the Draft Environmental Impact Statement.

Thank you.

FD 34079
D0120
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JAN 14 2003

Comments by Marty Puffer
San Jacinto Rail Public Meeting
January 14, 2003
Pasadena Convention Center
7:00 p.m.

My name is Marty Puffer. I am a health, safety and environment specialist at the Lyondell Bayport plant. I presently am responsible for ensuring that our plant manages and disposes of process materials in accordance with regulations and the parameters of our operating permits. Over the past 25 years I have gained experience in the transportation and handling of hazardous materials including chemicals and nuclear waste – at another company.

I appreciate the opportunity to comment on the San Jacinto Rail project. I believe my comments will be from a different perspective than from others you may hear tonight.

My wife and our sons, age 16 and age 3, live in Camino South…less than a half mile from the Union Pacific line that parallels State Highway 3.

Much has been said about the safety of the transporting ethylene oxide and propylene oxide over the proposed San Jacinto Rail project. I respect and understand those concerns…but my family and I don't share those concerns.

Our family is not—and never has been—worried about living next to railroad tracks on which chemicals are transported. And I'd like to tell you why.

First, I know—from personal knowledge—the responsibility that plant people accept when they load those cars. They KNOW that it will travel near THEIR homes, THEIR schools, THEIR parks and THEIR hospitals. They KNOW what they're handling and they KNOW how to handle it.

Second, the railcars. Those cars are tough. They are designed and built to carry those specific chemicals to their destinations safely, even if there is a derailment.

Third, the railroads. They safely handle hundreds of shipments of propylene oxide and ethylene oxide every day. And they've not spilled a drop of these materials during transportation since 1989. The chemical industry and the railroads have done a tremendous job in getting the product to its destination safely.

And then there's the fourth reason, which is not related to safety.

Much has been said about property values – most of it is WRONG. Claims have been made that rail lines near neighborhoods hurt property value. But that has not been my experience.

My wife and I purchased our home—less than a half mile from Union Pacific's tracks along Highway 3—in 1998. Today, our home is appraised at 33% more than we paid for it. That's a pretty good increase in a little more than four years. Railroads haven't hurt home values in Bellaire, West University, River Oaks, Champions, Sugar Land, and Kingwood, either.

In closing, I'd like to say again. My family and I do not fear for our safety because of the rail line near our home. And we know that the value of our home has not been affected adversely by the rail road. Your Environmental Analysis has determined that this railroad will not adversely impact any population.

It is for these reasons that I urge the Board to accept the findings of the Draft Environmental Impact Statement. Thank you for the opportunity to share my point of view.

FD 34079
D0121

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JAN 14 2003

REQUEST SUMMARY

AGENDA ITEM

TO: Mayor John Manlove DATE: January 8, 2003

FROM: Paul Davis
Assistant to the Mayor for Planning & Development

Summary of Request:

A RESOLUTION EXPRESSING THE CITY OF PASADENA'S SUPPORT FOR COMPANIES OPERATING IN THE PASADENA (BAYPORT) INDUSTRIAL DISTRICT; EXPRESSING THE CITY'S OPPOSITION TO THE CURRENTLY PROPOSED ROUTES FOR A NEW RAIL LINE IN SOUTHEAST HARRIS COUNTY PROPOSED BY THE SAN JACINTO RAIL LIMITED-BURLINGTON NORTHERN/SANTA FE RAILROAD; AND EXPRESSING THE CITY'S SUPPORT FOR A NEGOTIATED SETTLEMENT NEGATING THE NEED FOR CONSTRUCTION OF ADDITIONAL RAIL LINES.

Recommendation & Justification:

Estimated Cost: _____
Budgeted: _____ Yes _____ No

If Unbudgeted, source of funds:

_____

_____

Paul Davis
DEPARTMENT HEAD

APPROVED:
___ Work Session Agenda
___ Council Agenda

John Manlove
MAYOR

DATE: _____

RailLine.Res03

Rosa C

RESOLUTION SUMMARY

Requested By Paul Davis, Assistant to the Mayor for Planning & Development — Date January 8, 2003

Prepared By Lee Clark, City Attorney — Date January 8, 2003

Submitted To John Manlove, Mayor — Date January 8, 2003

Amount $ _____

REMARKS

A RESOLUTION EXPRESSING THE CITY OF PASADENA'S SUPPORT FOR COMPANIES OPERATING IN THE PASADENA (BAYPORT) INDUSTRIAL DISTRICT; EXPRESSING THE CITY'S OPPOSITION TO THE CURRENTLY PROPOSED ROUTES FOR A NEW RAIL LINE IN SOUTHEAST HARRIS COUNTY PROPOSED BY THE SAN JACINTO RAIL LIMITED-BURLINGTON NORTHERN/SANTA FE RAILROAD; AND EXPRESSING THE CITY'S SUPPORT FOR A NEGOTIATED SETTLEMENT NEGATING THE NEED FOR CONSTRUCTION OF ADDITIONAL RAIL LINES.

Approved:

Paul Davis
Requesting Party

LEE CLARK
City Attorney

_____
Mayor

Resolution No. 2003-_____

COUNCIL ACTION:

Approved:

Motion: _____

Second: _____

Date: _____

Deferred: _____

RailLine.Res03

RESOLUTION NO. 2003-_____

A RESOLUTION EXPRESSING THE CITY OF PASADENA'S SUPPORT FOR COMPANIES OPERATING IN THE PASADENA (BAYPORT) INDUSTRIAL DISTRICT; EXPRESSING THE CITY'S OPPOSITION TO THE CURRENTLY PROPOSED ROUTES FOR A NEW RAIL LINE IN SOUTHEAST HARRIS COUNTY PROPOSED BY THE SAN JACINTO RAIL LIMITED-BURLINGTON NORTHERN/SANTA FE RAILROAD; AND EXPRESSING THE CITY'S SUPPORT FOR A NEGOTIATED SETTLEMENT NEGATING THE NEED FOR CONSTRUCTION OF ADDITIONAL RAIL LINES.

WHEREAS, several companies operating manufacturing facilities in the Pasadena (Bayport) Industrial District have expressed their concern over unreasonably high and noncompetitive rates for rail transport of products to and from their sites; and

WHEREAS, said companies have united to form an entity known as San Jacinto Rail Limited for the purpose of constructing an alternate rail line in partnership with the Burlington Northern/Santa Fe Railroad (BNSF); and

WHEREAS, the City of Pasadena recognizes the importance of area industry to the local and regional economies, and is supportive of area industry's need to operate in a competitive environment which offers fair pricing to all users of transportation venues including rail lines; and

WHEREAS, there is significant opposition to the proposed routes for the San Jacinto Rail Limited rail line proposed by BNSF; and

WHEREAS, there will be significant safety risks associated with construction and operation of a rail line along such proposed routes through and/or adjacent to the City of Pasadena; and

WHEREAS, the various proposed rail line routes pass by schools, parks, a water plant, and various neighborhoods; and

WHEREAS, BNSF plans to transport toxic chemicals within close proximity of schools, parks, the water plant, and neighborhoods; and

WHEREAS, the City Council has significant concerns about the effects the proposed rail extension routes will have on public health and safety, mobility, environmental quality and quality of life in and around the City of Pasadena; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASADENA, TEXAS:

SECTION 1. That the City of Pasadena does hereby oppose the effort by BNSF to build and operate the San Jacinto Rail Limited rail line along the currently proposed routes.

FD 34079
D0172

CITY OF HOUSTON
Office of the Mayor

Albert E. Haines
Chief Administrative Officer

P.O. Box 1562
Houston, Texas 77251-1562
901 Bagby, 4th Floor,
Houston, Texas 77002

T. 713.247.2257
F. 713.247.2954
www.cityofhouston.gov

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JAN 15 2003

January 15, 2003

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Re: Environmental Filing FD N. 34079

Dear Ms. White:

The City of Houston intends to submit written comments prior to the end comment period of February 21, 2003.

Sincerely,

Albert E. Haines
Chief Administrative Officer

Council Members: Bruce Tatro Carol M. Galloway Mark Goldberg Ada Edwards Addie Wiseman Mark A. Ellis Bert Keller Gabriel Vasquez Carol Alvarado Annise D. Parker Gordon Quan Shelley Sekula-Gibbs M. D. Michael Berry Carroll G. Robinson Controller: Sylvia R. Garcia

FD 34079
D0173

REPRESENTATIVE
JOHN E. DAVIS

CAPITOL OFFICE
P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
(512) 463-0734

DISTRICT 129 OFFICE
1350 NASA RD. 1, SUITE 212
HOUSTON, TEXAS 77058
(281) 333-1350
FAX: (281) 335-9101

TEXAS HOUSE OF REPRESENTATIVES

January 14, 2003

RECEIVED
JAN 15 2003

Surface Transportation Board
Ms. Dana White
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: DEIS, FD-34079, San Jacinto Rail Limited, BNSF

Dear Ms. White:

After reviewing Burlington-Northern Santa Fe: San Jacinto Rail Limited proposal regarding trackage in my district and through Southeast Harris County, I remain in opposition to this project's location. The alternative routes offered in the DEIS continue to pose as threat to the Clear Lake communities, water treatment facilities serving 750,000 area residents and National Security with its proximity to Ellington Field.

In reviewing the DEIS I found that many aspects mentioned above were not properly addressed. I would encourage the STB to take another look at the environmental, mobility and economic development needs of the region. By allowing this project to proceed we are limiting economic development of Southeast Harris County.

BNSF and UP are encouraged to come to the table with a reasonable shared trackage proposal allowing the petrochemical industry within the Bayport Loop to have rates reflective of a competitive market.

Please review the enclosed copy of the editorial Representative Rick Noriega and I co-authored last fall for the Houston Chronicle regarding this proposed project. The people in Texas House District 129 do not want this project to proceed. I encourage you to look at shared trackage rights along Hwy 146 which will provide competition and thus competitive rail rates.

Thank you for your consideration.

Sincerely,

John E. Davis
State Representative
District 129

EMAIL: JOHN.DAVIS@HOUSE.STATE.TX.US

HOUSTON MATTERS

The future of southeast Harris County is at risk

by STATE REP. JOHN DAVIS, STATE REP. RICK NORIEGA

Outlook
Sept. 29, 2002

THE livelihood and security of residents of southeast Harris County are currently more threatened than at any time in memory. the past that we can remember. If the Bayport container project and the San Jacinto Rail project are permitted, residential development in the southeast part of the county may never recover.

Along Galveston Bay, the proposed Bayport container port threatens us with truck traffic and pollution, harm to wetlands and the bay and the loss of residential development. National security issues also are raised by the location and design of this port. The San Jacinto Rail Line is a new project that would brings hazardous chemicals adjacent to neighborhoods in Clear Lake and the East End community. Together, these two projects will drive a wedge into our residential areas, our homes, our neighborhoods - and destroy the dreams and aspirations of residents.
We have been told that these projects have to occur at this time and at these locations. That is simply not true. This harm does not have to happen in order to have economic growth, development and competition.
We need to be smart about growth. We need to protect our assets while attempting to create more capital. We cannot go forward by destroying what is good about our community. That is what we are doing.

Consider San Jacinto Rail. This rail line is being developed by chemical companies in partnership with the Burlington Northern-Santa Fe (BNSF) railroad. We are told that the reason for the proposed San Jacinto Rail line is that the chemical companies need rate relief from Union Pacific, the only rail that currently serves the Bayport industrial area west of State Highway 146. We are sympathetic with this concern. However, these chemical companies have not asked Union Pacific to negotiate new rates with them, and the alternative exists for Burlington to negotiate access to existing Union Pacific rail lines.
The point here is that alternative methods exist to solve this problem without disrupting residential development in Clear Lake and the East End.
If San Jacinto Rail is built, it will disrupt the southerly development of Pasadena and the existing development in the East End and Clear Lake.

Several schools are adjacent to this proposed rail line that would transport hazardous chemicals. Why should we risk our children's lives and the security of our neighborhoods when we don't have to in order to achieve the goals of these companies?
Similarly, the proposed Bayport container port does not have to be and should not be located at Bayport, where more than 5,000 people live within a mile. A private company has filed a permit application to construct a container port on Shoal Point in Texas City, a superior location. If the Port of Houston insists on spending taxpayer money for yet another container port, then it should be built on Spilman Island in the Houston Ship Channel next to the existing Barour's Cut container port.

National security concerns also argue against the Bayport site. Containers provide the easiest means of delivering a weapon of mass destruction into the United States. We would be foolish not to consider these concerns in the construction of new container ports. Both Shoal Point and Spilman Island are superior to Bayport from a national security standpoint. They are isolated from the public and would only have a single way in and out. They could be secured more easily than the Bayport site, which is, of all things, proposed in conjunction with a cruise terminal. We need to get smart and get smart soon.

Neither San Jacinto Rail nor Bayport are smart proposals. They don't consider important new trends and information. They don't protect our communities. They will disrupt our land-use patterns and forever change southeast Harris County for the worse.
We need a Teddy Roosevelt in these difficult times. Students of history will recall that Roosevelt stood up for the public and split up the railroad monopolies at the beginning of the 20th century. Someone ought to sit the leadership of Union Pacific down in a room and not let them leave until we have some rate relief for these industries and/or access by BNSF to Union Pacific rail lines along SH 146. This would be similar to what another great leader - Jesse Jones - did with Houston banks to keep them from failing during the Depression. Someone ought to sit down and force the Port of Houston to go to Spilman Island for the good of our community.

It's hard to understand why our leaders are allowing southeast Harris County to be destroyed. We cannot and will not sit quietly by and let this happen without trying to save these areas. We would like to see someone standing with us at the federal level, speaking softly and carrying a big stick. And willing to use it.

FD 34079
D0174

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JAN 15 2003

Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-0001

During the past several months we have heard in detail about Safety, Mobility and Quality of Life Concerns that residents in the East End have in reference to this proposed project. And through all these debates we keep asking ourselves, "What benefit does this project have to us". And although we hear about employment opportunities and lower prices for goods that are transported on the railroads, these in my opinion are red hearings which are being used to "railroad" this project through the East End.

In fact, there are no benefits from this project for residents in the East End. Historically the Railroads have not been good neighbors for us and we have no reason to believe that this will change. Railroads don't make good neighbors, especially when they have owners who have made no attempt to be good neighbors.

Although the East End is perceived to be "on the other side of the railroad tracks" in actuality we are in the middle of the railroad tracks. These rails running through are neighborhoods are actually part of the problem. The East End has always been a large residential community here in Houston, and with urban renewal at work, our quality of life and property values have been on the rise. We don't want this project to slow or halt this urban renewal. This project would basically give the railroad industry a way to continue their bad neighbor policy.

What does the San Jacinto Rail Project offers the East End:

A minimum of two additional 33 car trains per day coming into and leaving our neighborhood for a total of 48,100 rail cars per year. This is the minimum with no set maximum. This project is expected to double in five years with no limit to any set level of additional trains, they could run trains 24 hours a day.

It is expected that thirty percent of the cars will be transporting hazardous chemicals, and the railroads offer the City an agreement that they will not provide any HAZMAT equipment for a response to a hazardous chemical spill.

Additional street blockages that can last up to one hour.

Additional hours of railroad horns blasting through the neighborhoods at night.

Additional railroad easements that are overgrown with weeds, littered with debris and are quite a blight on our community.

An agreement that they will not hire outside contractors to provide cleanup of the neglected, trashed out railroad rights of way, a problem they have not addressed in the past due to inadequate resources.

In conclusion, I would suggest that the Surface Transportation Board's decision to approve this project, which is based on the draft environmental impact statement's conclusion, "that the line would have "negligible" impact on the surrounding environment", be revised to say the Surface Transportation Board's decision to approve this project is based on the finding that the line would have "negligible" impact on **their** surrounding environment.

Sincerely,

Gordon Goss

East Lawndale Civic Association
Chair Traffic and Safety Issues

1939 Forest Hill
Houston Texas 77023

FD 34079
D0175

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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JAN 15 2003

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Frances Salings
Address: 5628 Allendale
Houston, TX
77017
Phone: _____

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

As a teacher of elementary student in this area I am very concerned about this petition application. It is disturbing to know that the residents and young children will be placed in jeopardy. The residents are already living under the 225 where there are more chemical plants possible more than any other city in the United States.

I urge you to please stop the proposed action for the sake of the residents young and old who may already be suffering from respiratory or any other genetic illness.

No one needs to live in fear that something devastating could happen.

FD 34079
D0176

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Mark Fernandez
Address: 5628 Allendale
Houston, Tx. 77017
Phone: _____

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I oppose the proposed action for several reasons.

First some of the transported materials are hazardous and they would go through a densely populated, already severely polluted area.

Secondly the heavy vehicular traffic could easily contribute to dangerous train collisions and/or derailments.

Thirdly, increased traffic delays would be unacceptable.

Lastly, the current operations and rail have been viable for decades and would not have been built and operated for this period of time absent profits.

Therefore, the status quo should be maintained.

FD 34079
D0177

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Brenda Roque
Address: 2910 Sinclair
Pasadena Tx 77503
E-mail
~~Phone~~: Tropichica81@Hotmail

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I would just like to emphasize the concept of a community. It is an alligance of people who live so close to each other and cooperate with each other. The people in communities are families not "labor". What do you tell an employee of one of these chemical plants when his son just got hit by the train and covered in safe plastic pellets? Or what do you tell a child whose parent will not be home to tuck that in because a two companies cannot cooperate with each other? We send our fathers, brothers, cousins, husbands, daughters, sisters, mothers and friends off each morning with a prayer and desire for them to return safely from their jobs in these chemical plants that are our providers. Now we will have to pray twice as much because our children must face a ton of loud and angry steel that screams in their ears and shakes their bones as they rush by with corporate profits that are just so important.

Our community does not need more threats for our youth. Or should I put it this way, if our children's lives are at risk, so is your future "labor force."

Brenda Roque

FD 34079
D0178

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Rachel Zuckert
Address: 4509 Walker St.
Phone: 713-921-1680

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I want to protest the conclusions drawn in this draft, especially that the effect of the San Jacinto Rail project on the East End Community other neighborhoods in Houston) will be "negligable." I live in the East End and have already experienced the difficulties ALREADY caused by rail traffic. Not only are we frequently woken at night by loud train signals, but we are delayed FREQUENTLY forced to wait from 10-20 minutes for a STANDING train to move away from an intersection. There are no accessible underpassed passes for one of them. The rail traffic is that is ALREADY destructive to the quality of life in the East End, and will add extra rail traffic only make the burden heavier. This burden is also DANGEROUS because these stopped trains prevent emergency vehicles from having access to our neighborhood. This ALREADY bad situation will be rendered much MUCH worse by extra rail traffic which includes dangerous materials which would pose a CATASTROPHIC effect on the homes, schools, families that are close to the route planned.

These hazardous materials also pose a threat to a city water treatment facility near the proposed tracks. An accident or a terrorist attack near that plant would endanger the whole Houston population.

PLEASE RECOMMEND AN ALTERNATIVE ROUTE OR AN ALTERNATIVE PLAN OF ACTION

FD 34079
D0179

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

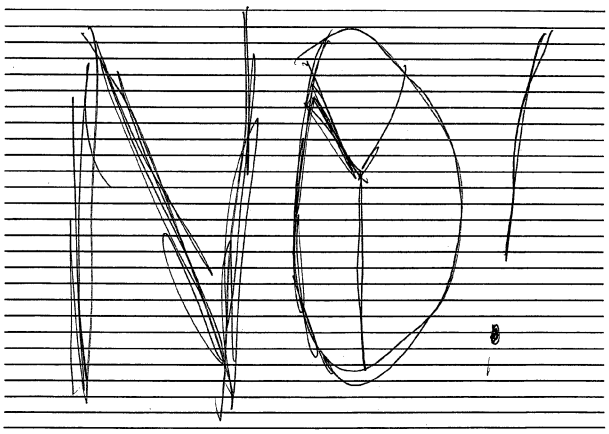
COMMENT SHEET

Name: Anna Muñiz
Address: 1814 Chapman
Houston, TX 77009
Phone: (713) 225-8878

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.



p.S. That's bilingual, too!

FD 34079
D0180

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Juventino G Flores
Address: 6837 Ave E
Houston TX
77011
Phone: 713 9238493

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

We have very very opposite to bring more trains to our neighbor because Right now we have enough in the morning when take my kids to school the train is in there for 25 minutes then when I pick is another comein so we get the kids late to school

Need how you to do something to make the city of Houston to stop the long long trains closing our streets

Now you wanted a put more problemes to our community

POR FAVOR entiendan que por ser una comunidad pobre no es motivo para aplastarla y contaminarla mas tambien somos humanos y tenemos muchos hijos que tienen todo el derecho de vivir una vida sana sin contaminaciones y sin peligro que nos envenenen el aire tambien somos ciudadanos de este pais que tiene un standard para todos igualdad para todos

UNITED WE STAND

THANK YOU

FD 34079
D0181

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Lee Gonzales
Address: 7139 Keller
Hou TX 77087
Phone: ~~713~~ 2812440256

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
The data reported by the railroad companies is inaccurate. Areas that ~~supposed~~ supposedly contains no residents are actually neighborhoods containing 2000 homes. It is disconcerting that ~~the~~ serious consideration is being given to this plan based on knowingly flawed data.
~~The~~ The large public outcry is an indication that this is a poor proposal

FD 34079
D0182

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Catalina A Garcia
Address: 5003 McKinney
Houston, TX 77023
Phone: 713 924-1790

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
• It seems that our national security is of little importance to the STB. This board is not representing a true population. Its ~~bta~~ straight out racist. The board sits and isn't even pretending to listen. The EASTEND SAYS NO to this proposal. The lives of our children are on the line. Does anyone on the board live in the EASTEND? The negative effects and potential of an accident is our american made terrorism in EASTEND of Houston.

FD 34079
D0183

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TO WHOM IT MAY CONCERN:

I am Doris Grauerholz. As you can see I am a disabled person due to Polio in 1930, but I am a voter and I have lived in this neighborhood for over 50 years. I am a mother and a grandmother and I come in behalf of the 18,000 children who go to school within 1/2 mile of the BNSF proposed route.

I know that the children of this generation will someday be our leaders in our government. I want to say there are many side effects from hazardous materials that are on trains going to the chemical plants - but do we want 25,000 more rail cars going along Hwy 3 to endanger these children? Many of the children walk this route to school each day, can we endanger them?

The SEA says in their report that it would have a NEGLIGIBLE EFFECT. Nothing is negligible if it hurts one of our children.

I was an office worker for 27 years and I found myself late for work due to a train blocking the crossing. In fact recently I waited on the same train three times to get to my destination on Lawndale.

The underpass on Hwy 3(one of very few on this BNSF line)floods when we have heavy rains.

Do we want a person to die in a house fire or from a heart attack because an emergency vehicle cannot get to them in time? Are their lives negligible? NO I SAY EACH PERSON REGARDLESS OF AGE SHOULD NOT BE IN DANGER OF SIDE EFFECTS FROM HAZARDOUS MATERIALS AND ESPECIALLY OUR CHILDREN.

One day our President could be one of these children from the East End. Are they negligible?

FD 34079
D0184

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Julie Doll
Address: 4019 River Dr
Houston TX 77017
Phone: 713-644-0773

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
I strongly oppose the Stang into Rail Lines newest endeavor to transport more Chemicals through my neighborhood. At a time when this whole EAST End is making progress toward Revitalization, this newest act will literally expose us "Dead in Your Tracks." Thousands of neighbors with children in schools who populate the proposed route surely do not fully understand the negative impact this Rail Line route will cause. I agree with what my elected officials have said and support all that is being done to stop progression of this project. It will destroy my property values, and potentially my livelihood and life.

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D0186

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: STEVE TURNER

Address: 14107 HAZELRIDGE CT.
HOUSTON, TX 77062

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

~~3~~ THE DRAFT EIS FAILS TO TAKE INTO ACCOUNT AN IMPORTANT ISSUE AFFECTING ROUTES 1 AN 1C. AEROSPACE CONTRACTORS NEAR THE NASA SONNY CARTER TRAINING FACILITY HAVE LONG TERM PLANS OF EXPANSION IN THE AREA OF ROUTES 1 AND 1C. ~~A NEW A BETTER CA~~ THESE ROUTES CUTTING THROUGH THAT AREA WOULD ADVERSLY AFFECT ~~TH~~ THEIR GOALS FOR EXPANSION. THIS COULD MEAN THE LOSS OF THOUSANDS OF TECHNICAL ~~HIGH~~ PAYING JOBS. I SEE NO AREA OF THE ANALYSIS THAT ADDRESSES THIS. TAEREFORE I SEE NO WAY THAT ROUTES 1 OR 1C WOULD BE LOGICAL OR REASONABLE AND SHOULD NOT BE BUILT.

FD 34079
D0187

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SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Steven Walch

Address: 17102 Stone Stile
Friendswood Tx 77546

Phone: 832-573-1512

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

As a teacher at Cesar Chavez High School, I try very hard to impore my students towards proper education. As you know, this railline has the possibility to adversely affect my school and my students. A way for you to help me prove to my students that all of our views can be heard is for you to disapprove this proposed railway. Even though I do not live in this immediate area, I do teach here, and I love teaching my students. My students have much to overcome, they do not originate from well-off families, they do not live in fancy houses. They do not have the best standardized test scores. They do not have the best social skills. However, these students do represent our future. The last thing that they need is to have their future placed at risk to save a few railroad companies a few dollars. They do not need to have any more difficulties in just trying to really, their schools, they do not need to worry about whether a train wreck will ruin their neighborhoods. This proposed railway is a risk not worth taking.

FD 34079
D0188

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SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Steven Walch

Address: 17102 Stone Stile
Friendswood, Tx 77546

Phone: 832-573-1512

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

SEPT 11, 2001, a day that will live in infamy. On that date terrorists using a highly successful plan, attacked New York, Washington, and the United States. This plan took much time, effort, and money. On that day, terrorism won a very strategic battle. Now go forward just a few years. Will terrorists need to steal airplanes to hold a country hostage. If this railway is allowed and hazardous chemicals are allowed to be shipped on this line, a terrorist only need to use a 12 foot steel I-beam to bring the countries 4th biggest city to its knees. All the terrorists need to do is derail one single train to wipe out thousands of people. One derailment would also set the railway industry back just like 9/11 set the airline industry back. But this time, the stakes would be so much higher. Corporate profits are not worth giving terrorists an easier way to put our community, city, state, and country at risk.

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0189

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Steven Walch

Address: 17102 Stone Style
Friendswood Tx 77546

Phone: 832-573-1512

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Competition is very important. I understand that those companies that are in favor of this proposal need relief, but there has to be a better way. As a teacher at Chavez High School, a school that would be affected by the railway, I see my students compete everyday. They are competing against students in wealthier districts. I see them compete daily against very long odds just to try to realize their dream of graduating high school. They are competing against a history of discrimination and racism against them and their families. My students believe that the system is against them. I try to teach them that the United States is the land of opportunity and fairness. If you approve this planned railway, my students can only believe that the United States favors the rich and powerful and does not care about the little people. Please prove me right - TURN THIS PROJECT DOWN

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0190

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JAN 15 2003

Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 15, 2003

Surface Transportation Board
Section of Environmental Analysis; Office of the Secretary
Case Control Unit STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001
Attn.: Dana White

We would like to bring to the attention of the Surface Transportation Board, the following issues in relation to the Proposed Bayport Loop Build-Out for the San Jacinto Rail Limited and the Burlington Northern and Santa Fe Railway Company, Finance Docket No. 34079:

- The transportation system has a potential for leakage, spills or other incidents involving hazardous materials that would affect areas heavy residential areas and numerous schools located very close to the line.
- The transportation system will have numerous grade crossings where there is heavy traffic and where many schools are located, specifically in our area Chavez High School and Stevenson Junior High, posing a danger for students and vehicles that transport students at the crossing.
- The transportation system will potentially cause very heavy traffic delays that will affect many areas that are near Highway 45 (Gulf Freeway) that is a major freeway (and almost the only freeway) connecting southeast Houston to the rest of the city.
- The line will cross heavy residential areas, posing hazards to the water system and the drainage and flood control system.
- The line will affect Diesel, NOx, and fine particle emissions from the trains. Our air quality in southeast Houston is already very bad, so we don't want it to get worse.

- The noise effects from passing trains will affect residential communities. It is becoming increasingly apparent that noise pollution affects the well being of individuals, particularly if it disrupts sleep at night.
- The line will also pose a threat to recreational areas used by many persons and particularly children.
- There will be a high cost to this project that may impact tax and city revenues. In addition, it will lower property values, causing the city to lose revenues.
- According to knowledgeable persons the project has been grossly understated. It is our understanding that several railway companies and new industries with unknown products intend to use this transportation system. We question the statement that $80 million will be spent for the use of only 13,000 to 23,000 railcars/ year. When the terminal is built the traffic and environmental hazards will greatly increase.
- Alternative routes can be considered for this project, such as to build the line in a sparsely populated area. This would be a much better for the city and its residents.
- We are dealing with a problem of monopoly of the present railroad lines. Why doesn't the government investigate this problem and act approapriately to resolve it, bringing the matter to the attention of the courts if needed? Or should we do it?
- The propposed additional line will cost 80 million dollars to build and is estimated to produce 500 million in one year. Can we trust that decisions will be made in an unbiased manner without the temptation of seeing profit motives or prosperity for the city even if they pay the price of having safety and health risks for the population?
- Many residents of these areas are Hispanic, low-income persons. Would this mean that their rights will be ignored by powerful companies because they may be underepresented in higher administrative circles or do not have the means to fight for their rights?

For these reasons, we are adamantly opposed to this project, and would like to ask you to seriously consider our comments and weigh them heavily in your decision, which we hope will be to deny permission for the construction of this project. Thank you very much for your attention.

Luis G. Valdes, M.D. Luis G. Valdes

Thusnelda M. Valdes, Ed.D. Thusnelda M. Valdes

FD 34079
D0258

"harun perez" <ycp_harunp05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject:

01/16/2003 10:37 AM

January 16, 2003

Dear Ms. Dana White,

My name is Harun Perez, a student at Y.E.S. College Preparatory School in Houston, Texas. It has come to my attention the issue about the new railroad track to be built in the East End. This railroad system poses great danger to the community in which the railroad will pass.

This neighborhood is composed of many schools and parks. This means that there are many children running around the neighborhood. If an accident were to happen around this area, many children and adults could either get sick or die. The water could become polluted if any chemicals were to drain into the water or the sewage system. Many homes would be without the use of water for days, weeks or until the water is cleaned.

The installation of a new railroad system would cause more pollution and traffic. Both pollution and traffic are problems that Houston is already facing today. If pollution were to increase, people with breathing problems will become more ill due to the pollution.

I hope you take my opinion into consideration by making the right choice. Building this new railroad system will just bring more problems to our community. So denying the construction of this railroad system is the right choice.

Sincerely,

Harun Perez

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http://join.msn.com/?page=features/featuredemail

FD 34079
D0259

"ellyse Espinoza" <ycp_ellysee05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: San JAcinto Rail Road Line

01/16/2003 01:23 PM

Dear Ms. Dana White,
January 14, 2003

Hello, Ms. White , my name is Ellyse Espinoza and I attend Y.E.S College Prepatory School. The reason that I am sending you an e-mail is because I am concerned about the environment. I attend school near Pasadena and my school is located right behind the railroad tracks. Our school has recently moved hear 2 years ago. The reason we moved is because we thought it was a safe environment. Our school is not yet real buildings therefore to get to classes we have to go from building to building. It's bad enough that our environment is polluted but, by letting the government allow dangerous chemicals to be transported right in front of our school. Not only right in front of our school but also through neighborhoods that are 97% Hispanic and also 37% of those people are children. There are many cons for this idea. Some cons are that what if a spill were to occur? Then it would be bad for the community. The more trains, the more traffic. Some Saturdays that we have school. I am late to school because the train takes so long. Its going to cause even more traffic for everybody. It would also cause more accidents. Another reason I'm not in favor for this is that the property value would decrease. The trains would also be very distracting during the day. My last reason is that the federal government funding project of Houston could be using this money more wisely and not spending it on something that is hurting our environment. Well, I hope you can consider changing your mind for the concern of the people of the community and also the children that could get sick by the trains that could posibly be carrying hazardous chemicals.

Sincerely,
Ellyse Espinoza

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http://join.msn.com/?page=features/featuredemail

FD 34079
D0260

"Gabriela Buenrostro" <ycp_gabyb@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: My Opinion on the Railroad System

01/16/2003 10:37 AM

January 14, 2003

Dear Ms. Dana White,

I am a student at Y.E.S. College Preparatory School and have recently been listening to the news about a new railroad line that will be built in the East End. The train will pass a few feet away from my school. The train will be carrying many toxic chemicals that can affect our community in the long run. I strongly disagree with this because these things can affect our health.

Houston has been named one of the top cities with the most pollution problems. Living near Pasadena, this will cause more pollution in the air that can affect our lungs. If the toxic chemicals that the train carries spill over the chemicals will seep into the soil. This will cause a problem if people have gardens because their food might become toxic. The chemicals might also get into our water system causing a big water pollution that will cost you more money to clean than it already does.

The installation of this railroad line will really affect our community by sabotaging our health. Many people do not support it and we would not like it if you build something in our community that will affect our health.

Sincerely,

Gabriela Buenrostro

get 2 months FREE*

FD 34079
D0261

"Lara Autrey" <ycp_lara_a@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: San Jacinto Rail Line

01/16/2003 10:30 AM

Dear Dana White,
I am Lara Autrey-Rodriguez, and I am a sophomore at Yes College Preparatory School. I am deeply disturbed by the idea of the new San Jacinto Rail Line. Recently, there have been many attempts to revitalize my neighborhood in the East End, but by adding a noisy and polluted train to the already suffering barrio, we won't have any luck in improving my community. I am outraged just thinking about all the negative effects this train will have on my area of town. More traffic, polluted air, and possible chemical spills that will contaminate our supply of water are just a bare minimum of what this train will cause. Furthermore, I am concerned about the 24 -hour noise of the train going by while I try to work diligently on my homework. I won't be able to concentrate and meet the requirements that my school, Yes College Prep, expects from me. This school helps me thrive for success and prepare for college so I can accomplish things in life. But, this dangerous rail line affects everyone and everything in my community. I think it is an awful idea, and I hope you take my opinion into consideration before making any decisions that could make a negative impact on the future.

Sincerely,
Lara Autrey-Rodriguez

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http://join.msn.com/?page=features/virus

FD 34079
D0262

"juan cespedes" <ycp_juanc05@hotmail.com>
01/16/2003 10:36 AM

To: whited@stb.dot.gov
cc:
Subject:

January 14, 2003

Dear Ms. Dana White,

Hello my name is Juan Cespedes and I am currently a sophomore at Y.E.S. College Preparatory School in Houston, TX. I have heard of a request that has been made by the BNSF of a proposed new railing. I am disgusted that we are actually considering this, it is an outrage. We are putting the lives of thousands of people at risk just for the benefit of one company. We have to take into consideration the problems that this railroad might bring. There can be chemical spills that might cause the deaths of many. Also, some of these chemicals might have long term effects on us. For example, in the worst case scenario, a chemical spill might not show immediate affects on the community but in the long run it might cause birth deformities and/or different disease not known to us yet. Also, a chemical spill can cause water contamination. This is the water that thousands of kids drink each day. I am not only speaking for myself, everyone in the community agrees with me. Building a railroad carrying toxic waste is dangerous. Please help.
It is obvious that carrying chemical waste through residential neighborhoods is very dangerous. Let us use common sense and prevent an accident from happening.

Sincerely,

Juan Cespedes

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FD 34079
D0263

"israel Acosta" <ycp_israela@hotmail.com>
01/16/2003 10:39 AM

To: whited@stb.dot.gov
cc:
Subject: houston railway

January 16, 2003 Dear Ms. Dana White,

I am a 15-year-old student at Y.E.S. College Preparatory High School in Houston, TX. I am writing to inform you that I strongly disagree with the extension of the railway on highway 3 of the city's East End. I am also aware that your company lied about the census of 2002. It is foolish and irrational for your company to want to carry toxic chemicals where the population of children is 32%. Imagine all the schools this would effect. As a Hispanic person I know that you probably targeted this point of the city because you know Hispanics are to scared to stand up for their rights. Everyone knows that if it comes to the decision of voting the railway expansion will succeed because living in a highly Hispanic community not many of them would vote. It worries me that you would want to use this road in a highly residential zone.

Sincerely,

Israel Acosta

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D0264

"andrew Rodriguez" <ycp_andrewr05@hotmail.com>
01/16/2003 01:23 PM

To: whited@stb.dot.gov
cc:
Subject: San Jacinto RailRoad Line

Dear Dana White, January 14, 2003

My name is Andrew Rodriguez and I go to Yes College Preparatory School in Houston, TX. I strongly disagree with this plan. For one, the train will be carrying waste such as toxic materials through the neighborhood with a large population of young children.The railroad plan is dangerous and it will lead to more health problems for Houston and also add more pollution to the Houston area. The pollution and wastes may get carried through our water sources and cause some serious problems. If there is a spill, the possibility can be health problems and may even lead to death. Since there is a large population of people living in this area, the railroad plan will cause more traffic and more accidents. For the people that will live next to the railroad's path, they will have problems with the noise during the day and especially during the night, causing them stress and problems with their everyday life. Finally, why waste money on the new plan when there already another route that the same train already uses which goes around the city. This causes less problems because there is not a large population around that area and that there is not a lot of traffic. The money could go to more important needs than one that will cause more problems in the future. My main concern is the people and most of all the children and the problems that this railroad plan will cause.

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FD 34079
D0265

"maria vielma" <ycp_mariav05@hotmail.com>
01/16/2003 01:29 PM

To: whited@stb.dot.gov
cc:
Subject: San Jacinto Railrod Line

January 14, 2003

Dear Ms. Dana White,

Hello, my name is Maria Vielma and I attend Y.E.S. College Preparatory School. I am writing to you because I read about the train dilemma that the city is having. I think that building a train track where the city plans to build it is a ridiculous idea.

This is something our whole school is worried about because it will affect an enormous amount of residents that live around this area, including us. We are located at 353 Crenshaw Rd. in the Southeast area of Houston. This is something I strongly disagree with because of the following reasons. This will pollute our air even more and cause health problems for all of us. There is a tremendous amount of children that live around this area and building train tracks in their neighborhood will affect them. There is a big possibility for chemical spills and more accidents to happen if we have this train track built. There is enough traffic already and with this railroad being built in this area, then it would take even longer to get to our destination.

In conclusion, I think that building another railroad track would just bring more problems to our community. Therefore, it would be better for it not to happen. Thank you for your time.

Sincerely,

Maria Vielma

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FD 34079
D0266

"lilia pineda" <ycp_liliap05@hotmail.com>
01/17/2003 11:08 AM

To: whited@stb.dot.gov
cc:
Subject: San Jacinto Line

January 17, 2003

Dear Ms. White,

I am Lilia Pineda, a student at Y.E.S. College Preparatory School. I am a sophomore and I would actually like to finish my high school education alive. I would also like to fall asleep and not have to think that I am not going to wake up to see daylight the next day because I may die during the night. I found out through my teachers that there is a proposal to build a train line that passes a block away from my school. I am one of the minorities that were not taken in consideration when the company's consortium was created. I do not think that the money BNSF will make with the San Jacinto Line would be enough to pay for all the damages done if an accident were to happen.

I am outraged to think that this is even an issue. Without thinking, the federal government should veto this proposal. The trains would be transporting chemical shipments that are toxic. If an accident was to occur, I do not even want to think of what would happen to me. Do you think it would be fair if the decision of one person cause the death of many?

Not only the students at close by schools, but also the residents living in the area are at great danger if the San Jacinto line was to be built. I live close by and I also run the risk of being affected by the pollution that will increase if the proposal was to be approved. This new line would also cause traffic, which is currently excessive. It already takes enough time to get to were I want to go. Now imagine it would take longer if I have to wait for fifteen minutes until the train passes. As if it was not enough, the loud noise would also disturb my learning process during school hours and outside of school hours since I can hear it from my house at night. Furthermore, my property value will decrease since there is an enormous risk taken with the train line. I do not think that it would be right for my parents to lose money because of the railroad line approval.

Thank you for reading my letter and taking the time to hear what I have to say. I hope that this letter can give you a view of what the decision should be, and not built the San Jacinto Line. Please, think about what I have said and do not make the wrong decision and accept the proposal,because it would affect the lives of many.

Sincerely,

Lilia Pineda.

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D0267

"Reynaldo Santibanez" <ycp_reynaldos05@hotmail.com>
01/17/2003 03:11 PM

To: whited@stb.dot.gov
cc:
Subject: BNSF Railroad

1/17/03

Dear Ms. White,

My name is Reynaldo Santibanez and I attend Y.E.S. College Preparatory School. It is near where the BNSF Railroad is going to be built. I think that this is a terrible idea because this will end up polluting most of this area. The air pollution will hurt infants and people with asthma as well. I do not want to come to a school that is constantly being polluted every day by trains carrying dangerous chemicals. This will also cause a lot of traffic in this area making it harder for our parents to pick us up in case of an emergency. Also the pollution could kill the animals nearby as well as the trees from the air pollution. The chemicals could also fall into a nearby water source and could poison us all living in this area causing death.

I also have some friends that live by this neighborhood and it will affect their everyday lives as well. They will have to come home to the terrible pollution around their community. I do not want to have that for them kind of life at all. They might end up having breathing problems as well and it could stay with them for the rest of their lives. I would like for you to not allow the train to be built near this area.

Sincerely,

Reynaldo Santibanez

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D0268

"yesenia soto" <ycp_yesenias05@hotmail.com>
01/17/2003 03:14 PM

To: whited@stb.dot.gov
cc:
Subject: Railroad on east side of Houston

Dear Dana White, January 17,2003

My name is Yesenia Soto I am a student at YES College Preparatory School, which is located at Crenshaw and South Shaver. I am concern about the issue of wanting to build railroad tracks on the East Side of Houston. I do not think it is a good idea because it will endanger the nearby communities and schools.
The East Side of Houston neighborhood has many schools and parks. Many kids run and play around and if an accident were to occur kids and also adults could get hurt or sick. Also, there can be spills that could contaminate our water.
If the railroad tracks are built it would cause more pollution and traffic, not only when they are ready but also in the process of being constructed. Houston is already facing problems with traffic and pollution and we do not need anymore.
Therefore, I hope you take my opinion into consideration and make the right decision. So I think denying the construction of the railroad tracks is the best choice. If the railroad tracks are built it would just bring more problems

Sincerely,
Yesenia Soto

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FD 34079
D0269

"brittany ramos" <ycp_brittanyr05@hotmail.com>
01/17/2003 03:24 PM

To: whited@stb.dot.gov
cc:
Subject: Railroad opinion

Dear, Ms. Dana White,

My name is Brittany Ramos and I am a student at YES College Preparatory School. I believe that people wanting to put a railroad into my community without even asking me is wrong. I have been reading up on the possibility of the San Jacinto railroad being built in the southeast Houston area. I am completely against people making decisions for me, especially when they affect me. One of the ways that this railroad will affect me is by making me even more late to school in the morning. Trains often cause me to be late in the morning and it will only worsen the situation if we have another one. Secondly, the train will be carrying chemicals that will be not only harmful to my classmates and I, but also to other citizens. There is enough pollution in the world and I do not believe that we need anymore. I just wanted you to know that I do not agree with the San Jacinto Railroad being built in my community.

Sincerely,

Brittany Ramos

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D0270

"pablo miguel" <pablosanm@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: BNSF railroad project
01/17/2003 03:25 PM

Dear Ms. White,

January 17, 2003

My name is Pablo Guadalupe San Miguel and I am from Yes College Preparatory School in Houston, Texas. I am very concerned about the plan to build a railroad on the East Side of Houston. I happen to live extremely near the site in which the railroad will be built and as a citizen I strongly disagree with this plan. For one, the train will be carrying dangerous and toxic chemicals, which could be harmful to the large population and young children that live near the site. Many children play and walk to school directly where the tracks plan to be built. Not only could it affect the population but also it will pollute the environment. If the train were to spill, the chemicals will seep into the land and the water causing many health problems, which may lead to severe illness and maybe even death. This train will cause more traffic and the community contains a large amount of traffic as it is. The train could prevent an ambulance or any other rescue organization get to their destination causing even more pain. It will also cause disruption in people's day and the night and cause more stress and accidents. Finally, why waste more money on another railroad track when the company own railroad tracks that is already travelling through the city disturbing other peoples business. The money could be used to improve the educational system or the communities so as to prevent any harm to the people. My only concern is to stop the plan that will build a train in the East Side of Houston, which harms everything surrounding the tracks. If possible could you reconsider your opinion and vote against the railroad line. Thank you for taking your time to read this email.

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FD 34079
D0271

"patricia nieto" <ycp_patrician@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: East End Railroad Track Project
01/17/2003 11:20 AM

January 17, 2003

Dear Ms. Dana White,

My name is Patricia Nieto and I am currently a student in the 10th grade at YES College Preparatory School. After reading The Houston Chronicle newspaper these past weeks I have realized that the BNSF railroad company has decided to build a eight -million dollar train track which will pass through most of the East End neighborhoods. As a resident of the East End and a student who attends one of the many schools near where the tracks will be built, I am personally outraged that the company and the Surface Transportation Board would think about the idea of building these tracks. I believe that they themselves did not even take into consideration that the people of the East End neighborhoods would disagree with the construction of the railroad.

After reading many of the articles that have been published, I have realized that there are many public threats that will arise with the new construction of it. For example, if by any chance the train were to derail many of the toxic chemicals that will be carried by the train will probably fall into the sewer system and spread through most of the neighborhoods causing a huge intoxication. These chemicals will be cause new diseases for which we will have no cure, or probably even cause many kinds of birth defects for which families and children will have to live with for the rest of their life.

In my opinion, the new railroad tracks that are in debate of being built should not even be debated about. Everyone in their right mind would know that creating a track through the city in which a train will pass daily carrying toxic chemicals should not even be built knowing what types of problems have been happening in these past weeks with trains. It all just seems as if our country is no longer a democracy if companies like these will continue to go on in building things that will harm people even though they are aware of the dangers that can occur as a cause of it. I hope that our opinions will make a difference and that the train tracks will not be built but if the tracks are built that they will not be used to carry such harmful chemicals.

Sincerely,

Patricia Nieto

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"carlos ortiz" <ycp_ortiz@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: East End Railroad.
01/17/2003 11:22 AM

Dear Ms. White,

I do not meant to be a nuisance, but I strongly believe that this railroad track is going to be a problem in our city. What do you think might happen if there was a spill? What if the spill happens right near your front door? Would your kids be at risk of being contaminated with a deadly chemical? Think about the worries our community is going through. Everyone sleeps late at night thinking of a way to keep their kids safe once this rail road system is built. I am not a parent, I am not a teacher, and I do not have a job. I am a sixteen-year-old who is concerned about his safety, along with every one else's in the community. I skateboard, I get home from school, I do my homework and then go skateboard. Once this track is built, my mom will most likely be to worried about me getting hurt that she might not let me go out any more. Teenagers now days cut themselves, do drugs, join gangs, or go out and have sex all day. Yet skateboarding is the only thing that keeps me away from teenage every day temptations.

Ohio once tried to carry on a similar project, yet not as many people would have been effected by the railroad tracks, and the trains did not even carry any dangerous chemicals. So what do you think we should do? We have nearly three times the population surrounding the track that is going to be built than they did. Is it that the city of Houston does not care? Are we not important to the people in charge? Right now I feel like a flea in a bucket of water shouting for help at the top of my lungs, yet no one can hear me. No one cares that I am slowly dying.

So I beg of you to reconsider this idea of building a railroad track through the East End. If they have to build one, consider building it somewhere safe, away from the people who make up this community.

Sincerely, Carlos Ortiz

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D0273

"jose patricio" <ycp_josep05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: houston tx east end railroad system
01/17/2003 11:13 AM

January 14,2003

To whom it may concern,

My name is Jose Patricio, a student from Y.E.S. College Preparatory School, located in the East End. I write to you to state my opinion on the issue of constructing a railroad track carrying toxic waste between my neighborhood. Have you thought about the schools that are close to the railroad, what about if one of the trains derail and spreads all the chemical causing a spill. The chemicals would then cause an impact to the whole community. This would get small children sick, 32% of the people in the community are children. Just think about how many children would get sick if one of the trains would get derail and the toxic material would spill.

Not only that, but also the increase of trains would cause increase in traffic. Right now we have to sit in traffic for more than 30 minutes every single day. Just imagine how much traffic there would be if we were to increase the number of trains. When trains cross and we have to wait for them to pass we have to sit inside the cars for 4 to 5 minutes. The increase in trains might also cause impact to emergencies. What if someone needs medical attention and the ambulance ca not cross to the other side because there is a train in the way. Those minutes waiting for the train to pass could mean the difference between life and death.

I hope that you please take my opinion into consideration.

Sincerely,
Jose Patricio

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FD 34079
D0274

Fermina Laynez <fermina_diesel05@yahoo.com>
01/17/2003 03:11 PM

To: whited@stb.dot.gov
cc:
Subject: Chemical Railraod

January 17, 2003

Dear Ms. White,

Hi my name is Fermina Laynez and I attend Yes College Preparatory School located in Southeast Houston. As you are aware there is going to be a train track built right by our school that will transport chemicals and honestly I am very applaud by the action that is about to be taken. The train track will pass by neighborhoods and about 32% of the people being affected by the pollution are children. I am very concerned the way BSN Company does not care for the other people anymore. Have we got this far as in to endanger the lives of children. I do not agree with the fact that they should build this track.

Since we live in a democratic I think that my opinion means something. With this happening and the endangerment that may be caused to our community is the main reason why I am writing this letter. Thank you for reading this letter.

Sincerely,

Fermina Laynez

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FD 34079
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"Matthew Longoria" <ycp_matthewl05@hotmail.com>
01/17/2003 03:25 PM

To: whited@stb.dot.gov
cc:
Subject:

January 17, 2003

Dear Ms. White,

Greetings! My name is Matthew Longoria and I am a sophmore attending YES College Preparatory School in Houston, Texas. I am writing in concern of a matter that was brought up in my 10th grade computer class and also throughout my school. It seems that a new rail line has been proposed to be built along Old Galveston Road in SouthEast Houston. I have been informed that this new rail line will be used to transport perilous and toxic chemicals. This rail line will also run in close proximity to our school. My colleagues and myself are opposed to this issue. I feel that, if indeed it is built, will be a great health risk not only to our school, but others living in this entire community. This rail line will also affect this community in a number of other ways. It will decrease the property value, increase traffic, and effluence the environment. Yes, this rail line may save money according to the statistics, but people's health are on the line. This rail line may solve problems for the corporation who require it, but will also generate additional problems in the long run. This rail line must not be built, and if you could do what you can to stop it, we will all appreicate it.

Thank You,

Matthew Longoria

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"suzy lopez" <ycp_suzyl@hotmail.com>
01/17/2003 11:09 AM

To: whited@stb.dot.gov
cc:
Subject: East End Rail Road Project

January 16, 2003

Dear Ms. Dana White,

My name is Susana Lopez. I am fifteen years old and a student at Y.E.S. College Preparatory. It has come to my attention that there is a probability of a rail road extension from the East End to Clear Lake, pending on the approval of the Surface Transportation Board. Being a student of one of the schools that the rail will be running by, I strongly disagree with this proposition. I, as well as several members of the community and school, feel that it is obviously unethical. My biggest concern is the fact that the rail will be transporting toxic chemicals that are hazardous to our health. There is great potential danger for residents. I also feel it is illogical to have such a danger so close to many high schools and elementary schools. The risk of a train derailing is too high, because it means lives being lost. Not to mention the nuisance that trains are for residents at all hours of the day and night.

Following through with the train proposition will also affect our economy and neighborhood appearance. Property values will go down. No one in his or her right mind would want to live in the area. Revitalization of the neighborhood would be a difficult task because many individuals prefer not to live near railroad tracks; they are not exactly pretty.

The railroad would definitely affect the progress of traffic flow. Not only will it irritate drivers, but also the chances of a pedestrian and vehicle accident would be higher. What about the people who live on the other side of the tracks? What if they need a emergency vehicle, but are not able to get one because a train is in the way. So far, the plans do not include a solution for such a problem.

Thank you for taking the time to hear the opinions of the residents that will be affected by this plan. I hope that you will make the right decision to not go forth with this plan and set our minds at ease.

Sincerely,
Suzy Lopez

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"brenda m" <ycp_brendam05@hotmail.com>
01/17/2003 10:59 AM

To: whited@stb.dot.gov
cc:
Subject: East End San Jacinto Railroad Project

January 17, 2003

Dear Ms. Dana White,

My name is Brenda Martinez and I am a sophomore at Y.E.S. College Preparatory School, one of the several high schools by which the proposed railroad will be built. My community and I are very concerned and disturbed at the idea of this railroad track being built. I understand that this railroad track will open up job opportunities and will break a monopoly between companies, but there are many consequences that out weigh the good things. There have been several chemical spills that have occurred and the thought of risking the life of my family, friends, and other kids and adults just because Union Pacific does not want to share a track with BNSF is absurd. Furthermore, if there was a chemical spill, then there could be a water contamination that could affect everyone around the community. There is already a traffic congestion with the amount of train carts coming by and if this other railroad track were to be put on, it would increase the traffic congestion. Thus, causing kids to be late for school, people late to their jobs, and in case of an accident an ambulance or police car may not be able to get to the other side. In addition to these consequences, there is also the noise that could distract students from their studies and at night people may not be able to sleep because of the sound that it causes. I ask that you consider all of these consequences and that you take into account the concerns of the area being affected before you make your decision.

Sincerely,

Brenda Martinez

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D0278

"delia garcia" <ycp_deliag05@hotmail.com>
01/17/2003 03:26 PM

To: whited@stb.dot.gov
cc:
Subject: San Jacinto railroad

January 17, 2003

Dear Ms. White,

Hi! My name is Delia Garcia and I attend Y.E.S College Preparatory School. The reason why I am writing this letter to you is to give you my opinion about the new San Jacinto railroad. This new railroad could affect our school and other community members that live close to where the railroad might be build, including my neighborhood. It will affect us in many ways; we could even die because of the chemicals being transported. The San Jacinto railroad will transport many dangerous chemicals that could cause health problems in many people including children. The train will also cause more traffic jams and air pollution, which will make things worse than what they are already. Our school is very concerned with this problem and we really hope that whoever makes the choice of putting the new railroad makes the right one. I personally do not want the new railroad to be constructed.

Therefore, I hope you take this letter in consideration and make the right decision; do not construct the San Jacinto railroad. Thank you for your time.

Sincerely,
Delia Garcia

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"Selene Garcia" <ycp_seleneg05@hotmail.com>
01/17/2003 10:53 AM

To: whited@stb.dot.gov
cc:
Subject: East end railroad project

Dear Ms. Dana White

I am a student attending YES College Preparatory School. I am in my sophomore year and I have been recently informed that in my community a new railroad track would likely be built. I was informed that these new trains would be carrying extremely dangerous chemicals that would have fatal effects on the people in the community. These new railroads would not only just affect our health but many other things. For one there will be more traffic that will cause many problems including time and pollution.

Sincerely ,

Selene Garcia

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D0280

"Monique Gonzales" <monig927@hotmail.com>
01/17/2003 03:09 PM

To: whited@stb.dot.gov
cc:
Subject: new railroad system.

Dear Dana White,

My name is Monique Gonzales and I attend Y.E.S. College Preparatory School, located on Crenshaw and Shaver. I have a concern with BNSF's desire to build a new railroad in my surrounding community. If this city were to build a new railroad, it would tear right through the middle of several communities and neighboring schools. When you are building something that involves the whole community, I think that you should at least take the opinions of the community into account.

So here's mine.

I personally don't agree with the BSNF's decision to build a new railroad. If the train were to leak some type of chemical or substance, it would cause a lot of pollution to our air and water. Houston's water and air is at a very unsafe stating right now. The last thing that our city needs is to add more pollution to our atmosphere. Then for you to go and have the community pay taxes on it. No! The community is already disagreeing with this new railroad (you can see that by all of the emails you've received in the past couple of weeks.), and then for you to make us pay for it, isn't that smart.

I don't expect you to actually take my words into consideration because I'm a minor, and minors don't know anything. (Right?) But if you do take something into consideration, take this. If one of your most loved relatives is dyeing on the right side of the train tracks, but an ambulance can't get to that side because a train has broken down. When the train finally gets going, the ambulance will be ONE minute late. Would you like to be responsible for somebody's loved one to be in pain, without help?

Thank you for your time, and I hope that you take this letter into consideration during your decision making.

Sincerely,
A Concerned Citizen

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FD 34079
D0281

"dyanara guerra" <ycp_deyanarag@hotmail.com>
01/17/2003 11:03 AM

To: whited@stb.dot.gov
cc:
Subject: Houston East End Project

January 14,2003

Dear Ms. Dana White,

Hello, my name is Deyanara Guerra and I am a 10th grader in YES College Preparatory School. I have paid close attention to all the articles that have come out in The Houston Chronicle newspaper that relate to the construction of a new eight million-dollar train track planned nearby our school and along the East End. Recently, about a year ago, we moved as a school to this new site to be safer and more comfortable. Now, with the recent news I have been extremely concerned and worried about all the effects the railroad could bring not only to us but also to the other six thousand children that attend four other schools within a block. It is very dangerous and disgusting for a railroad to transport petrochemicals along a neighborhood that contains many children. Just imagine the types of diseases and health problems these petrochemicals could cause and the situation gets very scary and illogical.

Kids will no longer be safe playing outside in playgrounds due to the amount of pollution the chemicals will cause. No only that but education will also be disturbed with the noise of the train. It is not effective to build the railroad near all these schools and neighborhoods just because the company wants to save more money. It seems that BNSF does not care about all the kinds of dangers it can cause they are just concerned about their benefits. They have not taken in consideration the effects that are going to be caused due to the train. I just hope that our words are heard not only for the benefit of our school, but for all those kids and people that will also be affected.

Sincerely,

Deyanara Guerra

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FD 34079
D0282

"francisco Guzman" <ycp_franciscog@hotmail.com>
01/17/2003 11:03 AM

To: joseph.faust@bnsf.com
cc: whited@stb.dot.gov
Subject: New Railroad tracks

January 14, 2003

Dear Mr. Russack,

I'm writing to you about the your companies current plans to build an extension to the railroad tracks in Houston. Altough I'm aware of the fact that these lines will help you break the monopoly that Union Pacific holds in Houston I strongly believe it is not the right way to go about th. This railway will endanger the surrounding communities including several schools that near the tracks. I am also aware of the fact that your company lied on a census taken concerning the opinion of the community. Now such actions make your company seem heartless and make its seem as if you have no interest in what the community's needs are. Whether you are or not I'm no one to judge but potential investors are. The community is 71% Hispanic and of that 32% are children. There are many decisions your company has to make. I understand your trying to make money but at the cost of what. No one can say for sure a tanker wont derail and infect the water supply. Even if that does not happen the property value will be lowered considerably. I strongly belive these railroad tracks should not be laid down. Thank you for your time.

Sincerely,

Francisco Guzman

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FD 34079
D0283

"catalina hernandez" <ycp_catalinah05@hotmail.com>
01/17/2003 11:09 AM

To: whited@stb.dot.gov
cc:
Subject: my opinion of the railroad plan

January 14, 2003

Dear Ms. Dana White,

My name is Catalina Hernandez, I am a resident near Milby high school. The first time I heard of the plan, to build the railroad tracks for trains who would carry hazardous chemicals, I became concerned for my community. Many families live in the Easton area, 32% are children. I do not think it is right for young children to be exposed to all those harmful chemicals, that can cause them to have breathing problems or other diseases. Also, the fact that the trains will pass trough many high schools and elementary schools,really disturbed me. The trains , make a lot of noise and they will disrupt the kids education. The chemicals carried by the trains can cause severe damages to the people
and the environment. Children can be born with birth defects and many adults and children can get brain damage and those who suffer from breathing problems, can get worse. If there is a derailed, many people will be hurt and there will be tons of pollution in the air and water. There will also be more traffic and things will begin to get out of hand. I don't see why the trains can't be built in a place were there are no people I am against the building of the railroad tracks. I will not support something that will cause damage to other people. I hope after you read this letter you agree with me.

Sincerely,
Catalina Hernandez

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FD 34079
D0284

"kay igwe" <ycp_kayi05@hotmail.com>
01/17/2003 03:27 PM

To: whited@stb.dot.gov
cc:
Subject: Opinion on Railroad Tracks

January 18, 2003

Dear Ms. White,

My name is Kay Igwe. I am currently attending YES College Preparatory School. This school prepares kids for college. Chris Barbic started this school in 1996 with a dream that all the kids that entered his school in 6th grade would graduate from this school in 12th grade and go onto a 4-year college of that student's choice. Eight years later his dream has been achieved. There are students who have graduated from this school to go to some of the top universities in the U.S., such as Stanford University and The University of Columbia. I myself am in the 10th grade and plan to attend Harvard University, Vanderbilt, Princeton, or UCLA. The reason why I am writing all of this because of the consequences it will have to this school and to the community. The railroad that you are funding will be built right by our school. Now if this happens many students including myself will be forced leave this school anymore. One reason why I would not be able to come back here is because I have asthma and since the pollution of the air will rise my asthma will make me miserable. Another reason is if there is a spill, many people would die because of chemical spills, become mutated, or get a horrible disease. Lastly, traffic is already a problem around this area. It takes our bus about 15 minutes before they are able to get out of the parking lot because of the many cars that have to go the same way. The community that our school is built around is a very populated area and they/ we do not need any hazardous chemicals around. Please do the right thing and not allow this train of death ride through our community.

-Kay Igwe

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FD 34079
D0285

"Gilbert Escobedo" <ycp_gilberte05@hotmail.com>
01/17/2003 03:31 PM

To: whited@stb.dot.gov
cc:
Subject:

Dear Ms. White,

Hi, my name is Gilbert Escobedo. I am a student at YES College Preparatory School. I am writing to you because I am a concerned citizen. What I am outraged and worried about is the railroad track that is going to be built in my community. I have a voice and I am going to use it. The train could cause several problems including but not limited to the following; it will cause air pollution, it will create mind-boggling traffic, health hazards, and the cost of it is too expensive. The train track is not worth all the problems it will attract. The best thing to do is to not let the railroad be built.

Sincerely,

Gilbert Escobedo

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FD 34079
D0286

"Marques Bonner" <ycp_marquesb05@hotmail.com>
01/17/2003 03:21 PM

To: Whited@stb.dot.gov
cc:
Subject: opinion letter of railrod tracks

Dear Ms. White,

My name is Marques Bonner and I am writing on behalf of the Yes College Preparatory School. The reason for my email is to inform you that I am appalled at the fact that you are considering building railroad tracks in the Hispanic neighborhood located on the Eastside of Houston. Even though I am not Hispanic, this still effects me because I go to Yes College Preparatory School and you are basically building tracks right in front of my school. This is absolutely ridiculously and preposterous that you are even thinking about endangering the lives of innocent school kids. Also, according to the Houston chronicle, it say that "27,825 Hispanics- or 90 percent of the people who live within a quarter mile of the route-were counted as white in the racial data the consortium provided." My point is this, you cannot build railroad tracks that go through a predominantly minority neighborhood and in front of schools like Yes College Prep, Chavez, Milby and a number of elementary schools. Not only do they carry pollution, but also you are causing unnecessary traffic all because you want to save a few extra dollars. You need to seriously reconsider the proposal and either leave the tracks were they are, or build them in another location. Thank you for reviewing this letter

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FD 34079
D0287

"dora castilleja" <ycp_dorac05@hotmail.com>
01/17/2003 11:03 AM

To: whited@stb.dot.gov
cc: kdolibois@yesprep.org
Subject: The San Jacinto Rail Track at the East End

January 14, 2003

Dear Ms.Dana White,

I am Dora Castilleja and I am a resident of Houston, who lives near Milby Highschool. Let me start off by saying that I am very indignated with the plan that the San Jacinto Rail Line has to build a rail track that would pass through the East End of Houston . As soon as I found out I was outraged with this because it's endangering the well being of many people living around this community. I know that the train wagons will be carrying toxic materials that are harmful to the health of people. You never know accidents happen, and I am worried that a toxic spill may pollute the water that we drink from. Furthermore, the East End has enough traffic problems as it is, and the building of this train track will just make our problems worse. I am really concerned for my community's well being and I find it totally unfair for this train track to be built in a community where most people are hispanic. Why not in a place like River Oaks where most people are white? I believe we are being discriminated against, and I am tired of this injustice. All I am asking for is for that train track to not be built because it's the best decision that can be made for the safety of our people.

Sincerely,

Dora Castilleja

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FD 34079
D0288

Leo Constantine
01/17/2003 10:28 AM

To: Dana White/STB@STB
cc:
Subject: why put people indanger?

I suspect this is related to the San Jacinto issue. I responded to the party explaining that the Rail Consumer Assistance Program has no direct involvement in the approval of such projects or environmental assessments.

----- Forwarded by Leo Constantine/STB on 01/17/2003 10:28 AM -----

kim nunez <princesspig12@yahoo.com>
01/16/2003 02:35 PM

To: railconsumer@stb.dot.gov
cc:
Subject: why put people indanger?

To whom it may concern,

I would like to explain to you why building a new set of tracks in the East End is not a good idea. First of all, the trail tracks go right through, and around a neighborhood. Like many other neighborhoods, there are children who like to be outside playing. If one of those trains falls over while carrying chemicals, then the fumes could get the children or residents in general. The neighborhood, Magnolia, is not all that nice. Even though Magnolia is not like River Oaks does not mean that it is okay to build here. Why would someone want build a set of train tracks instead of giving the money to the community so we could fix it up? Why would anyone want to put anyone else in danger? Would you want these train tracks running through your neighborhood? I really appreciate the time you took to read this. I am a concerned resident and I want to prevent building tracks in the East End.

Sincerely,

Kimberly Nunez

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FD 34079
D0289

"felipe alaniz" <ycp_felipea_05@hotmail.com>
01/17/2003 11:01 AM

To: whited@stb.dot.gov
cc:
Subject: San Jacinto Railroad

January 14, 2003

Dear Ms. Dana White,
My name is Felipe Alaniz and I am a sophomore at YES College Preparatory School in Houston, Texas. I am e-mailing you because I am concerned with the issue of the new railroad, which may pass through my school and my home. I know that this railroad will cause problem for me and my fellow peers in the fact that the railroad will carry toxic chemicals into residential areas and Houston is already in the top 10 of most polluted cities. If any thing is to be done it should be helping the environment and our city. People already have health problems and this abomination will not help these people. I know you are a good and loving person on the inside, I mean you are human, and you are doing your job, but other people's lives are at stake. I would like you to keep this in mind and I really hope that the railroad is not constructed.

Sincerely,
Felipe Alaniz

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FD 34079
D0290

"gonzalez alma" <ycp_almag05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: San Jacinto Railroad
01/17/2003 03:12 PM

January 17, 2003

Dear Ms. Dana White,
My name is Alma Gonzalez and I am a sophomore at YES College Preparatory School. I found out about the train track because our school is right by where the train will run. I do not agree with the train running through here for many reasons. First of all, many people will be affected by this because chemicals can be fatal to everyone especially younger kids. The noise that the train will produce will distract us while we are trying to learn. Most of us already get home after 5:oo PM and if a train runs through here, we will get home even later and will have a little time to do homework. In conclusion, I believe that a train should not run through this neighborhood. Lastly, I would like to thank you for taking time to read our opinions.

Sincerely,
Alma Gonzalez

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FD 34079
D0291

"Diana Armenta" <ycp_dianaa05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: San Jacinto Rail Line Project
01/17/2003 11:17 AM

Dear Ms. Dana White,

Hello, my name is Diana Armenta, and I attend YES College Preparatory School. The recent news concerning the San Jacinto Rail Line being extended in my East End Neighborhood has not only worried myself, but also every one else in my community. This train will impede traffic by blocking roads. If there is an emergency, the emergency vehicle won't be able to pass by if there is a train blocking it. It will also awaken citizens at any time, but above all, it will be a possible threat to our water supply if there is a spill. The chemicals will pass not only by my school, but also by Milby, Chavez, and numerous other elementary schools. A similar proposal was imposed on Ohio's citizens and it was denied there. It should also be denied here in Houston because many more people will be affected by it. Please consider the things mentioned above when deciding whether or not to extend the railroad line. Thank you for your time.

Sincerely,

Diana Armenta

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FD 34079
D0292

"ivette basan" <ycp_ivetteb05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: san jancinto railroad track
01/17/2003 03:28 PM

January, 17 2003

Dear Ms Dana White,
My name is Ivette Basan and I am from Y.E.S College Preparatory School. I am writing to you because I disagree with the railroad project. It will not only effect my community, but my school. If the railroad is built, there are many disasters that could happen. For example, if the chemicals were to spill, there would be health and pollution problems in the community. BNSF is not thinking of the problems that could happen if the railroad was to be built. This is the reason I am asking you not to fund BNSF. Thank you for your time.

Sincerely,
Ivette Basan

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FD 34079
D0293

"Alexandra Benavides" <ycp_alexb@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: stop the creation of the railroad line
01/17/2003 11:20 AM

January 14, 2003
Dear Ms.White,

Dear Ms.White
Hi, my name is Alexandra Benavides I am a student at Y.E.S College Preparatory School. The purpose of this e-mail is to inform you of how strongly I disagree with the creation of a new railroad line that would extend through Southeast.

There are some pros and cons that would occur if this takes action, but let us think for a minute what matters the most the pros or the cons. As for pros the only thing there is, is the money. The cons can be really dangerous for the community living close to there. We will have more pollution that will affect us greatly which will cause more people to get sick and get some kind of disease. Look at the many diseases we have now -a-days, we cannot risk to get more. Also, the trains will be carrying dangerous chemicals through high schools and some elementary schools. There goes our future generation that will provide for us later on.

I really hope this will touch your heart and help us stop the creation of the railroad. Thank you for your time

Sincerely,

Alexandra Benavides

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http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963

FD 34079
D0294

"jonathan franco" <ycp_jonathanf05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: railroad issue
01/17/2003 04:41 PM

1/17/03

Dear Ms. Dana White,

I am deeply disgusted by an article I read on Friday night. I can not believe that the railroad industry is going through with the foul action of building a railroad carrying chemical waste near schools.
Sure, it may be faster and you can get money better, but even the ones that are already built are messing up our ecosystem. Every day loud noises and metal scraping metal disturb people every hour of the day. The railroads do not help and if you put the track on Highway Three, you may start more problems then you expected.
The tracks would be near Milby, Chavez, Y.E.S College Prep. and a lot of elementary schools. The students will be distracted and unable to complete their tasks because of the noise. In neighborhoods, the noise may disrupt any social or daily activities. People in the neighborhoods this train affects are losing their safety, as well as having to wait for train traffic. It also blocks young children from reaching school on time. It is dangerous to increase rail traffic in areas so close to schools and there are too many trains as it is. If the train derails near the water treatment plant you will have 750,000 people without water. If the cargo is hazardous, areas may have to evacuate if there is a derailment. There are many schools along this route as well as neighborhoods, so many young people are going to get hurt - future senators, teachers, presidents, and business people. Please consider my opinions over the railroad; I think it is harmful.
Sincerely,

Jonathan

Franco

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FD 34079
D0295

"peter gotting" <ycp_peterg05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: Rairoad project
01/17/2003 03:27 PM

Dear Ms. White,
I am a sophomore student at Y.E.S College Preparatory School in Houston. We are outraged as a student body here at our school. We have come to the consensus that it is not only outrageous but infuriating to think that we will have, yet, another train running through ourarea. Not only that, but to think that it will become another add on to a part of the city already clustered with many train tracks. Although a new train running through may be necessary, it is absurd to have it going through a place where there is already thick traffic delays and constant noise that can become very bothersome to schools, libraries, homes, and churches already there. This is not to mention the fact that these trains will be carrying much toxic cargo that can become hazardous to the people and natural environment living where the train will pass lies. Beside from all these things, it is more than necessary to point out that once again the people are the ones who are going to end up suffering on part of money gorging businesses. If this is the case then I propose that BNSF choose a route more strategically that does not hurt any plants, people, or animals perhaps, atleast in a place that wil not possibly hurt people designated in r rural area for business purposses. if not that then they should just leave it all alone and get money some other way.

thank you for your time.

keep

the peace,

Peter A. Gotting

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FD 34079
D0296

"roger Reyes" <ycp_rogerr05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: East End Railroad System
01/17/2003 11:12 AM

January 17,2003

Dear Ms. White,

First let me start off by introducing myself. My name is Roger Reyes. I am a 15-year-old high school student who attends YES College Prepatory School. The reason that I am writing this letter to you is because of the recent news of the railroad tracks that are going to be used to transport toxic waste through the east end neighborhoods.

There are many risks involved with this procedure. There is a very high risk of the train derailing. If the train were to derail, the damage would be catastrophic. The toxic chemicals would spill and there would be countless numbers of accidents. The lives of people would be at stake. If the toxins were to sink into the ground, there could be birth defects, and contaminated water. The noise levels would keep up the residents in the neighborhoods. The trains would also cause major traffic problems. What if an ambulance needed to cross the tracks but wouldn't be able to because of the crossing train. BNSF would be responsible for the life of that person. There is also the chance of pollution. Houston already has a pollution problem, and we do not want to make it unsafe to breathe in Houston, then what would we do?

So in conclusion, I hope you take what I have said into consideration while you think about your decision about building the railroad system in the east end.

Sincerely,

Roger Reyes

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FD 34079
D0297

"David Sandhu" <ycp_davids05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: SanJacinto Railroad
01/17/2003 03:11 PM

Dear Ms. White, January 17, 2003

My name is David Sandhu and I attend Yes College Prepatory school. I am distressed with the current news that has been brought up in the papers. The new train track that is supposed to help our city will probably do more damage than good. I am sure you are already aware of the benefits and the discomforts that this will cause the people of parts of Pasadena and Houston. I am sure you want to make the best decision possible and if you think that this will benefit us more than hurt us then please, by all means, continue. But, if you think that the public will benefit more without the train being built, please take this into consideration. If this letter can make a difference at all in our democratic government, I do pray that you and the other members involved in making this decision will change your minds about setting up the railroad. Many people, including myself, think that this action will hurt our city.

Sincerely,
David Sandhu

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FROM : Steve and Joanna Bowyer PHONE NO. : 2819911536 Jan. 17 2003 09:42AM P1

FD 34079
D0298

Steven and Joanna Bowyer
5210 Scottline Drive
Pasadena, Texas 77505-5445

Fax

To:	Dana White	**From:**	Steven Bowyer
Fax:	1-888-293-4979	**Pages:**	one
Phone:		**Date:**	1/17/2003
Re:	Proposed railroad	**CC:**	

x **Urgent** X **for Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Dear Ms. White:

I am under the assumption you are the contact person regarding the proposed railroad that may be installed along Genoa-Red Bluff road. As homeowner's in the Baywood Oaks subdivision we are opposed to any railroad being built. The high probability exists that it would substantially lower our property value, increase traffic and noise along a very congested road.

Steven & Joanna Bowyer

Steven and Joanna Bowyer
5210 Scottline Drive
Pasadena, Texas 77505-5445
Telephone: 281-998-1147

Jan 09 03 11:01p LARRY 2819982771 P.1

FD 34079
D0300

RECEIVED
JAN 17 2003
MAIL MANAGEMENT STB

January 8, 2002

Surface Transportation Board
1925 K Street, N. W.
Washington, D.C,

Attention: Dana White
Section of Environmental Analysis - Environmental Filing FD No. 34079

Dear Ms. White:

This is our protest against the proposed San Jacinto Rail Line being built to extend from the Bayport Industrial District on Galveston Bay to the present San Jacinto Rail Line that runs parallel to Texas Highway 6. This proposed line would run just north of Clear Lake near Ellington Field. This will be very close to the city water treatment facilities and very close to homes being built in this area and affect property values in this south end of Pasadena. This will allow hazardous material including petrochemicals to be very close to both the water supply and our homes.

First, many of our wetlands have been used up with the continued building and now add the threat of derailments and added air and water pollution it seems Pasadena cannot develop a really nice residential area. We now face the problem of increased flooding due to over building in this area. We don't need another threat to this area.

Sincerely,

Marvin and Bonnie Vantrease
4910 Fairmoor Street
Pasadena, Texas 77505

Cc: Mayor Munlove

01/20/2003 14:14 2817090023 TRICONEX PAGE 02

FD 34079
D0301

Wier and Stevens Co.

2238 Gemini
Houston, Texas 77058

January 20, 2003

Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-001

Attention: Dana White Re: Issues Concerning San Jacinto Rail of Harris County, Texas

Dear Madam:

Pursuant to the application of the purposed 'San Jacinto' Rail line from the Atrofina plant adjacent to the Houston Port Authority's Bayport Facility, extreme misleading and blatant propaganda as to the minimal impact this spur will have on the environment and people near the route is ludicrous and very detrimental. The Partners of the San Jacinto Rail Route use economics from irregular and impractical rate charges by Union Pacific as their main argument however, they have not pursued an anti-trust suit which due to the existing route and the Sherman Anti-Trust Act would afford them an equable fare. The reason is that they do not want an equitable fare.

Union Pacific and Burlington railroad companies are in a huge fight for rail supremacy and could care less about filing for anti-trust rulings to use the others rails. They want to own all of their own routes and physically or economically drive the other out of business. They have aligned themselves with the four partners to get them a rail spur as leverage to deal from. The Port Authority has throw its weight behind the rail spur because ultimately they will use it to improve their now obese profits even larger. People, wildlife, water, wetlands or any other tangible resources mean anything to this group. It is despicable.

Careful attention to the demographics and their EIS (Environmental Impact Study) will show huge misleading facts. One of the most blatant is the number of people along the route within ¼ mile They do not show any minorities but only Anglo residents. Since the area is one of the more densely populated Latino areas in Houston leaving them out makes the map look devoid of population.

I only ask that fair and equitable evidence be considered because fair evidence such as the 2000 Census reports and demographics will bear out the truth of the population. An anti-trust suit will lower the rates if there really is a disparity. The truth will prove that this spur is not necessary and that this $80 million rail spur that will more than likely have to be subsidized by the taxpayers which is also being disclaimed. Please consider how you would feel if a rail carry extremely toxic and hazardous materials was located next to your home.

Sincerely,

Gary W. Stevens
Turbomachinery Consultant

FROM : FAX NO. : Jan. 20 2003 04:51PM P1

FD 34079
D0302

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

I attended the public hearing on the proposed San Jacinto Rail. I had read extensively prior to the hearing. The plan for Bayport and the San Jacinto Rail put the communities of Pasadena, Clear Lake and the East End in a position of being destroyed. The environment in this coastal plain area is fragile and already under stress from the existing industrial complex. We are communities of families with children to raise and educate. We deserve protection from our government from the effects of the existing industry. We do not deserve the destruction of the quality of life and the sanctuary of our homes.

There exists a rail line, which can be utilized by the industries. The negotiation of terms for use would be a legitimate role for the government. The proper facilities for the response to hazardous spills are available to this existing line. The schools, homes, water sources, and wetlands would not be so greatly affected by the existing line.

Please consider my concerns as they are reflected by a majority of the families who will be affected by your decision.

Kay E. Vick
3703 Plum Glen Ct.
Houston, Texas 77059

FD 34079
D0303

TO: Surface Transportation Board DATE: 1-21-03
Attn: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

FAX: 1-866-293-4979

From: Mrs. Clinton R McDaniel
5538 Timbercreek Drive
Houston, TX 77017

I have real concerns about the location of the rail crossing proposed that will extend down Hwy 3 along Old Galveston Road. I have lived in this addition for over 35 years and plan to do so for the remainder of my life. The extra trains already on this track do not simply move south but sit on the tracks for long periods of time polluting the air plus the noise pollution . These tracks also involve an elementary, middle school, and high school along these tracks. The main entrance to the addition which is South Richey would be greatly impaired by the additional rail traffic. We have always enjoyed the nice quiet subdivision of Meadowcreek Villiage in which to live and raise our families. The rail line only benefits the big business at the expense of home owners not only in Meadowcreek but all up and down the line.

Please consider not allowing this environmental hazard to invade our community.

Sincerely,
Mrs. Clinton R McDaniel

January 10, 2003
3010 Engelke
Houston, TX 77003

FD 34079
D0304

Surface Transportation Board
ATTENION: Dana White
Section of Environmental Filing FD#34079
1975 K Street NW



Dear Ms. White,

I think that the people shouldn't build the railroad tracks because it can cause traffic. The traffic can cause people to be late for work. It can cause damage to the kids who can be late for school. The kids won't learn anything if they get there on time. The traffic will not be all right.

The noise that the train would make could cause people not to sleep. Some people would be mad because some didn't get enough sleep. If the people hear that noise in the morning and they live by there. Then some people will wake up very early in the morning. Then they go to work early.

The pollution can mess up the people's minds. The toxic can fall out of the train and spill. Now that's not good because kids might want to play with it. It can hurt kids. They might even eat it.

Now think of all the damage that could be. It might cause injuries to people. Some people can die cause of this and that's not good. The kids and adults can have nothing to do about it. Now that I have explain about the railroad.

Sincerely,
Natalie Flores
Y.E.S College 6th grader

FD 34079
D0305

January 8, 2003
2015 Priest
Houston TX 77093

Surface Transportation Board
Attention: Dana White
Section of
Environmental filing FD #34079
1925k street NW
Washington, Dc 20423 -0001



Dear, Mrs. White

Hello Mrs. White I am a sixth grader at Yes College Preparatory. I heard that people are going to send trains over here to Pasadena. I would rather not have does trains over here. These are some good explanations why I would not want does trains over here.

At nights I can't go to sleep because of the noise of the train. It always honks like at 11:00 or at12:00 at nights. I'm barely going to bed when the train that passes by honks. Oh I can't stand the sound every day. The next day I go to school, I did not have a good night sleep and I'm all tired for the whole day.

When I come from school and go I'm in the bus like for 45 minutes. When the train is passing through our route to go to school we are stuck for like 10 or 15 minutes, I would be late by the time the train has passed by. When the train is passing by there is a lot of traffic.

The train has allot of pollination can hurt us the children by us smelling it. The pollination can go into water near the train and kill many animals.

PLEASE MAKE THEM NOT TO PUT THE TRAIN ROADS AND THE TRAINS TO.

SINCERELY, Ruby Aguilera
A 6'Th grader at YES College preparatory school.

FD 34079
D0306

January 10,2003
7447 Walker
Houston, TX 77011

Surface Transportation Board
Attention Dona White
Section of Enviromental filing
Fb#34079
1925 K street W W
Washington D.C.
20423-0001



Dear Ms. White,

I am writing this letter to inform you that when they build the railroads you are affecting our neighborhood in many ways. There are many ways if you just think about it. You may not think of these reasons because the trains are not being constructed around your neighborhood, and you are not in danger of all the chemicals being transported through your neighborhood.

One of the problems we would have would be that the trains would make a lot of noise, which would disturb me or anybody form studying or sleeping. That would also affect my education because I would not get concentration if I had a test the next day because of the noise. I would also not want to wake up in the morning.

Another huge problem would be traffic. Many cars could be waiting so the train to pass and then the train may flip over because of a train track or terrorism and the lives of those people around the train would be in danger.
When I say terrorism, I mean that people who do not appreciate the United Stated like Osamah Binladen could go through the neighborhood and shoot the trains and then our neighborhood would be in danger. The train tracks might be constructed wrong, so that would make the train flip over. Just remember of all the damage you would do.

In addition, these trains could affect schools because a chemical could spill. Then all the students would have to evacuate the school. After that, other children and I would have to stay home because the schools would have chemicals and we would not learn anything during those days. Maybe you would say, "Oh, it's just several trains." However, once you build several you are going to want more. I hope you make a good decision but whatever you choose, think of who and what the train track could affect.

Sincerely
Angelique Villarreal

FD 34079
D0307

January 8, 2003
7809 E.Magnolia
77012 Houston, TX



Surface transportation
Attention: Dana White
section of Environmental Filing FD # 34079

Dear Ms. White, think it is a bad idea to put the train tracks that go to East End. I don't want you to put them there because it goes through a lot of neighborhood were kids from our school live at. Then the kids are going to come late to school.

The train tracks are bad to because the kids from our school that live in those neighborhoods including me don't like the train tracks. We don't like them because when were trying to go to sleep to wale up very early to go school the train is making a lot of noise. The train is also going to pollute the air where the train passes. The trains that will pass through if you put the tracks are going to have dangerous chemicals so its going to pollute the air

The last thing I think why the train tracks are a bad idea is that if the train tips over it will explode, and all of the people near the train are going to die.

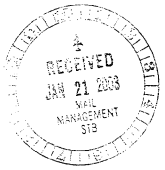
So the train is a bad idea because of the chemicals, it might tip over, kids that live in were the train tracks might be in can't concentrate on their schoolwork.

Sincerely,
Luis Mendoza
Luis Mendoza

FD 34079
D0308

Surace Transportation Board
Attention:Dana White
section of enviromental analysis
77023
enviromental filing fd #34079
1925 k street nw
Washington D.C. 20423-0001

January 8, 2003
2047 Jean St.
Houston Tx.



Dear Ms. White,

I am one of people who dissagree about the train.I also have reasons why.

A small one is a spill can happen like other trains. It would leak all over the place.It would spread far.The chemicals might get people sick.Then it would be polluting. People and I wouldn't want Houston to get even more polluted.Even the people that live around their wouldn't be tired.They wouldn't be able to sleep because of the noise.

The train might be a terrorist target because of the people that live by their.

It also affects me too.When I go on my bus and the tracks and the train is passing by.Since it's suppost to go slow because of the stuff it has.Then, it would prevent me from learning.That would be bad.

SINCERELY,JESUS ARZOLA

FD 34079
D0309

January 8, 2002
7523 Fir St.
Houston, TX 77012



Surface Transportation Board
Attention: Dana White
Section of Environmental Analysis
Enviromental Filing F.D.#34079
1925 K Street NW
Washington' D.C. 20433-0001

Dear Ms. White,

I am a student at a school on a street named Crenshaw, that foes into Shaver which has a railroad track right when I go school. In case you don't know, I'm writing this letter to convince you that this $80 million dollars project will have a lot of effects besides more money, I mean ***bad*** effects. These effects are things like: no rest for people, big traffic problems, and the risk of intelligent children, including me. Here are my reasons again, but with more details.

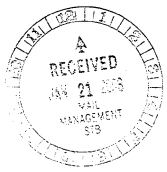
My first reason was that people won't get enough sleep. This example was brought to me by my teacher (Mr. Lundin) since he lives in an apartment with train tracks right behind it. The train's noise at that railroad track will increase to a multiple amount of noise if those tracks are built.

My second reason was that the traffic will have a huge increasing. Just as bad as the traffic will be, the amount of tardy and even absences will increase enough to the point where kids will get kicked out of schools or adults will lose their jobs.

My last, and the most important reason is that a spill may occur and not only that, but the fact that the carts are now carrying toxic chemicals and they are passing through a lot of schools, which give spills an advantage of spilling on innocent and intelligent kids, including me. This toxic may put Texas into the shame of having more pollution, and I don't want that. Do you? Let us know who's side you're on.

Sincerely
Eleazar Guadalupe Ruiz
Eleazar G. Ruiz.

FD 34079
D0310



January 8,2003
2217 Collier st.
Houston tx 77023

Surface transportation board
Attention: Dana White Section of
Eviromental Fling FD #3409
1925 K Street NW
Washington DC 20423-0001

Dear Ms. White

It is bad to put more trains that pass by our school. The things that will happen is that there is going to be more traffic .We will be late for school if you put more trains to pass . There are going to be alought more accidents that will happen. Some of the families wont get any sleep because of the trains horns they wont get enoght sleep.

The time that I go to sleep is at 9:30 p.m the latest for me is at 10:00p.m.The other thing will be that it will be hard to do is to study the noise will distract us from a good education. Another thing that will happen is that there is going to be more polution. We are the second most poluted country in the world we don't want to be the number one country in the world .The polution will evaporate and it will make acid rain in which will be really bad.

Some polution will get in the water and will get us sick or death. Another danger will be the acid that some train carry in their cargo bin. If the train went of the rail road tracks some of the acid would kill all of the plants in its way. Some of the acid will get into the water then when we drink the water we will die. The pollution will stop our out door clubs that we have.

Another thing that will be bad to the kids health because of the pollution. When the kids go outside to go home they are going to breath the pollution. When the kids go out to play with their dog their dog might be run over by a car or train. When kids are plaing and it starts to rain the kids will get hurt by the acid rain. Those are the things that will happen if you put some more trains to pass by our school and neighberhod .

Sincerely Freddy Delgado
Freddy Delgado
Y.E.S College Preparatory School 6th grade

FD 34079
D0311



January 10, 2003
7734 Deborah ave
Houston, Tx

Suface Transportation Board
Attention: Dana White
Section of
Enviornmental Filing FD#34079
1925K Street NW
Wasington D.C. 20423-001

Dear Ms. White,

I am writing to you about the railroads being built. I think they should not be built. I think they should not and have many reasons to support my choice.

One reason is the danger. My school is near to a railroad that would be used by trains with dangerous chemicals. I ride the bus and every day on my way I put my window down for a cool ride. The trains will need to go slower because it would be carring dangerous chemicals. This gives my friends and me enough time to breathe it in the toxic air. This makes us sick and unfocus. These are bad for learning. I want to go to college one day.

If the trains come more often I may not be able to breathe the right source of air.

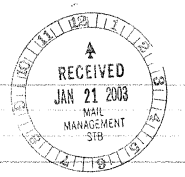
The second thing would be traffic. Since I live far from my school my bus gets to pick me up and drop me off minutes from the bell. If there is a lot of traffic we will be late. Again since the trains will have to go slower I will have to wait in traffic. If I get late to school I start to feel lost. I do not like to feel this way.

The last reason is the noise that these trains will be making. A train passes by my house at eleven and bothers my sleep every night. If more go I will not be able to do my best in all of my school work. I to Yes College Prep to do my very best. If I wake up sleepy I know that I will not be able to do my very best that day. I have been told you need eight hours of sleep a day. If I only get 6 or less I will not feel alert.

There are many reasons were you may think that building the railroad is a good idea. There are more for how building more railroads and having trains filled with bad chemicals are bad. A lot of people don't want that in Houston, and I hope you don't want it either.

Sincerely,
Katherine
Murillo
6th grade @
Yes College Prep
Houston, Tx

FD 34079
D0312



January 8, 2003
2919 Sherwick
Houston TX

Surface Transporation Board
Attention: Dana White
Section of
Environmental filing FD#34079
1925 street NW
Washington D.C. 9043-0001

Dear, Mrs. White

Hello Mrs. White I am a sixth grader a Yes College Preparatory. I heard people are going to send trains over here to Pasedena. I would rather not have this train over here. This are some good explanations why I would not want does trains over here.

At nights the people at Pasadena can't go to sleep because of the noise. It at 2:00 and then we can't sleep. If we can't sleep at home will have to sleep at school. The other thing is we would be lazy the next day.

The other thing is that the pollution might get the air horrible. The other thing is that the cars might have to wait to get their kids in school. The other thing is the busses might come late. and have a lot of kids late. The other thing is they are late they might not learn a lot. The other thing is that there might be a lot of accidents.

The final thing is to take the trains to somewhere else to build them. All of the 6th graders and all of the school is counting on you. We all belive you will trust us. We could say thank you if you do. We are counting on you a lot.

Sincerely
Steven Peralta
Steven Peralta

P.S. Try your best !!

FD 34079
D0313



January 8, 2003
301 Fairmont Parkway
77504 Houston, TX

Surface transportation Board
Attention: Dana white section
Enviermental Analysis
Enviermental Filling FD # 34074
1925 K street NW Washington DC
20423 D001

Dear Ms. White,

I think these trains should not carry chemicals because it is dangours to the People near.

Thise affects me because every day I go to school as a 6th grader and I go over rail roads every day and thise may cause me to be late to class every time and that is not good Because I miss many of my classes and get Back on my work.

Thise also affect me because I live near me and I can hardly sleep and if you Put a 24 hr. train I will not be able to rest. So I will not be ready to get up in the morning.

Thise also turns into traffic and traffic is disturbing and Student that are near that rail road might not beable to Concentrate. and that affect us a lot.

Smell is one of the worslest things that can happen because it will always smell and that sometimes affects old People and Kids they might get sick.

These are things that you Should think about what you do befor you do it because You might affect everybody.

Sincerely,
Beatriz Villa
Beatriz Villa

FD 34079
D0314



1-9-03
2635 Tim st.
apt#10 Houston, Tx.
77093

Surface Transportation Board
Attention: Dana White
Section of Enviromental Analysis
Enviromental Filing FD
#34074 1925 K Stree N.W.
Washington, DC. 20423-0001.

Dear Ms. White,

Im a student at Y.E.S. College Preparatory School. Many people that attend this school are young to get effected by this.

One point is trafic. It is very big topic. Many pople are near the track. Our school is near and we wont be able to do our work. Traffic in the morn-

we make my Bus late
& Thare also going to
be more than one train

Theur is also danger
in this. There could be accid-
ents, spills, and terrosom. My
friend said that the train goes
between a 4 way interseccion.
From the trafic could there
cocked be many accident. Many
welll be ingered. Also the
shock about Sept. 11 are still shock.
They could cotemmad something.
There is also the thorg
of spills the contaminties
is tacible. Animal and
plant would died and contemtan
Other thing is that
areae.

That is what ei wanted
to say.

Sincerly,
Horacio Cabrera
Horacio Cabrera

FD 34079
D0315

January 9, 2003
4711 Wiley
Houston Tx. 77093

Surface Transportation Board
ATTENTION: DANA White
section of
Enviromental Analysis
Environmental Filing FD#34079
1925 K street NW
Washington, DC 20423-0001

Dear Ms. White

I am a 6th grader from Y.E.S College Prep. I am letting you know that I dont agree with the idea of putting tracks. There could be alcot of accidents and trafic or more. Trains carne chemicals. A bunch of kids from my class dont agree with these idea of putting train tracks. The train tracks could put kids in danger. Looking at the reasons that I will give you are for not putting train tracks because affects people.

My first reason is that alcot of accidents can happen because the train has chemicals and if the train turns over, all the chemicals will make a big accident. The train also can turnover and fall on top of any car. There will be alcot of trafic. If there is trafic there can be alcot of car crashes. Or for example, if a kid walks to his or to her school maybe the train can have an accident because of the train. There will be pollution and it can affect the plants, or maybe the plants could die. It can affect animals and they could get seeh. It can affect even humans.

My second reason is the noise a train makes. The train makes alcot of noise that doesn't lets people sleep well. For example my teacher can't sleep. Neither the community. When I have tests I can't sleep because all the noise the train near by my house makes. The noise also makes the dogs cry because of the noise a train makes. It is also bad for dogs because a train makes the ears of a dog hurts. I hate the train by my house because it doesn't lets me see the stars. It affects me on my studying because when I am I hear the ugly noise of the train and that distracts me.

My last reason is that there will be alcot of trafic. For example when I am going to school I could be late just because of the train tracks. I could be late to my house. I wont rest inough so that I can do better at my school. If I am late I would not go to all my classes that I should go. I will miss some of my notes. Some kids get in trouble for being late and it wasent our fault.

I expect that I convience you of not putting the tracks. I hope you write me back so that I can have your decision. All of these reasons were to tell you how the train tracks affect people. Those reasons were to tell you what I think of the train tracks.

Sincerely, María Sagrado
Maria Sagrado

FD 34079
D0316



January 10, 200:
2353 Fimat
Huston, Tx 7709

Surface Transportation Board
Attencion: Dana White
Section of Environmental Analysis
Environmental Filing FD# 34079
1925 K Street NW
Washington, DC 20423-0001

Dear, Ms. Dana White,

I am writing to you a letter to tell you why it is a bad Idea to built more rail roads tracks. I have four mager details to tell you why you Shulden't built the rail tracks in Pasadena and the East end of Hus on. I think that if you built more rail ro tracks in Pasudina and the East end of Husto Texas will become the most polluted city and state in the Unite states. The train will also couse more trafic and the citizens heath will be in dange

As I already said theare four major reasons why you should built the rail ro tracks. My first reason is that there is going to be pollution all over Huoston and Pasadena. This pollution can all so affect the water in the hole world.

My secon maiyor reson is trafic. I pass twice a day where you are building the tracks. I pass in the morning to get to school and in the afternoon to get home. I am not just going to get late for school but I will also get late for Dinneer at home. You know theare alot of accidents and more trafic means more accidents.

My third major reason and fourth mudor reason is the danger and the healthh of the citizens. We are going to be in danger because of the smoke is going to pollute the air and we breath the air, and the air is going to damage our lungs. If our lungs get damage we get sick.

So, Ms. Dana White. I hope tat your decision is no to built the tracks

Sincerly, Marie Rita Tevares

P.S. I am in the 6° at YES college Prepar

FD 34079
D0317



January 9, 2003
8135 Swiftwater Ln
Houston TX 77075

Surface Transportation
ATTENTION: Dana White
Section of
Enviromental Analysis
Enviromental Filing FD#34079
1925 K Street NW
Washington DC 20423-0001

(To whom it may concern)

If the trains are built there are going to be a lot of problems. I am a 6th grade student at YES College Prepratory School. If a train is built there are a lot of dangers. One of the dangers are toxins. The others are the traffic, the problems in the neighborhoods, and dangers of the train derailing, crashing, or running over careless people.

People are mainly worried about the toxins in the train. If one of the tanks of toxins leak out toxic air. Toxic air could make people very ill. The toxins could effect a small amout of water, when it evaporates it will turn into acid rain. Acid rain is bad for people, plants, and animals.

The problem in traffic is something we already have. Traffic is already a major problem. A train sometimes freezes and kids would be late for school. The trains is worse for parents because they will be late for work wich they can get in trouble for. Traffic effects everyone.

People are mostly worried about us kids in neighborhood. Some teachers live by the are where the train might be built the noise might not let you sleep. Kids might not get enogh sleep wich lowers our grades and participation People might over sleep because they want a few more minutes of sleep. Trains

effect kids, teachers, and many other people.

People are also worried of other dangers. Many kids play on rails and they might get killed. If the train caries to much load it might derail. If the train takes to long a car might wan't to go trough and get hit. These were all reasons why this rail should not be built.

FD 34079
D0318

RECEIVED
JAN 21 2003
MAIL MANAGEMENT
STB

January 1[illegible], 2003
[illegible] Durant #12

Dear Ms. White,

I heard that they're going to have a few trains going through neighborhoods. And that you okay with that. Well I'm not. Why? Well first of all the trains have toxic chemicals. During bad weather, for example wind could blow over some chemicals. Causing accidents. Maybe on cars that [illegible] to [illegible] and people could sue you. [illegible] do you want to pay for you mistake [illegible]. Another reason is traffic. Let's say me and 15 other kids are on a bus going to school. If theres a train we could be late for school. Preventing us from learning. My final reason is I have family and friends that live there. I wouldn't want them to get Injured. By having these trains you can spill chemicals, prevent kids from learning, & [illegible] peoples lives.

Sincerely,
[illegible]

[illegible]
English

FD 34079
D0319

RECEIVED
JAN 21 2003

1/10/[illegible]
[illegible] 925 Arlington [illegible]
Houston, TX 7703[illegible]

Surface Transportation Board
ATTENTION: Dana White
Section of Environmental Analysis
Environmental Filing FD # 34079
1 925K [illegible] NW
Washington, D.C. 20423-0001

Dear Dana White,

I don't want a rail road [illegible] in Pasadena because I live here [illegible] it going to make my life [illegible]. Why [illegible] more the [illegible] traffic in some [illegible]. Here are [illegible] road [illegible] of the noise, [illegible] [illegible] about these three things. [illegible] are my reasons [illegible] [illegible] for my [illegible].

One when [illegible] or [illegible] to sleep I [illegible] the [illegible] or I [illegible] studying for a [illegible] I don't want the train's noise [illegible] when I'm [illegible]. A fact is that train will make noises [illegible] people [illegible] more noises. When I don't [illegible] after [illegible] because I [illegible] might [illegible] for not [illegible]

Another is danger I'm worry th[illegible] when kids play outside and they might not know when the [illegible] is coming and might have a accident. You see the danger of having too many rail road tracks. These trains carry chem[illegible] because the newpaper said "on rail service out of the petrochemical" see t[illegible] have chemicals. What happen when there a[illegible] accidents the chemicals might go in the water systems and pollution the water. Mabye the more train there a more chance of ther being more accidents. This is another rea[illegible] of why not to make the rail road tracks.

The last reason is the traffic when I'm going to school I'm going to be late for school. Even when I'm going home or whe[illegible] even I want to go I'm going to be late. These railroads tracks are have many dang[illegible] and noises I'm going to be late in my thing I need and want to go. My Dad is a truc[illegible] driver and the rail road train is going [illegible] make him late in his job. Another fact is the train are mostly long and makes t[illegible] [illegible] school and other place.

Now you see that this rail road tracks are not a really good [illegible] to put there. All of these reason are good of why not have a railroad [illegible]. Why not put it in some other p[illegible], but not here for all the traffic [illegible] and noises. These reason are so you

don't put the rail road tracks and I'm just in 6th grade and I don want any prombles. these are my rea of why not make a rail road track

Sincerely,
Thomas A Guiller.

FD 34079
D0320

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

Surface Transportation Board
Attention: Dana White
Section of Environment Analysis
Environmental Filing FD # 34079
1925 K street NW Washington, DC 20423-0001

January 10, 2003
3737 Buckthorn Apt 39F
Houston TX 77004

Dear Ms White

I don't think that the city should should put the new train tracks there. There should not be chemicals on trains that are dangerous. A reason you should not put there is because there could be another terrist attack. The chemicals may cause a explosive and kill alot of people. Then another reason you should put a train track is because the trains make a lot of noise and my school is close and then it wont let me and my classmate that are all 6th graders study with all noises.

You could use that 80 million to feed the poor. Or make shelters or give money to schools for books or something else.

FD 34079
D0322

The train may also cause traffic when a train is passing by. The train tracks are infront of my school and then it will not let buses and cars with students go then and so we learn less if we are late. If someone goes there their to get to work and the train is in the way it may get that person fired for being late. So please do not build the new train track

Sincerly,
Mikhail Ahad

FD 34079
D0321

January 10, 2003
353, YES
Houston TX, 77023

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

Surface transportation
Attention: Dana white
section of
Environmental Filing FD# 34079
Washington D.C. 20433-0001

Dear Ms. White,

I'm against the train because... this train will affect a lot of people who live near train tracks. People will be scared of the trains because the trains will have dangerous chemicals on it. The chemicals could cost big explosives, if any are dropped. If there is a traffic while a train is passing, the train would maybe spill the dangerous chemicals. This would be bad for the people in the cars.

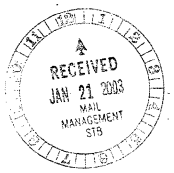
of the train because terrorism could happen with the help of the train. Well if you put a bomb in the chemicals in the train it could and will make a lot of disaster. Another thing is that people can shoot the chemicals and make a big explosive. I So that means DONT BUILD IT!

P.S. DONT BUILD TRAIN!

Sincerely,
Leandro Falcon

FD34079
D0322

January 10, 2003
2407 St. James
Pasadena, Tx. 77502



Dear Ms. White,

Building these train tracks is a bad idea. Many people will be affected by these everyday.

One way that people could be affected by these trains is, by pollution. When these trains come through our neighborhoods, carrying hazardous materials, the wind could blow some of the fumes into the air. Or, there could even be a derailment, spilling these hazardous chemicals into our neighborhoods.

Another way that these trains could harm people is by the noise. I am a sixth grader at a charter school called, YES college preparatory School, and while my classmates, and I were in class the other day, we all heard the trains whistle as it passed by. These are

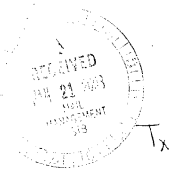
school, and the noise would be overwhelming.

I may be just a little sixth grader, but I'm trying to make a difference in my community. If you decide to build these train tracks, then hundred, thousands, maybe even millions of people would be affected because of your bad choices. I hope that you will make the right decision.

Sincerely,

Anthony M. Ortiz

FD 34079
D0323



January 8, 2003
4126 Ave L Ken, Houston
Tx, 77087

Surface Transportation Board
ATTENTION: Dana White
Section of
Environmental Analysis
Environmental Filing FD #34079
1925 K Street NW
Washington, DC 20423-0001

Dear Ms. White,

I Esmeralda Perez want to convince the people that want to put train tracks all around neighborhoods. That's bad because sometimes kids dare to go almost all the close they can to the train. If that happens may be in that time a chemical explodes.

I really dont like the iden of trains by our schools. Here's an example why I am against. If I am almost getting to school and the train is going really slow I will be late. I will be late and I will miss a part of class. I really wont appreciate that. I wont because I will not understand the rest of the class period.

I will tell you the last part of why I dont like this idea. If train will be passing through the neighborhood at 4:00 am in the morning, kids won't sleep. They wont sleep because of the noise of the train. This is why I am against more trains with chemicals.

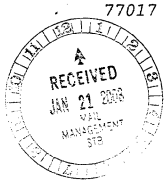
I hope you take my letter for real because all these examples could happen. The could come true. They could come true if you put people to put or built tracks so trains could have chemicals and pass through neighborhoods. If you didn't know you will put many lives in risk or danger.

Sincerly,
Esmeralda Perez

letter

FD 34079
D0324

January 9,2003
8124 Milredge
Houston T,X
77017



Surface Transportation Board
Attention Dana White
Section of
Environmental Analysis
Environmental Filing FD #34079
1925 K street NW
Washington DC 20423-0001

Dear Ms. White,

I think that you should not build more traintracks, because there is alot of traffic!!! If people are going to work they will be late. Then people will lose their jobs because they have been late a lot of times. If a bus is late to school the students on the bus will not be able to learn. That means that if they are late they will be behind on class work.

The dangers of more train tracks is a spill!!!!! A spill can burn or mess with that persons skin. It can mess up the world and we would have to start our lives all over again. To me I think that nobody wants to do that at all.

I think that it will hurt us people because of the pollution! Our air is already polluted! We do not need it more polluted then it already is. So if no more chemical spills no more polluted air.

There is a very good chance that people can be killed by chemical spills. So I really think that

letter

trains carrying chemicals is very bad idea, because you are putting peoples life in danger,you can be charged for death or an injury on that person. Choose the right choice!!

Sincerely,
Alyssa Garay!

FD 34079
D0325



January 9, 2003
8410 Howard
Houston, T.X 77017

Surface Transportation Board
1925 St. NW Washington D.C.
Environmental Analysis Environmental
Filling 20423-0001

Dear Ms White,

I am a YES student and I heard of what you want to do. I just want to tell you that what you want to do is something very important and you should let people vote for what is best. Do you know how many damage there can be? some of the things you have to look is the damage, traffic, noise and contamination that there will be.

Damage is one of the important things that there will happen. It can cause accidents, children can be injured by playing and not knowing what is happening. The terrorist may attack (people who don't like this) and there would be more problems.

Traffic is another important problem that is caused everyday and with the trains running 24 hours there will be more traffic. There will be more accidents and more people injured than usual.

With noise people will not rest and will make alot of distractions. It will not let people study or do homework. It will take away alot of time because no one will concentrate.

This is why Ms. White we don't like the idea of making the train tracks.

Sincerely,
Monica Olivares

FD 34079
D0326



January 2003
1503 Elton
Houston, Tx
77031

Surface Transportation Board
ATTENTION: Dana White
Section of:
Environmental Analysis
Environmental Filing FD # 34079
1925 K Street NW
Washington DC 20423-0001

Dear Ms. White

My name is Laura Zamarripa I am a 8th grader at YES College Preparatory School in Houston, Tx. I am writing to you about a proposal for more trains in east end, Houston.

One reason you should not put the trains there is because there will be danger for everyone. For example lets say the trains derail, those trains are carrying hazardous substances. The chemicals might pollute Harris' county water supply.

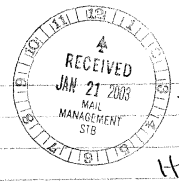
Another danger is all the schools the trains will go past. I quote statistics "BNSF estimates 1,500 to 7000 carloads of hazardous material, also if the trains get approved they can run 24 hrs a day.

This is not a danger but more of a disturbance. Where there are train tracks traffic will accumulate and I maybe late to school. Also there's lots of noise.

Now that you know the dangers you might reconsider about the trains.

Sincerely
Laura Zamarripa

FD 34079
D0327



January 9, 2003
123 N. Sidney
Houston, Tx 77003

Surface Transportation Board
ATTENTION: Dana White
Sectim of Enviornmental
Analaysis Enviornmental
filing FD#340791
1925 K street NW
Washinton D.C. 20423-0001

Dear Ms. White,

I am writing this letter to let you know that some of us don't want the railroad built. Here are three consequences that might happen.

The first consequence is the danger there is. The pollution is an extreme danger to the east end. We care alot about our animals and the pollution might kill them. They could also affect our plants. We don't want our plant to die. For us human who live in the east end it might affect our health.

The next consequence is the traffic there is going to be. I magne if there is an emergency and the cops or firefighters have to pass through there how much traffic there is going to be in the street waiting for the train to end. For us student that ride the bus because of the train we are going to be late to school or home.

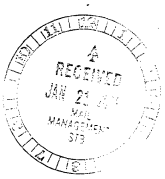
The third consequence is how much noise there is going to be. If we go to sleep at 9.00 p.m. and the train passes at 1.00 a.m. we are going to be disturbed. If were studying for a test the noise is going to disturb us too. We might fall asleep while the teacher is teaching.

It is very important to us that we live in the east end. So can you please think about this three consequences.

Sincerly,
Nancy Guevara
Nancy Guevara
A 6th grader from
Yes College Prep

FD 34079
D0328

Esmeralda Mendez/YES
College Preparatory
353 Crenshaw Road
Houston, Texas 77034



Friday, January 10, 2003

Surface Transportation Board
ATTENTION: Dana White
Section of
Environmental Filing FD #34079
1925 K Street NW
Washington, D.C 20423-0001

Dear Ms. White,

I am a sixth grader at YES College Preparatory. I am also one of the persons who are concerned toward building the railroads closer. I live in the East End neighborhood and I do not agree with this decision that you are about to make. I do not think that this is a good idea for the following reasons. When I get to school I ran through at least two railroad tracks each day and if the railroads are built they will keep me on traffic and I will be late for school. Also, if the trains are carrying chemicals they may toxic us. Last the chemicals may pollute the air and can damage the life of all living things.

I think that building the railroads and having them work for twenty-four hours a day and seven days a week is a problem because there will be traffic and we will be late for school. When I get to school I pass trough at least two railroads and if they are connected me and other people will be late for school and will not have time to study for tests or would not be able to get our homework done with all the noise.

Second, I think that building a new railroad track and having them work all day and all week is a problem because is dangerous. Many children can play with the chemicals. More trains means more

accidents. Many people have died because of railroad tracks and their trains. We really do not want any more accidents made by trains. If trains are working every day and every hour, then many of the children are not going to be able to go outside and play because there will be more probabilities that they will be injured.

Finally, I think that building the railroad tracks is a bad idea because the chemicals can toxic us. Some can bring us serious problems in our health. Some may damage the life of plants, animals and all living things.

In conclusion these were some of the reasons why going through the process of building the railroad track and having trains run twenty-four hours a day seven days a week is definitely not a very good idea. I hope my reasons and my letter were good enough to convince you to not built the railroad tracks or to have the trains work twenty-four hours a day seven days a week. I also hope that the voice of others and me can be heard.

Sincerely,

Esmeralda Mendez

Esmeralda Mendez

FD 34079
D0329



January 10, 2003
353 Crenshaw Rd.
Houston TX. 77034

Surface Board Attention: Dana White section of Environmental Analysis Environmental Filing FD #34079 K Street NW Washington, DC 20423-0001

Dear Ms. White,

How are you doing? I'm writing to you to tell you why you shouldn't allow them to build the train tracks. I have ~~three~~ reasons why you shouldn't allow them to build the tracks. I will explain each four reasons in one paragraph each.

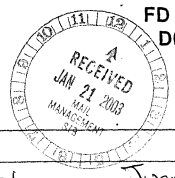
If you allow them to build the the tracks it will disturb people while they are sleeping, studying, or even praying. For example If you get home at 4:00am and the train comes at 4:30 and it takes about 10min. to pass we will not get enough sleep.

If you build the tracks then a kid can get hit by the train. My Uncles friend son got his leg. The union got sewed and the boy died.

If you build the train then there will be more traffic. For example if you are on the bus to school and the train comes, you might be late for school.

Now you know why you should not build the tracks. I hope you don't think just because we are 6th graders we don't care because we do.

FD 34079
D0330



Surface transportation Board
Attention: White Dana section of
Environmental filing FD 34079
1925 K Street N.W
Washington DC 20423-0001

January 9, 2003
7930 Ford
Houston tx 77012

Dear, Dana White

I am writing this card to tell you to take the train because it is Dangerous.

I want to take off the train Because it is dangerous because It makes pet and plants killed by the chemicals and pollution of the train. The train has a lot of pollution.

And humans can become very with and it disturbes me with the noise.

the train makes alot of noise in the night and I can't go to sleep because that we can not consuntracle while I am doing school work. And people could not go to the work because their are still at sleep. they are to sleeping to be prepared for work or school.

please I'am in 6 gracle I always miss my two gracle I always say is the train mahes traffic.

Please take the train off so the place will be more nice and clean, And there wrehe some reasons why we don't want the train here

Sincerely
Guadelupe Lopez
Guadalupe Lopez

FD 34079
D0331

January 9.2003

3913 Pease

Houston T.X 77003

Surface Transportion Board

Attention: Dana White

Section of

Enviromental Analysis

Enviromental filing FD #34079

RECEIVED
JAN 21 2003
MANAGEMENT
STB

1925 K srteet nw Washington D.C. 20423-0001

Dear Ms. White.

All I want to tell you is all about the trains you"ll are tring to put and give you some reasons why its no good.

My first reason is that I don't think is right for you"ll to put those trains because they have some serious chemichals that can caused serious deaths also it might spill and can really happen something bad then theres going to be more inguries at hospitals. There can also be more people that can complain and youre might have to take the trains away and theres going to be a lot of lost money for you"ll and that might be a bad business to make.

My second reason is because there might be danger for us kids and may ruined our learning that is so important for us the trains might disturve a lot when we are studing because whe have exams they might also not let us go to sleep because I live by the East End neighboorhood and theres already a whole bunch of trains thaty don't let you go to sleep so please don't put those trains with Chemichals.

My third reason is because those trains are going to be very near to our school and our school is already one of the best school in Houston T.X and theres going to be parents complaining when its not our fault the trains are there and that is going to be bad cause then there goiung to close the school because theres chemichals all around us !

My whole point this can de a bad thing for our career and will ruined our lives. Thank you.

Sincerely ,

Gabriela Lopez

FD 34079
D0332



January 10, 03
120Enchanted
Path Houston,
T.x,77044

Letter Washington D.C.
Address: Surface transportation board.
Attention: Dana White Section of environmental Analysis Environmental Filling F.D. #34079 1925 K.Street N.W
Washington, D.C. 20423-0001.

Dear Ms.White,

I just wanted to tell you that you are making a wrong decision by making the train tracks together for the trains to have chemicals. I will explain to you why you are making a wrong decision in 2-3 paragraphs. My 1st reason is going to be because of traffic. Also because of danger.

My 1st reason is because of traffic well if you built this railroad track you will have to take a lot of time of constructing it. Another reason is because I will be late for school because the train will be passing and it will be long. Also because it will be noisy and we will not be able to rest study or do our Homework. Another reason is because if you built it will be going 24hrs,7days a week an how would we be able to get to school on time. That is my 1st reason why I don't think you should build it because of traffic.

My 2nd reason why I think you should not do this is because of Contaminations/spills. Why, well because old or new babies could get sick by the strong aroma. Also because train derailments because from there you can kill plants and you can kill dogs or animals. How can you can you kill dogs is by you spilling something then the dog going and licking it from there. What I meant about plants is if you spill something they can die and then who and what will make our oxygen if you kill them because I don't think you are going to be out there in the cold and planting plants, or trees.

I don't think that you should build the Train tracks and put chemicals inside the train. One thing that you can is for the train tracks to stay the same and don't put the chemicals inside. Also don't let it go 24hrs and 7 days a week.

Sincerely,
Maria Perez

FD 34079
D0333



January 10, 2003

3327 Kelton

Houston,Tx

Surface Transportation Board
ATTENTION: Dana White
Section of Environmental Analysis
Environmental Filing FD#34079
1925 K Street NW
Washington D.C.

Dear Ms.White,

My school and I will refuse to the decision of building and making more trains pass through residential areas.These trains also are loaded with toxic chemicals that can spill by the trains speed or wind. The toxic chemicals put near by residents are in danger.Even if the chemicals spill the residents will be forced to move to another area.These people are now going to some meetings to stop this from happening.The meetings are on different times at different places.My school YES College Preparatory School has trains pass by a block away.

Another reason why I am against this decision is because students won't be able to get their sleep and rest for school because of the noise.The noise will keep them for going to sleep on time.In other words they will lose their focus and energy.The school buses will also be caught in some traffic. With this in hand the students will not be educated much.The reason is because they were late and missed the important part of the lesson. The city's money is going to waste on useless project.The money could be used for something more useful for the community. That is someyhing YOU SHOULD THINK OF.

Sincerely,

Haniel Morales

FD 34079
D0334



January 10, 2003
Yes college prep
353 crenshaw R.D.
Houston, TX
77034

Surface transportation board Attention: Dena White section of enviorment Filling FD # 34079
1925 K street NW Washington, D.C. 20423-0001

Dear Mrs. White,

You are making a trerrible mistake building the train tracks here. I am a student from YES college prep. I don't want you to build the train tracks

Danger: The train tracks your building could cause a spill creating a bomb maybe. The train might also kill plants, decreasing the oxegen today. The spill may even cause us to use up the Atmosphere, It could even kill the animals around here, Plus the construction will take enough time itself.

The Rail Road crossing is another danger. The trains would not stop if a car or child was in the way. The trains could be on the same track and destroy the chemicals. So think about it!

The other thing is the affect of traffic. The bus would try to get us to school but would be stopped by your trains. If someone was going somewhere they would be late.

The trains also make enough noise for 2½ miles. The noise could keep me awake! The noise could keep me from studying or homework.

I don't think you should build it because it effects us and other people. Your building it to save time bout really your wasting it with the construction.

Sincerely,

Hunter Ramos
Hunter Ramos

FD 34079
D0335



Surface Transportation Board
ATTENTION: Dana White
Section of Environmental Analysis
Environmental Filing FD# 34079
1925 K Street NW
Washington, DC 20423-0001

January 10, 2002
8927 Common Park Dr.
77009
Houston, TX

Dear Ms. White,

I think that if you build the train tracks, the only course would be to a endangered future. This could be a terrible move, especially now.

The most important reason I think you shouldn't build the track is terrorism. It could become a good target. A train with dangerous chemicals in the middle of a neighborhood. A bomb hits the train in the neighborhood. The train and some houses blow up. Chemicals fly into houses. The chemical reacts to the people and Fire is everywhere.

There can also be trouble since it's near my school. First, I can get more tardy to school on the bus since I have far from there. That'll mean, the less I learn. Second, if I'm doing a test, the horn of the train can make me lose my focus. Last of all trouble makers can throw rocks at it, climb on it, moon it, etc.

No one can forget, traffic. It'll cause people to get late to work or school including me. Sometimes it could get people fired for a certain amount of tardys.

If you really care about the United States of America, you won't build the tracks.

Sincerly,
Pedro Bonilla

FD 34079
D0336

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

Vanessa A.
1109 1/2 Cromwell
Houston Tx 77031

Surface Transportation Board
Dana White
Section of Enviromental
Analisis Enviromental Fling FD#34077
1925 K Street NW
Washington, DC. 20423-0001

Dear Ms. White

My school and I don't want these trains. The trains could, It could cause predioms example: Pollution, Please help us.

A train is very danguras. It has thousands of quemicals inside that train. That they can hurt you and I. Something can happen called pollution, what if trains spills, well the air is goin to pick up all of those quemicals & get pollated and the city is dirty already we dont need it anymore.

A train does so much nose, we dont need more noise, Imagine what could happen to us. You are sleeping then a train passes like at 3:00 Am, they would wake us up than we would be tired. Or you are reading a book than it comes and you cant concentrate any more whata shame.

Also the trains bring traffic. Traffic is bad it may keep us late to school and we are goin to get introuble.

Ms. White please help us live are life. We want to be happy.

Sincerely, Vanessa Acosta
Vanessa Acosta

FD 34079
D0337

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 9, 2003
353 Crenshaw Road
Houston, Texas 77034
Yes College Prep

Surface Transportation Board
Attention: Danna White
Section of
Enviromental Filing FD#34079
1925 K street NW
Washington, DC, 20423-0001

Dear Ms. White,

Hello. my name is Marta Matias. I'm in the 6 grade and I'm really concerned about the construction that will be going on near my school. The reason for my concern would probably be the traintracks construction. I always get to school on time, but maybe the new train would be passing and I would be late to school. I really don't like to be late to school because I may miss my first period and I also like to get to school on time too. Sometimes in school we study for regular test or quizes, midterms, and finals. I don't think that with trains passing by we will be able to concentrait during class. Kids are most likely to be distracted by the noises. Also the construction is also very noisy because they use manythings that make a lot of noises. Well also more trains also lead to many more accidents and that is absolutly horrible for everyone. Sometimes a car can break down in the middle of the traintracks and a train is coming and it makes it hard for it to stop. The people in the car cant get out and so they are dead. Maybe the might get out on time and not die, but it's much more better not to take a chance. Polution it's going to increase with more trains and people arent use to the smell of the diffrent kinds of chemicals that will be loaded to the trains. Some people can also get sick maybe because they arent use to smelling it.

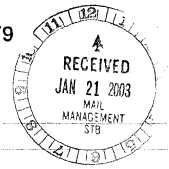
Some people have diffrent reactions to surtent things. Children are usualy affected the most because for them the smell is much more stronger than what it is for us. Children can get sick or may easely die, when probably a train has a little spill it can fall on plants and the plant might die of it and probably nothing else grow there. Sometimes the plants wont die, but they might become contaminated. Animals like cats, dogs, or insects might die by taisting, or eating someting that has or had chemecals. Chemecals are danger for everyone mosly little kids, dog, cats and many more animals. Dogs and cats usualy drink and eat whatever they can find to eat or drink. The homeless dogs after they eat or drink the chemecal they might end up dieing and also the other animals. The animals might end up dead anywhere anytime. For example in the middle of the steet, park in front of a house, or anywhere else. The changes that people do sometimes it affectes every-one around. Some people try to stop things from happening because they might not agree is a good idea to the things or project they want to do. I'm really concern about everything that happens around my school and around my neighborhood. Some desicions are very important to people I hope and wish you make the right desicion for this construction.

Sincerely,

P.S
I would really like for you to write me back Ms. White.

Marta Matias

FD 34079
D0338



Surface Transportation Board
Attention: Dana White Section of Environmental Analysis
Filing FD 34079

January 9, 2003
2904 Gregg 77026
Houston Tx.

Dear Ms. White,

I am concerned about you building the train tracks. It will cause lots of danger to the people who live near those neighborhoods the danger that it will cause, is that it will blow toxide and children. Some kids are little but, I'm a sixth grader I know what could happen.

I'm also concerned about people that live near where you are planning to make the train tracks, some of my friends live there. Think about people that live there think about the noises. The next day they won't be able to concentrate. Some kids here are 6th graders.

I also think about the traffic that they will be. When I am on the way to school I pass through train tracks. I would be late & I'll miss part of class. Think about the other the people that work that would get fired.

Sincerely,
Melissa Morales
Melissa Morales

FD 34079
D0339



January 8, 2003
353 Crenshaw Rd.
Houston, TX 77034

Surface Transportation Board
1925 K St. NW, Washington, D.C., 20423-0001,
marked "attention: Dana White, section of Environmental Analysis, Environmental Filing' FD No. 34079"

To Whom It May Concern:

This letter is just me telling you that I don't appreciate how you are going to put chemicals on the railroad tracks.

For one there is going to be a lot of danger in the neighborhoods. For instance, there are children in the places that live close to the tracks and they could be in even more danger! They would maybe be playing there and if the train goes really fast then the kids won't move in time and get hit. Then the train might fall so a lot of bad things might happen to everyone who lives around there. The pets might also get effected because the dogs might get sick because of the smell of the chemicals. The train might also hit them.

The other thing is that if you make two different rails there will be more traffic. My school bus goes over some train tracks right before we go to the

school. If the train [s] come by then they will hold up more traffic and then that will make us 5 or 10 minutes late for school because we would be stuck in traffic. We would want to go to school on time so that we won't be behind in the classes that we miss.

The train can effect humans to! Like, say some of the people might get easily sick if they smell the chemicals and they would get very sick. Some of the people are not used to these types of smells so maybe they will keep on getting sick. They will also keep on complaining because the trains with the chemicals on the train are effecting the people.

One other thing is that us kids won't get time to study. We won't be able to concentrate on the homework that we had that day. Besides, all of the people honking at the train to hurry it up and then the train might stop and the cars will get madder and then we can't focus.

I hope that you don't do this! It will really effect my neighborhood and all of the other neighborhoods so please don't do this to our neighborhoods!

Sincerely,
Erica Pererira
Erica Pererira

RECEIVED
JAN 21 2003
MGMT

FD 34079
D0340

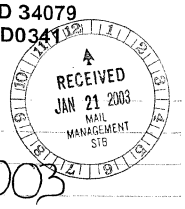
January 9, 2003
10517 Palestine
Houston, TX 77029

Surface Transportacion Board
Attencion: Dana White
Section of
Evior ment Analysis
Evior ment Filing FD# 34079
1925 K street NW

Dear Ms. White
Im going to tell you about the train trouble.
First of all is the danger. There will be contaminacion that could cause sickness, plants, animals, when it falls down. Also the smell of diesel will smell bad. The rail road crossing will be dangeous train may smack together and cause a bomb. Also when trains will blow cars away by the force. Even there could be terrorist attacks. Sedam may drop nucler bombs to the train staicion and that could cause a atomic bomb. If there will be more trains going around. The second thing it will be bad is the more noise with all conocion citizens will not be able to rest for some thing big. I will not be able to study for my mid-term also Homework. At night the train will make me wake up.
The third thing, it will be alot of trafic when the coostrucion starts it will make a lot of traffic. Also I will be late to school because of the train when there will be more tranis, going around.
If you do this plan you will Kill people. If you don't do it there wont be deaths.

Sincerly,
Charly Velazquez
Charly Velazquez

FD 34079
D0341



January 8, 2003
7933 Ave. B.
Houston T.X. 77012

Surface Transportation Board
1925 K St. NW, Washington, D.C.,
20423-001, marked attention:
Dana White, Section of
Environmetal Analysis,
Enviromental Filing FD
NO. 34079

Dear Ms. White,

I totally disagree with trains in the new neighborhoods. I don't even know why that came to a person's mind. It ovviously is very dangerous.

I'm against the train

issue, because they carry dangerous chemicals. There could be kids causings trouble. (Which isn't me!) Who could be messing around in their neighborhood, in complete danger. You, could also be pressed with many different charges. For, putting dangerous chemicals in weak train, and in bad choices to put them.

I very much disagree because, not only are the areas where you want to put the trains by my house, but also blocks my only way to go to school. Which is YES College Prep. School. You, wouldn't want us getting sick and dying. We YES College Prep make a better today, everyday!

I'm not done yet, I hate the idea, because of the noise the trains are going to be making. I won't be able to sleep, which means hardly any sleep, which leads to lateness, and I'll miss learning and classes. This is very possible, because the train will block my only, only, way to get to school!

Why bother, to spend the billions of dollars on the trains! When your going to have many consequences to face! Like, bad chemicals, money, pollution, ect. Also, that's just like taking a chance to get charges pressed against you. Or..... even getting you fired! Take my advice as a very intelligent 6th grader.....

I know, I hate, and I've made many good and satting points. There are, plenty more where that came from.

In conclusion, I know what you were thinking at first, how can the trains affect a 6th Grader at YES College Prep School. Well it's not just me it affects, but more than half my school. Thank you Ms. White for taking time out of your busy day, to read my letter.

Sincerely,

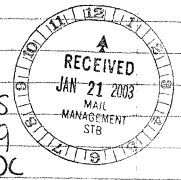
Salina Rodriguez

SALINA RODRIGUEZ

I

FD 34079
D0342

January 8, 2003
3805 El Rey
77009
Houston TX



Surface Transportation Board
ATTENTION: Dana White
Section of Enuromental Analysis
Enviromental Filing FD # 34079
1925 K Street NW Washington, DC
20423-0001

Dear Ms. White

I'm concearned about the new train tracks surface transportation Board by my neighborhood and home. This could hurt many people closed by the tracks. I feel that as a 6th Grader this would prevent me coming to school early. This toxic gases and chemicals might hurt my mom that is pregnant and we live close by tracks. You are hurting Peoples homes and lives. I hope you can prevent this from happening. This could make peoples jobs because of the traffic. Think about it how would they pay credit card bills if they lost their job.

II

January 8 2003
3805 El Rey
77009 Houston TX

I'm concearned that little Kids could play by the tracks and get runover. Older kids might for fun shoot at the train and spill something in our houses. This tracks can cause dangers to many people. This is going to effect there future.

Everyone in the comunity is going to be effected some how. Everyon is concearned about this because they are going to loose there home and the latives. We hope that you understand people are going to get hurt. We hope you can stop this.

In the trains terrorist may come and shoot people or throw bombs. They would come and destray everything they can try to get revenge for having to go to war.

Sincerely
Leidi M.

FD 34079
D0343

January, 8 2003
353 Crenshaw Rd.
Houston Tx.
77034



Surface Transportation Board
Attention: Dana White
Section of Enviromental
Analysis Enviremental Filing F.D.
#34079 1925 K. St.
NW, Washington, D.C. 20423-0001

Dear Ms. White

The reason I whan't to write to you is because we the 6th graders whan't you to move all the rail Roads out of the neighborhoods and here is why.

Why we don't whan't rail Roads in our neighborhoods is because the trains pass throw there when we are sleeping, they make a lot of noise, then we whon't go to sleep very well.

The other thing is that it could be very dangerous for the cars when they are passing the rail Roads their lives could be in danger if a train passes throw.

There are sometimes pollution and the air could get very dirty, that when a baby is born it can die because the air and of course you won't like that to happen.

There are some spill's of oil of the train that can affect the neighborhoods that are close to the rail Roads or it can affect schools that are close too.

So please help us take them off.

Sincerely.
Erandi Vargas
Erandi Vargas

FD 34079
D0344

Jan. 10, 2003
1421 Lawson St.
Houston, Tx 77023

Surface: Transportation Board
Attention: Dana White
Section of Enviromental Analysis
Enviromental Filing F.D #34079
1925 K. Street N.W
Whashington, D.C 20423-0001



Dear Ms. White

I'm having problems with the new train tracks their going to make. These train tracks will be a disturbance for everyone. That lives on the East End or by Pasadena + Also by my school YES College Prep. School. I have many reasons why they shouldn't put more train tracks by our school or by our houses.

One reason is danger. My school or other kids can have accidents. For example a kid can be in a car or playing on the train tracks and they can get runned over. The second reason is traffic this is very important to the students at our school. We usually finish our H.W at 9:00 - 11:00. And if we are late because of the trains then that wouldn't be good. Also if were going to school because we would be late + our learning is important. The third reason is their is to much noise. We do not want to hear the honk-ing noise all day especially at night. Because we wont get enough sleep + with our HW being done around 10 + 11pm. I think we dont want to be waked up by Horns at night.

We are really counting on you to fix this problem for us. I hope you agree with my reasons + try to understand that this is a bad Idea. Hopefully you will help us as much as you can.

Sincerly,
Gabriela Velasco

(1,000x)
P.S HELP US PLEASE !!!!!!

FD 34079
D0345

January 20, 2003
5007 Brady St.
Houston, TX.
77021

Surface Transportation
Board, Attention: Dana
White, Section of
Environmental Analysis,
Environmental Filing,
#34079, 1925,
Washington DC. 20423-001



Dear Ms. White,

I am a 6th grader at Y.E.S. College Preparatory School. I really dont want you to build the railroads because there are a lot of reasons for you not to, I will tell you mostly all, there is a lot of danger, theres going to be traffic, noise and schools are going to be interrupted.

Furst there is going to be a lot of danger. The trains are going to be carrying chemicals twenty-four hours a day and they might get spilled. From those spills people could get sick because of contamination. By chemicals plants could get a little amount and get contaminated, just like dogs that taste anything.

Secondly, there is going to be a bunch of traffic. People might get stuck somewhere and be late to work. School busses are going to be stuck because of trains. Children might miss out on an impodant lesson in class. I pass by at least two railroad tracks on my way to school.

Lastly, there is going to be noise, and schools will be interrupted. People wont be able to sleep well and concentrate on work or homework assignments. Schools will be interrupted because of noise.

I hope my letter and others really change your opinion about the railroad. My reasons for you to change your opinion I already said. Thank you for listening to my opinions. I really hope that my voice and others will be heard. Thank you

Sincerely,
Dulce Medrano

Dulce Medrano

FD 34079
D0346

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 19 2003
7418 Buena Vista
Houston Texas, 77087

Surface Transportation Board
Attention: Dana White
Section of Environment filing
Fx# 34079
1925k Street NW
Washington D.C.

Dear Ms. White,

If you put trains it will effect the community a lot. There will be trains in neighboorhoods close where I live and schools. They will be passing through people's houses, which could get damage from the chemical the train may be carrying. Plus the train may get in a accident and there will be dangerous chemicals around.

Another thing is that it will cause a lot of noise it will disturb my sleeping, studying for a test. The train is a block from my school and it disturb's me when where taking a test if you put even more trains it is going to be a lot worse than it is.

Again if you even consider putting trains near neighboorhoods and people's jobs. It may be jeopardize by the train because they may be waiting for it and, be late for work.

In conclusion if you put the trains it will effect adults / children a lot. It will cause a lot of noise they wont be able to sleep or study. I really hope you reconsider putting the trains.

Sincerely
Evelyn Martinez
Evelyn Martinez

FD 34079
D0347

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Michael Rodriggs
Address: 3103 Pleasant Cove Ct.
Houston, TX 77059
Phone: (281) 461-9461

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My 5 year old has just started Kindergarten at a school less than ½ mile away from the proposed rail line. The impact of the proximity of this rail line to his school is not "negligible" to me, nor the parents of all his classmates. A derailment could be devastating. I am stunned and disappointed that the Draft EIS concludes that the environmental impact is negligible.

I do not believe that the DEIS correctly represented the number of people near the proposed rail line.

The proposed line will cross a large wetland area west of Armand Bayou. This wetland area will be at risk with this rail line.

The proposed line will run adjacent to Houston water treatment facility. Contamination of the water supply from a derailment will be devastating. Even if a derailment is of low probability, all it takes is one.

The DEIS does not account for the impact that the proposed Bayport container will have in conjunction with the proposed rail line. Both of these projects should be analyzed in the same EIS.

Around ⅓ of the cargo carried by this line would consist of hazardous materials. The proximity to schools, parks, and neighborhoods, with even just a third of the cargo being hazardous, still puts these community areas at risk.

(over)

The new rail line will cause additional traffic disruption through more frequent and longer blockages of major roadways. This could even affect the ability of emergency response vehicles to respond in time to save a life.

BNSF has not provided any written guarantees that they will not run more than 7 trains a day. More trains 5 to 10 years from now only compounds the above concerns.

I urge the STB to provide a supplemental EIS to address these concerns. It will NOT be, by any means, a negligible impact on the environment.

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

Mr. Michael Rodriggs
3103 Pleasant Cove Ct
Houston, TX 77059

HOUSTON TX 770
PM
16 JAN
2003

33 USA
GALAXY NGC 1316

50 USA

USA 1¢

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

20423+0001

FD 34079
D0348

Glenn Blome
18707 Egret Bay Blvd
Apt 713
Houston, Texas 77058
January 13, 2003

RECEIVED
JAN 21 2003
Mail
MANAGEMENT
STB

Surface Transportation Board
ATTN: Dana White, Section of Environmental Analysis
Re: Environmental Filing FD No. 34079
1925 K St. NW
Washington D.C. 20423-0001

Dear Sir or Madam,

I am writing to state that I am adamantly opposed to the San Jacinto Rail Line that is currently being proposed in Houston, Texas. As a resident in the Clear Lake area, I see the additional train traffic, and the pollution it inherently brings, as a further detriment to an area which is already struggling environmentally.

While I understand that there are two sides to every story, I believe that quality of life for the residents of Clear Lake is more important than the profitability that the railroads believe the extra line will bring. We already struggle with our proximity to the chemical and petroleum plants of Texas City and Pasadena, as well as the current Port of Houston. Please, don't add this to our list of woes.

Sincerely,

Glenn C. Blome
Glenn Blome

FD 34079
D0349

RECEIVED
JAN 21 2003
Mail
MANAGEMENT
STB

ISSUES CONCERNING SAN JACINTO RAIL

Submit these comments TONIGHT at the Public Hearing.
After the Hearing, mail them before February 21, 2003 to:

Attention: Dana White, Section of Environmental Analysis, Environmental Filing FD No. 34079, Surface Transportation Board, 1925 K Street, NW, Washington, D.C. 20423-0001 or fax them to 1-866-293-4979.

1. **Population and Land Use** – The analysis in the Draft Environmental Impact Statement (DEIS) totally misrepresents the population density and the ethnicity of the areas that are affected by San Jacinto Rail. The Surface Transportation Board (STB) should retract this DEIS and prepare a Supplemental Draft EIS (SDEIS) that tells the truth about the number of people that live within one mile of the proposed rail line, including the section along Highway 3, as well as the racial composition of those to be impacted by the proposed project. The Interstate Commerce Commission, the predecessor to the STB, denied a permit application for public safety reasons for a rail line outside Cincinnati, Ohio, where approximate 1000 people lived within 1000 feet of the proposed rail line. If the STB made a fair analysis of the San Jacinto Rail project, they would determine that over 21,000 persons live within ¼ mile of the proposed rail line between SH 225 and Ellington Field. Of these, 72% are Hispanic. There are 23 public schools near the proposed rail line.

2. **Environmental Justice** – There is an executive order on environmental justice (EO 12898) and there are regulations issued by the Council on Environmental Quality implementing this executive order. These regulations define minority to include Hispanics. EO 12898 requires that the impacts of a federal action be analyzed to insure that minorities are not disproportionately affected by proposed actions. In the DEIS on the SJ Rail project, the existence of significant numbers of Hispanics was not disclosed. This is a clear violation of EO 12898 and the CEQ implementing regulations. How can a determination be made regarding impacts on minorities if you don't disclose the truth about the existence of minorities adjacent to the rail line? Additionally, the STB's predecessor, the ICC, denied a permit for public safety reasons for a rail line in Cincinnati where about 1000 people lived within 1000 feet of a proposed line. Why isn't the same standard being used in Houston as was used in Cincinnati? In Houston, there are many more people, with over 7000 children being within ¼ mile, the majority of which are Hispanic. It is arbitrary to use a different public safety standard in Cincinnati than in Houston. It is arbitrary and capricious for the STB to ignore data regarding the percentage of Hispanics. Together, these two facts show a pattern of racial discrimination by the STB. Such discrimination is impermissible and must be stopped.

3. **Secondary Impacts – Land Use and Wetlands** - The proposed San Jacinto Rail Line will cross a large, undeveloped tract west of Armand Bayou and east of Ellington Field. The existence of a rail line across this property will induce additional commercial and industrial development, creating an industrial/commercial area between Clear Lake and Pasadena. This changed land use pattern will negatively impact the residential areas of Clear Lake and Pasadena and will lead to the filling of a large number of pothole wetlands that are of great importance to the local ecology. These wetlands, along with those on the proposed Bayport container port site, are the last prairie pothole wetlands in southeast Harris County. The loss of these wetlands is significant and represents a cumulative impact of the SJ Rail project and the proposed Bayport container port.

4. **Pipelines, Faulting and Rail Safety** – The area crossed by the proposed San Jacinto Rail line is criss-crossed by many pipelines carrying all types of chemical products. The rail industry has noted the basic incompatibility of pipelines and railroads in documentation prepared for the Congress of the United States as well as in internal studies. If a train derails and if a pipeline is within the area of the derailment, then the chance of toxic releases and/or explosions from the pipeline are very real. Oftentimes, pipelines are within a few feet of the land surface, leaving them vulnerable to the force of a derailed train. In the case of San Jacinto Rail, the proposed line will cross several faults radiating from the Clear Lake oil field. These faults cause a shift in the land surface on the downthrown side of the fault, often leading to the structural failure of land uses crossing the fault. The chance of derailment is increased by the presence of faulting. The large number of pipelines and the products that they carry must be fully disclosed in the DEIS. The existence and location of faults must be fully disclosed in the DEIS. The risk of pipeline rupture and explosions and toxic releases must be fully disclosed in the DEIS.

5. **Impact to the Southeast Water Treatment Plant** – Although the DEIS identifies the southern alignment around Ellington as the preferred alternative, BNSF and the industries have stated to the TTI committee of the City of Houston that they now wish to pursue the northern alignment that is adjacent to the City of Houston's southeast water treatment facility. At a meeting with Clear Lake residents, a SJ Rail spokesman said that the rail line could not go to the north because the threat of contamination of the City of Houston (and several other cities) drinking water. What has happened to change that analysis? It is really stupid to route a train carrying hazardous materials adjacent to a major drinking water treatment facility, just as it is really stupid to route a train carrying hazardous materials through schools.

6. **Cumulative Transportation Impacts With Bayport** – The proposed San Jacinto Rail literally terminates at the Atofina plant which is immediately adjacent to the proposed Bayport container port by the Port of Houston. The proposed SJ Rail line is adjacent to Port Road, which is to be used as the primary exit for the proposed Bayport container facility. There is no consideration in the DEIS of the potential overlap of these two projects, either along Port Road or at other locations. In fact, the DEIS assumes that traffic will not be significantly increased on Port Road, an erroneous assumption given that upwards of 5000 trucks per day will be leaving the proposed Bayport container facility down Port Road. Clearly the STB has not read the DEIS for the Bayport container port and has not incorporated the facts of this proposed action in their analysis of transportation impacts along Port Road and SH 146.

7. **Cumulative Actions** – The Port of Houston has proposed the Bayport container facility. BNSF and local industries have proposed the San Jacinto Rail project. A DEIS has been prepared and published for each of these proposals, one by the Corps of Engineers and one by the STB. Under the rules of the Council on Environmental Quality at 40 CFR 1508.25(a)(2), where there are multiple pending proposals with cumulatively significant impacts, they should be discussed in the same EIS. SJ Rail and the proposed Bayport container port will both significantly impact land use in southeast Harris County, air quality in southeast Harris County, wetlands in southeast Harris County and transportation in southeast Harris County. Additionally, there are cumulative environmental justice issues associated with the impact of rail transportation on the Hispanic community. Bayport will send 8 – 8000 foot long trains along SH 225 and then north through the East End, adding to the two trains per day from SJ Rail. These projects should be analyzed in the same EIS because they will significantly alter southeast Harris County.

8. **The Industries That Are Proposing This Project** – We have been told that the industries that are partners in this SJ Rail project are pursuing this alternative because they need relief from exorbitant rates charged by Union Pacific. Yet, who are these industries that are asking us to endanger our children, our communities, our wetlands and our mobility? Do they have clean hands? Have they been violating any permit provisions lately? What are their hazardous pollutant releases? These questions need to be raised in the public hearing. These industries are causing us major problems and may endanger our lives and our property if they get this permit. They need to be honest with us. How many tons of pollutants do they put out? Have they ever had a shelter in place in the adjacent residential areas? What are their worst case, toxic release scenarios? We need to make sure that these industries fully understand that they have placed themselves in our field of vision. They have inserted themselves into our lives. Now let's find out who they are and whether or not they deserve the public trust.

FD 34079
D0352

RECEIVED
JAN 21 2003
Mail
MANAGEMENT
STB

Surface transportation
1925 K St NW Washington
DC 20423-0001
marked attention Dana
White Section of enviormental
filing FD NO 34079.

January ninth
two thousand three 2003
Wichita 76302
#40

Dear Ms. White,

I am Stephanie Gallegos and I attend the Yes College prep School. Eventhough I am only a 6th grader I am very aware & disappointed towards building train tracks near my community. I first wanted to write about the dangerous it could be.

Building the train tracks without asking people for their opinion is not write. Not including the danger. Not only it is dangerous to our city, but you also putting inocent peoples lifes in danger. For example there could be a spill or a leak, because that trains include dangerous chemicals in them.

Another reason is because the traffic In the morning there could be children

on there way to school, & they could be stuck in traffic just for that reason.

FD 34079
D0353

RECEIVED
JAN 21 2003
MAIL MANAGEMENT
STB

January 10, 2003
5144 Rose St
Houston TX 77023

Surface Transportation Board
Attention: Dana White
Section of
Enviroment Filing FD # 34079
1925 K street NW
Washington, D.C.
20423-0001

Dear Ms. White,

I am a 6th grade student at V.E.S. College Preparatory school. The reason I am writing this letter is to let you know how I feel about adding more trains to the eastend. If you add more trains then I guess I would take it personal because I live near the railroad tracks. I will list 3 different reasons for

#1

not putting more trains.

My first reason is because of the danger that they are putting in the neighborhoods. The danger is the chimicals that are in the trains. Another danger that people would be in is the increase of accidents that trains might cause. The way the trains might cause accidents are that someone might go over the tracks. Even though that is the persons fault. Those are two of the dangers that people might get in to.

Another ~~thing~~ reason that you shouldn't have more trains is because of the increas of traffic. That is very bad even for Houston because Houston already has enough traffic. It is even worse for me if you let the trains go by because than I could be late to

#2

school in the morning. I could also be late home after school which leads to less time to do home work. And then I would ~~get~~ have to stay after school. Those are some more reasons for not letting trains go by.

My last reason for not letting the trains go by is that I might not get a lot of sleep because of all the noise. If there is a lot of noise when I am studying and the get destracted then I might get bad grades. Another reason is that if the trains come real late then I wouldn't get a lot of sleep. I might fall asleep in school and get in trouble and the make every thing up by staying after school. That was some more of my reasons for not letting the trains go by.

#3

I have mentioned all the reasons for not letting the trains go by at any time because of the danger, traffic, and schools.

Sincerely,
Crystal Wolsey
Crystal Wolsey

#4

FD 34079
D0354

January 10, 2003
Yes College Preparatory School
353 Crenshaw Road 77504 Houston, TX

Surface Transportation Board
at 1925 K Street NW, Washington,
D.C., 20423-0001, marked "Attention.
Dana White, Section of Environmental
Filling FD No. 34079"



To Whom It May Concern,

I wish to inform you that building these tracks are a bad idea. I as a citizen have reasons why. I'll tell you these reasons.

First of all there are many dangers if you build these tracks. There will be traffic plus I'm a student at Yes College Preparatory School which is very near the tracks so I must cross the tracks to get to school but due to the traffic it will cause teachers and students to be late to school. Not only that there are more increased chances of car accidents happening due to the amount of trains that will pass by. Also there could be a smell or even a spill when the train goes by and people could die.

Second of all the trains going by could make a lot of noise from it passing by and affecting people at work at school or wherever you are. This could lead to distractions, misconcentration, and frustration which means people or other companies or whatever may rely on that job he/she can't do his job. The person won't be able to concentrate and that could affect a lot of things and people.

Third of all there are solutions to this problem that everyone could agree on instead of you all just going, "Where building tracks." A solution would be to propose the tracks to run through somewhere no one lives near. That way there won't be dangers or maybe just a little noise but not much. A better way most people prefer is to not build the tracks at all. I mean what good will it do to make hazards and dangers not to mention the lives of people all just for money is greedy and bad. You should feel ashamed for putting all those lives at risk.

I tell you once again that this train track idea is a bad one. I also said you're risking too many lives and just for money. I ask you nicely to please not build those tracks.

Sincerely,
Enrique Ramirez

FD 34079
D0355

January 2003
6807 Roxbury
Houston TX 77087

Surface Transportation Broad
ATTENTION: Dana White
Section of:
Environmental Analysis
Environmental Filing FD #34079
1925 K Street NW
Washington D.C. 20423-0001



Dear Ms. White
My name is Jessica Rangel I am a 6th grader at YES College Preparatory School at Houston Texas. The reason Why I am writing you this letter because of the reason that I read "The Houston Chronicle . I knew that at the East End of Houston they are planning to put more trains and railroads. This is effecting my neighborhood and specially me.

The way that the train effects me a lot of different ways. One of the ways that it effects me is that not only me all the neighborhood s are in danger. How? The train has a lot of chemicals in that will cause pollution our air will not be clean. The pollution will effect our plants ,our pets and humans. If the train passes each day it would cause accidents not only that the traffic the kids to.

We don't want the train ! If the train passes every single day It will cause to be late at school not only that my parents will be late to for work. First of all I don't miss my classes just because of the train traffic. If I miss I wont learn a lot as I suppose. The train will have chemicals we are not going be able to play a lot outside.

The noise will effect me and the neighborhood we are not going to be able to concentrate on our work at school and we are not going to sleep well, people are not going to be able to work in there job well. There will be school actually effected because of the rail roads, this are the following schools that are going to be effect it : Milby High School and Chavez High School.

This is my neighborhood, and school I don't want the train! Please we beg you we ask you not to put the train is going trough Houston East End. About half the traffic now skirts the heart of the neighborhood. Our life will change a lot will be very different with the traffic train. Help us to keep the East End of Houston safety and clean out of the chemical.

Sincerely,
Jessica S. Rangel

FD 34079
D0356

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 8, 2003
353 Crenshaw Road
Houston TX 77034

Surface Transportation Board
Attention Dana White Section Of
Environmental Analysis
Enviromental Filing FD #34079
9251 street NW
Washington, Dc. 20423-0001

Dear MS. White

I am writing you this letter to inform you about something thats going on on my neighborhood. A train track is being built. Well not yet but railroad workers are planning.

I personally don't want the train track here because there are many reasons and these are the best reasons, One, the noise will be imbarable. Second, can you aminging the danger that could go on. Kids play on train tracks. what if there are chemicals on the track or even around the track Kids could die, get cancer, or even any kind of diseases as a side affect.

Third, school. I go to a school thats very close to a train track, can you imagine the traffic we would practically have to walk to school. Also my grades would go down the drain I wouldn't even be able to concelate.

That is my four reasons for not building the trains. Please take turns on reading this letter. I want my voice to be heard so please read my letter.

Sincerely
Adrian Garza
Adrian Garza

FD 34079
D0357

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 8, 2003
YES College Prep.
353 Crenshaw
Rd. Houston, TX
77034

Surface Transportation Board at
1925 K Street NW Washington, D.C.,
20423-0001. Attention: Dana White
Section of environmental Anylis, Enviromental
Filling. FD N.O. #34079

Dear Ms. White:

I am a 6th grader that go to a school near where you want to put the train. This are the reasons why I think you should not put the trains.

If you put the trains there that is going to be dangerous. There can be spills and it can harm plants and animals. There is going to be a lot of smell of chemicals. People can get sick. More accidents can occure with the train tracks. There would be a lot of traffic. It would be too crowded. When people go to work in the morning they will be late. Even kids will be late to school.

We don't want trains going 24 hours a day. It would be very noisy. People would not be able to sleep. Kids would not be able to get that studying. If you put the trains there is going to be a lot of construction. That would cost a lot of money.

Kids won't be able to play because if there are spills they can get sick. Dogs lick and eat everything they can, so if there is chemicals they can die. It would be a sad thing. If kids are walking by the train track they get

stuck, something can happen to them.

This are the reason why pt think that Pte a bad Idea to put the trains. It can harm us.

Sincerely,
Priscila Canales.
Prisdla Canales.

FD 34079
D0358

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 9, 2003

707 E. Spreading Oak Dr.
Houston, Tx. 77076

Surface Transporation Board
1925 St, NW Washington D.C.
Enviromental Analysis
Enviromental Filing FD #34079

Dear Ms. White,

I am writing to tell you that some people dont want to build the train tracks. Us 6 graders or Juniors or Seniors will not be able to study for tests. They will also not get a good night sleep.

Building train tracks will be dangerous. Some chemicals may fall. The Kids will mess with it, or dogs may lick it.

The train is helpless. Some people will go to school late. The train makes traffic. Traffic makes us late. Also in railroad crossing it could be fatal. Which means people could get stuck on train tracks and a train can run over him/her. Also cars may break down in the middle of the track and get crashed. Maybe the lights are not working and a train is coming and the car is coming but doesnt know the train is coming.

Us people getting late to school is bad. We get Marks. Marks are just like changing our conduct. We go to YES College Prep School. We dont want to be late. We already have train tracks by our school. We dont want more.

Sincerely,
Sharlyne Ibarra
Sharlyne Ibarra

FD 34079
D0359

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

January 10, 2003
353 Crenshaw Rd.
Houston, Tx.

Surface Transportation
Board Attention: Dana White,
Section of Enviromental Analysis,
Enviromental Filing FD# 34079
1925 K Street NW Washington, DC.
20423-0001

Dear Ms. White,

I would like to tell you how I dont want you to build a lot of railroads with chemicals. Crossing the railroad tracks could be dangerous.

Also some other dangers are that there would be smells from the chemicals. Children would get effected by the chemicals smell. They would get headaches from the nasty smell.

The dangers are that we will have more accidents, by trains running into each other. Also by cars stopping on the tracks and the cars would get hit.

Another is because of the traffic and construction I would be late to school. The noises would interfere with my studying and homework.

This is why I do not want more railroads and trains who carry Chemicals. I would not get any sleep or work done. I am concerned because, I go to school near train tracks Yes College Preparatory!

Sincerely,
~~Crystal Rodriguez~~
Crystal
Rodriguez

FD 34079
D0360



January 10, 2003
353 Crenshaw Rd.
Houston Tx, 77034

1925 K st. NW, Washington, D.C., 20423-0001 marked
Dana White, Section of Enviornmental, Analysis, Enviornmental Filling FD No. 34079

To whom it may concern,

First I wanted to tell you that I am going to write 2 different paragraphs telling you why we don't like the new trains.

The first paragraph is going to talk about why we don't want trains 24 hours/day. There is going to be to much ~~there is going to be to much~~ traffic and we don't like to wait in line because then we will get board. Also we can't study in school and do ~~our~~ our work, and also they could be pollution.

The second paragraph is going to be about that you won't like the noise of the train at 1:00 in the morning because you would get mad. So thats why we don't like it too. So can you live us alone and stop dooing more trains, because the more trains they are the more accidents happend.

So can yall please stop making more trains and train tracks because when buses cross they could get stuck and alot of childrens could die.

Sincerely,
Mayra Sanchez

FD 34079
D0361



January 9, 2003
4004 Ashwood Dr.
Pearland TX. 77023

Surface Transportation Board
Attention: Dana White, Section of Environmental Analysis, Environmental filling FD No. 34079
1925 K St. NW Washington, D.C 20423 - 0001

Dear Dana White,

I am aware of the fact that you are adding railroad tracks and new trains full of chemicals in the east end area. I am writing you a letter because you are building those trains by my school. I am a six grader at YES College Prepatory and you are putting those trains literally by my school. We are going to have a some problems with those trains and some include more traffic, risks of oil spills, noise, pollution, and a waste of time.

Its bad enough that I go over at least two to three train tracks on my way to school and I am hardly ever on time. With more tracks its going to take longer to get to school. I just got into the habit of waking up earlier to get to school and now I have to wake up even earlier just to beat the train and make it to class. I am not just complaining about me, but there are other kids in that neighborhood that struggle with the tracks that are there already and now they have to deal with the new one.

To my knowledge, in order to build tracks and have a train run on it, it takes construction. Not only will there be a train full of oil and chemicals to slow us down, but we will also have to get stuck in more traffic or find a new way to school, due to the construction. There is only two lanes and a lot of cars. There is no way that I can get to school another way and still be on time to class. I come from Pearland to my school in Houston by driving and the route with the tracks is the route I take to school.

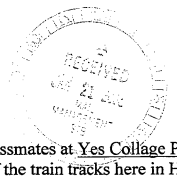
I get headaches easily by strong smells, and the smell of chemicals and oil will probably hurt me a lot. There is no way you can block the smell of chemicals and the smell travels in the air. My school is right next to the tracks and all the students on campus will be able to smell the trains chemicals. We won't be able to concentrate or get that much work done. Why would you take the risk of an oil spill or an explosion just for money? We are people to and we don't like the things your doing. There are plenty of places in Texas and the U.S to put those trains, but why would you put the trains in a cooped up neighborhood where people live, work, and go to school? Its bad enough that your doing all of this, but you didn't even ask the citizens in Houston what they think, your just telling us that your doing it and that's it. How would you

like it if someone told you that they are going to put a bad smelling, heavy, noisy, disturbing machine in your home. I would really want to see how you are going to deal with a nasty train that disturbs you all hours of the day while you worked or at least tried to. That's what your doing to us and to me it sounds like your just in it for the money. Your probably bored of this letter and think I am just a little kid that doesn't know what she's talking about, but I am going to keep writing these letters until I make a diffrence!

Sincerely,

Megan A. Medina

FD 34079
D0362



January 10, 2003
2215 Wren
Pasadena Tx.77502

Dear Ms White,

Me and many of my classmates at Yes Collage Preparatory School disagree in the building of the train tracks here in Houston and Pasadena.

One of the reasons why I disagree of this is because the trains passing through here will be carrying toxic chemicals inside of them. These trains could cause a lot danger. For example someone could crash into it and since most toxic chemicals are explosive it would cause a small explosion and damage the houses in the neighborhood around it.
Or a chemical could just spill and cause an evacuation.

The second reason would be the fact that a train passing daily through a community would be a little bit more than just annoying. It would distract students in my school and in other ones too, while they are working/studying in their classrooms. Many people sleeping would also wake up when they hear the noise of the train. So they would be really tiered the next day and not be able to do their work as well.

The final reason why I don't want the train to be passing through here everyday is because of the traffic it would cause all of the time. Our bus might have to stop for a long time and we would be late for school if we got to class without a huge excuse! Or one of parents could get so many tardies at their work and be fired.

So as you can see from these three reasons building a train tracks close to such a big community would be a bad idea especially if they are going carry toxic chemicals. If agree to do this it would effect our daily lives tremendously. So I am suggesting you not do this this close to other peoples houses.

Sincerely
Eric Cowpersmith

FD 34079
D0363

January 8, 2003



7019 Market st.
Houston, Tx. 77020

Surface Transportation
Attention: Dana White
Section of Environment Analysis
Environmental Filing FD #34074
1925 K Street NW
Washington, DC 20423-0001

Dear Ms. Dana White,

I am a 6th grader at YES College Prepatory School and I live in Houston. I have heard that there is a proposal to build a railroad track for trains near the school. Having a railroad track near our school could be a distraction to everyone attending our school. Examples are: trains running near the school would be distracting for students taking tests, or doing homework..

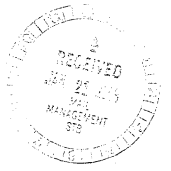
The most important concern is that the railroad track will run near neighborhoods exposing small children and residents to the dangers of a train as they walk to school. A train running near the school will cause traffic tie-ups, causing students to be late for school; robbing education time.

Chemicals will be shipped on these tracks exposing near by neighborhoods to unnecessary dangers; especially if one derails and causing a chemical spill.

Please don't put the rail near our school and expose all of us at Yes to the unwanted dangers of rail traffic.

Sincerely,
Jacob Rodriguez

FD 34079
D0364



January 10, 2003
3322 Kelton St.
Houston TX, 77021

Surface Transportation Board
Attention: Dana White
Section of Environmental
Analysis Environmental Filing
FD #34079 1925 K. St.
NW, Washington, D.C. 20423-0001

Dear Ms. White,

Putting on the train tracks on the East End side of Houston is a bad idea because things can happen just for that reason. I just please ask you to please don't put the train tracks at East End because I tell you that I am sure that there will be some problems with putting the train tracks on the East End side of Houston. I also want to tell you that I live around that area, so please don't put the railroad tracks. I have to tell you IMPORTANT things about the railroad tracks so please listen to me.

One reason why I don't want the railroad tracks to be put on at East End is because the loud noise. I won't be able to sleep at night and believe me I have to wake up early to get dress then pick up my cousins and then drive to school, which takes me almost an hour to get to school. The loud noise can also wake me up early and when I go to school if I have an exam I will not do good on it because I will be sleepy and will be sleeping in class and then I will get on porch or get a mark for sleeping in class. My school is very strict and I can get in trouble for any good reason to get a mark. Another reason why I don't want the railroad tracks to be put at the East End side of Houston is because accidents can happen. The reason why I say that accidents can happen is because a child can be playing outside and might walk over the railroad track and not notice that a train is coming and can get ran over. I also don't want someone else to die because Houston has lost a lot of people of all ages because of that reason, and I can't forget when this boy got ran over by one but the other boy survived.

Another reason why I don't want the railroad tracks to be put on is because the spills. The reason why I say the spills is because they're going to put chemical on the track and that's not good because if that chemical spills it can hurt somebody. Also the smoke on the train can make some people have allergies because some people hate the smell of the train. Also if there is pollution on the train the wind can blow some dust and some of the dust can even go into people's eye's and hurt there eye's, and I am sure that the train has a lot of germs. Another reason why I say that the train tracks shouldn't be up is because traffic can happen.

What I mean by traffic is that people can be late for work and can be fired, and I don't want people to lose there job just because of a train. Also if a YES College Prepatory student which I am gets to school late and can miss out some learning while were not there just because of a train. We will also be tardy for school.

In the furture I will pray and hope that the train tracks won't be put up because I don't want none of the things to happen just because of a train. I also hope that these ideas won't happen just because of a train.

Sincerely

Joanna Argueta

Joanna Argueta

PS. Please write back to me.

FD 34079
D0365



January 11, 2003
4102 Young St.
#120 Pasadena, Tx.
77504

Surface Transportation Board
Attention: Dana White
Section of
Environmental Analysis
Environmental Filing F.D. #34079
1925 K Street N.W.
Washington, D.C. 20423

Dear Ms. White,

I am writing this letter to let you know that there is some people that don't want the railroads in the middle of Pasadena (where my family and I live.) or Houston.

Railroads

If you put the railroads there will be a lot of traffic and a lot of problems. For example: If you put those railroads everybody will be late for their jobs because the railroads will make a lot of traffic.

Kids in danger

Kids will never by able to play outside because the railroads will always be outside. For example: If kids go outside an ancient can happen.

Dirty Air

The railroads will all so get our air very dirty. The checicals on the train can get to our food and water, and we can get sick. The water might even get our animals and pets sick too.

Noies at Mianight

Those train will never let us sleep peacefully because they will be passing a lot. Peace will come back to us if you don't put those rail-roads.

Sincerly,

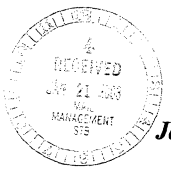
Lizandy Hernandez

A 6th Grade Girl from YES

College Prep. School

P.S. Help us or don't put those railroads.

FD 34079
D0366



January 8, 2003
6813 Ilex St.
Houston TX. 77087

Surface Transportation Board
Ms. Dana White Section of
Environmental Analysis
Environmental Filing FD.
#3409 1925k St. NW
Washington D.C. 20423-0001

Dear, Ms. White

Those railroad tracks cannot be made because of many dangers. There could be lots of more pollution in the air know that we have enough. Trains may cause series injuries because of chemicals. The trains may pass out of nowhere and kids are playing in the tracks. That's my first reason.

Another thing is that the school is in trouble. The kids will be very late because of it. The trains might stop and take a while. The school will be in terrible danger. The noise will interrupt our studying. They will not let us concentrate on our work. When we get out of school there will be lots of things in the air because of that.

Our house will be severe in trouble. The trains will not let us go home that fast. We will be wasting perfect time in the road we can do homework. The sleepiness of the neighborhood may be interrupted. The noise of the trains will not let us sleep. It will be awful because will be very lazy in school.

Traffic is one of the biggest problems in Houston. The trains will cause more and more to our daily live. We don't want this for us. Like I said. The traffic causes more accidents because of people going crazy. There might be a crash with the train and let the chemical out. That will cause thousands to repair. We DO NOT want this RAILROAD.

Sincerely, *Manuel Moreno*
Manuel Moreno

FD 34079
D0367



838 Store
Houston TX. 7708

Dear Ms. White. First of all I am goin to tell you why we do not want you to make the rail road track.

First I want to tell you the danger that there could be. Some people could be in a rush and then the will just want to pass right before the train comes and the the train will hit the car and it could kill the people driving the car.

Now I am goin to tell you about traffic. So many people have to cross the rail road track to goto workie and the they git late to work. then just think that this person could be you and then yor boss tells you why are you late then you have to say the train.

Us the 6th graders, some have to walk home or to school and we pass by the rail road track and we smell the toxics that the train have that will be bad forever

Now I hope you like my ideas why not to make the rail road track.

from
Meza Ortiz

FD 34079
D0368



January 10, 2003
6743 Crestmont
Houston, Tx, 77033

Surface Transportation Board
Attention: Dana White
section of
Environment Filing FD# 34079
1925 K street NW
Washington, D.C.
20423-0001

Dear Ms. White,

There are many reasons why many people here at YES and people who live in Pasedena which are important.

One reason that would effect us here at Yes College Prep. is the noise of a train. Many of us can't focus very well because of this reason.

If more train tracks are built that mean we would not be able to study or listen to a teacher very well.

Another reason is that the train might make traffic and we would be late for school or anywhere we have to go.

Another reason is the danger that trains carry. The toxic can make more pollution. That means that many of us can get sick faster.

I believe it is a bad idea to put train tracks here for these reasons.

Sincerely,
Luz Aleman
6th grader at Yes College Prep. School.

FD 34079
D0370



January 13, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention Dana White
Environmental Filing FD No.34079

Dear Sir/Madam:

U.S. Rep. Gene Green perhaps said it best "When the elephants fight, the ants get stepped on". This is all about money....a cheaper alternative for transporting Bayport products at the expense of our neighborhoods.

No consideration has been given for the safety and quality of life for the residents in this area. The fact that many schools are a stones throw away from the RR tract ....the fact that we already have an abundance of trains coming through at all hours of the day and night...the fact that it is a real possibility these trains carrying hazardous materials (ethylene oxide and propylene oxide) could derail or explode...the fact that the quality of life for us will be unbearable has meant nothing to the chemical companies, RR and the Surface Transportation Board. How does one get appointed/elected to theSurface Transportation Board? I think we need to know!

This problem is clearly between Burlington Northern, Union Pacific and the Bayport chemical companies. **WE SHOULD NOT HAVE TO PAY THE PRICE FOR A PROBLEM THAT SHOULD BE WORKED OUT BY THESE GREEDY COMPANIES!**

Sincerely,

Kay Powell
1907 Mosa Creek
Houston, TX 77017
(713) 947-9632
(713) 529-3663 office

FD 34079
D0371

"cruz cruz" <ycp_cruzl@hotmail.com>
01/21/2003 02:41 PM

To: whited@stb.dot.gov
cc: kdolibois@yesprep.org
Subject:

Dear Ms. Dana White,

1/16/03

I am deeply troubled by an article, concerning the issue of the train that is set to travel through Pasadena Texas, carrying toxic material. It seems quit selfish to seek profit while, ignoring the value of human life. It is arguable that an accident with the train is likely. However, there is always a chance that something could go horribly wrong with that train, especially in these times when sinister people would seek the opportunity to take advantage of this train's destructive capability. Aside from the danger involved, there is also the matter of this rail line being a nuisance and road hazard. Houston's streets are already congested enough as it is with road construction and other rail lines. Therefore do not allow this railway to be built.

Sincerely,

Concerned citizen

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FD 34079
D0372

"Fabiola Suarez" <ycp_fabiolas05@hotmail.com>
To: Whited@stb.dot.gov
cc:
Subject:
01/21/2003 03:33 PM

Dear Dana White, January 21,2003

Hello, my name is Fabiola Suarez and I am a sophomore at Y.E.S. College Preparatory School. I am concerned with the new idea of adding railroad tracks near by the school site that I attend to Monday through Friday and sometimes even on Saturdays. Not only that but it is also near the Hispanic community and other school sites. This is a problem because the noise the train causes will interrupt classes and people in their houses. There is also a chance of a chemical accident and the destruction from that is countless. Please reconsider your decision. Have a good day and thank you for giving a chance to give me a chance to share my opinion.

Sincerely,
Fabiola Suarez

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FD 34079
D0373

Rebecca Trevino <rebeccat03@yahoo.com>
To: WhiteD@stb.dot.gov
cc: rtrevino03@yahoo.com
Subject: hello
01/21/2003 10:41 AM

Rebecca Trevino

7915 Grafton

Houston Texas, 77017

January 17, 2003

To Whom It May Concern:

In response to news the San Jacinto Rail Line, which would carry toxic chemicals through numerous neighborhoods and schools, I abhor the idea. The East End of Houston is primarily minorities and seems to be overlooked at this proposal. However, even hardworking minorities have a right to voice their opinion about the matter. This is an intolerable and unacceptable.

The lives of about 30000 people would be at risk, especially if a derailment were to occur or a toxic spill. People could die in an instant, our water could be contaminated, and our air quality would be become worse as the traffic would increase. Thus, we are truly making Houston proudly known as the most polluted city in America (how lovely).
I personally cannot believe that the safety and lives of thousands of children were ignored. I was shocked. These children are trying to go to school to learn and be somewhere safe. Whether it is at Milby Highschool or YES College Preparatory, these students should not have to worry about a toxic leak, an explosion, derailment, or a train making them late for school.

Many homes are less than a block away and if something were to happen, (accidents will always happen), then those people would surely be killed. Children on their way to school or traveling anywhere could be killed if something were to occur.

Also, why not let these trains pass through River Oaks or Bel-Air? There are surely other options to come to an agreement between the two rail line companies. I just do not like the fact that certain people were overlooked and disregarded to break a monopoly-for the almighty dollar. Have capitalistic actions become valued more than humanistic values or the ethics of humanity? It appears so. In the end, I urge you to reconsider the proposal for this foolish idea. Thank you for your time.

Sincerely,

Rebecca Trevino

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FD 34079
D0374

"vicky sanchez" <ycp_vickys05@hotmail.com>
To: whited@stb.dot.gov
cc: mayor@cityofhouston.net
Subject: BNSF railroad tracks
01/21/2003 02:47 PM

January 14, 2003

Dear Ms.White,

Hello Ms. White, my name is Vicky Sanchez attending Y.E.S. College Preparatory School.
I am certainly not in favor with the BNSF railroad track being built because any spill could be bad for the community. For instance, any spill on a water resource can damage many people that have any contact with the water such as drinking it. Not only this but it will pollute the air which will also damage many infants and adults. The air pollution would be a big issue for people with asthma. By the way I believe that the BNSF railroad will be a waste of money. In my opinion the money can be used for much better things instead of causing death around the community.
Although what terrifies me the most is that many of my love ones live around the community where the chemicals will be going by and they could become victims of this situation.
I would want you to help us convince not to build the railroad tracks BNSF. If we convince them it will make our lives peaceful and avoid causing death.

Sincerely,
Vicky Sanchez

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FD 34079
D0375

"Maria Perea" <ycp_mariap@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject:
01/21/2003 11:07 AM

January 14, 2003

Dear Dana White,

My name is Maria Perea. I am a tenth grader at Y.E.S. College Preparatory School. I am writing to you concerned about the railroad line that is going to be building in the community of Eastwood here in Houston. I know this is a good plan to you because it is going to help break the monopoly of the Union Pacific, but you need to think of the dangers and consequences of this scheme. The train is going to be caring toxic chemicals and it can cause chaos if the toxic chemicals spill or if the train detrails it can put many people in jeopardy. Not only that, but think about pollution, people can actually get sick and cause birth deffects.
I hope you take my opinion in consideration. I think it is really important to think twice when making a big decision like this that could affect many people in different ways. I would want you to please think about the bad consequences this railroad extension may produce.

Sincerely,

Maria Perea

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FD 34079
D0376

"laura martinez" <ycp_laura_m@hotmail.com>
To: whited@stb.dot.gov
cc: kdolibois@yesprep.org
Subject: San Jacinto Railroad
01/21/2003 10:57 AM

January 16, 2003

Dear Ms. White,

My name is Laura Martinez. I am a student at Yes College Preparatory School in 11th grade. I believe the proposal by Burlington Northern Santa Fe and four other chemical companies to build a new track that would transport chemical waste from the Bayport Industrial District near Clear Lake to be a wrong idea.

First, our school is located a block away from where the proposed new track is to be built and it will affect us if any accidents where to happen. Since the school year has started, there have been several instances when buses arrived late to school because they where stopped by the tracks. In addition, the new proposed track will not only pass through our school, but it will also pass through Milby and Chavez high schools and a number of elementary schools. The new track line will inconvenience many people including teachers, parents, and students.

Furthermore, what would happen if the trains were to derail and spill all the chemicals aboard? The schools and families surrounding the tracks will all be affected. Most importantly 11,120 residents within a quarter-mile are children. In addition, the chairman of the Galveston Bay Conservation and Preservation Association omitted the fact that the new track would be built in a predominantly Hispanic community.

In conclusion, the proposal of the new track would be damaging for the whole East End community in which the track is to be built. If anything was to happen to the train or to the tracks everyone in the community will suffer. I would like for you to consider the problems that the new railroad will do. Thank you for your time.

Sincerely,
Laura Martinez

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FD 34079
D0377

"mayra medranio" <ycp_mayram05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: san jacinto railroad
01/21/2003 02:48 PM

January 21,2003

Dear Ms. Dana White,
My name is Mayra Medrano and I attend Y.E.S College Preparatory. You do not know me, but I understand the hard decision you must make and believe you are probably under a lot of stress. I live in the southwest, but my school is located in the southeast and the railroad would effect my school drastically and I strongly disagree with the plan to create a railroad. I can understand perhaps why BNSF might want to construct it here, but you have to keep in mind that human beings live there. BNSF wants to transport dangerous chemicals through an inhabited area. Would you want a train, which is not one hundred percent secure, to travel through the place that your home is located? Small children will not be able to go outside and play because their parents will be scared they will get sick. What kind of world do we live in were children can not see the light of day? I am not trying to do your job, but if it were up to me there would be no doubt in my mind that the construction of the railroad is complete nonsense. I may not know a lot about business and profit, but I do know plenty about the welfare of people, which should always come first.

Sincerely,

Mayra Medrano

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FD 34079
D0378

"Jeremias Coreas" <ycp_jeremiasc@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: East End Railroad
01/21/2003 10:57 AM

January 14, 2003
Dear Ms.White,
My name is Jeremias Coreas and I am a student at Yes College Preparatory School. I am writing to you because I am concerned with the plans for a new railroad system being built near the East End neighborhood. I am disgusted about the idea that the company is thinking about extending the railroad system in a public area, with toxic cargo that could damage our community's health if a spill occurred. If it were built the property value of the houses around the railroad would go down and the economy would be bad because the money is not moving around like it needs to be.

Sincerely-
Jeremias Coreas

Protect your PC - Click here for McAfee.com VirusScan Online

FD 34079
D0379

"Esmeralda Blanco" <ycp_esmeraldab@hotmail.com>
01/21/2003 10:53 AM

To: whited@stb.dot.gov
cc:
Subject: East End Railroad

January 14, 2003

Dear Mrs. White,

My name is Esmeralda Blanco and I am a student at Y.E.S College Preparatory School. I am concerned with the recent plans to construct a railroad in the East End. This idea is dangerous and I am appalled that you would even consider building a railroad that is a hazard to the community. Take a moment and think about the dire situation my community would be in if the train derailed. This railroad could endanger people's lives. There are also other reasons that this idea is not right for our community such as traffic. The traffic is already bad enough with the trains that go by it is not fair to add more. I would also like to point out that this railroad might make Houston's pollution even worse. Please take these things into consideration. Thank you for your time.

Sincerely, Esmeralda Blanco

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FD 34079
D0380

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 21
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Daisy Dominguez
Address: 8707 Bradford St
Houston Tx
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Daisy Dominguez I go to Chavez High School in Houston Texas, and I Oppose the San Jacinto Railway project. First of all, I think that it is a bad project because they will be to much Train traffic at the present time, this will make it worse. because the students will be coming to school and the adults will be late for there Job and if those late they will fire them and Then they will not have enough money to support them and there families. And for the student we are going to have to come to Saturday school and no body wants that. Seriously

Secondly, it will affect many people in many ways because in the rich people area they don't have any problems because they don't have trains passing and, over near close and other reason is because many people live by the railroad tracks and they won't have time to go to sleep because of the noise they would be hearing the loud noise.

Finally, we don't want to die I mean if a train has an accident in front of a school or a park it will kill lots of kids and they have a lot of life to live so pleas do not kill the life of kids or people in other words.

In conclution I hope you read these letters and understand what are we trains to say and dont make things worse please pleas.

Sincerely
Daisy Dominguez

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0381

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 21 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Guadalupe Ruiz
Address: 7711 Bellfort Apt #9
zip code 77061
Houston, TX
Phone: (713)847-66034

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello! my name is Guadalupe Ruiz I'm a 6th grade at Cesar Chavez High school. I'm writing this letter for the reason that I oppose the San Jacinto Railway Port. I'm writing this letter for many reasons that I've heard but the one that important me the most is that this new project will be a new way to terrorize people and mostly because they could kill a whole school and of course as you will understand I'm really disappointed for that because as you see I'm in Chavez high school and there is a railway near my school and near a big neighborhood and well there is a lot of easy ways to terrorize people by a railway and trains. I'm really concern about this and more on what could happen if they terrorize a lot of schools of course U.S. will get mad and well it could end up in a big war and I mean come on! really worth it? killing all those people just to save some dollars to companies. Even though I'm just a high school student I understand all the bad

things this could cause so I think if I can understand this so could you. Thank you for reading this and I hope this project won't come really.

Sincerely,

Guadalupe Ruiz

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Surface Transportation Board
1925 K Street, NW
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Attn: Dana White
Environmental Project Manager
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Draft Environmental Impact Statement

COMMENT SHEET

Name: Celina Saucedo

Address: _____

Phone: _____

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STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

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Hellow My name is Celina DeAnna Saucedo I Attend Cesar Chavez High School And im going to write why I oppose to the San Jacinto Railway Project.
I oppose to this because there is too much traffic at the Present time. So then this will make it more worse. There are too many schools and residential neighborhoods in the areas Another problem is it affects mostly minority

people and it has hazardous chemicals in it and lots of school and homes. So terrorists would have a new way to terrorize people all they have to do is make sure the train falls over. We also can loose lots of people its not worth it just because it saves a few dollors its still not worth peoples lives. So I oppose The San Jacinto Railway Project!

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COMMENT SHEET

Name: Misael Alvarez

Address: 814 Axilda
Houston TX 77017

Phone: _____

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1925 K Street, NW
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Hello. My name is Misael Alvarez. I'm writing you this letter to let you know what I think of the San Jacinto Railway Project. You may say why I am interested in this subject well I attend to Cesar Chavez High School in Houston Texas. I live behind the school and this matter does affect me. The railroad tracks run just a few feet from my school and my house. So what I'm saying is that I hate this project.

On those railroad tracks chemicals are going to be transported. Some are so dangerous that you can die if you breathe it. This will affect my neighborhood as well as my schools. this could kill thousands of people living by the railroad tracks. Not only it affects my neighborhood, but other kids neighborhood and schools as well. Examples of schools like Stevenson, Milby, South Houston, Chavez, and a lot more Elementary schools. If you try to make programs to keep kids off drugs and alcohol, you are killing them if you let this program go on.

The worst part of the program is that terrorist can use this project to terrorize people. They can move the tracks and the train can fall to a side and all the chemicals on the floor or on the air. My dad works in the factories that make this chemicals. I don't want him, me, my family, friends, and neighbors to die just because those people want to save a few dollars. Why don't they put the railroad tracks on another part of the city? This mainly affects minorities and discriminating minorities is illegal.

This is what I think of the project. Please, Please, Please Don't get this program downhill!! You may save a few dollars, but lose tons of human beings.

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COMMENT SHEET

Name: Crystal Gutierrez
Address: 295 Ruell
Houston TX
77017
Phone: 713) 641-5580

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Hello I am Crystal Gutierrez I am in Cesar Chavez high School. The reason I am writing to you is to oppose the San Jacinto Railway project. I don't think we need it. Those are my reason for it. Me is too much traffic as there is it will will make it worse. There are too many schools and residential neighborhoods in the area. If this was you and your family you would not agree. The railway project. It has all kind of harmful. So I do not agree. I hope you enjoyed reading it on. Y'all got to think about saving a few dollars is not worth losing human lives. Think about it twice.

Y'all should Put yourself in our place. Why on Earth Houston Can't you put it some where else. Think about your family living. How well it feel to you.

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COMMENT SHEET

Name: Analy Martinez
Address: 3085 Pine Gully
77017
Phone: (713)645-1903

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My name is Analy Martinez and I'm a student from Chavez High school. We are close to the railroad. I'm oppose to the San Jacinto railway projects for many reasons. One of my reasons I why I oppose to this project is because it affects mostly minority people. One other reason why oppose to this project is because they are too many school and residential neighborhoods in the area. Me and the rest of the students and teachers oppose to this project. What I think that is really bad this project is just saving a few dollars is not worth losing humin lives. I don't want to die I'm just living my life and I know some other people want to live more time. I'm only fifthteen and there's many more students that are my same age we want to live longer. Another reason why I oppose to this project is because too much train traffic at the present time. This project will make it worse. I don't want this project because I'm really scare and I know some other people are scare too. Sometimes I get late to school because I have to wait into the [redacted] train passes and I get in trouble for being late to school. Me and teachers students would be really happy if y'all don't start

the railway project. So this were some of my reasons why I oppose to these railway project. I hope you understand [redacted] what I feel about this San Jacinto Railway project. I'm oppose to this project!!!

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COMMENT SHEET

Name: Dana Montes

Address: 6005 Allendale #25
Pasadena

Phone: 713 242-9912

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Surface Transportation Board
1925 K Street, NW
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Attn: Dana White

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I'm a student at the Phoner High School my name is Dana Montes

I don't want that project happen sometimes I have to go to the army because the train pass nearly my house And I'm member of the military academy and that affect me on both reasons I will not want to get railroads in the east house of the new railway.

I don't want that project happen sometimes because die in the rail this because don't think the train is not there or smith I can cross the railway on foot or car, but sometimes because railroad that affect my school and my friends parents and family, because I need to live I have to go to the army, affect my friends parents because I have to go to the school on time and affect my parents because the train pass in the east my house, the railroad pass in the east my house, and with noise, and it has been like a [illegible] because I have to go to the army, and my parents and my friends and that people that I am, and the family have railroads in their [illegible]

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community because affect that people that I have and affect the other people. And on both people die and you know I late to the school and I don't want to late in the school please don't do this project.

I don't like this project and I don't want because I think railroads and affect here in my neighborhood please don't do.

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Name: Elias Miniel

Address: 7531 Thurow
Houston, TX Zip: 77087

Phone:

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My name is Elias Miniel and I attend Chavez High School. The reason I am writing this is because I strongly oppose the San Jacinto Railway Project. I will list some of the reasons below.

My first reason is hazardous chemicals have an effect near schools and homes. My reason I say this because I live by the school and attend it five days a week. If something were to happen to a railway car of hazardous chemicals then we would be in serious trouble, we could be hurt or possibly killed. My second reason would be that terrorists could have new ways to ~~[illegible]~~ because people they wouldn't have to catch planes and launch bombs, they could just pretty and derail railways and we would all be greatly affected physically and emotional if we surrounded people that I love and care about live near the railroad tracks or in the surrounding areas. To me and everyone else saving a few dollars is not worth losing a human life. That is what it all we have to do is inhale or drink the chemicals or chemical and were dead as a doornail.

In conclusion I have recommended the following reasons, I hope you take the

time to read this because I hope you know what you all are doing because its beyond and I'd would affect all of us Thankyou for taking the time to read this, if you even read this.

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COMMENT SHEET

Name: Joe Ipsit
Address: [illegible] 77906
Micheal
D.D.D
Phone:

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Hellow my name is Joe Ipsit and I am a student in Texas & Chang. I the reason I am writing is about the San Jacinto Railway Project. This project affects us in many ways physically and mentally mostly because we are worried about the chemicals through here. We also Galveston road. They affect mostly all minority that lives in the area and also kids in the came as now your are affecting kids these that very strong. There is also affecting schools elementary middle and also High School. So we are willing to take all of our lives for a train of chemicals. "Saving a few DOLLAR is NOT WORTH LOSING #HUMAN "LIVES".

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Name: Chevell Sellers
Address: 8715 Hiamon,
Houston Texas
Phone:

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Hello, my name is Chevell Sellers I am seventeen years of age. I attend Cravens high and it has been brought to my concern that San Jacinto Railway Project is said to be in effect near our school the major concern to us is our life's. There's already too much traffic dealing with trains. The fact of the matter is our lives is more important than them saving a few dollars.

My second reason for this letter is to point out one reason of us student. Some of us have small children and relatives & sister. This seems to me that y'll dont give a damn about us. Would you feel right if some company wanted to run trains with hazardous toxics through your home. This is not the right place for this if you sat and think about it every day its being fought some where about Chemicals! Please, Please dont let them run this toxic waste by our school.

Finally please rethink your decision.

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Name: Word, Nichole
Address:
Phone: 713-640-1845

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Hellow my name is Nichole Word and I oppose the San Jacinto Railway Project the reason I oppose this is because we have to many accidents and accidents involving trains in the area with all the dangerous chemicals passing by. The good health will diminishment of people a few dollars is not worth the loss of a lot of human lives. So please think it over before you cast a vote on a no. I strongly oppose the San Jacinto Railway Project So can you thank you.

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Name: Gus Carboca

Address: N/A

Phone: N/A

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Hi! The reason im writing to you about opposse the San Jacinto Railway project, There to much train traffic and there to many Schools in the way and Neighborhoods its going throw and think of the people who beleath these chemicals it will cause death, plz Stop it before its stop us. cause we Don't want it over here in Houston tx im From Chavez, high School, and plz think what are u doing?! Stop! Now! before it to late.

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COMMENT SHEET

Name: Thomas Havard

Address: 8205 Broadway
Apt #211

Phone: [redacted] f713)847-6662

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Hello My name is Thomas Havard and I am writing to tell you I oppose the San Jacinto Railroad Project.
I think there are too many school and residential neighborhoods in the area. It affects mostly minor people. The Hazardous chemicals have no place being near schools and houses. You Know that people could DIE. I know the Surface Transportation Board care about the people of the USA!!
In Conclusion the San Jacinto Railroads are Dangerous School and neighborhoods and [redacted] people.

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COMMENT SHEET

Name: Daniel Ortega

Address: 8346 Bonner Dr.
Houston, Texas
77017

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

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Hello my name is Daniel Ortega and I am a student at Cesar Chavez High School. I oppose the San Jacinto Railway Project.

I oppose the san Jacinto Railway project because there is too many schools and residential neighborhoods in the area. Plus if the is an accident and the train flips over what happens to the things in it. So if the things inside the train are chemicals the chemical can be in the air and if we breath them we will die or get sick. I also oppose the San Jacinto Railway project because too much train traffic at the present time. This will make it worse. I would make it more difficult for us to cross the street to get to school.

So in Conclusion I oppose the San Jacinto railway project because like I said in the Paragraph above. This is why the railway project should be stopped and not approved. Cancel the project or innocent people will be hurt or die do to the railway project.

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COMMENT SHEET

Name: MARIO RIOS

Address:

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello I am MARIO RIOS a student From Cesar Chavez High School in Houston Texas. I Oppose the San Jusinto Railway Project.
The reason why I oppose this project is because we have too many schools and residential neighborhoods around the area of project. Some other reasons are because it mostly affect minority people. This project is bringing a lot of dangerous chemicals. I dont think it ok to kill people only because companies wiant to save some money.
I really think YOU should stop or dont start this project. I am talking for all of the good neighbors who dont what to get killed only because of a project killing people is not worth saving a couple of dollars.

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COMMENT SHEET

Name: Alex Pacada
Address: 215 Gober st
Houston TX 77017
Phone:

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Attn: Dana White

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I am writing to tell you that I oppose the San Jacinto Railway project. One of the reasons I oppose this is that it will be transporting Hazardous chemicals. These chemicals can kill with one breath. These have no place around schools and homes. This will also give terrosit new ways to terrorize. If the train derails the chemicals could spill. The third reason is that there is too much train traffic at the present time in this area.

In conclution I think that saving a few dolleres is not worth risking human lives this is why I oppose the San Jacinto railway project. I am a student a Chavez High school in Houston Tx.

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COMMENT SHEET

Name: Christina Dominguez
Address: 5403 Arizona
Houston Texas
77017
Phone: (713) 643-2259

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Hello my name is Christina Dominguez and I'm a student here at Cesar Chavez High School in Houston Texas. I'm writing this letter because I oppose to the San Jacinto Railway project.

Reasons why I oppose this project are [redacted] facts. There's too much traffic at the present time, this project will make it worse. Another reason is because there are too many schools and residental homes and neighborhoods in the area. There are a lot of kids at this present time and with the San Jacinto Railway Project, many of those children can be killed. Besides, Saving a few dollars in a project is not worth losing a humans life. And one more reason, it's illegal to discriminate minority people.

So again, I oppose this San Jacinto Railways Project. If it's not allowed to kill a human in one way then it shouldn't be in no other way. So I would like for you to reconsider this decision, and think of reasons I have noted. THANK YOU!

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COMMENT SHEET

Name: Jose Cuellar
Address: 8052 Elrod
77017 - Houston-TX
Phone: 713-644-8045

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My name is Jose Cuellar and I'm a student at Cesar Chavez Highschool and I strongly oppose the San Jacinto Railway project. Just think about it terrorist would have a play day with us because that would well at least for them they could threat us all the time and one missle hit's the train we all dead and I think that's not good then 1000's chemicals just keep rolling in the train tracks when out of no where an innocent by stander get stuck in the tracks when hes car turns off in him bang!! the train colides and 1000's die.

The other reason I think this is really ~~dumb~~ nonsense is why just for saving a few bucks Alot of human beans will died just because the wrong chemicals get into they don't belong and the train will explode it's just not worth it not worth it at all.

In conclusion I really hope you look into how evil this plan is 1000's will die then millions but just for a little bit of money It's just not worth it so thank you for your time and have a nice day.

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COMMENT SHEET

Name: Zulema Garces .N.
Address: 2911 Broadway #34
Houston, TX
77017
Phone: (713-649-8752)

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Hello I'm Zulema Garces and I go to Cesar Chavez in Houston TX I am oppose to the railroad line because it has too many chemicals that and when you breath that chemical with one breath your dead and it effects people that live close to the railroad tracks you never know what may happen to the train it may have a large steel and the train is passing and it may fly or it could just stop going and end up being stuck the train are long sometimes it takes hours for the trains to start so think about the people how will it affect them if they live very close to the railroad tracks and enviroment

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COMMENT SHEET

Name: Venus Saenz

Address: 8426 Baker Dr.
Houston, Tx 77017

Phone: (713)613-0000

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Attn: Dana White

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Hello, my name is Venus Saenz, I'm a student at Cesar E. Chavez High school. I'm opposing to the San Jacinto Railway Project. These are my reasons for why I'm going to report this railway. My first reason to oppose the project is why? The reason why you may think is because the train may be coming hazardous chemicals have no place near schools and homes. Many of our citizens and students reside's human lives will be in danger and need serious help to stay. Second reason would be to affect mostly minority people living especially around our neighborhood.

In conclusion your reason on why we need a railroads here to be on with anyway. If you have a better reasons why then let you tell everyone.

Sincerly,
Venus Saenz

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D0400

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COMMENT SHEET

Name: Gabriela Rico

Address: 8554 Barkley
ZIP CODE:
77014

Phone: 713)640-1054

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Hello my name is Gaby Rico and I attend Chavez high school in houston tx. And Im writing this letter to oppose to the San Jacinto Rail way project. And what I think is this. Uall I dont think it is right u Uall to put trains on our hood. That is not right for uall to do that. no disrespect but what is rong with Uall. I mean if Uall put those trains there is more traffic I mean that is one of the reasons im late to school because their is to much traffic and all because of the railroads their are here at houston. And another reason why Uall shouldnt do that is because Ualls trains are gonna be ruing. All of those family members wait till Ualls trains stop so they can wrte bad stuff on it.

Uall this is my reasons and my agreament of the San Jacinto rail way project and my answer is that no I dont want those trains in Houston tx.

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D0401

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COMMENT SHEET

Name: Frank Garcia

Address:

Phone: (713-644-2410

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hellow my name is Frank Garcia. I oppose the San Jacinto Railway project!

Hazardous has no reason to be near schools and homes! The Rail Roads Run at least 1,000 feet from a school! If a train wrecks to one of the trains the chemicals could get on Ground And one Breath of it could kill you!

The Terrorist now have an new way to terrorize people. All they have to do, is put a rail and that train could run a AP. They could derail at night and the chemicals could get in to our house and we would be breathing it in and have a long and painfull Death.

There are to many schools and residental neighborhoods. I am a student at Cesar Chavez High school and ther is a train track right in front of our schools. I fear that something Could Happen and we could be in our school and most of the students could die.

My conclusion Saving a few dollars is not worth losing human lives. These are the reason I object!

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D0402

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Jessica Barron

Address: 2060 Allen Genoa #31
Houston Tx 77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Jessica Barron and I'm a student at Cesar Chavez High. The reason I am writing this letter is because I oppose the San Jacinto Railway project. My [illegible] teacher Mrs. Garcia implanted ideas about this project and got me thinking. What a horrible reason to go on with this project. Saving a few dollars is not worth human lives. The reasons [illegible] dangerous. [illegible] terrorist Killing [illegible]

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D0403

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COMMENT SHEET

Name: Pedro Hernandez

Address: 1207 Gober

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! My name is Pedro. I am going to tell you about the Railing Project. I am from Cesar E. Chavez High School.

The reasons that I oppose the San Jacinto Railing Project is because there are too many problems. The first problem is that there is too much traffic at the present time. This problem will make it worse. The other problem is that there are too many schools and residential neighborhoods in the area. There are many chemicals in the train and it affects mostly minority people. When you inhale the chemicals, it goes into your body and you die. The third problem is that hazardous chemicals have no place near schools and homes. The fourth problem is that terrorists would have a new way to terrorize people. Terrorists can put a steel bar in the middle of a track, and the train can crash and it passes people and they can smell it and die. The last problem is saving a few dollars is not worth losing human lives.

This is all I got to say about why I oppose the San Jacinto Railing Project. I live about 100 feet away from the railroad track. Will I live near a plant that is on the left.

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D0404

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COMMENT SHEET

Name: Briceyda Moreno

Address: 8282 Park Place apt #616
Houston, Tx. 77017

Phone: 713)649-7761

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

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Hello my name is Briceyda Moreno I am a sophmore in Cesar Chavez High school in Houston Tx and I oppose the San Jacinto railway project. My reasons for opposing the San Jacinto railway project are, well first and most important of all is that you all are first going to put many people's life in danger. Terrorists will also have a new way to terrorize people. The trains are full of chemicals and a terrorist can easily kill hundreds hundreds of people, just by placing a bomb in the train or mixing chemicals that do not go together. They can also cause a leak in the trains. A lot of people live near the area and schools are near it to.

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COMMENT SHEET

Name: Martha Tejeda

Address:

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hey my name is Martha Tejeda, I am a student from Cesar Chavez High School. I'm sure you want to put a railroad on San Jacinto railway project. [illegible] Well I'm here to tell you I know that I am not happy with this. My reason for this is that too much train traffic at the present time will make it worse another reason is that too many nervous and residential neighborhoods in the area and affects mostly minority people. Saving a few dollars is not worth losing human lives. And I don't think you will either. I wish appreciate it if you understand that we don't want this to happen so please do what is right. Why because some of us rich people don't want to. But we don't want that either. I don't think this is a good idea so please don't do that because we live right here and we don't want this project so please shut it up.

Thank you

Sincerely,
Martha Tejeda

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D0406

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COMMENT SHEET

Name: Steven SosA

Address: 8433 Banner Dr.
77017

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Steven SosA, one of many C. Chavez High School students. I've heard of the San Jacinto Railway Project and I oppose it. It affects me very much, since I am a resident here. So is my school and many other classmates of mine. Please take it in consideration of reading this form.

The first reason is that there are already much train traffic at the present time. This will make it really worse. Also this affects mostly minority people. Which I find this very offence. The'n there is the terrorists would have a new way to terrorise people. What really doesn't make sence, is that the chemical company is doing this to save a few dollars. It is not worth losing human lives.

In conclusive, I still oppose the San Jacinto Railway Project. Please shut down this project and think of the lives you are going to save. Thank you for reading my comment sheet.

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COMMENT SHEET

Name: Alejandro Ortiz

Address:

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello I am Alejandro Ortiz I'm oppose the San Jacinto Railway project. Too much train traffic at the present time. this will make it worse. I think that will be worse if continue the project. they will affect to another people, they affected to the house and most is minority peoples. the terrorist would have another way to terrorize people. they affected too students and the schools district. and another thing this is not possible project because everybody not accept Railway project the would be against in the project

In conclusion I think the people not accept the project because they think that is not possible thank you for reading my letter.

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COMMENT SHEET

Name: Merci Duran

Address: 1019 Ahrens
Houston, Texas 77017

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Dear

My name is Merci Duran. I am a [illegible] I am writing to you because I'm one of the many people that [illegible] First of all, terrorists more have a way to do Houston. For example there [illegible] chemicals, not a terrorists found a way to derail the train along Deer Park. There are too many schools, and residential areas near this railroad all the [illegible] would kill over 200,000 people. Well, please take this into consideration. We can help save many lives.

In conclusion I think it is stupid and also many disturbing the community would be a million dollars disaster.

Yours Truly,
Merci Duran

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COMMENT SHEET

Name: Erick Sanchez

Address: 5170 silver creek #1

Phone: (713)943-0777

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi My name is Erick and I live on Houston Texas I oppose the San Jacinto Railway Project and too many school and residents neighborhoods in the area. If the students that go to the school they will be late to school or can get run over

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D0410

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COMMENT SHEET

Name: Jared Aylor

Address: 1142 moody

Phone:

Comments may be submitted today or mailed to:

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hellow my name is Jared Aylor and attend Chavez High school, and I oppose the San Jacinto railway project. There is too much train traffic all ready, and this will make it worse. So more people will be late getting to places they need to be. There are too many schools, residents in the area. So a lot of people will be affected. It also affects mainly minorities that live in the area. Hazardous chemicals do not belong any where near schools and homes. It will make it easier for terrorists to attack people. Saving a few dollars is not worth killing innocent people. Those are some of the reasons why I oppose.

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D0411

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COMMENT SHEET

Name: Asholly Castillo

Address: 1014 Rusk

Phone: 713 643-5806

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, my name is Asholly Castillo I am writing for the reasons I oppose the San Jacinto Railway Project.

I oppose because we already have to much traffic as it is. We don't need trains it would be worst. Also I believe that saving a few dollars is not worth losing human lives. Another thing is that their should not be hazardous chemicals near schools and homes. One last thing is that it would be easier for tornados to tornado people.

In conclusion, I disagree with the San Jacinto Railway Project

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COMMENT SHEET

Name: Vanessa Villarreal

Address: 2023 Shady Park dr.
Houston, TX 77017

Phone: 7136411872

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello! my name is Vanessa Villarreal and I would like to comment on the San Jacinto Railway Project. I personally oppose the Railway project.

I think that it is very hazardous to transport any kind of chemicals on a railway. Alot of these chemicals are deadlious. The trains pass all throughout the neighborhoods at all different hours of the night. The trains pass at any all hours of the day and if the train derails all the people in the area are dead. What is the point there is alot of traffic in this area. Also all the schools are over crowded

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D0413

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COMMENT SHEET

Name: Lizett Rodriguez

Address: 5115 Dridle
Houston, TX
77087

Phone: 7133645-31667

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, my name is Lizett Rodriguez and attend Chavez High School in Houston, TX. I'm writing to you because I oppose the San Jacinto Railway Project for many good reasons.

One reason why I oppose the San Jacinto railway project is because yall are making the railway just to save a few bucks which is not worth it, you're going to lose lifes for example these railway will be passing by our neighborhoods and we could prety we smell the hazardous chemicals. Another reason why I don't want yall to to build it is because you have to think about peoples future I mean we are the future and we want to achieve our dreams when we all older.

Please don't build the railway peoples lives is more important than moneys so please listen because we are the future.

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D0414

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COMMENT SHEET

Name: Guadalupe Chavez

Address: 5415 Shamrock

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Guadalupe Chavez and I am writing to you to tell you that I oppose the San Jacinto Railway Project.

There are so many reason as to why they should not build the trains through our neighborhoods It isn't very healthy for us or our animals. Why are you going to put trains with chemicals inside of them by your schools and homes. What if the crash and

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D0415

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COMMENT SHEET

Name: Jessica Guthier
Address: 4830 Bellmole 77017 Houston Texas
Phone: 713-946-3514

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
Hi. My name is Jessica Guthier I go to Cesar Chavez High School I am writing to you because I oppose the San Jacinto Railway Project.
The reasons that I oppose this project because one reason is the minority people so basically these chemicals are only in the neighborhood & middle class and poor people. Hazardous chemicals are really near schools and homes if you were hit a 12 foot berm across the tracks or a car crash in the train. Chemicals will be released and kill lots of people. If you do think that it is okay to put these chemicals through a neighborhood of people. Then I guess to you a few dollars is worth a human life. Sorry but that is really wrong.
In conclusion I say that the San Jacinto Railway project is so stupid.

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D0416

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COMMENT SHEET

Name: Patricia Morcada.
Address: 8011 Bendel #7 Houston Tx, 77017
Phone: 713) 947-2255

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
Hello, my name is Patricia Morcada. I attend Cesar Chavez High School. I am in the 9th grade. The reason I am writing this letter is because I oppose the San Jacinto Railway Project. I think our project is a really bad idea. The reason why is because we will have too much train traffic at the present time. This will make everything worse. There are many schools and residential neighborhood in the areas.

Terrorist would have a lot of ways to terrorize people. I don't think you will like this for us.

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D0417

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COMMENT SHEET

Name: Lisseth Ramos
Address: 8241 Detroit
Phone: (713)644-5249

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.
Hello. My name is Lisseth and I'm a Junior and that is attending Chavez High School. I'm going to write about why do I oppose the San Jacinto Railway project.
Well this first paragraph is going to be why do I oppose that there is too much train traffic. Well it affect us because when we're on our way to school or somewhere where is important it stops us from going where we need to. It wasted alot of time of the time we need.
I have another area that I really oppose to what they are too many schools and neighborhood in the same area. They need to change it because it affects people because they go during the other school. If anybody I would like for you'll to do something about it because I really oppose to it.

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D0418

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COMMENT SHEET

Name: Diana Ortega
Address: 8400 Broadway
Phone: (713)242-7980

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
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Attn: Dana White

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Hi, my name is Diana Ortega and I go to Chavez High school.

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D0419

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COMMENT SHEET

Name: Frank Serrano
Address: 5431 Shamrock
Houston TX, 77017
Phone: 713-643-4973

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello, my name is Frank, I live in Houston Tx. and Attend Cesar E. Chavez High school and oppose to the San Jacinto Railway project. Some of the reason that I oppose this because what if the train goes of track what will happen to all of the Hazardous chemical

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D0420

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COMMENT SHEET

Name: Veronica Lucio
Address: 5930 Primrose
Houston Tx 77017
Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Veronica Jasmine Lucio, I attend Cesar Chavez High School. I'm writting this letter because I oppose the San Jacinto Railway Project. To start off with, I don't think we should have railways built through Houston. One reason is because there is enough traffic, and even if they [redacted] build more nobody will be anywhere on time. There are too many railroad tracks around schools, and if a kid is trying to

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COMMENT SHEET

Name: SERGIO CORNEJO
Address: 5712 CRIPPLE BROOK CT
Phone: 713-944-4605

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

HI,
MY NAME IS SERGIO CORNEJO, IM 17 YEARS OLD AND IM A JUNIOR AT CESAR CHAVEZ HIGH SCHOOL.
I HAD RECENTLY HEARD ABOUT THE SAN JACINTO RAILWAY PROJECT AND I OPPOSE IT THE IDEA OF IT'S, FOR ONE I AM DOING SOME OF THESE TRAINS CARRY DEADLY CHEMICALS THAT IS HAZARDOUS TO HUMANS. WHAT IF SOMETHING HAPPENS AS THE TRAIN IT FLIPS OVER OR IF ENGINE E LEAK. I DO NOT LIKE TO SLEEP AT THE SOUL

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D0422

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COMMENT SHEET

Name: Nivia Dominguez
Address: Swiftwater 8306
Phone: (713) 991-2185

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am very consern on the San Jacinto Railway Project. Because it is dengers to people. And Runaway trains Pass thru near Enerjoy and I get beat go school And it will die.

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D0423

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COMMENT SHEET

Name: Comunidad Unida

Address: 5467 St Charles
Pasadena TX
77017

Phone: 713-947-62-47

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

HI MI NAME IS ESMERALDA GAMEZ AND I ATTEND SO CEDAR E ACADEMY - 6TH GRADE.
THE REASON WHY I'M WRITING THIS LETTER IS BECAUSE I'M OPPOSING THE SAN JACINTO RAILROAD PROJECT.
I WILL NOT LIKE FOR THE TRAINS TO PASS AROUND MY AREA BECAUSE THERE ARE TO MANY SCHOOLS AROUND THE RAILROADS AND BECAUSE WE WANT TO SAVE OUR LIVES.
AND EFFECTS ARE DANGEROUS FOR PEOPLE.
ONCE THE SAN JACINTO TRAINS PASS. IT WILL SPILL CHEMICALS AND PEOPLE WILL HAVE CHEMICALS ALL OVER THEIR BODIES.

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COMMENT SHEET

Name: Jeremy Lopez

Address: 1428 Ogilvie

Phone: 713 644-~~[illegible]~~ 4447

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

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I oppose the San Jacinto Railway project. There are more ~~[illegible]~~ than one reason that I oppose this project it because there is already some train traffic in this area has been a couple times I have gotten in trouble at school for being late because of the trains that pass through on my neighborhood. Also I don't like being discriminated for being minority.

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D0425

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COMMENT SHEET

Name: GIOVANNY Mata

Address: 8168 Gatzland
Houston, Tx
77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
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Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Giovanny and there are many reasons why I oppose the San Jacinto Railway project. One of the main reasons is that there are to many lives in danger if this project is approved. There are to many school and neighborhoods that are around the railroad tracks. Its not ~~worth~~ worth the risk of passing the chemicals through here all you really save is a couple of dollars but human life doesn't have a price. Another main reason is at this time these terroist looking for ways to harm the country so why should they help terroist kill ~~innocent~~ innocent americans. Terroist could use these chemicals as an advantage because they could cause the chemicals to spill and once again lives are in danger.
This project is not only dangerous but it also delays. How many more times will the train delay us? It's to much weight now you can just image how much more times going to be with the San Jacinto Railway. I have already experienced tardis from school.
In conclusion its not worth all the risk that this project will cause. It would be better if the company of the chemical think more about lives than for the money they save.

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D0426

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COMMENT SHEET

Name: Daniel Guevara

Address: 5515 Starling Houston
Tx 77017

Phone:

Comments may be submitted today or mailed to:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My Daniel Guevara I writes about the San Jacinto Rail Way Project and how I'm opposing towards this projects. This project is wrong because Terroist will know where to power to just kill us an easier manner. If I were Terroist I would go to the rail road and bend the things and when the chemicals all over the place.
And that what I believe
Daniel

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D0427

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COMMENT SHEET

Name: Nelson Cabrera
Address: 7813 Detroit #4
Houston Tx 77017
Phone: (713) 947-6634

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Nelson and I live in Houston Tx. I oppose the San Jacinto Railway Project.
One of my reasons is that there are alot of schools near railroads. Another of my reasons is that there are alot of trains that pass through the neighborhood. Some of the day kids get late to school and causes alot of traffic.
That's why I oppose to the San Jacinto Railway Project.

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Sergio Saucedo
Address:
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Sergio Saucedo and I oppose the San Jacinto Project.
There are many negative reason why we shouldn't want trains that cargy many hazardous chemicals and they are near schools and homes. These chemicals can affect most minority people. You know if some guy is mad for some reason he could just put a pole and make the trains fall apart.
So I guess peoples lives don't mean as much as money does to you.

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COMMENT SHEET

Name: Danielle Torres
Address: 507 AHRENS
Phone: 713 645-7765

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, my name is Danielle Torres, Im 14 and, I attend Cesar Chavez High School. I'm writing you to let you know that I oppose the San Jacinto Railway Project. Here are my reasons why I oppose it.
First of all there is to much train traffic at the present time. This Railway Project will just make it worse. People do have to go to work and School. Students do have to get an education. And parents do have to support their children. It also effects minority people. If a train passes by and flips over and a deadly chemical spills out we are all dead. You should think about this. about the people that are going to be killed from this!

x Danielle Torres

PS. I oppose to this project.

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COMMENT SHEET

Name: Rebecca Ortiz
Address: 7407 McHenry
Zip. 77087 Houston, Tx
Phone: (713) 649-4488

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! My name is Rebecca Ortiz. I am a 9th grade freshman at Cesar E. Chavez High School. I am writing this letter to give reasons why you should oppose the San Jacinto Railway.

First off, if all those new trains go through it can effect all the people that live in this residential area. Like when the students live near Chavez High School can be late for school for traffics because of the trains. What if one of the trains would drive of the rail road and leak from the chemicals and kill everybody that residential area. Would you like if you kill all this people that you don't know but you probably would not even care and that is not right because you would have that in your mind all your life and you would be known as a horrable person forever. Would you like that? And remberer be a good person and dont kill all this people, because its cheaper to runit threw this are.

I oppose the San Jacinto Railway Project!

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COMMENT SHEET

Name: JonAnna Gilliams

Address: 5145 Silver Creek #134
Houston, Texas 77017

Phone: (713) 946-8446

Comments may be submitted today or mailed to:

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello. My name is JonAnna Gilliams. I am a student at Cesar E. Chavez High School in Houston, Texas. I am writing because I do oppose the San Jacinto Railway Project. I do not think it is a good idea to have deadly gases and chemicals going through our neighborhoods.

My school is a crowded and overpopulated school. The railroad tracks are across the street from my school and across the street from my apartments. There is an elementary and middle school also. If that train ever tipped over and spilled even the tiniest bit of chemicals, then a whole bunch of people would die.

If you're doing this to save money, there's no point. If accidents happen and people die, you could have lots of lawsuits on your hands. Please consider rethinking this. Thank you.

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COMMENT SHEET

Name: Cecily Perez

Address: 9319 Glenview
Houston, Tx
77017

Phone: 713-645-8654

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Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello, my name is Cecily Perez and I attend Cesar Chavez High School. I oppose the San Jacinto Railway Project. There's a lot of reasons why I oppose the project.

As you know of your project - the train is facing major opposition because if the railway is made that could be a new way the terrorist could attack us. Not only that, Safety & Security is not worth losing human lives. What if we - several spill and it got on the ground - I could die.

I'm one

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COMMENT SHEET

Name: Lilian Garza #7

Address: 8806 Gulf Freeway
Houston, Tx
77017

Phone: (713) 641-3995

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello, my name is Lilian Garza. I attend Cesar E. Chavez High School. This letter is to inform you that I am opposed the San Jacinto Railway Project.

There is a couple of reasons of why I dont think this should be done. One reason is because all the near by schools are at least a thousand feet from the railroad tracks. Everyone now knows that their going to be transporting chemicals that can harm people if they are spilled. Would you really want to have that on conscience? Thousands of people dieing all because this company wants to save a few bucks. How would you feel. Another thing is that terrorist will have a new and easier way to kill people. That would also harm everyone in our neighborhood.

So in conclusion I just dont approve of this.

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COMMENT SHEET

Name: Dan Garcia

Address: 8363 Park Place #11
Casa Bella Apts

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

The train traffic at the time this ~~going to be~~ worse than the train goes were there is no ~~few~~ low streets. There are ~~many~~ schools and there are more residential neighborhoods in the area and if there's terrorists can strew bombs into tanks and it can spread the schools and the neighborhoods it affects mostly all of the ~~people~~ hard working people.

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COMMENT SHEET

Name: Thermon D. Flowers III

Address: R.R. 5 Box 143A
Cleveland TX. 77327

Phone: (281) 659-2427

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'll make this quick.
• There's already alot of train traffic. The trains slow road traffic like fire trucks and ambulances.
• It affects mostly minority people. (Which is illegal.
• Now, if you procede with the project, terrorist will have a new, easier and cheaper way to terrorize alot more Americans.
In conclution I'll thoroughly opposed the San Jacinto Railway project.
Please reconsider proceeding with the San Jacinto Railway Project.

Sincerly
Thermon Flowers III

Place Stamp Here

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STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

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COMMENT SHEET

Name: Gonzalo Longoria

Address: 8132 Garland

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student at Cesar Chavez High School. I live about 6 blocks away from a train track. This is a very hazardous project. There are a few opposing ideas.
First of all there is too much traffic. Traffic causes wrecks. Wrecks can kill. Imagine what a train can do. Especially with a hazardous material, it will kill you and wipe out an entire square mile.
Terrorists will have an easier way to kill people. Instead of running a plane through a building. All they have to do is put a B that seem to turn a train over and kill every body.
Saving a few dollars isn't worth killing a person. Once you save 1 million dollars you'll wipe out half the world. So if you save alot of money you make up more chemicals so you can kill people.
In conclusion I oppose the San Jacinto Railway Project.

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COMMENT SHEET

Name: Judell Davis

Address: Highland Meadows

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student attending Cleveland Highschool right across the street of a railroad tracks. I think this is very dangerous and wrong. It causes too much traffic and wrecks. This will make it worse than it is already. Another reason is Residential neighborhoods and schools in the areas are at risk. It affects mostly minority people, its hazardous because have no place near school and town homes. This will determine the give terrorist an advantage of having an attack. Plain and simple.
SAVING A FEW DOLLARS IS NOT WORTH LOSING HUMAN LIVES.!
Just think if you were in the same positions I am I'm totally opposed of this project.

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COMMENT SHEET

Name: Sonya Butanda
Address: 7987 Bellfort #82
Phone:

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1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student from Chavez high school. I don't like the fact that we might get a chop chop train. If we get anymore traffic there's not enough we are gonna be late going to school last time that happen it was so mad wished from my training. Another reason there are too many school and houses around we can lose so many lives and why just by saving a few dollars. Chemical is not more important than humans life. You wouldn't like it it will lost you the cause some one wanted to save money maybe money people might not be able to spend because of you. Well I am fully oppose to this project so please just drop it, just leave everything the way it is. Thank you.

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COMMENT SHEET

Name: Krystle Maldonado
Address: 8019 Ithaca
77017
Phone: 713 641-9702

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

As a student at Chavez Highschool, with My opinion I believe that they shouldn't put a railroad so close to our schools and homes. Theres plenty of good reasons as to why there shouldn't be a rail road near by.
To my concern, we're are already trying to save our selves from the wars & terrorist and etc. Then they want to make it worse by putting the Sans Jacinto railway project that carries hazardous chemicals. It's one thing to put it out in an open area or out in the middle of no where but to put it in a large Community Neighborhood. That's not right.
I have 10 more other reasons to why the railroad shouldn't be here. Train traffic at the time - will make it worse. To many schools & neighborhoods in the area. Affects mostly minority people. Hazardous Chemicals have no place Near schools and homes. Terrorists would have one way to terrorize people. Last but not least, Saving a few dollars isn't worth losing human lives.
In Conclusion I would fight for my rights for to save our community. I rather loose a few dollars than to loose my friends & family.

Sincerely yours: Krystle Maldonado

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Name: Sabrina Molina
Address: 707 Gober
Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a Chavez Student and I had found out about this train thing. I dont like it and here are some reasons why.

well first off there is train traffic and alot of it and know you what to put more but with chemical I dont want to be in a or die what about the terrorists they can kill us they'll have a new way to terrorize plan.
And another thing All the trains are around schools why dont you make some trains around rich people's houses. I dont want to be scared of dieing when I go to school Please dont tell me your doing this for money. I dont want to hear that your doing this because you want to save some money and if do do this and if people die I hope that all you guys that did this feel really bad

In Conclusion those are the reasons that I dont like this and well not be apart of this maybe you guys should think about this. Hopefully the the government would change there minds.

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COMMENT SHEET

Name: Jasmine Soriano
Address:
Houston TX
Phone: (713)

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'M A STUDENT AT CHAVES HIGH SCHOOL. I THINK THAT THIS ISN'T A GOOD THING TO DO BECAUSE IT DOES SOUND EFFECT PEOPLE. I KNOW BECAUSE THAT HAPPENED TO ME & ALOT OF PEOPLE IN SHAFTER, CALIFORNIA. AND THAT AFFECT ME & ALOT OF PEOPLE. MY SISTER GOT ASTHMA I AM SICK FROM MY HEART.

SO THAT DAY WE HAD TO EVACUATE US EVERYONE. IT WAS LIKE 2:00 OR 3:00 IN THE MORNING. WE WENT TO A HIGH SCHOOL AND WE SPEND THE WHOLE DAY AND DIDN'T GO TO SCHOOL. SO I THINK THAT THIS IS A GOOD THING TO DO. WELL WHAT I'M TRYING TO SAY BEFORE THIS IS THAT NOT A FEW DOLLARS IS NOT WORTH LOSING HUMAN LIVES. SO I SAY NO TO THIS. SO PLEASE OPEN YOUR EYES. I'M A TRULY AGAINST THIS PROGRAM.

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COMMENT SHEET

Name: Juan Acosta

Address: 5125 Falcon

Phone: (713)645-4528

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Juan Acosta I go to Cesar Chavez High School. We don't want the Rail line project because our school is right next to a train rail and there is a lot of traffic there is even more when their school and when trains pass by the don't need more traffic that me. There is residents, schools, and stores in the area I am one of the residents that live close to the rail road and there are power plants close to my house. It affects mostly minority people why not the other people that are rich. You people are trowing in saw that you don't want to hurt the rich people because of the money and you don't care about the minority people like me.

So I am extremely thurly against this plan.

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COMMENT SHEET

Name: Cristobal Salazar

Address: 611 AHRENS

Phone:

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Office of the Secretary
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Cristobal Salazar and I attend Chavez High School.

The reason that I oppose the San Jacinto Railway project are that there is a railway right outside our school and trains makes us late to school. If the trains do crash and crashes all the chemical would kill us, I don't want to die at a young age. Terrorist would do terrorist attacks by attacking the railway and innocent would die. Hazardous materials would kill tractors in buses and in steel especially it's because the railway is right outside.

I am very opposed for this San Jacinto railway.

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COMMENT SHEET

Name: GEORGE A MENDEZ

Address: 2201 Glencrest #6866
Houston TX 77061

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am GEORGE A MENDEZ and I attend Chavez High School. One reason why I am opposed the San Jacinto Railway Project is because Too much train traffic at the present time. This will make it even worse. Another reason why I am opposed is because this affects mostly minority people. A final reason why I am against this project is because I think that Hazardous chemicals have no place near schools and homes.

In Conclusion I don't agree at all with this Projects.

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COMMENT SHEET

Name: Alejandro Salazar

Address: 3534 Brockton
Houston TX. 77017

Phone: [redacted]

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My [redacted] name is Alejandro Salazar and I am a student at Chavez High School. Chavez is right in front of railroads. This Project would affect people schools and homes because of Hazardous Chemicals. So I think those San Jacinto Project should not be done. It will affect mostly minority people. Also terrorists would have a easy way to terrorize people. People will not be safe and will be scare to see the rail roads close from trail. More rail road in the neighborhoods will make more traffic which we don't need it. The main reason is that just for saving dollars it will expose people. Any accident could happen any day any time. If you could have another way to transfer the project it we will appreciate it. Thank you but I think to us that don't want these to happen. So I don't like these project at all it we have to fight for these. I will do it I hope you understand us [redacted] by not doing it and cancel it.

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Name: Nataly Rodriguez
Address: 8619 Oleander Ct.
Phone: (713) 644-4932

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1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I Wanna Nataly Rodriguez, I student at Chavez High school we of course have a railway right in front of my school. I dont think this es fair for the area where I live. I think and I know that es hazardous. There es many consequences. Well mostly for students because trains may cause me to be late to class. Also because a train may be running, will actually they go slow but a ambulance or a firetruck may have to go through the railway because of the train. A house might burn down or a sick person might die. Theres already to much train traffic already. More trains will only make it worst. There are too many schools and residential neighbors in the area where I live.

Well I hope you take my opinion as an advice not to do the project you wish to do. So as my opinion I am against this. I wouldn't want more trains in my community so I am thoroughly against this project. I only ask just trying to save my and other people's live too many deaths are caused by trains.

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COMMENT SHEET

Name: Jesse Hogan
Address:
Phone:

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Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm Jesse H. I live near the railroad tracks and all the time mostly every 2 or 1 hour the train will be passing by. Times I'm getting to school then the train comes and I go late to school. There is a lot traffic all the time and there times the cop will on the middle of the street and the cars are waiting. Some times there's the ambulance or the Fireman we on a emergency probably a house is on fire or some body is dying.

I'm fully oppose to these project

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COMMENT SHEET

Name: Eric Ramos
Address: 5241 Detroit
Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student at Chavez High School and that we don't want to have trains because they will make us late to school and we don't want railsway. The terrorists will have a new way to terrorize people and we want to save are people and saving a few dollars is not worth losing human people. There are to many schools and residential neighborhoods in the area. I am oppose of this Railway Project.

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Name: Jose M. Garcia
Address:
Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am Jose M. Garcia I leave near the railroad track I like that the train to shout the window from it. But no I think that you should remove them. They don't let me go to sleep and I don't do my work at class because

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COMMENT SHEET

Name: Patrick Morales

Address: 4911 Detroit
Houston tx 77017

Phone:

Comments may be submitted today or mailed to:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Dear sir or madam,
I am a student at Chavez High School. I live extremely close to the railroad tracks. This project is unacceptable. There are too many schools and residence around this part of town to be coming through here. With hazardous materials, one accident and that could be death for many people. Is saving some money worth many lives? Besides there is just too much traffic around here and imagine if and accident was to happen around that time with all those cars. So many people trapped in their cars, not even knowing that this happening, dying spontaneously, not knowing why, when doctors tell them why, it'll be 'cause so in conclusion, I am completely against this project.

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COMMENT SHEET

Name: Elvira Sandoval

Address: 7911 Mallard #4151
Houston TX 77071

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
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Surface Transportation Board
1925 K Street, NW
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Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student at Chavez High school and many live on the Railroad track. We don't think this rail road project should be built because it runs by schools and residential areas around. Its not safe and it affects, mostly the Hispanic people and because people would lose a lot of their homes because to finance people. And because hazardous chemicals would pass through and that can endanger all those so many people and there is not enough room for evacuations in case of accidents. Please consider a route a Pasadena in not putting railroad tracks like. Now considering all these things I'm against to this Project

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SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Junior Gutierrez

Address: 1410 christine

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

too many schools and residential neighborhoods in the area.
I am a football player in chavez high school and there are a railroad in the place that we practice. If this bill pass If the train fell out there will the chemical fall out. The ~~one~~ chemicals will harm all the players and there are about 150 player then all the parents will so all for the people will. The other thing is that like lately have ave like has started.

In conclusion I dont wheant you to pass this bills

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D0453

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Glenn Rodriguez

Address:

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a Student at Chavez High school
To many schools and residential neighborhoods in the area. There a lot of minority that will be affects. Why would you want to sent every one to there death. People have there lives and there futures and because you want to save some money. Terrorists would have a new way to terrorize people. I do not want the San Jacinto Railway project.

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COMMENT SHEET

Name: Andrew Martinez
Address: 815 Woodbine.
Houston TX, 77017,
Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

9/11 Mr President I love you, I don't want to die, I go to Chavez high school I live close to railroads, if this passes I might die. I love live. Terrorists would have a new way to secure more friends. I don't like what you're doing. Vote against THIS.

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COMMENT SHEET

Name: Ofelia Solis
Address: 2911 Broadway #57
[redacted] 77017
Phone: 713-641-3101

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student at Cesar E. Chavez. And I am against this project. the reason why I am against this project is we can get seriously hurt or can even die from these chemicals. Its bad enough that we come late to school, we dont need to die at such an early age. We are burly coming into this world. And are getting much more mature, thats why we know why it is not right to do this. Another reason why this should bring chemicals around here is because we already have too many chemical plants. we dont need only trains with chemicals coming around.

In conclusion I am totaly withdraws with this project. We can get badly hurt and or die so Please consider this. And dont do it. for the sake of the U.S

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COMMENT SHEET

Name: Manuel Trevino
Address: 8306 Wilmington Hwy #19
Houston TX
Phone: (713) 903-6725

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student of Chavez High school, and I am against the idea of the Train I believe our area carrying hazardous chemicals.

There are so much train in this area already and now you want to start making more, while carrying chemicals that can kill us people. I understand why these people want to do this but its not worth the lives of thousands of people and kids.

Now a days in the world, terrorists are high, and trains carries hazardous chemicals so, it seem like a easy way to terrorize. This are more important, than what are trying to earn a extra dollar.

Our against this plan, my sense is right mean a train track. So yes I am against it and it will always be against and trying that will harm the people of our town.

Our conclusion I am totaly against this plan

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COMMENT SHEET

Name: Elizabeth Vasquez
Address: 4806 Michael
Phone:

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Case Control Unit
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello, my name is Elizabeth Vasquez. I live next to the place where they want to do the san jacinto railroad project. I don't really precieved that your community would be willing to harm so much people just to save a few dollars. That's so wrong, what kind of people are your community is.

Most people that make money would make something better out of it. People be faithful about making the world a better place. There is just to much traffic to be having anymore trains come by here. There shouldn't even be no traffic if there were more trains. What if a train was going by and a ambulance had to cross because someone was dieing. They wouldn't get to them because of the train still there!

Your community has no idea what there doing. How come your community doesn't decide to put your project in the next peoples neighbor. In this neighbor there all immorally people. That's illegal that it will but it here just because there poor. In conclusion I am against this.

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COMMENT SHEET

Name: Diego Soto

Address: 7400 Morley Rd 146
Harrison Te 77061

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I AM A STUDENT AT CHAVEZ HIGH SCHOOL. WHERE YOU ALL WANT TO PASS THROUGH WITH YOUR TRAINS. I DON'T LIKE THIS IDEA THERE ARE THE REASONS WHY: WE ALREADY HAVENS TOO MUCH TRAFFIC TRAINS OF THE REASON THAT TOO MUCH TRAINS PASS THROUGH. ANOTHER REASON WHY IS BECAUSE THERE ARE TOO MANY SCHOOLS AND RESIDENTIAL NEIGHBORHOODS IN THIS AREA. ANOTHER REASON IS BECAUSE IT AFFECTS MOSTLY MINORITY PEOPLE, AND HAZARDOUS CHEMICALS HAVE NO PLACE NEAR SCHOOLS AND HOMES. THAT'S ALL I'M ABOUT THE RAILWAY

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D0459

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COMMENT SHEET

Name: Roxanne Ramirez

Address: 307 Christine

Phone:

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STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student that attendens Chavez High School and I am against of the San Jacinto Railway Project. The reason why I object is because too much train at the present time. This will make it even worse. It is too many schools and residential neighborhoods in the area, and it would affect minority people.
Why we need more Railway if we have enough factories around us and we dont need no more hazardous chemicals near homes and school. What if some one built the San Jacinto Railway and a car crashed against it? It will eventuely die. And we dont want that.
I ORJECT THIS!!! We dont need this no more

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COMMENT SHEET

Name: Christina Lopez

Address: 5405 Broadway
#207

Phone: (713) 242-0905

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am against the San Jacinto Railway project. The reason why I am against it is because their are too many schools and residential neighborhoods in the areas many students would love to finish school and get to school on time. Another reason why I am against it is because hazardous chemicals have no place near schools and homes. It would not be a good decision to make the San Jacinto Railway project. Another reason why it could be a bad idea is because there is too much train traffic at the present time and it will make it worse. Adults that work have to get to work on time and making this San Jacinto Railway project will just add more traffic and accidents. Please think of the citizens and make a good decision. Think of your future kids and do the right thing. I hope that you do the right thing and I hope you agree with us.

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D0461

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COMMENT SHEET

Name: Arthur Vitela

Address: 9605 Finlay

Phone: (713) 649-9353

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I Arthur Vitela thinks that this project is a very not fine because I walk down the rail road very day to school and there's a weird smell on the rail road that make me dizzy and I remember one time I walked to school I got sick and that was on a tuesday And I remember that friday I got a sharp pain in my stomick and that monday I went to the hospital and the Doctor said I and appendix burst I had to have surgery emediatly they said very Bad remicals out My appendix away. I was in the hospital for about 1½ month this was february 2 thrugh may 23 the Doctor said I Died on the operation table. And these hazeldous remicals are part of my surgery Big part of my surgery. And some time my heart hurt it feels like it pumps and cheaps trying to pump it feels like I could Die right Seriously I am very against this project

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D0462

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COMMENT SHEET

Name: Kenneth Howard

Address: 7566 Wunderlich

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Kenneth Howard and I am a student at Chavez High School I wonder why do you want to have a train through this neighborhood? Now there are some more that will use it. 240 trucks not even seven thirty this neighborhood

The first reason to think you should not use heavy thirty two trains because of traffic I will get to school late every morning. another reason is because chemicals can kill many of people and it could get the conclusion Close even 20 miles through my neighborhoods Please!!!! I am against this plan

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D0463

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COMMENT SHEET

Name: Valerie Valdivia

Address: 1435 Loper
Houston TX,
77017

Phone: (713) 643-1555

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Dear Surface Transportation Board

I do not agree with trains passing through schools and residents neighborhoods in the area. You are putting our lives in danger with the chemicals. It also effects most minority people. Thanks for the traffic already, which affects our transportation more! Plus for the terrorist, they don't have to still a plain no more, all they have to do is derail and kill many people.

So this is what you are doing, endangering our environment, so please don't do this.

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COMMENT SHEET

Name: DUNG Nguyen

Address: 8200 BroadWay #513
Houston TX, 77061
U.S.A

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! my name is DUNG Nguyen a Freshman at Chavez high school. I think I oppose the San Jacinto Railway project because there are many reasons why.

First of all, I oppose to do this project because there are too much noise in this present time in my area, I am not to school on time if they start to build this Railroad. I think this could make it Worse.

Moreover, I think the San Jacinto Railway project is a bad idea because there are too many schools and residents neighborhood in the area. if they built this Railway I think some of the school will have to listen to heavy in order to build that Railway. It will affects mostly to the minority people because it will mainly affect of noisy and some people can't live with that noise.

Finally the reason that I think they should not do this project in my area is because they always said that it saves a lots of lives because it will make the Pollution more worse. So this project in the area because I of the reasons that I have written above. I hope that they won't do it in my area.

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COMMENT SHEET

Name: Danilo Lacaya

Address: 6727 Telephone
#309 zip 77061

Phone: 713-641-0382

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student at Chavez High School. the reason why I'm writting this letter is because I'm against this Project.

The following reasons why I oppose this project is because there are too many schools and residentias neighborhoods in the area. and this project would just comunicate the traffic. I don't think we need more traffic in this area. one other reason is because this railways would make it a lot easier for the terrorist to attack, because the train in order to travel, it supposse to have some hazard chemical which would be dangerous for the people of this area. I think that this is a bis reason because there are a lot of houses and schools around.

I think that the city of Houston should use the money for something that would really help the comunity, instead of wasting the money in something that is not so important to the comunity.

So please vote against this project for all of this reasons that I just wrote.

In conclution, don't vote for it.

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D0466

SURFACE TRANSPORTATION BOARD
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COMMENT SHEET

Name: Manuel Coria

Address: 7500 Drouet # 102

Phone: 713-242 8126

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Manuel Coria I am 15 and I belong to the Minority Community in the Chavez school zone. I am here to say I oppose the San jacinto surface transportation project.

My reasons to stop the surface transportation project is that around here were the train is soposse to pass is a minority community and there alot of houses apartments and schools I think a train carring Chemicals that will kill a man are not to be passed around a community. I discribe this project as a bomb waiting to explode.

As a hispanic in a minority community I feel that the project should not go on.

Sincerly
Manuel Coria

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

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COMMENT SHEET

Name: Charles Garcia

Address: 1203 Flagstone

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, mis name is Charles Garcia and I am a student at Chavez High school and I oppose the San Jacinto Railway project. The first problem I have with is that it is not worth it saving a few dollars is not worth losing human lives. They could just run it somewhere else there little kids out there that have there whole life ahead of them and they dont want to lose it over something so dumb as saving a few dollars. Another reason is that what if a terrorists try to crash it and we are all dead.

I think this San Jacinto Railway Project is so dumb and I not with it at all over it.

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D0468

SURFACE TRANSPORTATION BOARD
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COMMENT SHEET

Name: Daniel Martinez

Address: 5427 Sweet briar
77017 Houston Tx.

Phone:

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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I oppose the San Jacinto Railway Project because Houston is a city with alot of population and trains make alot of trafic and that causes us as student to get ~~to~~ too school late because there a train track in our neighborhood and causes a new way to terrorists to terrorize Houston all the terrorist have to do is make the train flip over and we will all die, saving a few dollars is not worth losing humans lives" and it affects us minority people because the population here is mostly minority people, why cant they pass it thiew the outer limits of Houston like in Rosenberg, Humble etc.

In conclusion we dont want no Hazardous chemicals thiews are homes.

I oppose the San Jacinto Railway Project

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SURFACE TRANSPORTATION BOARD
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COMMENT SHEET

Name: Darren Davis
Address: 924 Nathinal # 1007
Houston Tx. 77075
Phone: 713-910-5385 8:00AM - 7:00PM
713-946-5424 7:30 PM - 12:00

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Darren Davis, and I am a student at Chavez High School. My view of this is that the government should not do this. They should not approve this because people from the area of these years have to put a railroad. The San Jacinto Parkway is a bad project that ~~~~ we had an agreement that you can't remove hazardous chemicals. In conclusion I really think that this is bad idea. I really think that you should not hire people of the Bayou.

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Name: Antoine Tuyes
Address: 6138 Maloney
Houston Tx 77033
Phone: (713) 283-9490

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Antoine Tuyes and I'm an 10th grade student at Chavez High School. I'll be sure that I got that out the way, there are a couple of things I'd have to chat to you about. I heard that you're doing a project that can put our lives in danger, by you doing that, by running chemicals that can easily breath and die. That's not to be sure. Why are we against it? well there are many reasons first of all we can die from inhaling toxic and not saving a few dollars is not worth losing lives.

Ok the traffic is kind of bad already because of trains, there are too many wheels and residents around the track. Terrorist would have a new way of terrorize people. Our conscious as you can see we are very pissed about this issue so please think about this, and don't make the wrong decision.

Thank you

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COMMENT SHEET

Name: Adrian Murphy
Address: 8601 Broadway
77061, Houston,
Tx,
Phone: 713-645-9916

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi My Name is Adrian Murphy, and I think it is a bad idea to run another train through this area. There is a alot of reasons why people should not run this train through here. These trains are going to be carrying really dangerous chemicals. We don't need any more trains around here, there's enough traffic already. There is too much train traffic at the time, this will make it worse. These chemicals are too dangerous for our area, there is too many schools and residential neighborhoods in the area. Hazardous chemicals have no place near schools and homes. Probably terrorists would have a new and easy way to terrorize people.
I oppose this idea for the train.
Saving a few dollars is not worth human lives. I think this is a stupid idea, Your Putting peoples lives in danger! I am against this plan.

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D0472

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COMMENT SHEET

Name: Pedro Flores
Address: 8349 Lenore St
Phone: (713) 644-9255

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I live in Houston area. I live by railroad track I work about 2 block. I am in Chavez class room. He told me Train might have carrier dangs get through people house it can kill us fast. It's not wrongs with you people.

Company that make these bad gas make a lot of money. Just to save couple dollar you have. To let them do this. How will you feel if family member you or someone else die. How you'll be sorry. We can replace these gas, but not people. So stop when you get the letter for the train pass through neighborhood and vote it. Just what ever, just no.

Please think about what you doing. ok. Because many people will die if a train tip over we die. So please don't let trains through. Found an other way. Maybe old way is better

Pedro Flores

FD 34079
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COMMENT SHEET

Name: Geraldine Romero

Address: 910 Gober St
Houston TX. 77017

Phone: (713)640-9709

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Good afternoon. I'm Geraldine Romero I just want to say that I oppose with the San Jacinto Railway Project because there's too many train trafic at the time. This will make it worse. And there be more pollution then there all ready is. Plus there's too many schools and residential neighborhoods in the area.
I have this agreement I don't like it because with all that chemicals around the neighborhoods we live to be scared and I don't want to die at a early age. Lot of accidents mostly minority people. Terrorists would have, an easy way for terrorize people. Conclusion I disagree with this plan.

FD 34079
D0474

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COMMENT SHEET

Name: Javier Anguiano

Address: 8105 Lenore

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am writing this essay to stop the San Jacinto Railway project because I don't want to die for a couple of extra bucks for my family.
This will not effect the people one way but many ways I could tip over and people could get fokrtrated with the chemicals or an ambulance could be on its way to save someone's life but no it can't make it because the train is in the way which it might tip over anyway and kill every body in our neighborhood.
In conclusion Im so against this railway project and pleading that you stop it before you start it.

FD 34079
D0475

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COMMENT SHEET

Name: Michael Ramirez

Address: 5538 Allendale Rd

Phone:

Comments may be submitted today or mailed to:

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STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Michael C. Ramirez, and I oppose the San Jacinto Railway Project.
It is a bad project because there are many neighborhoods and schools, Hazardous materials have no place near schools and homes we as citizens have to breath that stuff everyday. Also the trains engine already keep us up at night.
So in conclusion please do not pass the San Jacinto Railway Project.

FD 34079
D0476

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COMMENT SHEET

Name: Krystal Villarreal

Address: 8024 Meadowbrook
Houston, TX,
77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Krystal Villarreal. I am a student at Chalez High School I am fully oppose to the idea of the San Jacinto Railway Project.
The reason I oppose to this because it can be very dangerous for us it is already bad enough with the train traffic and the noise that they make at night.
In conclusion please dont run the trains with bad chemicals.

FD 34079
D0477

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Carlos Argueta

Address: ~~Carlos Argueta~~ 8400 Broadway 4343
Houston tx 77061

Phone: 713) 927-6537

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, my name is Carlos Arguetta I am writing this to tell you about the San Jacinto Railway Project. I think it a Bad Project for our environmental. Because most of are school are next to the railroad track and alot of residential neighborhood in the Area of where Railway go. those Chemicals are not good for our Environmental both of neighborhood are Bad as well That is what I think about the San Jacinto Railway Project

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D0478

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COMMENT SHEET

Name: Mario Castaneda

Address: 8360 Park Place #39
77017 Houston TX

Phone:

Comments may be submitted today or mailed to:
Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Good Morning or good Afternoon, My name is Mario Castaneda a student for Cesar E Chavez High school. The reason why I am writting these letter is because I do not agree with the plans of the San Jacinto Rail Way Project. And I have my reasons the first one is that hazardous chemicals have no place near school and homes. The terrorist will have a new way to terrorise the people, because instead of gain and steal airplanes they could just use a tool bar, Placed crossd on to the rail road and when the train comes it will just get out of the way. Then the chemicals will get out and we all are going to get contaged. it think that they are going to be more toxic than the one we have now. So please don't bring those plans we are asking it please.

In conclusion please Don't bring those plans because you all have to think about the consequenses and how many people you'll can kill if those chemical get out.

thank you,
sincerely, Mario Castaneda

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D0479

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COMMENT SHEET

Name: Allen Williamson

Address: 9J. HowTree Ap
1480,

Phone: 713-941-5566

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hellow my name is Allen Williamson I am a student at Chavez High school. I am 16 years old.

I want to talk about the train traffic. Trains are backing up cars making people late to were they are going. Trains could bring Poisens through town.

The Chemicals have no Place near schools or homes If something should go rong People die I would like that to stop because Terrorists could Have a new way to Kill People.

This concludes my report I am against all this I want this to stop. I do not want People to die.

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D0480

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COMMENT SHEET

Name: Dricka Ramirez

Address:

Phone: (713)454-03-34

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STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hellow, my name is Dricka Ramirez, I am a freshmen in Cesar chavez High school. I am against the San Jacinto Railway Project. I would not accept what you are trying to do. Some of the people that live by this area don't want a new railroad project. Some people don't even sleep because of the train and that's not good we don't want that.

But that's not the only reason we don't want the train to be often in the neighborhood because of course that people don't want to be said where there live at. That Project of the San Jacinto Railway could kill us it could bring to the neighborhood terrorism and we don't want that. Some people that would love to finish with the train I mean to the the terrorist would love to finish with the railroad that one way that terrorist could get satisfated be killing people and not just people students who some day the students would high to finish that terrorism and high that's why they would love or want to kill us.

I had told you what I am against to. I did this because I am against this plan. We would love and fight to the people that likes to finish with us.

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D0481

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COMMENT SHEET

Name: DAVE

Address: 5130 CRIDDLE CREEK

Phone: 713-944-8162

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Reason that you oppose the San Jacinto Railway Project I don't really know and I don't really care. Actually one thing being SAID at train because terrorize people might come & kill. I don't really [illegible] doing because the other talking crazy!! I AM not trying being mad; do what ever you want just don't kill. Keep it safe world plz

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D0482

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COMMENT SHEET

Name: Rodolfo Recendis

Address: 8410 Barkley
Houston, Tx. 77017

Phone: 713) 649-6269

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I would like to tell whoever reads this that I opposed the San Jacinto Railway Project. I am a student at Chavez High School. I really think this project isn't going to work against us. I live in the neighborhood right next to the train tracks. I really think it would be dangerous.

The reasons why I think that this project shouldn't work or go ahead and start is because the train causes to much traffic on the way to school. It would also carry hazardous chemicals and I dont want them near my neighborhood. It would also prefer to safe a little bit of money instead of worrying about peoples lifes. I dont want that.

In conclusion I would like to tell you or them that I am against it, I am very sure that I oppose and keep opposing till they cancel this project. Now you know my suggestion. Please change your minds and cancel it.

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D0483

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COMMENT SHEET

Name: Napoleon Portillo

Address: 8527 Glencrest
77061 Houston Tx

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Napoleon Portillo Im writing this letter to say my opinions about the train transpasing through our neighborhood. One reason is its noise in the night is loud and people cant go to sleep. Traffic is another reason. But if the trains carry poison chemical I think that is wrong for the community. Im against this railroad thing because if a train gets wreck the chemical can spil and alot of people cum get hurt or might die. These are my reasons why Im against this

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D0484

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COMMENT SHEET

Name: Brenda Hernandez

Address: 8104- Milredge

Phone: 713-947-1617

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Brenda Jean Hernandez and my comment is to oppose the San Jacinto Railroad project because the trains will backup lots of traffic especially around school grounds. Students and teachers will arrive late and plus since there already is a train passing in the mornings.

Also you will be dealing in hazardous chemicals that have no place near schools and homes

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D0485

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COMMENT SHEET

Name: Veronica Perez

Address: 10810 Telephone Rd. #516
Houston, TX 77075

Phone: (713)9915904

Comments may be submitted today or mailed to:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, My name is Veronica Perez. I am a Freshman student at Chavez High School. I am writing as you know, about the San Jacinto Railway Project. I oppose this project for many reasons. I will state them in the next paragraph. I hope you take it into consideration.

One of reason is that there are so many trains already. They have hazardous chemicals and they are dangerous around schools and homes. There wouldn't be good clean air to breath. Another reason is that, this is a good way that the terrorists will get to us. It is an easier way for them. They can know us up fast.

In conclusion, as you can see I oppose to this project. You saw my reasons. There are many more. Please, think about it and decide not to do it. It will affect us a lot. Thank you for having the time to take me in consideration and listening at my opinion.

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COMMENT SHEET

Name: Crystal Solorzano

Address: 8230 Brendell

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am writing this letter because I em agenst the San Jacinto Raint railway Project. My reason is that ther is too much train traffic. And if Ya put more train the traffic is going to get worse. My Other reason is that there people living near there. And the trains some times have Chimicals that will kill you. It effect mimority people. And if the train is passing by and then the Streets are Crowdit. Some people get late to work or Schools because of that. And When driving with alot of traffic a accedint could happen. People could Die because of the accedints and Chimicals.

That why Im telling Ya to please do not put a Rail Railway. Because its a Dangers thing to put. And because people are late to work or School or places they need to go

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COMMENT SHEET

Name: Jessica Barraza

Address: 8261 Park Terrace

Phone: 713-640-2127

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Jessica Barraza and I'm a student at Chavez HighSchool. I hate the fact that there would be hazardous chemicals coming in and out our neighborhoods. I think you all should not approve of this. Saving a few dollars is not worth losing lives. It the most stupidest idea I ever heard. This would bring a way of terrorist to terrize people. It could also affect the health of residents. I live right by a railroad tracks and there is to much traffic. I saw ambulance and fire truck waiting for the train to pass. I hate this San Jacinto Railway Project. Please don't allow it.

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COMMENT SHEET

Name: Michael Mendez

Address: 8109 Barkley

Phone:

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1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I don't think that you should start having the railroad track near schools, neighborhoods Because kid could go playing over where you are and could get hurt or killed. I don't think they should risk a few or alot of lives, for a few dollars. I say you should go build the railroad tracks some where else where it's not dangers.

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COMMENT SHEET

Name: Sara Luna
Address: 5145 Silver Creek
Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am really concerned about the San Jacinto Railway Project. I have a few comments about this project. I think that hazardous chemicals have no place near nice homes and decent neighborhoods. Also there's been a couple of trains going by and it gets really distracting causing less sleep for some people. Saving a few dollars is not worth losing human lives. I hope my opinions change the minds of the people involved in this project.

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D0490

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COMMENT SHEET

Name: Marcel Martinez
Address: 5226 Meadville
Houston, TX.
77061
Phone: 713-649-7142

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Office of the Secretary
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Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Marcel Martinez and I am a Freshmen at Cesar E. Chavez High School and I am writing this to oppose the San Jacinto Railway Project.

One of the reasons that I am writing this is because there is allready to much railroad traffic in the SouthEast Houston area allready.

Another reason that you should oppose this project because if this project is passed the trains would pass through a residual area that is populated mostly by minorities.

Also, if this project was passed the trains would pass by many schools and these trains would be carrying hazardous materials. And hazardous materials have no reason born in neighborhoods or in places near schools.

So in conclusion, is saving a few dollars means losing human lives does this project. But if not please oppose to it. Thank you for your time.

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D0491

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COMMENT SHEET

Name: Jose Covarrez
Address: 911 Evonne
Phone: (713) 943-9269

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student of Cesar Chavez H.S. and I don't to have my family me school the all bad people come to do something wrong mean, because I thing they kill more people I don't whant to do that.
I don't What that because I
An Student of Cesar Chavez
H.S. that is dongauros for students
An All others People
Is no seresary the pressden do that
We don't What more Contamination
Because We have Contaminacion a ready
but I don't Whant any more
We don't like this.

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D0492

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COMMENT SHEET

Name: Gerardo Flores
Address: 8256 Jose
Houston TX 77017
Phone: (713) 921-2069

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I as a student at Chavez High School think that the San Jacinto Railway Project is already bad idea because there is already to much train traffic already and should make it better another thing is that there too many residential Neighborhoods and Schools in these areas. Hazardous chemicals make not sign too or near homes and schools my conclusion is that saving a few dollars is not worth losing human lives.

FD 34079
D0493

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Rodolfo Santivañez

Address: 8150 Ogden
77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Rodolfo Santivañez I'm a student in Cesar Chavez High School in Houston Tx. If the president is trying to protect the US why is he doing this, this is very dangerous like terrorist could have more easier ways to kill people or blow up the train. Like it dangerous having trains with dangerous chemicals close to homes and schools thats very dangerous for kids running around in the street or dangerous for student bathing dangerous chemicals also. Saving a few dollars is not worth ~~lo~~ losing human lives. It effects mostly minority people. So I don't like this ~~new~~ New things.

FD 34079
D0494

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COMMENT SHEET

Name: Jorge Pony

Address: 210 Powell

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am a student at Cesar Chavez High School in Houston Texas. I think that there are too many schools and residential neighborhoods in the area. Hazardous chemicals have no place near schools and homes. Terrorist would have a new way to terrorize people. In conclusion I think that the San Jacinto Railroad Project should not be approved.

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D0495

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COMMENT SHEET

Name: Blanca Morales

Address: 12314 Hawkins Dr.
Houstone TX
77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Blanca and I am writing this letter to oppose the San Jacinto Railroad project. to me this is ridiculous cause there already to many trains at the present time. This will make it worse do to schools and all the residential neighborhoods in this area. there is 23 different schools here in HISD which is a lot of kids and houses around this area. But although I don't like saying a couple of dollars is not worth loosing human lives. I hope you read and understand the words that are coming out of my mouth.

Thank You

Sincerly
Blanca

FD 34079
D0496

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COMMENT SHEET

Name: Steve Cox

Address: 7209 Almeda Genoa RD
77075 Houston Texas

Phone: (713) 987-2578

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I oppose the San Jacinto Railing Project that will cause hazardous Chimicals to run through Residential areas.

this project will cause more train trafic. I seen Ambulances and fire trucks Stuck behind train this will only make train trafic worse.

another thing is It will bring Hazardous chimicals thrown Residentials areas and near over 23 schools Saving a few dollars is not more important than Human lives. this project would affect mostly minority people also.

(Another things) Terrorist would have a new way to cause terrore and much easyer.

I Sincerely oppose this project and hope you vote AGAINST it.

Sincerely opposing,
Steve Cox

FD 34079
D0497

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COMMENT SHEET

Name: Maria Zavala

Address: 6236 Detroit St. Houston TX. 77017

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my names Maria Zavala. I attend Reagan High school. I do not agree with this project. I do not want this. There is enough chemicals in the air to worry about. I don't want to worry about my children having asthma because of this. There are going to be so many chemicals the chemicals will make it so weak one we can even die. It will make more traffic and if there are emergency the ambulance or the firetruck or police can't get by. There is the kids running around playing it dangerous for them. There are enough railroads. It would be harder for some of us to get to school. It would also be a easy way to terrorize people. In conclusion I hate this project.

FD 34079
D0498

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COMMENT SHEET

Name: Jessy Robinson

Address: 8404 Stone St.
Stone Manor Apt # 176

Phone:

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name Jessy Robinson and I'm a student at Chavez High school in Houston, Texas. I'm against the railroad project because there is to much train traffic at the present time. This will make it worse. Another reason is that too many schools and residential neighborhoods in the area. One more reason is because it effects mostly minority people hazardous chemicals have no place near school and homes. I'm absolutely against the railroad project

FD 34079
D0499

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COMMENT SHEET

Name: Cameron Draper

Address: 7711 arm ridge drive

Phone: (713) 621-2191

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Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Cameron Draper from Houston Texas and I opposed to this project because saving a few dollars is not important than living in fear. I don't think that it's a good idea to run these chemicals through some neighborhoods. I wonder why these people from an outing side think in danger.

In conclusion I think that this project is very life threatening to many people who live near these railroad tracks. I disagree on the San Jacinto project.

FD 34079
D0500

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COMMENT SHEET

Name: Leana Adams

Address: 7987 Bellfort #69
Houston, Texas
77061

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello, my name is Leana and I am very opposed toward the San Jacinto Railroad project. I am opposed to this because there is way too many schools in the neighborhood to where the railroad goes through.

I also really do believe that hazardous chemicals dont need to be in our area. I say this because if a train was to wreck, then just with a whiff of the smell, it could kill someone. I also really do believe that saving money is not worth losing human lives. Finally, In conclusion, I really dont think it would be safe to pass the San Jacinto Railroad Project.

FD 34079
D0501

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COMMENT SHEET

Name: Ashley Mcwashington
Address: 8819 Arizona
Houston Tx, 77017
Phone: 713 644-0464

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Ashley Mcwashington Im a student at Chavez High school. And I oppose of this project for the following reasons.

- There are to many schools and residential neighboor hoods in the area. And hazardous chemicals have no place near schools or homes.
- It would effect mostly minority people.

In final conclusion, I believe this project should not follow through.

FD 34079
D0502

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COMMENT SHEET

Name: Edna Mayela Reyes
Address: 8345 Park Place #34
Houston, Texas 77017
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! My name is Edna Mayela Reyes I am a student at Cesar E Chavez High School (Biotechnology). For reason I write this letter is because I oppose the San Jacinto Railway Project. Why? Because one thing is that there are too much train traffic at the present time this will make it worse. The second thing is there too many schools and residential neighborhoods close to the area. The third thing is that it affects mostly minority people. A fourth thing? saving a few dollars, is not worth the risking innocent lives.

FD 34079
D0503

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COMMENT SHEET

Name: John Rodriguez
Address: 1102 choate circle
Phone: (713)242-6558

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is John Rodriguez and I'm a student in chavez high school and also leave in the neighborhood you pretend to do your project in. That's why I am against this project.

I am against this because I don't think its a good idea because then the trains will have more reasons that they have already terminate people and then they are going to go directly for the trains because they are going to know it and it's going to die us not will be because you'll probably live far away from here so you probably won't even get hurt by this.

I am totally against this because it dangerous stop thinking of money think how many people can die.

I'm against this.

FD 34079
D0504

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Freddy Morales
Address: 4818 Bellhole Dr.
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Freddy Morales and I oppose this idea. I go to Chavez H.S., wich is right next to the railroad tracks. I think this is a bad idea because there is too much train traffic at the time. This will make it worse. There are too many residential neighboorhoods and schools close to the railroad lines.

In conclution, it is not worth to save a few dollars that to loose thousands of people.

FD 34079
D0505

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Jesus Garcia

Address: 8363 Park Place

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Jesus Garcia I am a student from Cesar E Chavez High School. I think its a bad idea to oppose the San Jacinto Railway Project. One reason is that too many schools are going to be in the area. Another reason is that there is mostly minority people. And the last reason is that terrorist would have a new way to terrorize people. For those reasons I dont think that the San Jacinto Railway project be aproved. please dont aproove this project.

FD 34079
D0506

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: GuadalupeEscobar

Address: 7408 Hudson
Houston, Tx 77012

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is GuadalupeEscobar and I am a Stundat at Chavez High School. I am writing this littler to you because I am tiesd of transings for one it thank too much train traffic at the present time. This will make it worse. Like if a ampouls coming what a people that people can die. Also there too many school ~~by the~~ and residential neighborhood in the area.
In conclusion I thank you should not do it. Please there are to many people how who have a right to live.

FD 34079
D0507

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Manuel Rita

Address: 3402 Firefly

Phone:

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Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Manuel Rita and I am a student at Chavez high school. I don't like this project because if we will alot of people in the streets and things like terrorists attack that way it will affect it will affect the railroad. The homeless animals should not be alow near and close to residentials.
In conclusion I don't approve this Railroad Project.

FD 34079
D0508

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Jessica Sanchez

Address: 8044 BENDEL C

Phone: 713-946-6151

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

My name is Jessica Sanchez, I oppose the San Jacinto Railway Project. I was informed by this project a week ago. A life is priceless, and trying to save a few dollars is not worth loosing a human life. Every life cannot be wasted just so you can save money. Once a person is born they have the chance of living, do not take that away from us.

Why can't I live, and grow old, I deserve to live.

The September 11 scared everyone, but know the people are going to die of fear. Now terrorist have another way of killing us.

FD 34079
D0509

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Amaris Sustaita
Address: 8222 Bonner Dr. Houston, Tx 77017
Phone: (713) 649-8291

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, my name is Amaris Nicole Sustaita. I am a student at Chavez High School.

A Couple of Reasons why Oppose the San Jacinto Railroad. One reason is because there are to many residential neighborhoods in the area. If a bad chemical spills or if something happens we have to pay for we are the people that are going to get hurt. Saving some dollars is not worth a life. In conclusion I disagree to this railroad.

FD 34079
D0510

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Jacqueline Zavala
Address: 7900 MORLEY ST #4381 Houston, Tx. 77061
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! My name is Jacqueline Zavala I'm a student ~~Cesar~~ E. Chavez High school I. Really don't thing this is a good reason because too many schools & Residential neighborhoods in the area and this ~~many~~ hazardous chemical will affect a lot of people around the area an other reason is that may be an other way for terrorists to terrorize people. ~~Millions~~ saving a few dollars is not worth losing human lives I'm ~~against~~ the San Jacinto Railway Project.

FD 34079
D0511

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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JAN 23
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Hao Nguyen
Address: 1800 broadway #310 Houston, TX 77061
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! My name is Hao Nguyen, I'm 16 year. I'm I chavez H.S. Today I write this letter to you, because I don't like your plans, and I think is worst for all of us.

Well is too many reason that is very Important and I want to you have a healthy life. the reason I don't want you to have rail train anymore because In the morning we have like 10,000 students to go to School, the traffic bur the train will block our way to school so every student have late to school then our teacher say we louder, then give us a D-hall.

FD 34079
D0512

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Sherwitta Joseph
Address: 8500 Broadway Apt 1307 Houston TX 77061
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello! My name is Sherwitta Joseph and I goes to Cesar E. Chavez in Houston Texas. The reason I'm writing this letter is because of the oppose the San Jacinto Railway project.

First of all there are to many train traffic at this time, so why bring or add more to it. Adding more trains is a real dangerous thing to do with the hazardous chemical inside of it. There are trains back by school, home, hotel, store and different place, it only takes one sniff.

FD 34079
D0513

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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JAN 22 2009
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Maricela Brooks

Address: 5103 Silver Creek Apt 96 Houston, Tx 77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my mama is Maricela Brooks and I think that you will be making a big mistake cuasing that mess freeway back. One reason you shouldn't do it because there is so much traffic as it is around here and you wanna block more cars to ship something through here that could kill us. Another reason it because Baytown Chemicals cause we place near schools or homes. You are endangering lives mainly children's help especially infants who maybe can't even walk yet. The last reason is because we a dear little baby Wallace is not wanting losing lives of people we love or people we don't know.

Just listen to the people especially us the children, and don't pass that stuff's through here. We do want to live to be old and young years ahead.

Sincerely,

FD 34079
D0514

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: TAKESHA WILLIAMS

Address: 8100 STONE HOUSTON, TEXAS

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

HELLO MY NAME IS TAKESHA WILLIAMS. I AM A STUDENT AT CHAVEZ HIGH SCHOOL.

I'M WRITING THIS LETTER TO LET YOU KNOW THE REASON THAT I OPPOSE THE SAN JACINTO RAILROADWAY PROJECT. I THINK THAT THIS PROJECT IS A BAD IDEA BECAUSE THERE ARE TOO MANY SCHOOL AND RESIDENTIAL NEIGHBORHOODS IN THE AREA. PEOPLE CAN'T GET TO WHERE THEY WANT TO GO BECAUSE THE TRAIN IS IN THE WAY. THAT'S ONE OF THE REASON WHY.

ANOTHER REASON IS THAT THERE IS TOO MUCH TRAIN TRAFFIC AT THE PRESENT TIME. IF THEY MAKE MORE RAILROAD WAYS THEN IT WILL MAKE IT WORST BECAUSE THERE TOO MANY OF THEM. THERE WILL BE MORE TRAFFIC AND IT WILL ALSO BRINGS MORE PROBLEMS.

I DON'T THINK THAT THEY SHOULD MAKE MORE RAILROAD WAYS. THAT'S MY OPPOSE TO THE SAN JACINTO RAILROAD WAY PROJECT. MANY PEOPLE MAY HAVE A DIFFERENT OPPOSE AND GOOD IDEAS. THAT'S BETTER THAN MINE. THERE MORE REASON THAT THIS CAN EFFECT THE NEIGHBORHOOD THAT YOU LIVE IN.

FD 34079
D0515

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Adrian Graniel

Address: 7711 Bellfort #13 77061 Houston, TX

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Adrian Graniel I would appreciate it if you guys don't pass that law, because as you might not know our school Cesar Chavez High school is right in back of the railroad tracks which would be really hazardous for our health, but you probably don't care, because its not you in this position. Just don't pass it because incase of anything will die and we are the future for the US.

FD 34079
D0516

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Luis Arroyo

Address: 9807 Falvey Houston TX.

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I'm a student at Chavez High school and I oppose to the San Jacinto Rail way Project.

The are already to many trains in this area all ready. Some time people whose late to school because of the train now with this project alot more students will come late train are a big thing around here allready. I think that this project will make it worse for everybody there are to many school and residential neighborhoods in this area.

I think that hazardous chemicals should not have any place near schools and houses. I think that the chemical plants are to close already. Terrorist would have more options to terrorise the city. This project affects mostly minority people.

I think that they should not pass this project. This project is really dangerous and is going to cause alot of toxic. NO body like standing and traffic and no body wants to die because of hazardous chemicals. Saving a few dollars is not worth losing human lives.

FD 34079
D0517

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Juana Marin
Address: 8915 Broadway #9266
Houston, Tx. 77061
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! my name is Juana I am ~~a~~ freshman at chavez high school on Houston Tx
well let me talk about the oppose the San Jacinto Railway project I think that idea is good because here in houston he has too much train traffic in that's not incorrect because sometimes the people come late the work and the most important things is here has a lot ~~of~~ traffic and accident and I think all the people need trains but the city has ~~a~~ less accident that's I think the city's need the trains hazardous chemicals have no place near schools and homes and I think that is other reason for the people or all the city's want the train I the better idea for the people and me wants the train is because I don't want the traffic and the accidents but I like that idea for use the trains.
My conclusion is I want the trains and do better city's and prevent all the accident that's my conclusion for the oppose the San Jacinto Railway Project.

FD 34079
D0518

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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JAN 22
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Caitlin Cody
Address: 8158 Ogden
Houston, Tx
77017
Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi, My name is Caitlin Marie Cody, I go to Chavez High School in Houston, Texas and I oppose ~~to~~ the San Jacinto Railway Project.
Why, because hazardous chemicals have no right to be near us. ~~The students at chavez high school are~~ some students at Chavez High School will be the leaders of this country. By bringing the hazardous chemicals in to the neighborhoods and Schools, terrorists would have a new way to terrorize the people. They will kill some of the ~~leaders~~ future leaders of this country. We wouldn't want that to happen, would you?
In conclusion, please ~~concidered~~ considered ~~this~~, this, why would you want thousands or more people dieing because of your mistake of setting this project up.

Sincerely,
Caitlin M Cody

FD 34079
D0519

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Sandra Velasquez
Address: 8010 Detroit
77017
Houston, Texas
Phone: 713-847-7103

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Sandra Velasquez I am in the 9th Grade I am writing this letter to tell you that paving the oppose the San Jacinto Railway Project is a Bad project that is going to be make the railway tracks. This project is bad because what is that, that why would you put Railway Close though neighborhoods and School Board I have a few reasons why is it bad for a railway close by. It can make more traffic at the present time we already have a lot of traffic in the morning and we don't want no more and your project will make it worse in Traffic Another thing is that people's lives can be in danger more with trains, people do like to playing out - side like sports, hobby and family too. I think that the Rail Way Should not be made at all after all because of the reasons I said above I know that the Rail way is prably important to you all but you are putting us in danger when we are not ready well I hope you really pay attention to this paper no matter what Thank you for pay attention.

Sandra Velasquez

FD 34079
D0520

SURFACE TRANSPORTATION BOARD
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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Brian Garcia.
Address: 1111 Green Rd. Houston Texas
77501
Phone: 713-478-3069

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi This is Brian Garcia from Chavez High school saying that the trains are badergize the students. Please Don't try to make more trains pass throw our streets. We could all get sick and die if you don't try to stop it. Us as studnets Want to go to school every day and learn. It will help if that not that much trains In Houston Tx we all want to get are deplomas to become a better person to life. The trains have to much toxic material

(And why cause)

FD 34079
D0521

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Aide Cabanas

Address: 8801 Glenmeret #6285
Houston Tx 77061

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi! my name is Aide Cabanas i am a student at Chavez High School, i dont agree with the San Jacinto Railway project.
The San Jacinto Railway project will be dangerous because the terrorists would have a new way to terrorize people, they could get on the trains and leave something to the people.
Another reason that you should make this project is that there are to many schools and residental neighborhoods in the are, this project will affect because the Railway will be on front of houses and it will make alot of noise.
the last reason that i whant to tell you is that Hazardous Chemicals have no place near schools and homes, and that will be dangerous.
please dont make the San Jacinto Railway project because it would be dangerous.

FD 34079
D0522

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Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Angelica Saldana

Address: 4011 Galveston ED
77017 Houston Tx
Apt#1016 Dorchester

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hy my name is Angelica Saldana and Im a student at Chavez High school and in the following I will mention why I oppose the San Jacinto Railway Project.
One of the reasons why I oppose this project is because I live right in front of the railroad and I have two little sisters who still have a long way to go in life and I also worry about my self I'm only 16 years old and I wouldn't like to die at an early age just because you want to save a few dollars. I'm also pretty sure that my little sisters would'nt like to live a short life. Another reason why I oppose this project which with all this is that I'm sure I think that this is pretty stupid I think that you should worry more about the people that you going to kill if you pass them hazardous chemicals just to save money.
Under my conclusion I would like to say Please don't kill people just to save money In the other hand I would like to thank you for taking your time to read this letter. Once again Please think about what you are going to do just to save money. Do you think its worth it?

FD 34079
D0523

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Section of Environmental Analysis

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Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Isaac Rodriguez

Address: 5526 Bobolink
Houston Tx, 77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hi my name is Isaac Rodriguez, I am a student attending at Chavez H.S. I've decided to take time to write to ignorant people that decided to send a train full of hazardous chemicals true our neighborhoods. I strongly oppose toward the Jacinto Railway Project, and that it affect mostly minority people, it is so sad that there isn't a law against that.

FD 34079
D0524

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

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MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Victor Rodriguez

Address: 5525 Bobolink
Houston, TX
77017

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Hello my name is Victor Rodriguez from Cesar Chavez high school. I am writing to you for the reason that I oppose to the fact that you would like to run hazardous chemicals past our schools and homes. I oppose to the San Jacinto Railway project. I think that human lives and anything near the area is dangerous just so you can save money. It is very selfish and greedy of you to do so. It is dangerous and unthoughtful.

FD 34079
D0526

RECEIVED
21
MAIL MANAGEMENT STB

Jan 11, 2003

Mrs Lola M. Huffmeister
8077 Meadowbrook
Houston, TX 77017

Dear Dana White,
I am writing about the San Jacinto Rail.
I personally think it is worse than 9-11. We will be killing or harming our own people, Especially Children. We have Melby, Chaney & Stevenson next to Mentor all the other schools & apartments.
I vote against it
Sincerely
Mrs Lola M. Huffmeister
8077 Meadowbrook
Houston, TX 77017

FD 34079
D0527

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JAN 21 2003
MAIL MANAGEMENT STB

RAILROADS HAVE BEEN/ARE CRITICAL TO THE DEVELOPMENT OF OUR COUNTRY. INDUSTRIAL TRAINS-LOCOMOTIVES CAN QUALIFY AS WORKS OF ART. IT IS A VERY BAD IDEA, HOWEVER, TO INCREASE THE LEVEL OF TRAFFIC IN EAST END HOUSTON, AN AREA EGREGIOUSLY, DANGEROUSLY, OVER-SATURATED. A DECREASE IS MORE IN ORDER. Ralph J. Vogel

Union Pacific's "City of Los Angeles." From Rare, Six Streamlined Trains Cards. © 1996 Dover Publications, Inc.

4327 PEASE ST HOUSTON TX 77023

DANA WHITE
SECTION OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BD.
1925 K STREET, NW
WASHINGTON, D.C.
20423-0001

ENVIR. FILING FD NO 34079

FD 34079
D0528

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JAN 22 2003
MAIL MANAGEMENT STB

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Ricardo B. Rodriguez
Address: 8407 Howard dr.
Houston, TX
77017
Phone: 7136493147

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Out of all the problems that we have
Crime
Low quality of life
Now the SJR wants to take away our pride
put us in harms way
make our life more of a hell than it already is

12/10/02 15:45 FAX 202 565 9000 STB-OEEA&A 005

FD 34079
D0533

RECEIVED
DEC. 17 2002
MAIL MANAGEMENT STB

SHELLEY SEKULA-GIBBS, M.D.
HOUSTON CITY COUNCIL MEMBER AT LARGE, POSITION 3

December 11, 2002

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Dear Ms. White:

This letter serves as a formal request to extend the comment period on the Draft Environmental Impact Statement for the San Jacinto Rail Limited and The Burlington Northern and Santa Fe Railway Company Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas (Finance Docket 34079), by forty-five (45) days to March 13, 2002. The proposed rail line is serious and complex issue. The study of the draft EIS is a lengthy and deliberative process.

The draft EIS was released on December 6, 2002 during the peak holiday season, leaving little time for comprehensive review. I believe an extension is essential to allow full study, analysis, and input from all interested parties as part of the comment process. As Council Member At-Large for the City of Houston, I submit this request on behalf of all potentially affected citizens and communities within our City.

I appreciate your consideration to grant our request for a forty-five day public comment period extension.

Sincerely,

Shelley Sekula-Gibbs, M.D.
Council Member At-Large, Position 3

OFFICE: 713 247-2005 • FAX: 713-247-3322 • EMAIL: shelley.sekula-gibbs@cityofhouston.net • www.cityofhouston.gov
CITY HALL ANNEX • 900 BAGBY • P.O. BOX 1562 • HOUSTON, TEXAS 77251-1562

MESCALERO Apache TRIBE

TRIBAL HISTORIC PRESERVATION OFFICE
FD 34079 Central Avenue
D0535 P.O. Box 227
New Mexico 88340
Phone: 505/464-4494 ext. 279 or 270
Fax: 505/464-9191

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Dear Ms. White:

(X) The ***Mescalero Apache Tribe*** has determined that the proposed Environmental Filing FD No. 34079 **WILL NOT AFFECT** any objects, sites, or locations important to our traditional culture or religion.

( ) The ***Mescalero Apache Tribe*** has determined that the proposed _____ project by _____ **WILL AFFECT** objects, sites, or locations important to our traditional culture or religion. We request that the _____ undertake further consultations to evaluate the effects of the project on these sites.

In the future, we request that you minimally provide us with the following items to aid in our determination:

- Cultural Resource Survey Reports
- Site Forms
- Maps (Both General and Site Specific)
- Research Designs (If Applicable)
- Data Recovery Plans (If Applicable)
- Photographs

Thank you for providing the Mescalero Apache Tribe the opportunity to comment on this project. We look forward to reviewing and commenting on future Surface Transportation Board projects.

CONCUR:

Donna Stern-McFadden
Name

1/3/03
Date

Signature

Tribal Historic Preservation Officer
Title

COMMENTS:

FD 34079
D0537

"magaly maldonado" <magaly_ale@hotmail.com>
To: WhiteD@stb.dot.gov
cc:
Subject: railroad concern

01/22/2003 04:55 PM

To Whom it May Concern,

I am writing with concern about the new railroad that Burlington Northern Santa Fe and four other chemicals companies are planning to build. This is because these companies have asked permission of the federal government to construct a new track (San Jacinto Rail Line) by Houston's East End and the project has been approved. My concern about building a new rail road track is that this rail road would be passing thought the middle of the city causing more traffic than we already have. It will also be transporting dangerous chemicals. This train would be risking the lives of thousand of minorities that lived in the East End of Houston. The train might cause an accident and the chemicals would spill from the train causing little children or people getting exposed to chemicals that these companies are transporting. I would like you to take this into consideration and oppose the railroad.

Sincerely,

Magaly Maldonado

Add photos to your e-mail with MSN 8. Get 2 months FREE*.

FD 34079
D0539

"leticia guerrero" <ycp_leticiag05@hotmail.com>
To: white@stb.dot.gov
cc:
Subject: Houston's railroad east end project

01/23/2003 10:48 AM

January 17, 2003

Dear Ms. White,

I am Leticia Guerrero, a sophomore in YES College Preparatory School, I decided to write this letter to inform you that we are concerned about expanding the railroad in Houston's East End. Some reasons why you should help us stop this project are the following: the traffic would increase, and if the train derail it would endanger our lives and the water could get contaminate.

First, the traffic in Houston is already bad and this project will make it worse for our community. Why in this neighborhood is our question because in this community we have many schools and businesses and we need to cross through the railroad tracks to get to our destination. What about emergencies?. We are not going to have a way out because we do not have at least a bridge that can get us to the other side.

Furthermore, what if the train derails and those chemicals on it spill. There are many schools close to the railroad and this could endanger our lives. If the derail does happen the water from the community could get contaminated and this could cause health problems. Support us by preventing the Houston East End railroad project from happening. Thank you for your time.

Sincerely,

Leticia Guerrero

STOP MORE SPAM with the new MSN 8 and get 2 months FREE*
http://join.msn.com/?page=features/junkmail

FD 34079
D0540

"Alejandro Oliveros" <ycp_alejandros05@hotmail.com>
To: whited@stb.dot.gov
cc:
Subject: San Jancinto Railroad

01/23/2003 10:55 AM

January 23, 2003

Dear Ms. White,

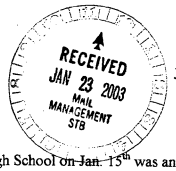
Hello my name is Alejandro Oliveros as a student at Y.E.S. College Preparatory School. I disagree to the idea for the San Jancinto Railroad Project. Many people may agree or disagree with this idea but I disagree since trains already pass by Old Galveston Road and cause some traffic problems. This has always been a problem. When a train passes through, it may stop in middle of the road because there may be a problem with the train, and cause long delays. For people who need to take their children to nearby schools or get to a meeting or get to their jobs. I know this since I live a block away from the railroad tracks by Howard Drive. When trains pass through at night it makes too much noise and it wakes up people who are trying to sleep. The reason is if the trains are going to pass through 24 hours a day and chemicals are going to pass through communities this affects us seriously. If there is a chemical spill many people could be affected by it and it may get into our water system. If the San Jacinto Railroad Project is going to cause more problems than the ones we already have I disagree with this project. The thing I would like you to do Ms. White is to help cancel the project since we already have many problems with the with the regular Railroad Track System.

Sincerely,

Alejandro
Oliveros

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http://join.msn.com/?page=features/junkmail

FD 34079
D0541



January 17, 2003

Dear Surface Transportation Board,

The meeting at Ceaser Chavez High School on Jan. 15th was an eye opener on how callous and indifferent the Draft EIS is toward humanity. Do people not recognize that the same inhumane treatment applied during the Industrial Revolution toward workers is now being applied toward the residents? It disguises itself as competitive rail service which will only use its success to abuse and neglect residents. Again the same obsession for wealth by the elites will take precedent over the livelihood of the hundreds who will be made to adjust.

At the meeting many things were said that I strongly agreed with, but the one thing that still bothers me is the notion of being pro-life or pro-death. Are we a country that is truly for life or do we pretend to be when in realty we are not? How can one justify the damage that will be done to the people over environmental toxic etc.? There are many residents who are living a hellish existence because of the environmental abuses of the past. Is the American way now one of inflicting death (gradually) on its own residents? Will the death penalty finally come to be injected on all Texas residents? I pray not!

I realize that the board has a difficult job in its hands, but I pray that their thorough investigation will lead them to reject the plan because it is not in the interest of all involved. Thank you for your time and attention on this issue.

Sincerely Your,

Linda Kay Durón

Linda Kay Duron

D0542

01/21/03

TO WHOM IT MAY CONCERN:

I AM WRITING IN REGARD TO THE APPROVAL BY LOCAL GOVERNMENT, HERE IN HARRIS COUNTY, TEXAS, TO ALLOW AN INCREASE OF HAZARDOUS CARGO BY RAIL TO JEAPORDIZE THE HEALTH AND SAFETY OF TAX-PAYING CITIZENS IN A SERIES OF NEIGHBORHOODS.

THE HAZARDOUS CARGO WILL ALSO PASS SEVERAL SCHOOLS IN ADDITION TO THE RESIDENCES THAT ARE SITUATED ALONG THE ROUTE OR ROUTES OF THE RAILWAY. PUBLIC SAFETY IS MY MAIN CONCERN, ALTHOUGH THERE ARE OTHER NEGATIVE EFFECTS (PROPERTY VALUES, TRAFFIC DISRUPTION, AIR QUALITY, NOISE POLLUTION, ETC.) THERE ARE MANY OTHER PEOPLE IN THIS SOUTHEASTERN SECTION OF HOUSTON THAT SHARE MY OPINION.

I AM AGAINST ANY INCREASE OF RAIL ACTIVITY IN THE AREA.

, Neal Schuetze
4618 CLAY ST.
HOUSTON, TX. 77023



FD 34079
D0543

206875



1909 K Street, N.W.
Washington, D.C. 20006-1101

Main Tel (202) 263-3000
Main Fax (202) 263-3300
www.mayerbrownrowe.com

Kathryn A. Kusske
Direct Tel (202) 263-3223
Direct Fax (202) 263-5223
kkusske@mayerbrownrowe.com



ENTERED
Office of Proceedings
DEC 18 2002
Part of
Public Record

December 17, 2002

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Finance Docket No. 34079, San Jacinto Rail Limited – Authority To Construct – And The Burlington Northern And Santa Fe Railway Company – Authority To Operate – Petition For An Exemption From 49 U.S.C. §10901 – Build-In To The Bayport Industrial Loop Area Near Houston, Harris County, Texas

Dear Secretary Williams:

On behalf of San Jacinto Rail Limited, this is to comment upon recent correspondence and form letters regarding the comment period for the Draft EIS and clarify certain related matters.

We believe the comment period provides ample time for interested parties to submit comments on the record of this proceeding which has been pending for well over a year now. We continue to encourage the Board to progress the environmental review in this proceeding on as expeditious a schedule as practical.

In addition, we believe a clarification of the purpose and scope of the TTI Study mentioned by Congressman Green in his letters of December 10 and September 5 is in order since there appears to be some confusion on that subject. There is a suggestion that the TTI Study is somehow interrelated with the environmental review for the Bayport project. The TTI study objectives are quite different from the purpose and scope of the environmental review in this docket. The TTI study focuses on improving existing traffic management issues in the East

End of Houston. BNSF has volunteered to support the study with contributions of its own funds.[1]

Pre-existing conditions in the East End neighborhoods were brought to the attention of both Union Pacific Railroad Company and BNSF at high levels during local informational meetings on the proposed Bayport project. Thus, while the TTI study was a by-product of our improved communications with the East End community as a result of the Bayport project, it was not necessitated by the proposed Bayport build-in. Rather, the focus of the study is on pre-existing conditions in these neighborhoods and what improvements may be justified as considerations for both public and private funding sources.

In contrast to the environmental review at hand for the Bayport build-in, which addresses the impacts of the ***proposed*** new construction and incremental traffic feeding into the East End, the TTI study focuses on long-***existing*** issues affecting the area. In sum, the purposes of the two studies are entirely distinct. Moreover, the geographic scope of those studies varies significantly. Some of the East End lines under review by TTI are also reviewed by SEA in the Draft EIS, but much of the territory under review by TTI has no relationship with the proposed routing for Bayport traffic. Accordingly, in contrast to the suggestion that the TTI study should advance the STB study, we have found the opposite to be the case. It is our understanding that the TTI study has benefited from the traffic studies and in-depth analyses SEA has conducted, as well as the information SEA has obtained from BNSF, UP, and other parties.

Finally, we want to clarify an issue that seems to be misunderstood locally. Although we believe SEA has a comprehensive understanding of the traffic patterns in the area based on our review of the Draft EIS, we nevertheless feel the public would benefit from clarification of a fundamental fact. The projected traffic that BNSF proposes to transport from Bayport through the East End and on to Dayton Yard is not "additional" traffic. Rather, BNSF would be diverting the same traffic that currently exists and moves out of Bayport today on UP trains via UP lines in the vicinity.

We appreciate the opportunity to submit this letter of clarification into the public record.

Sincerely,

Kathryn A. Kusske

cc: Victoria J. Rutson

[1] In addition, as part of its proposed voluntary mitigation measures in this docket, BNSF has committed to continue its participation with the East End Mobility Task Force which has commissioned the TTI study. However, BNSF's proposed mitigation was aimed at addressing local community concerns whether or not they directly relate to the Bayport construction impacts. See Letter to Victoria J. Rutson dated August 6, 2002.

CERTIFICATE OF SERVICE

I do hereby certify that copies of the foregoing letter are being served upon the Parties of Record via United States mail.

Kathryn A. Kusske

FD 34079
D0544

1730 NASA Pkwy. #200
Houston TX 77058-3542

January 23, 2003

RECEIVED
JAN 29 2003
MAIL MANAGEMENT STB

Ms. Dana White
Office of Economics, Enviro. Analysis and Admin.
Surface Transportation Board
1925 K Street NW
Washington DC 20423

Re: FD #34079
Proposed New Rail Line in Southeast Harris County

Dear Ms. White:

The public hearing held in Pasadena last night was anything but a Public Hearing. Employees of the applicant companies garnered most of the time before 9 PM speaking in favor of this project. Of course their jobs could have been in jeopardy if they dared to speak against such a ludicrous rail line proposal.

I am in favor of support for any business that is still surviving in the United States at this time. But to even think of destroying a high quality of life to a part of Houston is not the way to offer help. Please consider all the negatives, decreased property values, potential hazards, increased air pollution in a highly populated area, traffic snarls, and potential for unlimited daily train trips, before you hurriedly issue a permit. Consider viable alternatives, such as negotiating an agreement with Union Pacific. Consider the TRUE need for a relatively small cost saving to the companies involved. This should be weighed heavily against the destruction of many square miles of property values.

Make the right decision, not the politically motivated one.

Sincerely,

Rosebud L. Caradec
A Very Concerned Citizen

FD 34079
D0545

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 27 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Renée Regner
Address: 9407 Howard DRive
Houston Tx 77017
Phone: 713 649-3147

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

Our community is very opposed to this Railline that will be running through overpopulated low income Hispanic neighbor hoods. There is already too much traffic and congestion in these older neighborhoods to add more rail cars. Also the fact of hazardous chemicals being transported in these Rail cars make the matter worse.
This is a VERY BAD Situation for the community and will gain nothing by having the Railcars pass through. Nothing but problems.

FD 34079
D0546

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 27 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Mr. Harry L. German
Address: 8353 Bonner Drive
Houston, Texas
77017-4705
Phone: 713-644-5935

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

1-20-03

Please provide any comments on the Bayport Loop Draft EIS.

To Whom it May Concern:

On a new project of Meadowbrook public schools the proposed San Jacinto Railroad, I would like to express my strong disapproval and objection to this ill planned and environmentally irresponsible situation. I strongly concur with all of the arguments expressed against this project from a environmental and economic point of view.

As a teacher at a small Catholic school here there is only from the site. A express train this could be very unsafe for the children as well as those in the 2220 Alan school offices.

Since there is an alternate route, which although more expensive, makes be safer and less disruptive, I feel it is imprudent even to pursue the idea further.

Thank you,

Harry Lyman Herman
2nd grade teacher St. Christopher Catholic School

FD 34079
D0547



Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 21, 2003

Surface Transportation Board
Section of Environmental Analysis;Office of the Secretary
Case Control Unit STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001
Attn.: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

We were present and spoke at the hearing that took place in Houston, Texas on January 15, 2003. We are enclosing copies of the letters that we are sending to President Bush, Senators Kay Bayley Hutchison and John Cornyn and to Majority Whip, Mr. Tom De Lay. As Republicans we are appealing to them to make them aware of the situation on this case and of the importance of your decision that is pending on this matter.
Thank you much for your attention. Please read the enclosed letters.

Respectfully yours,

Luis G. Valdes, M.D. Thusnelda M. Valdes, Ed.D.

Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 18, 2003



Mr. George W. Bush
President of the United States of America
The White House
Dear Mr. President:
Allow us to introduce ourselves. We are loyal Republican supporters that have voted a straight Republican ticket in every election since we were able to vote. We have campaigned for the Republican Party and have financially contributed to it. Enclosed are documents in recognition of our contributions to the GOP.

Now we need your help.

We would like to bring the following facts to your attention.

On August 30, 2001, San Jacinto Rail Limited and The Burlington Northern and Santa Fe Railway filed a petition with the Surface Transportation Board (STB) to construct a new rail line to connect existing rail lines to serve petro-chemical industries (present and future) in the Bayport Industrial District. (Please refer to STB Finance Docket No. 34079 for complete details).

We live in an area that is in close proximity to the railroads. Along with other residents of the affected area, many of whom are Republicans like us, we protested against the project for several reasons:

- The railroad will transport hazardous materials through heavily populated residential areas, including twenty-six schools. In case of an accident, many persons' (including numerous children) health and safety would be in jeopardy. The number of cars running on the tracks would increase enormously, creating traffic jams and leaving several areas without a way of evacuating in case of an emergency.
  This area of Texas is frequently threatened by hurricanes. Texas Highway 3 is a major alternative evacuation route for Galveston and Houston. This route would be blocked by the constant traffic of railroad cars that prevent automobiles from getting through.
- The quality of life of the residents would suffer due to noise pollution and the lack of proper maintenance of the rails and stations by the companies. These areas are often littered with trash and covered with high grass.
- This problem stems from an unresolved dispute among railroad companies for the monopoly of commerce. Their only motive is greed for more profit. They have refused to compromise or consider alternative plans.

The Board was informed in writing and at hearings of all of these problems. In spite of this, they chose to give conditional approval to the project, stating that these problems would have "minimal impact" on the area.

Since then, several facts have surfaced:

- The railroad companies, intentionally or unintentionally, provided false information to the Board saying that the areas where the railroad would operate were sparsely populated. They also stated that the areas were predominantly of white, Anglo residents.
  In fact, the areas are densely populated. A large percentage of the residents are Hispanic.
- The railroads will run very close to a water purification plant that serves the city of Houston. Railroad accidents could pollute the water with hazardous chemicals that would endanger the water supply of two million people.
- The railroad will run very close to Ellington Air Force Base. **At a moment when we are facing terrorist threats, railroad cars loaded with hazardous chemicals will be an excellent target for terrorists to attack, particularly in the proximity of Ellington Air Force Base.**

We want to make you aware of this situation because we feel that the Surface Transportation Board's initial decision was wrong. We want to make sure that their final decision will be one that you endorse. We know how much you and the First Lady care about children and education. They will be among those deeply affected by this project. We appeal to you in helping us insure that this decision is made according to the laws of this country, and that the health, safety and quality of life of the many persons affected by this problem will be protected.
Any fair official who learns the true facts of this case must deny the railroads' plan and pressure them into finding alternative plans that have been proposed and are feasible.

Thank you very much for being our President and for carrying this country so well through these very difficult times. May God bless you.

Respectfully yours,

Luis G. Valdes, M.D. Thusnelda M. Valdes, Ed.D.

Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 18, 2003



Mr. Tom DeLay
10701 Corporate Drive, Suite 118
Stafford, TX 77477

Dear Mr. DeLay:
Allow us to introduce ourselves. We are loyal Republican supporters that have voted a straight Republican ticket in every election since we were able to vote. We have campaigned for the Republican Party and have financially contributed to it. Enclosed are documents in recognition of our contributions to the GOP.

Now we need your help.

We would like to bring the following facts to your attention.

On August 30, 2001, San Jacinto Rail Limited and The Burlington Northern and Santa Fe Railway filed a petition with the Surface Transportation Board (STB) to construct a new rail line to connect existing rail lines to serve petro-chemical industries (present and future) in the Bayport Industrial District. (Please refer to STB Finance Docket No. 34079 for complete details).

We live in an area that is in close proximity to the railroads. Along with other residents of the affected area, many of whom are Republicans like us, we protested against the project for several reasons:

- The railroad will transport hazardous materials through heavily populated residential areas, including twenty-six schools. In case of an accident, many persons' (including numerous children) health and safety would be in jeopardy. The number of cars running on the tracks would increase enormously, creating traffic jams and leaving several areas without a way of evacuating in case of an emergency.
  This area of Texas is frequently threatened by hurricanes. Texas Highway 3 is a major alternative evacuation route for Galveston and Houston. This route would be blocked by the constant traffic of railroad cars that prevent automobiles from getting through.
- The quality of life of the residents would suffer due to noise pollution and the lack of proper maintenance of the rails and stations by the companies. These areas are often littered with trash and covered with high grass.

- This problem stems from an unresolved dispute among railroad companies for the monopoly of commerce. Their only motive is greed for more profit. They have refused to compromise or consider alternative plans.

The Board was informed in writing and at hearings of all of these problems. In spite of this, they chose to give conditional approval to the project, stating that these problems would have "minimal impact" on the area.

Since then, several facts have surfaced:

- The railroad companies, intentionally or unintentionally, provided false information to the Board saying that the areas where the railroad would operate were sparsely populated. They also stated that the areas were predominantly of white, Anglo residents.
  In fact, the areas are densely populated. A large percentage of the residents are Hispanic.
- The railroads will run very close to a water purification plant that serves the city of Houston. Railroad accidents could pollute the water with hazardous chemicals that would endanger the water supply of two million people.
- The railroad will run very close to Ellington Air Force Base. **At a moment when we are facing terrorist threats, railroad cars loaded with hazardous chemicals will be an excellent target for terrorists to attack, particularly in the proximity of Ellington Air Force Base.**

We want to make you aware of this situation because we feel that the Surface Transportation Board's initial decision was wrong. We want to make sure that their final decision will be one that you and our President endorse.
We appeal to you in helping us insure that this decision is made according to the laws of this country, and that the health, safety and quality of life of the many persons affected by this problem will be protected.
Any fair official who learns the true facts of this case must deny the railroads' plan and pressure them into finding alternative plans that have been proposed and are feasible.
Thank you very much for your attention and for so well representing us in the Congress of the United States.
Respectfully yours,

Luis G. Valdes, M.D. Thusnelda M. Valdes, Ed.D.

Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 18, 2003



Senator Kay Bailey Hutchison
1919 Smith Street, Suite 800
Houston, TX 77002

Allow us to introduce ourselves. We are loyal Republican supporters that have voted a straight Republican ticket in every election since we were able to vote. We have campaigned for the Republican Party and have financially contributed to it. Enclosed are documents in recognition of our contributions to the GOP.

Now we need your help.

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2

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Thank you very much for your attention and for so well representing us in the Congress of the United States.
Respectfully yours,

Luis G. Valdes, M.D. Thusnelda M. Valdes, Ed.D.

Luis G. Valdes, M.D.
Thusnelda M. Valdes, Ed.D.
2003 Shadow Creek
Houston, TX. 77017
Phone # 713-941-3812
Fax # 713-941-3689
January 18, 2003



Senator John Cornyn
United States Senate

Dear Mr. Cornyn:
Allow us to introduce ourselves. We are loyal Republican supporters that have voted a straight Republican ticket in every election since we were able to vote. We have campaigned for the Republican Party and have financially contributed to it. Enclosed are documents in recognition of our contributions to the GOP.

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- The railroads will run very close to a water purification plant that serves the city of Houston. Railroad accidents could pollute the water with hazardous chemicals that would endanger the water supply of two million people.
- The railroad will run very close to Ellington Air Force Base. **At a moment when we are facing terrorist threats, railroad cars loaded with hazardous chemicals will be an excellent target for terrorists to attack, particularly in the proximity of Ellington Air Force Base.**

We want to make you aware of this situation because we feel that the Surface Transportation Board's initial decision was wrong. We want to make sure that their final decision will be one that you and our President endorse.
We appeal to you in helping us insure that this decision is made according to the laws of this country, and that the health, safety and quality of life of the many persons affected by this problem will be protected.
Any fair official who learns the true facts of this case must deny the railroads' plan and pressure them into finding alternative plans that have been proposed and are feasible.
Thank you very much for your attention and for so well representing us in the Congress of the United States.
Respectfully yours,

Luis G. Valdes
Luis G. Valdes, M.D.

Thusnelda M. Valdes
Thusnelda M. Valdes, Ed.D.

02/03/03 14:40 FAX 202 565 9000 STB-OEEA&A 002

FD 34079
D0549

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive N.
St. Petersburg, Florida 33702

January 27, 2003

RECEIVED
FEB 3 2003
MAIL MANAGEMENT STB

Ms. Dana White
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, D.C. 20423-0001

Dear Ms. White:

The National Marine Fisheries Service (NOAA Fisheries) has reviewed the Draft Environmental Impact Statement (DEIS), Environmental Filing FD No. 34079 dated December 6, 2002, published by the Surface Transportation Board's (Board) Section of Environmental Analysis. This DEIS concerns a petition filed jointly by San Jacinto Rail Limited and the Burlington Northern Santa Fe Railway Company for authorization to construct and operate 12.8 miles of new railroad line between the Bayport Loop petro-chemical and plastic production facilities and the former Galveston, Henderson, and Houston line.

In a recent letter dated October 22, 2002, NOAA Fisheries originally reviewed the Board's Essential Fish Habitat (EFH) Assessment Report for the proposed Bayport Loop Build-Out project dated August 23, 2002. NOAA Fisheries recognized that the project applicant has minimized the proposed impacts to EFH from 1.12 acres to 0.34 acre and will provide mitigation as compensation for these unavoidable impacts. At the time the EFH Assessment Report was published, the proposed mitigation plan was still conceptual and was not provided for our review. While the current DEIS now includes a general description of the conceptual mitigation plan to create 0.32 to 0.4 acre of tidal marsh along Taylor Bayou, a more detailed version will soon be submitted for interagency comment during the standard review period for the required Clean Water Act Section 404 permit. Therefore, NOAA Fisheries will review the final detailed mitigation plan and then submit any EFH Conservation Recommendations as appropriate at that time.

If we may be of further assistance, please contact Ms. Heather Young or Mr. Rusty Swafford of our Galveston Facility at (409) 766-3699.

Sincerely,

Heather N. Young
for Rickey N. Ruebsamen
Acting Assistant Regional Administrator
Habitat Conservation Division

FD 34079
D0550

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
JAN 31 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Jay Bond
Address: 8111 Barkley Rd
Houston Tx 77017
Jaybond2002@yahoo.com
Phone: (713) 847-6632

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I oppose this because of schools, churches, and neighborhoods that will face toxic destruction. If toxic chemicals are spilled in an accidement due to the lack of responsibility, people will die and of this homes and other have serious effects and the cost to repair and restore and to get back to business will be stolen for county because company lack responsibility social responsibilities to the communities.

We aren't against the high class citizens but our voice is very low.

We aren't dumb we are enformed and educated to what is happening in our area.

Why don't your company try to put their in sites other and not with people's neighborhood because that the lightest spill have to line through their pockets at our expense.

FD 34079
D0551

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
FEB 3 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: HERMELINDA AMADOR
Address: 8328 Baker Dr.
Houston, Tx. 77017
Phone: (713) 645-3516

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

We don't need animals transportation in our neighborhood because will have to much pollution here in this area, and we don't need any construction and operation of Rail line because we have enough. We have children and many schools in this area. We live near of Rail line and it is noise for us, And obstruct the traffic every day. It's my concern that is very dangerous carrying all types of chemical products between ours schools!

FD 34079
D0552

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

RECEIVED
FEB 3 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Maxie Lee Ziesemer

Address: 4013 Wilmer St.
Houston, Texas 77003-2633

Phone:

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I live about three blocks from one of the Railroad Tracks regarding the Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement. Also on another Railroad Track, I live about ten blocks from this Railroad Track. I detest the thought of having more trains coming in our area transporting toxic waste. It makes me feel very upset thinking of such things that could destroy our neighborhood. Also, I understand there are eight Schools near these Train tracks, and you see signs through out the Country which reads as "Protect our Childres." Now is the time to put that slogan in effect. KEEP THESE TOXIC TRAINS OUT OF OUR NEIGHBORHOOD, AND APPLY THE SAFETY SLOGAN TO EVERY CHILD AND HUMAN BEING.

FD 34079
D0553

RECEIVED
FEB 6 2003
MAIL MANAGEMENT STB

January 30, 2003

Richard M. Wehrman
4127 Pine Crest Trail
Houston, Texas 77059-3218

Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Dear Madam:

Please accept this letter as my public comment regarding the DEIS for the proposed San Jacinto Rail.

First, the DEIS misstates the number of people living in the area. 21,000 people live with one quarter of a mile, and 23 public schools are near the proposed rail—some within yards. 72 % of this population is Hispanic. A supplemental DEIS should be written that accurately describes these facts. It appears to me that with such a high number of Hispanics along the proposed rail, there is the question of environmental justice. Executive Order 12898 is supposed to insure that minorities are not disproportionately affected. Yet, the existence of a high proportion of Hispanics wasn't even mentioned in the DEIS.

The proposed rail will cross large, undeveloped tracts near Ellington Field and Armand Bayou. The presence of a railroad track in these areas will induce commercial development; hence, the filling of ecologically valuable prairie potholes will occur. These are some of the last prairie potholes in Harris County, and their loss would be significant.

There are many pipelines carrying many types of chemical products. The railroad industry has noted the incompatibility of hazardous pipelines and railroads in the past. A derailment near these pipelines leaves a very real possibility of dangerous leaks from the pipelines or the train. The DEIS should reveal the contents of these pipelines and discuss such potential disasters.

A BNSF spokesman told Clear Lake residents the rail could not go north because of the hazard of contaminating public water supplies via a water treatment plant. Now, the proposed rail runs adjacent to this facility.

Why isn't the proposed Port of Houston project discussed in the DEIS? There is no consideration of the potential overlap of these two projects. Together, these projects will significantly affect air quality, water quality, noise levels, public safety, traffic, and sensitive wetlands. I seriously doubt that BNSF can make a profit running only two trains a day. My suspicions are they are preparing to service the Port of Houston's port. Can they guarantee only two trains a day? I doubt it. Once the line is built, they'll probably be able to run as many as they want.

This is a very poor DEIS, and a true and honest portrayal of the projects impact is lacking. Certainly, the citizens potentially affected by this project deserve the truth. An objective supplemental DEIS is what we deserve.

Sincerely yours,

Richard M Wehrman

HOUSTON INDEPENDENT SCHOOL DISTRICT
HATTIE MAE WHITE ADMINISTRATION BUILDING
3830 RICHMOND AVENUE · HOUSTON, TEXAS 77027-5838

KAYE STRIPLING, Ed.D.
Superintendent of Schools

FD 34079
D0554

RECEIVED
FEB 7 2003
MAIL MANAGEMENT STB

January 23, 2003

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-001

SUBJECT: **ENVIRONMENTAL FILING FD NO. 34079**

Dear Ms. White:

I am writing on behalf of the Houston Independent School District (HISD) in regard to the proposed San Jacinto Rail Project (STB Environmental Filing FD No. 34079). Without regard to the economic merits of the proposal, HISD is concerned about the potential risk to the safety and well being of citizens and students in the area of the project.

- HISD has a number of schools along the proposed route of the rail project.
- The rail tracks to be used within HISD boundaries are existing tracts and are currently used daily to transport a variety of goods and materials to Houston and beyond.
- Because of the location of the Houston Ship Channel, all goods shipped by rail from south of the channel must travel west to the termination of the channel before going north to other destinations.
- From the information received it appears that rail is the most efficient and safe means of transporting the materials projected for the San Jacinto Rail Project.
- Any increase in the number of rail cars and trains traveling on existing or new rail lines will increase the risk potential for accidents, injury or property damage.
- Young children and school-aged students often are oblivious to risk as their natural curiosity and games playing control their activities. For this reason, the increase in any type of transportation traffic, whether it be car, truck or rail, may negatively impact their safety.
- School buses, cars and students on foot, going to school and/or home, have experienced delays in getting to school/home due to trains blocking street crossings.
- District staff members have attended several of the public hearings for this project. At the hearings, large numbers of long-time residents testified regarding concerns about increased rail traffic, potential street traffic-flow disruption, and citizen/community safety.

The Houston Independent School District is concerned for the safety of students and other citizens. Should this project be approved, it is recommended that every effort be made to ensure the safety of all who live in the affected area. It is also recommended that rail traffic occur at times other than when students are going to school or returning home from school.

It is my belief that the Surface Transportation Board should listen carefully to the voice of those most affected by the project (the community) and that the final decision should be based primarily on their input.

Thank you for the opportunity to be a part of the information gathering for this important decision-making process.

Sincerely,

Kaye Stripling
Superintendent of Schools

cc: School Board Members
Superintendent's Direct Reports

FD 34079
D0555

1511 Hillside Elm
Houston TX 77062

RECEIVED
FEB 10 2003
Mail Management
STB

January 23, 2003

Ms. Dana White
Office of Economics, Enviro. Analysis and Admin.
Surface Transportation Board
1925 K Street NW, Ste. 500
Washington DC 20423

Re: FD #34079
Proposed New Rail Line in Southeast Harris County

Dear Ms. White:

My comments follow the fiasco of a public hearing held in Pasadena Tues, Jan. 14, 2003. Friends and neighbors who attended told me about the overwhelming number of speeches, given by employees of the chemical plants, which came mostly ahead of PUBLIC input. That sounds unethical if not illegal to "stack the deck" with people whose jobs could be in jeopardy if they would not speak in support of the rail line. I am thankful I could not attend and waste my time.

Can the STB guarantee that there will only be 2 trains a day on these tracks forever? Of course not. In fact, from the first announcement of just one train a day there seems to now already be an increase to 2.

PLEASE examine all aspects of this issue, not just the financial motivation for a permit which may even be invalid. Is the Port of Houston Authority afraid to come out publicly with their need for this rail? Their absence from this issue is certainly suspect.

Thank you.

Sincerely,

Paul A. Caradec
Resident of Bay Glen Subdivision

FD 34079
D0556

14402 Shannon Ridge
Houston, TX 77062
February 5, 2003

RECEIVED
FEB 10 2003
Mail Management
STB

Dana White
Project Manager
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Dear Ms. White:

I attended the San Jacinto Rail Limited public hearing on January 14, 2003 at the Pasadena Convention Center and found much that was appalling. Most notable was that the majority of speakers were not representatives of the public but representatives of the industry seeking approval of the rail—a group who has already had many opportunities to present their viewpoint both to the Surface Transportation Board and to the area community associations. As one fellow resident put it, the industry representatives knew how to play the game and how to get their names at the top of the speakers' list. Many community residents were frustrated and left long before they could applaud the residents who genuinely spoke for them. The industry representatives who said they lived in Clear Lake but were not worried about the environmental effects of living near the new rail line also neglected to say that they did not live in the neighborhoods likely to be most profoundly affected by the proposed rail line.

I live in Bay Glen, one of the neighborhoods that will be affected. My sister and her family live in Northfork, a subdivision that borders one of the proposed routes. My parents live in a 50-year-old neighborhood in the Houston city limits called Freeway Manor, which lies along existing tracks on Texas State Highway 3, across from the town of South Houston. All of us will be within one mile of a potential hazardous cargo accident if the rail line is approved. At the January 14 hearing, both the mayor of South Houston and Jim Blackburn, chairman of the Galveston Bay Conservation and Preservation Alliance, noted that the population statistics provided by the consortium of four companies seeking approval of the rail line omitted information about the large numbers of Hispanics who live in South Houston. The neighborhood of Freeway Manor has also experienced a large influx of young Hispanic families within the last two decades. What no one mentioned is that there are still many original residents along both sides of the railroad tracks on Highway 3. Most of those original residents are now elderly. Children and the elderly are the groups whose health is most likely to be compromised by the presence of an additional rail line.

The City of Houston annexed Clear Lake City area about 30 years ago, but the area just received its first city park last year. At the dedication of the park, many residents heard for the first time that the long-awaited park would soon have trains running alongside it.

Those trains will also pass less than half a mile from two elementary schools and within a short distance of 21 other public schools. They will pass within a quarter mile of the homes of 21,000 people, 72 percent of whom are Hispanic. We residents are of course concerned about the proposed rail line's negative effect on our property values, but we are also concerned about the effect on our quality of life, because the rail line will turn a quiet residential neighborhood into an industrial area. The city of Houston does not have zoning. As an alternative means of protecting homebuyers, developers in this area have built "master planned communities" to prevent the encroachment of industry. Their extensive planning will be to no avail if a federal agency can permit trains carrying toxic chemicals to ruin our quality of life. I can still remember nights when I was awakened as a child because a train was passing nearby on Texas State Highway 3. I also recall long waits for trains to cross intersections, and I dread having both of those problems here. In this area, students at Clear Brook High School, many of whom are inexperienced behind the wheel, drive down Clear Lake City Boulevard, or FM 2351, on their way to school. They have to cross the Highway 3 tracks, which we understand will bear more traffic with trains connecting to the proposed rail line. The potential for increased traffic accidents and loss of life is huge.

I agree with Mayor Nancy Edmundsen of Shore Acres that more than two trains eventually will run on the proposed rail line each day. As one resident noted, the chemical companies would not be spending $80 million to provide rail for only two trains. The draft environmental impact statement grossly underestimates the cumulative effect of additional traffic, noise and the new port container terminal. I urge the board to require the San Jacinto Rail group to pursue a no-build alternative and compel the existing Union Pacific Railroad to negotiate better rates with the chemical companies involved or, in the alternative, permit construction of a competitive rail line parallel to existing lines in the already-industrialized area.

Lately, the Clear Lake area has experienced enough tragedy. Please do not make it likely for another disaster to occur here. The space shuttle astronauts agree to the risks when they sign on with the space program. The residents here did not agree to the risks posed by the new rail line when they moved here.

Sincerely,

Vicki M. Chereway

Vicki M. Chereway

FD 34079
D0557

February 11, 2003

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington DC 20432-0001

The Honorable Gene Green
29th Congressional District of Texas
Suite 29
258 N. Sam Houston Parkway East
Houston, 77060

Attn: Dana White
Environmental Project Manager
Environmental Filing

RE: East End Rail Task Force & TTI Study

To Whom It May Concern:

I was fortunate to read a letter authored by Mary Vargas citing new information and a newspaper article. Both illustrate and support our serious concerns with the railroad expansion plans. Her letter presented our concerns so precisely and pointedly that I find it hard to do other than repeat and support her message.
The Houston Chronicle article Website is:
http://www.chron.com/cs/CDA/story.hts/nation/1771743

"This is one of many such accidents that occur with alarming frequency. If an accident occurred at Chavez High School, a one mile perimeter evacuation would include Chavez, Stephenson, Bonner Elementary, Rucker Elementary, St. Augustine, and possibly Park Place Elementary. Similar numbers in the Old East End. It is absolutely impossible to plan for evacuation of this number of students...By the time busses could get to the students, the area would be sealed off. We must stop focusing on traffic and grade separations. All of that is important, but those are arguable points and are points the railroad could "promise" to mitigate, just as they "promised" to mitigate the traffic complaint by "promising" not to go to the South Yard...They have as much as "promised" that their very safe rail cars will never leak or derail, and look what happened in Illinois. We must focus on safety. We will be bringing rail cars through the neighborhoods, as close as 20 feet from homes, and each car would have more deadly power than a bomb; with many of these "bombs" linked together, how can anyone say this will be safe in a densely populated area?" (paraq.) Jim Blackburn sent me a document...that he obtained through a Discovery request to UP and BNSF. BNSF did not reply to the request, but UP did. UP's reply was to send Jim a copy of a BNSF document that was created as a means to convince State Legislators that pipelines and utilities are a dangerous combination. Apparently, there is some legislation in the works, to allow pipelines and utilities to use railroad rights-of-way and the railroads

4 pages

are fighting it. This document is frightening in it's graphic presentation of the danger of railroads and pipelines and utilities. BNSF shows graphic pictures of what happens when a piece of maintenance or construction equipment scrapes a pipeline (most of which are buried less than 4 feet deep), and they also give many other examples of the dangers, which would go hand-in-hand with SJR. This is the most hair-raising document you've ever seen, and it was created by BNSF. Congressman Green allowed me to show this document last week at our East End Rail Transportation Committee Meeting, with Rep. Noriega, numerous members of the San Jacinto Rail/BNSF/UP organizations present, as well as community members... the BNSF/SJR people didn't have much to say, although they were in a tight circle saying a lot after the meeting concluded."

Trains are not a necessary evil; there are other options for transport of product. They are not good neighbors. The insanity of increasing the potential for catastrophic tragedies is astounding to me. The disregard for our safety is reflected in their minimal effort at researching the impact their expansion will have on us. With his lack of research, Dr. Roop succeeded only in convincing us of the railroads' true perception of our minimal value or importance in their plans. These companies cite the good they do. They must be held accountable. They fail to accomplish the minimums (easement maintenance, traffic control, business negotiations); why should we trust that they could handle anything more? We demand less train traffic, better egress and ingress to our neighborhoods and schools, quiet zones, and a cleanup of all easements. But above all of these, I ask to be considered, I ask that the safety of our children be considered. When a company places their customer base in fear for their lives, they have not served. When our politicians cannot protect their constituents from conglomerates, who for the sake of profit threaten the populace, the American process of representation fails. The manner in which these companies choose to make their profit is not only un-American; it is inhuman.

Thank you to Mary Vargas, the Honorable Gene Green, and Representative Rick Noriega for all you have done to voice our concerns and to seek sane solutions. I ask that the STB and our representatives use the authority vested to protect the citizens, to authorize only that progress which occurs without risk to us. I ask that you use your authority to bring about mediation for a better solution – that is one American way when bullies refuse to negotiate. Let the railroads show by example that they are "good citizens".

Respectfully,

Cynthia Barringer
4429 Walker
Houston, TX 77023
(713) 926-6524

cc: Rep Rick Noriega
Mary Vargas

RECEIVED
FEB 11 2003
Mail MANAGEMENT STB

1-29-03
Cedar Lake City

FD 34079
D0558

Dana White
S.T.B.
Washington, D.C.

Re: San Jacinto Rail
Filing # 34079

Dear Mr. White:

At your meeting at Pasadena Convention Center on January 14th, I am the person in black leather jacket that told you about Tommy's Restaurant on Bay Area Blvd.

If you did not get a chance to go there, give me 2 days notice and my wife and I would be happy to take you as our guest.

My wife is a retired I.C.U. nurse, I am retired from the Department of Insurance of the State of Texas.

Our home, custom built in 1993/94, is in the Bay Pointe subdivision just South of Ellington Field.

We moved here from an area of Houston that is next to Green Brook Golf Course — that area was becoming dangerous to live, according to our 5 grown children.

The point of my letter is that my wife and I are seriously opposed to any industrialization in this area.

The existence of a train running between our retirement home and Ellington Field is as unacceptable as a train down the main street of the Georgetown section of Clearwater.

We bought this home with the understanding that Ellington Field, which has little but noisy air traffic, would prevent any type of industrial growth close to us — Houston is the worlds largest non zoned city — so you have to be careful where you live.

There is a large medical facility, which we think would help our property value, that was on the verge of breaking ground in an area that is 2 blocks West of us, they stopped in their tracks when told about a train that would be going in 600 North of their land.

It is our belief that the partners of San Jacinto Rail could build and operate a bridge across the Ship Channel as cheaply as their plans for going thru our area and the East End of Houston. This has not even been considered, as far as I can determine.

We, and most of our near neighbors, already have a train track within 1/4 mile of our home. It is supposed to be a lightly used facility — the problem is noise at 1, 2, 3, 4 or 5 AM. This is due to the freight trains not running regular schedules. They don't have rubber wheels or tracks so they do make noise.

If you would visit our area for 2 or 3 weeks and see that the area is a bedroom community

MS. WHITE, COME DOWN AND VISIT THIS AREA FOR A COUPLE OF WEEKS — THERE ARE SOME NICE THINGS TO DO. GOING FISHING, BOATING, JET SKI RIDING, VISITING SPACE CENTER HOUSTON, GOLFING, 30 MILES TO BEACH IN GALVESTON; BIRD WATCHING IN VARIOUS AREAS OF ARMAND BAYOU WILDLIFE PRESERVE; FRESH SEAFOOD, SEVERAL GOOD ITALIAN RESTAURANTS, TEX MEX FOOD TO GIVE YOU A SPICY THRILL AND TOMMY'S, A NEW ORLEANS STYLE PLACE; IF IT TURNS YOU ON, WE HAVE CATTLE WALKING AROUND OIL/GAS WELLS; ACCESS TO SPORTING VENUES IN HOUSTON THRU BUS SYSTEM OR GULF FREEWAY; IT IS REALLY NICE AND FUN TOO. THE SKI CLUB IN CLEAR LAKE IS THE LARGEST IN THE U.S. IF YOU WANT TO GO THE MOUNTAINS AND BE COLD.

IF YOU WILL GIVE US 2 DAYS NOTICE, MY WIFE AND I WILL TAKE [redacted] YOU AND YOUR FRIEND TO TOMMY'S OR ANY OTHER PLACE IN OUR AREA.

PLEASE NO RAILROAD SOUTH OF ELLINGTON.

THANK YOU, KINDLY,

GEORGE B. FINLAY
(281) 480-8214
1502 ALMOND BROOK LANE
HOUSTON, TEXAS 77062-8016

FD34079
D0559

PETER J. CRUZ, RPH

4930 WhiteManor Drive
Pasadena, TX 77505
Phone (281)991-8415
pjcruz@ev1.net

February 14, 2003

Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board

Dear Dana,

I am writing this letter to express my dissaproval of the propsed "San Jacinto Rail Project" currently under consideration in the Houston/Clear Lake, Texas Area.

I believe it will unneccessarily hurt residential and commercial interests here in the Clear Lake Area.

Sincerely,

Peter J. Cruz, RPh.

FD 34079
D0560

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

Re: **Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement**

COMMENT SHEET

Name: Mary Beth Maher

Address: 3610 Miramar
Shoreacres, TX
77571

Phone: 281-471-4145

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

These comments are being submitted to request commenting the ENVIRONMENTAL IMPACT STATEMENTS (EIS) for the approved referenced project with the EIS for the BAYPORT Container Facility project EIS, which is submitted by the PORT OF Houston Authority. This is necessary due to the significant cumulative impacts these two projects will have on Southeast Harris County.

A large portion of Seabrook, Shoreacres, parts of Pasadena Taylor Lake Village and Clear Lake City will be effected in a negative manner.

The proposed San Jacinto Rail Limited (SJRL) line is adjacent to Port Rd which is to be used as the primary exit from the Bayport facility. The SJRL draft EIS erroneously states that there will be no significant traffic at this location. However the proposed container facility will add 5,000 trucks per day to Port ROAD and SH146.

There ARE ALSO ~~SEVERAL~~ PIPELINES RUNNING UNDER LOCATIONS WHERE THE PROPOSED SJRL IS TO TRAVEL.

THERE IS NOT A GOOD GEOLOGICAL STUDY DEALING WITH POSSIBLE DERAILMENT ISSUES DUE TO FAULT LINES.

THE WETLANDS ISSUE HAS NOT BEEN PROPERLY ADDRESSED.

THE SAME 8 X 8000 foot long TRAINS DAILY TRAVELING THROUGH THE EAST END WHERE THE PROPOSED SJRL PROJECT IS PLANNED TO SEND TRAINS. (8X8000 TRAINS ARE ASSOCIATED WITH THE BAYPORT CONTAINER PROJECT. THIS IS TRULY AN ENVIRONMENTAL INJUSTICE TO HISPANIC COMMUNITIES WHICH ARE ALREADY EXPERIENCING PROBLEMS WITH TRAFFIC, AIR POLLUTION AT AT-GRADE CROSSINGS.

THANK YOU FOR YOUR CONSIDERATION OF THIS REQUEST.

Fax

1-866-279-9779

713-393-1

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0561

February 19, 2003

Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Mr/Ms White:

I am opposed to the proposed San Jacinto Rail Project for the following reasons:

- Explanation of need not justified
- Other viable solutions to problem
- Dangerous to residents of Clear Lake

I have reviewed the material in the newspapers and various hand-outs and do not believe the project is warranted. The primary reason given is financial benefits to the railroad and the Bayport chemical companies. I think businesses have the right to seek financial success but not at the detriment of citizens. Union Pacific has a monopoly over the railroad lines in and out of the Bayport facilities. It would seem that the federal government could impose rules forcing them to provide economical service to the chemical companies or allow competition by forcing Union Pacific to let other railroads utilize their facilities at a reasonable cost. There is no evidence that additional facilities are needed. Rather, that economical usage of existing railroad lines would solve the problem.

Please deny the request for the proposed San Jacinto Rail Project and encourage Union Pacific to reach a compromise with the Bayport chemical companies.

Sincerely,

Robert F. Jeffords
2522 Gentle Brook Court
Houston, Texas 77062

FD 34079
D0562

PETITION OPPOSING THE SAN JACINTO RAIL

We the following citizens vehemently oppose the proposed construction and operation of the San Jacinto Rail Line. Following is a listing with brief comments outlining our opposition:

1. **Hazardous Materials Transportation** – Ethylene Oxide and Propylene Oxide are hazardous chemicals that are toxic, flammable, volatile, and explosive. Both are probable human carcinogens. Possible spills would be in very close proximity to homes, schools, day care centers, churches, Water Treatment Plant, businesses, fighter squadron airport, assisted living facilities, water shed areas, bayous, bays, lakes, wetlands, pipelines, 7 fault lines, parks, NASA facilities, nature preserve, underground oil & gas storage facilities, etc. Terrorism is also a major concern with these hazardous chemicals running daily within a few hundred feet of a number of the above identities.

   Burlington Northern Santa Fe has a poor safety record with a total of 485 train accidents in 2001, which include chemical spills. **It only takes 1 accident to kill you or me or our children.**

2. **Water Resources** – The rail line could run through the Southeast Water Treatment Plant, which furnishes water for 500,000+ residents. However, if the water at this facility were to become contaminated at the plant or through the high water table in the area, the drinking water of over 2 million people could be effected. This plant has been guarded round the clock by two police cars since 9/11 to protect it from terrorism.

   Chemical spills would adversely effect our wetlands, bayous, lakes, bays, and nature preserve as the water shed drains the very heavy precipitation levels of our area into these waters. This would effect tourism, fishing businesses, recreational fishing, etc. from the proposed rail line area all the way to the Gulf of Mexico.

   Any buildup of the rail line would adversely effect the water shed causing a "dam effect" flooding numerous homes and businesses. This is a major concern in our area as we have had 30 inches of rain in a day.

3. **Air Quality** – Since the air quality in Southeast Harris County is one of the worse in the nation, we are classified as a severe non-attainment area for air quality. The addition of diesel and particle emissions from the trains, transportation and possible spills of hazardous chemicals, and the possibility of the buildup of additional industry in our area would severely affect the air quality that hundreds of thousands of people breath.

4. **Economics** – Property values of hundreds of thousands of peoples' homes would significantly decrease if the proposed rail line were completed. No one wants to take the chance of hazardous chemical spills very near their home or the decrease in air quality, adverse noise effects, water resource pollution, drinking water contamination, etc.

5. **Population** – Hundreds of thousands of people would be adversely affected by this proposed rail line. There are 23 public schools very near the current rail line along Highway 3 in addition to schools, day care facilities, and churches along the proposed rail line. Deer Park Independent School District owns approximately 170 acres of land right on the proposed rail line south of Genoa Red Bluff Road.

Chronic traffic congestion exists in Harris County and adding more rail lines and rail traffic would compound our current problems as well as the availability of emergency help during any type of emergency situations.

The proposed Bayport Container Terminal Project would cause a cumulative adverse impact on the community.

6. **Noise and Vibration** – Noise, vibration, whistles would have adverse effects on the quality of life in the numerous communities along the proposed and current rail lines, including NASA's Sonny Carter Training Facility. The areas that would be effected currently have significant existing noise levels from Ellington Field, industrial plants, truck traffic, and existing rail traffic along Hwy. 3.

7. **Aviation Safety** – Ellington Field is used by the fighter squadron, which protects this portion of the United States, and by NASA astronauts. The President of the United States periodically uses this airport. The addition of rail lines near this airport would cross a Runway Protection Zone and possibly endanger the safety of pilots, property, and homes.

THE PROPOSED RAIL LINES ARE NOT NECESSARY. Union Pacific should be forced to reach an agreement with Burlington Northern Santa Fe to use the rail lines that currently exist along Hwy. 146. If Union Pacific is willing to reach an agreement for the use of they're existing rail lines along Hwy. 3 as the proposal states, then they should be **FORCED** to reach a similar agreement for the use of their existing rail lines along Hwy. 146 which currently serve the Bayport chemical plants.

WE AS CITIZENS AND PROPERTY OWNERS LIVING IN SOUTHEAST HARRIS COUNTY URGE YOU TO SELECT THE NO-BUILD ALTERNATIVE TO THE PROPOSED SAN JACINTO RAIL. This alternative would have no adverse effects on our communities.

	Name	Address	City & State
1.	Deanna R. Robinson	7810 Knob Hill	Pasadena, TX 77505
2.	Betty Gauntt	6302 Cog Hill Dr.	Pasadena, TX 77505
3.	Johnny Gauntt	6302 Cog Hill	Pasadena, TX 77505
4.	Jacqueline Turner	5214 Dryden Ln	Pasadena, TX 77505
5.	Barbara Ray	5218 Inglewood	Pasadena, TX 77505
6.	Katherine W. Bates	6306 Cog Hill	Pasadena
7.	Charles K. Brownlow	6310 Cog Hill	Pasadena Texas 77505
8.	Denise Brownlow	6310 Cog Hill	Pasadena Texas 77505
9.	Cathy Salo	6314 Cog Hill	Pasadena TX 77505
10.	Michael Salo	6314 Cog Hill	Pasadena TX 77505
11.	Michael G. Pratt	6318 COG HILL	PASADENA, TX 77505
12.	Darlene Pratt	"	"

FD 34079
D0563

Eileen A. Groves
16002 Park Center Drive
Houston, TX 77059
281-218-6191

February 19, 2003

Dana White Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Dear Ms. White:

As a homeowner and resident of Clear Lake City, Houston, TX. I would like to supplement my statements from the alleged "Public Meeting" held at the Pasadena Convention Center in January.

First, I would note that the Meeting was very poorly handled. There was no attempt to balance or organized presentations in order that both sides could present a balance of opinions in the early part of the evening. In other words, the deck was stacked with rail representations that called in to get on the agenda first. Thus, neighbors/homeowners had to wait until late in the evening before being called upon. It was this "mismanagement" which greatly angered residents. Unlike rail representatives, residents have other jobs that they needed to be on time for the next morning!

Secondly, I thought the purpose of the Public Meeting was to comment upon the DEIS. Few, if any, of the rail representatives spoke on the DEIS but spoke of lost jobs and the competitive disadvantage of the industries being served because of the control of Union Pacific. That is the fault of the Surface Transportation Board for approval of the division of the rail system several years ago, not the impacted homeowners.

But my objections to the DEIS:

1. The DEIS fails to appreciate or properly consider the pipelines, utility lines & impact of the rail lines through the area north of my neighborhood (Pine Brook at eastern end of Clear Lake City Blvd. and Middlebrook Dr.). As a resident, I am well aware of all pipelines running north of Pine Brook all the way west past Ellington Field. I am also aware that the soil in this area is very unstable with fault lines transversing the area as well as salt caves which formally contained natural gas. A BNSF memo noted on-going safety concerns with co-located utility lines, pipelines and rail lines. The DEIS notes the low probability of accidents from damaged pipelines and ignores the BNSF memo. The Surface Transportation Board should more closely examine the routing north of Clear Lake City Blvd.
2. BNSF in September 2001 told residents at a meeting at Northfork School that they couldn't use the northern Ellington Field route because it would impact the Water Treatment Plant and a school. Now BNSF "prefers" the northern route –why the change? That is not to say, the southern route closer to the Boulevard and the new

Park, nursing home, North Fork school or all the homes north of Clear Lake City Blvd. is preferable. The question is – why doesn't the DEIS speak to the consequences of routing near the Water Plant which services three-quarter of a million residents? Additionally, both possible routes skirt Ellington Field, which is home to the 146 Air National Guard. In this time of war and Terrorism, why didn't the DEIS consider the vulnerabilities of our water supply with rail cars containing hazardous material? Is southeast Texas less important than Washington, D.C.?

3. HAZMAT. Houston has only 1 HAZMAT unit. If something happened in Pine Brook, who could timely evacuate and respond to the 1084 homes? Pasadena is planning to build a firehouse on Middlebrook because it took them 25 minutes to respond to Middlebrook/Pine Brook. The City of Houston has 3 firehouses in all of Clear Lake – one in a Quonset hut! There is only 1 police cruiser in Clear Lake City most times of the day! It recently took them 45 minutes to respond to an accidental 9-1-1 call! Who is going to aid the 700,000+ residents of southeast Houston in the event of an incident? That wasn't considered in the DEIS. Or who would pay for the overtime/ cleaning costs? City of Houston? We're broke!
4. The DEIS used national aggregated data to determine potential accidents on rail lines rather than figures from urban areas with more congestion. Considering the fact that the proposed routes transverse the City of South Houston and, in fact, divide it – the appropriate data should have been used.
5. The DEIS failed to consider Bayport build out in its traffic impact analysis. This is the very reason why homeowners are asking for a joint DEIS. Both projects go hand in hand and have mutual impacts. Hwy 146 under the Bayport proposal assumes a 5,000 a day truck increase, while this DEIS assumes no increase on 146. With 5,000 trucks on 146, if there was an incident on this rail line, the only exit is I-45 or Hwy 3. AND Hwy 3 runs along the rail line! For Pine Brook our only access to I-45 is Clear Lake City Blvd., which also borders the line! It is obvious, the DEIS did not properly consider the configuration of the area and the impact of two mutual proposals.
6. Clear Lake City was begun over 30 years ago as a Planned Community and it is a wonderful example of city planning in an area that doesn't have zoning. The DEIS fails to consider that placement of a rail line on the north side of Clear Lake will severely affect the economic value of the community. Clear Lake is a white collar, research, and bedroom community. A rail line brings heavy industry, maintenance type industries. Clear Lake will lose its buffer zone from the petro industry of Pasadena. The DEIS calls the area multi-use mixed. If you look at all 12 + miles, but not if you look at discrete segments. The DEIS failed to consider the impact of these discrete segments and a reanalysis is necessary. There is clear precedent within the Surface Boards history to disapprove an application that has a negative impact upon communities. The Board should follow its precedent!

I request a second study by the Board before it acts upon the Sac Jacinto application.

Yours truly,

Eileen A. Groves

FEB 19, 2003

FD 34079
D0564

TO: DANA WHITE
SECTION OF ENVIRONMENTAL ANALYSIS
SURFACE TRANSPORTATION BOARD
1925 K ST., NW
WASHINGTON, DC 20423-0001

FROM: CONRAD RAINFORD
13914 BROOKLET VIEW CT.
CLEAR LAKE CITY
HOUSTON, TX 77059

RE: PROPOSED SAN JACINTO RAIL PROJECT

THE PURPOSE OF THIS LETTER IS TO STRONGLY OBJECT TO THE LOCATION AND CONSTRUCTION OF THIS PROJECT.

I AM STRONGLY CONCERNED ABOUT THE DANGER RESIDENTS, SCHOOLS, SCHOOL CHILDREN, UNDER-GROUND PIPE LINES, WATER SUPPLY, ETC WILL FACE WITH THE EXISTENCE OF SUCH A PROJECT. THE MATERIALS TO BE CARRIED BY THIS TRAIN (E.G. ETHYLENE OXIDE, PROPYLENE OXIDE) ARE ALL VERY DANGEROUS CHEMICALS, AND TRAINS WILL DERAIL/CARS LEAK ETC.

I URGE INSTEAD, THAT THE BAYPORT CHEMICAL COMPANIES AND UNION PACIFIC REACH A COMPROMISE FOR USE OF THE EXISTING RAIL.

PLEASE, FOR GOD SAKE HAVE A LITTLE SYMPATHY AND REGARD FOR THE FUTURE QUALITY OF LIFE AS WELL AS HEALTH OF THE PEOPLE IN THIS AREA. THANKS.

RESPECTFULLY YOURS
Conrad Rainford

** TOTAL PAGE.01 **

FD 34079
D0565

COVINGTON & BURLING

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February 19, 2003

BY HAND

Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Attention: Dana White
Section of Environmental Analysis

Re: Environmental Filing FD No. 34079

Dear Ms. White:

Pursuant to the Board's notice served December 6, 2002, accompanying this letter are the written comments of Union Pacific Railroad Company on the Draft Environmental Impact Statement in the above-referenced docket.

Please date-stamp the enclosed extra copy and return it with our waiting messenger. Thank you very much.

Sincerely,

David L. Meyer

Attorney for Union Pacific Railroad Company

BEFORE THE
SURFACE TRANSPORTATION BOARD

Finance Docket No. 34079

SAN JACINTO RAIL LIMITED – AUTHORITY TO CONSTRUCT – AND THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY – AUTHORITY TO OPERATE – PETITION FOR AN EXEMPTION FROM 49 U.S.C. § 10901 – BUILD-OUT TO THE BAYPORT LOOP NEAR HOUSTON, HARRIS COUNTY, TEXAS

UNION PACIFIC RAILROAD COMPANY'S COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

Union Pacific Railroad Company ("UP") limits its comments on the Draft Environmental Impact Statement ("EIS") to Chapter 3.3, "Pipeline Safety." As the Draft EIS notes (at pages 3-17 & 3-18), the proposed rail construction would cross, or run adjacent to, numerous existing pipelines, many of which carry natural gas and hazardous liquids, including petroleum and petroleum products.

UP has considerable experience with pipelines that occupy portions of railroad rights of way and related issues of pipeline safety. UP is a party to over 100,000 active pipeline agreements, the vast majority of which involve pipelines that cross UP's right of way. Hundreds of miles of UP's rail network are on right of way that includes or runs adjacent to pipelines. As the Draft EIS notes, UP's lines in the vicinity of the proposed construction, including the Bayport Loop itself, cross or run near dozens of pipelines and pipeline-related facilities.

Based on this experience, UP concurs with the conclusion of the Draft EIS that railroads and pipelines can safely co-exist. *See* Draft EIS, p. 3-20. When appropriate care is taken in the construction, operation and maintenance of pipelines that cross or are

near rail lines – as well as rail lines that cross or are near pipelines – damage to pipelines can be prevented and safety can be assured. When adequate safeguards are employed pipelines can be protected from damage due to derailments and the many other activities essential to the operation of railroads, such as use of excavating equipment to build and maintain railroad lines, the loadings associated with passing trains, and operation of vehicles by railroad employees who operate and maintain the railroad.

As the Draft EIS notes (at 3-17), the railroad industry, through AREMA and in coordination with the pipeline industry, has developed engineering standards that address the safe design of railroad-pipeline crossings and pipelines that run parallel to rail lines. Those standards specify how far from the tracks pipelines should be placed, and how far below ground they should be when they are near or beneath railroad tracks. In some cases AREMA standards also call for encasement of pipelines that cross beneath railroad tracks. AREMA standards are more tailored to the railroad operating environment than governmental regulations that apply to pipelines generally, such as the DOT/OPS regulations cited in the Draft EIS.

Based on its own experience, UP has adopted standards governing pipeline crossings that are somewhat more stringent than AREMA standards.[1] It is UP's understanding that BNSF has similar standards for new pipeline installations. Like other railroads, UP also insists on a detailed review of any proposed pipeline crossing, so that it can tailor its standards to the circumstances at hand.

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[1] Those standards are set forth on UP's website, at http://www.uprr.com/reus/pipeline.

UP is not aware of the Applicants' detailed construction plans in this case. However, UP is confident that BNSF customarily applies appropriate standards and takes appropriate precautions in connection with pipelines that cross or run near its railroad. UP is therefore confident that compliance with such standards and practices, together with the mitigation steps noted in the Draft EIS (*see* § 6.2.3), will be sufficient to ensure that the proposed rail construction does not pose a threat to pipeline safety at or near the Bayport Loop.

Finally, UP wishes to address a document that UP produced in response to a discovery request by the Galveston Bay Conservation and Preservation Association. That document – a PowerPoint presentation on "Utility Easements"[2] – was presented by a Burlington Northern Santa Fe employee at the September 2002 Railroad Legislative Conference, which was sponsored by the AAR State Relations Policy Committee. The PowerPoint addresses pipeline safety issues and points out potential dangers associated with installing pipelines on or across railroad right of way.

As UP understands the document, however, it does not purport to suggest that pipelines that cross railroads – or rail lines that cross pipelines – are inherently unsafe. Rather, as the cover note indicates, the document was intended for distribution to state legislative affairs personnel for their use in dissuading state legislators from enacting legislation that would threaten public safety. A few states have enacted legislation that allows pipelines to be built across railroad rights of way on an expedited basis, without requiring the pipelines to consult with railroads on design and installation or otherwise

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[2] The first page of the presentation is entitled "Utility Lines v/s Railroads."

comply with the engineering standards and other safeguards imposed by railroads. Other states have been considering similar legislation. BNSF distributed the PowerPoint presentation to the railroads' state government affairs personnel to allow them to demonstrate to state legislators some of the risks that can arise when railroad safety standards are not followed. However, if appropriate safety standards are followed when pipelines cross railroads, or vice versa, those consequences can be avoided.

Respectfully submitted,

J. MICHAEL HEMMER
LAWRENCE E. WZOREK
Law Department
Union Pacific Railroad Company
1416 Dodge Street
Omaha, NE 68179
(402) 271-5000

DAVID L. MEYER
MICHAEL L. ROSENTHAL
Covington & Burling
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2401
(202) 662-5578

Attorneys for Union Pacific Railroad Company

February 19, 2003

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of February 2003 a copy of the foregoing Union Pacific Railroad Company's Comments on Draft Environmental Impact Statement was delivered to counsel for BNSF by hand and mailed, postage prepaid, to all other parties of record in Finance Docket No. 34079.

David L. Meyer

FD 34079
D0566

15807 Laurelfield Dr.
Houston, TX 77059-6429
February 20, 2003

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington D.C. 20423-0001

Thank you for attending the hearing regarding the San Jacinto Rail Line at the Pasadena Convention Center on January 14, 2003. Our community is grateful for your attention to our situation.

It became apparent to me as the meeting progressed that despite the seemingly endless line of petrochemical industry employees voicing their companies' opinions there were really only two arguments that they had: that the industries in favor of imposing the rail line on our neighborhoods are unable to negotiate with Union Pacific over the price of transporting their products and that they are experiencing the same economic difficulties as any other industry in the country: high transportation and material costs, worldwide competition and a depressed economy. These petroleum and chemical plant employees expressed that night that they believe that their hazardous products are properly prepared for shipment by their fellow industrial workers and can be transported safely.

Those who work in the petroleum and chemical industries choose to take the safety risks involved in working at their workplaces and living in nearby communities. But this is no reason to force the rest of us to live with the same risks. They may think that the risks to human health are under control but I'm sure that the engineers in charge of shuttle safety thought that the Columbia's risks for loss of crew and vehicle were under control, too, and that the shuttle was going to return safely, just as every other orbiter had since Challenger. With all the care they used in preparing the Columbia for its flight and with all the confidence they had in their safety methods, the shuttle safety engineers were still unable to keep the Columbia from meeting with its tragic, accidental destruction. At least the Columbia was 200,000 feet from populated communities when it disintegrated. It's simply a wonder no one was hit with falling debris. Even with the same levels of care and the same confidence in safety methods, rail cars, too, meet accidental destruction.

Reports of accidental chemical spills from railroad cars travelling through just about any part of the country are not unusual to see on the nightly news. We in Houston, being surrounded with hazardous industries, both petroleum and chemical, find any such unfortunate events, no matter how distant, too close to home.

We in the space industry are tutored in the various hazards associated with the chemicals necessary to run the facilities at the Johnson Space Center. We know what those hazardous chemicals can do to the human body. The chemicals that would be travelling through our neighborhoods on the San Jacinto Rail Line will not be any more forgiving.

From the all too frequent interruptions of our lives with disasters such as the fatal explosion at the Phillips plant in October of 1989, we know when enough is enough, when enough is too close. Having hazardous chemicals run along a stretch of highway that is miles from the population and through the middle of the petrochemical industry complex, as does the existing rail line, is one thing. Routing these dangerous chemicals adjacent to neighborhoods and schools, as proposed by the San Jacinto Rail Line, is quite another.

The San Jacinto Rail Line proposal is a case in which the ends don't justify the means. Perhaps they need assistance from the City of Houston City Council or from an arbitration board to obtain

concessions from the rail line. Perhaps they need professional budgetary advice. But please don't allow the petrochemical industry's inability to negotiate with the rail companies and their inability to resolve the same economic difficulties we all share to be used as excuses to:

- risk the safety and health of those in the populous areas along the planned route of the San Jacinto Rail Line
- invade neighborhoods intended as residential communities and degrade the quality of life there by adding to the already uncomfortable levels of congestion, blocking traffic, raising noise levels and worsening the pollution problem that all of Houston is trying to solve
- jeapordize property values and the economy within the community
- create a possible target for terrorists to attack within range of the first line of defense for the Texas coast, Ellington Field

We thank you for your considering our points of view and anticipate your decision.

Martin J. McLean

FD 34079
D0567

The State of Texas
House of Representatives

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(512) 463-5896 Fax
E-mail: rick.noriega@house.state.tx.us

RICK NORIEGA
DISTRICT 145

District:
2900 Woodridge, Suite 305
Houston, Texas 77087
(713) 649-6563
(713) 649-6454 Fax

February 20, 2003

Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Environmental Filing FD No. 34079

Dear Ms. White:

This statement of my continued opposition to the above-referenced transaction is respectfully submitted. Further, I urge a Supplemental Draft Environmental Impact Statement (DEIS) be completed for the proposed San Jacinto Rail Project. The DEIS is filled with false information and leaves to many unanswered questions. The Surface Transportation Board (STB) cannot make such an important decision of whether or not to grant this application without having the whole truth.

One of the major problems with the EIS was the inaccurate representation of the racial makeup of Houston's East End. The STB's Section of Environmental Analysis (SEA) needs to reexamine the 2000 Census data used to prepare the EIS. Correct census figures would reveal that communities impacted by the proposed San Jacinto Rail project are overwhelmingly minority populations because there was no category to check for Hispanic in the initial section. The Census categories were white, black, American Indian, Asian, Pacific Islander, other and multi-racial; once classified into one of the seven categories, only then could the applicant identify as an Hispanic. Over 27,000 Hispanics, or 90 percent, of the people who live within a quarter mile of the route were counted as white in the racial data provided in the EIS. Each figure in the Environmental Justice sections of the DEIS completely understates the minority population. From page 4-83 through 4-90, the SEA presented figures that supposedly represent the low income or minority communities. However, because of the SEA's inaccurate interpretation of the 2000 Census, most census blocks were counted as non-minority when in fact they are minority.



Surface Transportation Board
2/20/03

Executive Order 12898, by President Clinton, requires all federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority or low income populations during consideration and review of major projects. These concerns must be addressed in the Final EIS by the STB before a decision is reached.

The Applicant itself has noted the incompatibility of pipelines and railroads in documentation prepared for railroad industry lobbyists; the chance of toxic releases and/or explosions from pipelines are very real. Miles of pipelines cris-cross along the proposed route of the San Jacinto Rail project carrying all types of chemical products. An average of 200 pipeline accidents per year were reported in Texas to the United States Office of Pipeline Safety between 1984-1999. Pipelines are often within a few feet of the land surface, leaving them vulnerable to the force of a derailed train. The issue highlights another failure of the DEIS. There is no discussion of depths of the pipelines that are located near or even right under the proposed rail line.

Public safety needs to be the paramount concern in this project; however, with all of the inadequacies of the DEIS, it seems as though public safety has been put at the bottom of the list. The proposed route will carry hazardous materials right by Milby and Chavez high schools, Stevenson Middle School, and numerous elementary schools within several hundred feet. The children and teachers located in my district will not have adequate time to evacuate should an accident occur. The DEIS fails to acknowledge the seriousness of this issue as it states on page 2-26 that the construction and operation of the alternatives would result in only "minimal impacts" from pipelines. The large number of pipelines and the products that the proposed project will carry must be fully disclosed in the EIS as well as the risk of pipeline rupture, explosions, and toxic releases. The proposed line will also cross several faults radiating from the Clear Lake oil field. These faults cause a shift in the land surface, perhaps leading to the structural failure of land uses crossing the fault. These fault lines greatly increase the chance of derailment.

The STB must reinitiate the review process, allowing a full, complete, and accurate analysis of the project. When this is complete, according to its own mandates, the STB cannot approve this proposed rail line. This rail project is extremely complex and the EIS has additional flaws that need to be corrected. The safety issues regarding pipelines and the disproportionate effect on minorities is overwhelming.

Sincerely,

Rick Noriega

RJN:rkp

FD 34079
D0568

February 20, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
1-866-293-4979 (fax)

Dear Board Members,

As a resident of the Northfolk Subdivision, an established subdivision with thousands of adults and children that would be in a position to be negatively impacted by the San Jacinto Rail, I strongly oppose the proposed construction of the San Jacinto Rail for the following reasons:

Serious Health Threat
Chemical spills can seriously effect (damage/harm) the water, land, and air in the Clear Lake City neighborhoods. It poses a serious health issue for thousands of residents in this area, including 16 schools within ½ mile of the proposed railway. BNSF (Burlington Northern and Santa Fe) has a high accident counts (485 in 2001) with an accident rate of 3.55. These numbers have been increasing since 1998.

Serious Traffic Blockages
Clear Lake City is a residential area. The San Jacinto Rail with its excessive road crossing blockages will exacerbate the serious traffic problems. These blockages would negatively affect the quality of life in the area. These blockages would negatively impact the ability of emergency vehicles, e.g., ambulances, fire trucks) to respond to crises in this residential area.

Erode Neighborhoods
Clear Lake City, first and foremost, was established as a residential area—a place to raise a family in a healthy environment. Exxon sold extensive property to homebuilders for the purpose of building family homes. Its purpose is not to be a polluted, chemical industrial site. The San Jacinto Rail would provide a reason for spreading chemical industrial sites in close proximately, less than ½ mile, to residential areas.

In summary, I strongly oppose the proposed construction of the San Jacinto Rail.

Sincerely,

Lawrence T. Kajs

Dr. Lawrence T. Kajs
13306 Scenic Glade
Houston, Texas 77059

FD 34079
D0570

February 14, 2003

Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board

Dear Dana,

I am writing this letter to express my dissaproval of the propsed "San Jacinto Rail Project" currently under consideration in the Houston/Clear Lake, Texas Area.

As a professional, I believe it will unneccessarily hurt residential and therefore commercial interests here in the Clear Lake Area.

Sincerely,

Meghan Crum
(Joyce Kim)
Christina Schuler
Kaie de Lorey

FD 34079
D0571

ROSEANNE & STEVE PETERS
5102 BERRY CREEK
HOUSTON, TX 77017

February 21, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

ATTN: DANA WHITE
Section of Environmental Analysis
Environmental Filing FD No. 34079

Dear Ms. White:

I am asking you to please **reject** any request from the SJR partners (BNSF) for approval of the project from Bayport facility through southeast Houston. I am a resident of Meadowcreek subdivision and I live approximately 200 feet from the railroad track. I also have a child who attends Chavez High School and I am president of the PTA there. After listening and reading all of the information from both the proponents and the opposition, it is clear to me that this project has more negative than positive aspects for our community. I understand that this is a business deal that may benefit other people but it is at the risk of health and safety for our community. The effects of any kind of accident, spill, etc will impact MANY people. Even if there is a minimal chance that anything like that could happen, it is still too much of a chance that we are willing to take. Ask yourself if you or your family would be willing to live under those circumstances. PLEASE consider the consequences of this matter when making this decision.

Sincerely,

Roseanne Peters

Roseanne Peters

CHAVEZ HIGH SCHOOL PTA

8501 HOWARD DRIVE HOUSTON 77017
713-495-6950

February 13, 2003

State Representative Rick Noriega
P.O. Box 230324
Houston, TX 77223

Re: San Jacinto Rail Project

Dear Mr. Noriega:

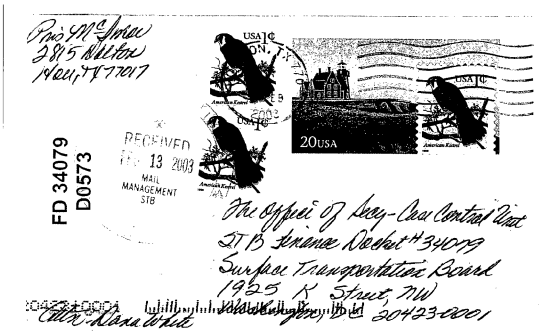
This letter is to inform you that the Chavez High School PTA supports you in opposing the proposed San Jacinto Rail Project. I have reviewed many of the letters and articles written by Congressmen Gene Green and Nick Lampson, Councilwoman Carol Alvarado and many other well-respected members of our community. We appreciate that you all have taken the time and effort to look after the well-being of the residents that would be affected by this plan. We agree that the health and safety of all residents of our community are a priority. But it is especially so for the students, teachers and staff of Chavez High School since our campus is in such close proximity to the railroad line.

Please keep us informed of the developments of this project and we will pass on the information to our members. We thank you again for your work on behalf of our community.

Sincerely,

Roseanne Peters
Roseanne Peters
President
Chavez High School PTA

Cc: Mary Vargo-Southeast Neighborhood Coalition



FD 34079
D0573

Pro 49 McGowen
2815 Milton
Houston, TX 77017

The Office of Secretary-Case Control Unit
STB Finance Docket #34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White

2/3/03

Dear Ms. White

We don't have enough to worry about with Iraq, Korea, Mt. Columbia, & Terrorism without having to worry about highly toxic & flammables being transported 4 blocks from our house ? —

Stop this Train.

Surely, Houston has learned this lesson after the ammonia tank explosion & Phillips Chemical Explosion that populous areas should be avoided when transporting dangerous chemicals, please vote against the San Jacinto Rail line proposal by Burlington-Northern, Santa Fe Rail & Bayport Industrial. It would be a costly disaster !

Pro 49 McGowen

SHELLEY SEKULA-GIBBS, M.D.

HOUSTON CITY COUNCIL MEMBER AT LARGE, POSITION 3

FD 34079
D0574

CITY OF HOUSTON TEXAS

RECEIVED
SURFACE TRANSPORTATION BOARD
2003 FEB 20 P 12:09
OFFICE OF CHAIRMAN NOBER

February 7, 2003

Mr. Roger Nober
Director, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Ms. Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

Re: Finance Docket No. 34079, San Jacinto Rail Limited-Construction Exemption-And The Burlington Northern and Santa Fe Railway Company-Operation Exemption-Build-Out to the Bayport Loop Near Houston, Harris County, Texas

Dear Mr. Nober, Members of the Surface Transportation Board, and Staff:

On January 14 and 15, 2003, the Surface Transportation Board held its final public meeting on the proposed Burlington Northern Santa Fe (BNSF) rail expansion. Hundreds of homeowners and business leaders expressed their opposition to the new rail. The Cities of Houston, Pasadena, Taylor Lake Village, Clear Lake Shores, South Houston, and others have passed resolutions opposing the rail. Numerous Texas Congressional and State Representatives have expressed concern. The common goal is to foster competition and support the Bayport chemical plants in their search for competitive transportation rates while preserving neighborhoods and the environment -- the way to achieve that goal is for BNSF and Union Pacific to negotiate shared trackage rights along the existing industrial rail corridor near HWY 146.

On December 6, 2002 the STB Section of Environmental Analysis released its Draft Environmental Impact Study. This letter will serve as my comments on the Draft:

1. The Draft fails to acknowledge that the proposed 2 trains a day may be just a beginning. BNSF has refused to give an upper limit as to the number of trains it will run per day.
2. In the event of a derailment, hundreds of thousands of people who live within a one-mile radius of the track will be exposed to toxic chemicals including ethylene oxide and propylene oxide. In addition, the draft fails to consider the impact of a derailment on the health and safety of 30,000 school children attending schools within one mile of the proposed new routes. Although some of these schools already operate within one mile of a train track, the proposed line will increase train traffic on the GH&H line and the incumbent risk of derailment by a minimum of 66%.

OFFICE: 713 247-2005 • FAX: 713-247-3322 • EMAIL: shelley.sekula-gibbs@cityofhouston.net • www.cityofhouston.gov
CITY HALL ANNEX • 900 BAGBY • P.O. BOX 1562 • HOUSTON, TEXAS 77251-1562

3. The Draft fails to consider that increased train traffic will reduce access to emergency and HazMat vehicles. Rail engines can pull up to 100 cars, blocking numerous intersections at once and giving rise to potentially deadly delays in rescue service. In the event of an industrial accident or terrorist attack, the HazMat unit may be unable to access the scene due to blocked intersections.
4. The proposed route 2D traverses the City of Houston's Southeast Water Treatment Facility. A derailment in this area will immediately jeopardize the water supply for 750,000 residents of Houston and Harris County and could put as many as 2,000,000 people in danger if hazardous chemicals penetrated into the surrounding water system. The fresh water plant is currently under 24-hour guard by an armed police officer. Encircling the proposed railroad track with barbed wire and cameras will not abate the security and health consequences of an accidental derailment or sabotage.
5. Selection of Routes 1 or 1C will stifle commercial growth of Ellington Field and the surrounding land. Transporting toxic cargo on or near airport property is a disincentive to economic development and bodes a security risk to airport users including Air Force 1 and the President of the United States.
6. Alignments 1 and 1C pose a security, environmental and safety hazard to the Sonny Carter Research Facility located on Space Center Blvd. The vibratory stress on the Neutral Buoyancy Tank has not been adequately studied.
7. Derailment, construction damage and chronic vibratory stress may have a disastrous effect on buried pipelines that course under all of the approved routes.

These issues have not been adequately addressed in the Draft Environmental Impact Study. It is my request that the SEA and the STB more fully explore the consequences of the proposed rail build-out and work in every capacity to bring BNSF and Union Pacific to an amicable agreement on sharing existing track along Highway 146, proposed Alignment 4. If you have any questions about my position on this matter please do not hesitate to contact me.

Respectfully yours,

Shelley Sekula-Gibbs, M.D.

Shelley Sekula-Gibbs, M.D.
Houston City Council, Position 3, At Large

Copy: Ms. Dana White
Section of Environmental Analysis Environmental Filing FD No. 34079 San Jacinto Rail Limited
Union Pacific Railroad
Burlington Northern Santa Fe Railroad
U.S. Senator Kay Bailey Hutchison
U.S. Senator John Cornyn
U.S. Representative Tom Delay
U.S. Representative Nick Lampson
U.S. Representative Gene Green
Mayor Lee P. Brown

Bay Oaks Community Association

FD 34079
D0576

Jack Creden Architectural Review	Ed Mullery Communications	Frank Weary President
Ralph D'Onofrio Treasurer	Jim Overman Secretary	Bob Willcott Contracts
Patricia Knoll Parks and Grounds		Kathy Dooley (Comm. Mgt. Soltns. Inc)



February 10, 2003

Re: DEIS for San Jacinto Railroad
Environmental Filing FD No. 34079

Ms. Dana White
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-001

Bay Oaks is a community of over 1,100 homes located in the Clear Lake City area of Houston. Home values in our neighborhood range from $300,000 to well over $1,000,000, and our residents include many small business owners as well as executives working for large multinational companies. The proposed San Jacinto Railroad will run within one mile of homes in Bay Oaks, and we have been actively following the development of this proposal and its potential interactions with people and property along the proposed route. As members of the Community Association Board that represents the homeowners of this community, we are writing to request reconsideration of the decisions expressed in the Draft Environmental Impact Statement (Environmental Filing FD No. 34079). While we strongly support the attempt to attain competitive shipping rates for the companies operating in the Bayport industrial area, we feel that the DEIS does not adequately address several considerations regarding this proposal.

While the proposal suggests only one train will operate daily each way, further analysis of the data supplied by the SJRR partners indicates that the number will be higher. Currently three to four trains per day serve the Bayport area. A second, lower cost carrier should be able to capture 50-75% of this traffic at the outset, or 2–3 trains per day initially. Further, the number of plants located in Bayport has been expanding at nearly 20% per year. Neither this growth nor basic expansion of the existing plants is covered by the SJRR estimate of a single train. In addition, we strongly feel that additional traffic associated with the proposed Bayport Container Terminal must be considered. Even though the initial shipping contract for the Bayport Terminal precludes the use of the SJRR line, it is a near certainty that future restructuring of shipping contracts will include use of the line. Moreover, the economics of train make-up will dictate the number of trips per day. In light of these considerations, we suggest that the DEIS should consider the movement of 6-12 or more trains per day when judging the impact of this proposal. Impacts considered minor at the one train level must carry significantly more weight at the higher frequency rates. Additional trains also imply that the line will carry additional hazardous cargo, significantly increasing the threat to human life along the proposed route.

Even without this almost certain expansion in activity, we feel the DEIS has understated the risk to public safety. The presence of ethylene oxide as a frequent cargo on the line endangers the drinking water quality when the line passes near the water treatment plant near Ellington Field that serves Clear Lake and much of southeast Houston. In addition, the proximity of Ellington Field to this water plant further enhances the attractiveness of trains on the proposed track as a terrorist target. The concerns over Ellington as a terrorist target are real according to the FBI and Home Security alerts issued in the past year. Since the field is used frequently by the President and other high government officials for visits to Houston, the DEIS is remiss in its failure to adequately explore the impacts of this threat to public safety.

The DEIS also fails to adequately address concerns over home values and the quality of life for residents near the line. Home values for those Clear Lake neighborhoods closest to the proposed route have already dropped pending the outcome of this matter. The loss of value can be readily assessed by local real estate professionals, but our data indicates decreases of 20-30% have already occurred. The presence of the existing rail line was built into housing values already, so adding an additional rail line has a significant negative impact on property values. Applying the 20% values decrease to the 3,000 homes nearest the proposed line at an average $200,000 in base value gives a conservative negative economic impact $120 million – before the line is

even approved for construction! This calculation does not reflect the potential impact on other values for communities north of Clear Lake or for neighborhoods like ours that are only slightly further from the proposed line. These are tangible aspects that reflect the negative impact on quality of life from moving additional heavy industry activity closer to a residential area. In the past, the ICC has found that such considerations are sufficient to prohibit construction of a similar rail line, and we feel that heavier weight should be given to these concerns in this case.

Finally, we feel that the DEIS did not adequately address the potential adverse impact on the Hispanic communities north of Clear Lake. While our community is ethnically diverse, we recognize that there are heavily Hispanic neighborhoods to our north that were not adequately reflected in the DEIS. This oversight should be corrected in the final EIS, and the potential negative impacts on these high minority communities should be properly addressed.

For these reasons, we feel that the final EIS should be revised from this draft to better reflect these concerns. If the concerns are given the proper weight, we strongly feel that the final EIS will reach the conclusion that the proposed line should not be built, but other remedies should be found for the vital companies located in the Bayport district.

On behalf of the Bay Oaks Community Association Board,

Frank G. Weary, President
14823 Tumbling Falls Ct.
Houston, TX 77062-2323
e-mail: frank@weary.net

cc.
Bay Oaks Board

US Senator John Cornyn
US Senate
Washington, DC 20510

US Senator Kay Bailey Hutchison
284 Russell Senate Office Building
Washington, DC 20510-4304

US Representative Tom Delay
242 Cannon House Office Building
Washington, DC 20515

US Representative Nick Lampson
405 Cannon House Office Building
Washington, DC 20515-4309

Texas State Senator Mike Jackson
1109 Fairmont Parkway
Pasadena, TX 77504

Texas State Representative John Davis
1350 NASA Rd. 1, #212
Houston, TX 77058

Councilwoman Ada Edwards
900 Bagby
City Hall Annex
Houston, TX 77002

Councilwoman Shelley Sekula-Gibbs
900 Bagby
City Hall Annex
Houston, TX 77002

Councilwoman Addie Wiseman
900 Bagby
City Hall Annex
Houston, TX 77002

Fax 1 866 295 [illegible] FD 34079
D0577
Att. D. White
Sec Environmental Analysis
Envr: Fdl
FD. 34079

To Surface Transportation Board.

D. Marrack
POB 271907, Houston, Tx.

Comments for the record, Re:- San Jacinto Rail (SJR) Project Harris County Tx

DEIS Issues of Concern for inclusion in the record of hearing .

The DEIS presented to the public for review is grossly deficient in failing to meet the documentation standards required for an EIS.

A supplementary EIS is obligatory with a public hearing to comment on the fully disclosed facts relating to the project before this project can be considered by the Surface Transport Board (STB). If the true facts are disclosed and the logic and ober dictar of the STB's predecessor are followed this application must be rejected

The deficiencies to be remedied include ,but not limited to :-

A ** Compliance with Executive Order E 012898 and the regulations issued by Council on Environmental Quality (CEQ) (40 CFR.1598.25) the DEIS does no reflect the existence of these requirements. In addition the rules of CEQ require where multiple pending proposals occur in juxta-position that all significant cumulative and secondary impacts be presented for each alternative and discussed. 40 CFR1509.25. (a) (2). The Bayport Container project falls within the compass of this requirement.

B ** US Supreme Court rulings require that the whole project and it's Secondary Impacts and Cumulative Impacts, this includes induced industrial and commercial

development, must be disclosed and with'all reasonable alternative s' including "no action". The impacts of the proposed Bayport Container project's rail (at least 8 long trains per day) and road traffic (over 5000 trucks per day) in each direction on local business, school bus timeliness and private mobility are a part of the needed disclosures.

C ** The impacts of adjacent land's future uses, consequent upon this rail project's approval, on the health and welfare of the many local children must be discussed in this S-DEIS and compared with those from alternative actions. The adverse impacts on child and adult health of vehicle-emitted air pollution is now well documented and must be considered. In addition the impacts on air quality of secondary industrial developments along this proposed rail route, a predictable consequence of this projects

approval, will be presented in full, with the other Cumulative Impacts in the required S-DEIS. Potential industrial development of lands adjacent to a future SJR triggered the development of this rail proposal.

D ** The DEIS ignores the potential impacts of the several geological faults, active and occult, crossing the proposed rail routes in addition to the many pipe lines transporting diverse products, some of which are hazardous, crossing these rail routes at various depths. Their locations, products carried and depths of burial must be documented. Drainage of these lands and increased surface loading from projectable industrial construction will in all likelihood activate these faults causing pipeline and rail stability problems. These are also part of the Cumulative Impacts.

E ** The STB should use it's authority to prohibit exorbitant rates being charged by Line facilities in the area. Monopolistic blackmail should not be permitted too dominate multiple consumers equal use of a utility, at the expense of sound economics and protection of public health.

F ** Faithful evaluation of the distribution of minority residents in S.E.-Houston from current data shows this project raises serious Environmental Justice issues. Their consideration is required by Executive Order (EO 12898). EJ issues are not represented on the basis of current demographics in the DEIS. False data is presented.

This DEIS must be withdrawn and replaced by a comprehensive Supplementary Impact Statement meeting in full all the regulatory requirements.

Thank you for the opportunity to comment on this disgraceful DEIS.

D.Marrack 10 Feb 1903

D. Marrack

FD 34079
D0578

Laurence W. Tobin
317 Lakeshore Drive
Taylor Lake Village, TX 77586-6033
Tele:281-326-1687
Fax: 800-513-7782
mailto:ltobin@ci.taylor-lake-village.tx.us

Friday, February 21, 2003

Mr. Roger Nober
Director, Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Ms. Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

Re: Finance Docket No. 34079, San Jacinto Rail Limited-Construction Exemption-And The Burlington Northern and Santa Fe Railway Company-Operation Exemption-Build-Out to the Bayport Loop Near Houston, Harris County, Texas

Dear Mr. Nober, Members of the Surface Transportation Board, and Staff:

On January 14 and 15, 2003, the Surface Transportation Board held its final public meetings on the proposed Burlington Northern Santa Fe (BNSF) rail expansion. Hundreds of homeowners and business leaders expressed their opposition to the new rail. The Cities of Houston, Pasadena, Clear Lake Shores, South Houston, and others have passed resolutions opposing the rail. Numerous Texas Congressional and State Representatives have expressed concern. The common goal is to foster competition and support the Bayport chemical plants in their search for competitive transportation rates while preserving neighborhoods and the environment -- the way to achieve that goal is for BNSF and Union Pacific to negotiate shared trackage rights along the existing industrial rail corridor near HWY 146 where UPSP has existing track and the Port & Terminal Railway Association ("PTRA"), and rail ownership association consisting of UPSP, BNSF, Tex-Mex Railway, and the Port of Houston Authority. In this way we could economically and safely provide neutral shipping to all rail shippers on their designated carriers.

On December 6, 2002 the STB Section of Environmental Analysis released its Draft Environmental Impact Study. This letter will serve as my comments on the Draft:

1. The Draft fails to acknowledge that the proposed 2 trains a day may be just an initial volume of chemical rail traffic. BNSF & San Jacinto Rail Partner have refused to give or set upper limits as to the number of trains or number of rail cars it will run per day.
2. In the event of a derailment, hundreds of thousands of people who live within a one-mile radius of the track will be exposed to toxic chemicals including ethylene oxide and propylene oxide. In addition, the draft fails to consider the impact of a derailment on the health and safety of 30,000 school children attending schools within one mile of the proposed new routes. Although some of these schools already operate within one mile of a train track, the proposed line will increase train traffic on the GH&H line and the incumbent risk of derailment by a minimum of 66%.
3. The Draft fails to adequately consider the emergency response requirements along the rail route or the advantages of considering hazardous rail cargo corridors through existing industrial zones to allow for pre-positioning the rapid response resources
4. The Draft fails to consider that increased train traffic will reduce access to emergency and HazMat vehicles. Rail engines can pull up to 100 cars, blocking numerous intersections at once and giving rise to potentially deadly delays in rescue service. In the event of an industrial accident or terrorist attack, the HazMat unit may be unable to access the scene due to blocked intersections.
5. The proposed route 2D traverses the City of Houston's Southeast Water Treatment Facility. A derailment in this area will immediately jeopardize the water supply for 750,000 residents of Houston and Harris County and could put as many as 2,000,000 people in danger if hazardous chemicals circulated into the surrounding water system. The fresh water plant is currently under 24-hour guard by an armed police officer. Encircling the proposed railroad track with barbed wire and cameras will not abate the security and health consequences of an accidental derailment or sabotage.
6. Selection of Routes 1 or 1C will stifle commercial growth of Ellington Field and the surrounding land. Transporting toxic cargo on or near airport property is a disincentive to economic development and bodes a security risk to airport users including the National Aeronautics and Space Administration, the Texas Air National Guard, Air Force One and the President of the United States.
7. Alignments 1 and 1C pose a security, environmental and safety hazard to the Sonny Carter Research Facility located on Space Center Blvd. The vibratory stress on the Neutral Buoyancy Tank has not been adequately studied.
8. Derailment, construction damage and chronic vibratory stress may have a disastrous effect on buried pipelines that course under all of the approved routes.
9. The DEIS fail to consider the risk of chemical spill in the environmentally sensitive marsh habitats along rail alignment and bridge crossing of Taylor Bayou There is no plan for detainment of potential chemical spills at that bridge or approaches.
10. The DEIS fails to consider risks associated with proximity and crossing of pipeline right-of-ways. The area crossed by the proposed San Jacinto Rail Line is criss-crossed by many pipelines carrying a large variety of volatile chemical products. The rail industry has noted the basic incompatibility of pipelines and and railroads in documentation prepared for the Congress of the United States as well as for internal studies. If a train derails and if a pipeline is within the area of derailment, the chances of toxic releases and/or explosions from the pipeline are very real. The BNSF Powerpoint presentation of risk may be viewed at http://home.att.net/~mvccmail/NOSJR/BNSFPres/BNSFppt_0001.htm
11. The DEIS fails to properly analyze Environmental Justice – There is an executive order on environmental justice (EO 12898) and there are regulations issued by the Council on Environmental Quality implementing this executive order. These regulations define minority to include Hispanics. EO 12898 requires that the impacts of a federal action be analyzed to insure that minorities are not disproportionately affected by proposed actions. In the DEIS on the SJ Rail project, the existence of significant numbers of Hispanics was not disclosed. This is a clear violation of EO 12898 and the CEQ implementing regulations. How can a determination be made regarding impacts on minorities if you don't disclose the truth about the existence of minorities adjacent to the rail line? **Additionally, the STB's predecessor, the ICC, denied a permit for public safety reasons for a rail line in Cincinnati where about 1000 people lived within 1000 feet of a proposed line. Why isn't the same standard being used in Houston as was used in Cincinnati?** In Houston, there are many more people, with over 7000 children being within ¼ mile, the majority of which are Hispanic. It is arbitrary to use a different public safety standard in Cincinnati than in Houston. It is arbitrary and capricious for the STB to ignore data regarding the percentage of Hispanics.

These issues have not been adequately addressed in the Draft Environmental Impact Study. It is my request that the SEA and the STB more fully explore the consequences of the proposed rail build-out and work in every capacity to bring BNSF and Union Pacific to an amicable agreement on sharing existing track along Highway 146, proposed Alignment 4. The points presented in this letter represent my position only and do not officially represent the position of the City of Taylor Lake Village. If you have any questions about my position on this matter please do not hesitate to contact me.

Respectfully yours,

Laurence W. Tobin
Council Member, Position 1
City of Taylor Lake Village

Copy: Ms. Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
San Jacinto Rail Limited
Union Pacific Railroad
U.S. Senator John Cornyn
U.S. Senator Kay Bailey Hutchison
U.S. Representative Tom Delay
U.S. Representative Nick Lampson

FD 34079
D0580

Surface Transportation Board
1925 K Street, NW.
Washington, DC 20423-0001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

Dear Dana,

The following constitute my comments concerning the Draft Environmental Impact Statement (hereafter, Draft EIS) for the San Jacinto Rail Limited (hereafter, SJRL) Build-Out to the Bayport Loop near Houston, Texas.

General Comment

When reading the Draft EIS, the reader gets the impression that the Surface Transportation Board (hereafter, Board) is basically rubber stamping this project. Although it is necessary and required that SJRL satisfy each of today's regulations that affect this project, the public is looking to the future and the impact this project will have on the environment many years from now. The Board's Draft EIS appears to state that SJRL satisfies all of the regulations that govern this project. However, forward-looking companies realize that the earth cannot sustain continued impingement on the environment and its resources, and embrace the concept of sustainability. Sustainability is an approach that companies use to reduce their impact on the environment for the long term. In short, the implementation of sustainability results in the environmental impact of a new project being offset or reduced by environmental impacts from current operations. If the sustainability concept were applied to this project, the net environmental impact from the SJRL build-out to the Bayport Loop would be zero or less due to reductions in environmental impacts from current operations at the member facilities.

Sustainability is not a regulation or a requirement. Therefore, the Board probably cannot judge the project by the impacts of this concept. However, it would be in the best interest of the member companies to address this issue. In fact, it could be a tremendously beneficial public relations tool that could be used for years to come by the member companies to extol their environmental virtues. Instead, this highly valuable concept is not addressed or mentioned in the Draft EIS. It is realized that the Board probably cannot extend their authority into areas that are not governed by regulations. However, it is hoped that the member companies would make a token effort to address sustainability by assessing the total environmental impact of this project

and their overall operations. At a minimum, this would be a benchmark for future projects at the member facilities when, hopefully, sustainability is more firmly engrained in company philosophies and practices.

Specific Comments

I have the following three specific comments regarding the Draft EIS.

1. The Board concludes in the Project Context section of the Executive Summary that the Bayport Terminal and this project "are not connected". That may be the case today, but is perceived to not be the case in the future. One can envision that once the line is built that additional business could be gained by extending the line to gain access to the Bayport Terminal. This project can be viewed as a stepping stone to the Bayport Terminal. It is suggested that the Board use it's authority to mandate in the final decision that access to the Bayport Terminal be forever denied. This decision would be similar to the Board's approval of the Union Pacific (UP) and Southern Pacific (SP) merger that disallowed obtaining trackage rights over the Strang Subdivision. If the Board had the authority to approve this provision of the UP and SP merger, then the requirement that transportation from the Bayport Terminal cannot occur over the SJRL Build-Out to the Bayport Loop is certainly within the Board's authority.

2. Chapter 6.3, Item 11. – This voluntary mitigation measure only states that the Petitioners "shall negotiate". There is no requirement to actually purchase the approximately 24 acres of bottomland hardwood habitat for conservation. Therefore, the Petitioners could negotiate forever and never actually obtain the property, and would continue to be in compliance with the Draft EIS. This item should be modified to state that the Petitioners "shall negotiate and purchase" within a reasonable period of time the specified property.

3. Chapter 6 – This section contains many promises from the Petitioners on how their activities will be conducted. For example, Section 6.3 states the following [emphasis added]:
Item 22. "Removal of accumulated sediments shall be conducted only as necessary…"
Item 24. "Petitioners will conduct these activities, to the extent practicable, during low-flow conditions."
Item 52. "Petitioners shall commence reclamation of disturbed areas as soon as practicable…".
There are many other examples of ambiguous language within this section of the Draft EIS. Although it is probably unnecessary for the Petitioners to document every decision specified in the Draft EIS, there are certain activities that the Petitioners should be required to

document and report. Reporting can consist of formal reports to the Board or included on the project web site. It is recommended that the Board determine which activities and decisions require documentation and the mechanisms for doing such.

Summary

The above items constitute my comments on portions of the Draft EIS. It is hoped that these comments can be used by the Board to reach a decision for this project.

Sincerely,

Gerald J. Drake 2/21/03

Gerald J. Drake
4123 Pine Blossom Trail
Houston, Texas 77059

FD 34079
D0582

City of El Lago

February 20, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attention: Ms. Dana White
Section of Environmental Analysis

RE: Environmental Filing FD No. 34079 - San Jacinto Rail/BNSF Bayport Loop

The City of El Lago submits these comments regarding the Draft Environmental Impact Statement for Finance Docket No. 34079, the San Jacinto Rail/BNSF request to build a rail line from the Bayport Loop line in Harris County, Texas.

A final permit should be denied on the basis that there exist better alternatives with negligible impact on our environment, resources, and quality of life. The DEIS is flawed in concluding that the proposed action would not have a significant impact on human environment. We, in El Lago, DO NOT AGREE.

Whichever alignment alternative is selected, Taylor Bayou will be impacted. El Lago is situated on the shores of Taylor Lake. We are already at risk for spillage, discharges, debris and non-point source pollution being transported downstream into Taylor Lake from traffic on the existing roadways and Union Pacific rail line crossing Taylor Bayou. The lake is a recreational asset to our community—we enjoy our water sports, crabbing and fishing from our back yards and the four El Lago recreational reserves along the lakeshore.

Pollutants and sediment from the proposed drainage ditches and herbicides, used to keep the rail bed free of weeds, will end up in our bayou and lake. Placement of fill and construction of an additional bridge over Taylor Bayou will destroy more of our tidal marshes and wetlands needed to cleanse our waterway.

There are real concerns of rail accidents at any one of the 5 at-grade crossings near SH146 impeding our City's evacuation route. The creation of 10 new at grade crossings within the Bayport Loop and lines crossing over other entrances and access roads will exacerbate the vehicle/train/train conflicts and delays already present for employees, suppliers, visitors and emergency vehicles to the Bayport Industrial District.

Seems to me BNSF shippers will still be "captive" to the Union Pacific for trackage rights and rates to the Dayton Yard once the proposed Bayport Loop is traversed. Will that alleviate constraints, open competition and address the "one rail" service option?

98 Lakeshore Drive El Lago, Texas 77586-6136 (281) 326-1951

We feel strongly that negotiation with the Union Pacific Railroad and use of the Port Terminal Railroad Association line have not been adequately pursued by BNSF. The STB gave UPRR a monopoly. The STB can modify or rescind that exclusivity. The DEIS states the STB has jurisdiction over rail rates, as well as acquisitions and consolidations. You have a powerful voice and suasion to make these companies work out a fair and amicable solution.

BNSF is a member affiliate of the PTRA and should be allowed to use the PTRA line to the Strang Yard and subdivision. Substantial taxpayer money has already been spent (and will continue to be spent) to upgrade rail facilities along the LaPorte/Barbours Cut line to Strang by TxDOT, Harris County, and the Port of Houston Authority. It makes no sense to spend another $80 million to bypass this option. Those millions of dollars would be better invested by the four SJR companies in equipment and technology to improve productivity and reduce their production costs to remain competitive. Others have said it better, "Why put at risk thousands of people's lives to save a few dollars in transportation costs?" Indeed, why put at risk our neighborhoods and quality of place, when a no-build alternative is viable.

I leave technical comments about wetlands, mitigation, rail issues and the cumulative impacts to the Clear Lake region of this proposed rail line and a Bayport Container and Cruise Terminal to the Galveston Bay Conservation and Preservation Association whose experts speak on behalf of our City on environmental and traffic matters on this DEIS.

Mitigation will not be needed if the Bayport Loop is not built. Nor would we have added worry about increasing rail accident rates; shipment of hazardous materials near, over and around our waterways and communities; derailment and accidents near our pipelines; additional disruption of wetlands, wildlife and fish habitat; street blockages; and air pollution.

You say the agency must give the project approval "unless the agency finds that the project is inconsistent with the **public convenience** and **necessity**." The San Jacinto Rail companies have workable options: (1) Negotiate a UPRR rail rate consistent with economic viability (2) Obtain trackage rights from UPRR over the Strang subdivision to access the Bayport Loop and, (3) Use the PTRA line to foster competition. The proposed project for a 12.8 mile line leading to another UPRR line is a misuse of resources with unacceptable long-term potential threats to a wide spread area with **inconvenience** to both the public and private industry. There is **no necessity** when other sensible options exist. We hope you will not allow the project to be built.

Respectfully,

K. Natalie Ong

K. Natalie Ong,
Mayor Pro-Tem

xc: Mayor Brad Emel
Council Members

xc: Mr. Roger Nober
Chair, Surface Transportation Board

The Honorable Kay Bailey Hutchison
U. S. Senate

The Honorable John Cronyn
U. S. Senate

The Honorable Tom DeLay, District 22
U.S. House of Representatives

The Honorable Shelley Sekula Gibbs
Council Member, City of Houston TX

The Honorable Addie Wiseman
Council Member, City of Houston TX

GENE GREEN
29TH DISTRICT, TEXAS

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WWW.HOUSE.GOV/GREEN

COMMITTEE ON ENERGY AND COMMERCE
• SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET
• SUBCOMMITTEE ON HEALTH
• SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT
DEMOCRATIC WHIP
DEMOCRATIC STEERING COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515-4329

RECEIVED
2003 FEB 21
SURFACE TRANSPORTATION BOARD
OFFICE OF ECONOMICS
DIRECTOR'S OFFICE

February 21, 2003

FD 34079
D0583

The Honorable Roger Nober
Chairman
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

RE: STB Finance Docket No. 34079

Dear Chairman Nober:

On behalf of the Houston East End Rail Task Force, I would like to submit for consideration, a report prepared by the Texas Transportation Institute at Texas A&M University detailing the inventory of railroad operating conditions in the East End of Houston, Texas. This information is important and relevant in the Surface Transportation Board (STB) deliberation of the San Jacinto Rail project.

As I have stated in previous letters, this study assesses the current grade crossing concerns in the East End, particularly safety, mobility and quality of life concerns. As the study points out, the extensive roadway and railroad networks result in 144 total highway-rail grade crossings in the East End area. In its entirety, Harris County only has 1009 at-grade crossings. These highway-rail grade crossings represent a significant safety concern when considering school-related vehicle and pedestrian traffic.

The study also dramatically confirms that areas of substantial residential development surround the lines with the highest train volumes. In fact, most of the areas surrounding the East End rail network are residential. This residential area is majority Hispanic and should be considered before adding more train traffic to a very urban area.

Finally, the study corrects misinformation used by the STB in determining the number of trains traveling through the East End area. In its Draft Environmental Impact Statement, the STB only considers through traffic in determining the average daily traffic count. The TTI study considers local moves, switching moves, and through traffic and subsequently, the average number of trains moving through these rail lines is much higher. The STB needs to consider this more accurate method of counting the number of trains.

I fully expect the STB to use this information to explore other options that would have the least impact on residential areas, particularly the already burdened East End.

Sincerely,

Gene Green
Member of Congress

GG:mcg

PRINTED ON RECYCLED PAPER

FD 34079
D0585

Attention: Dana White
(fax: 1-866-293-4979)

Section of Environmental Analysis
Environmental Filings FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Dear Ms. White,

As a resident of southeast Houston, Texas, I am opposed to the San Jacinto Rail project that is being proposed by Burlington Northern and Santa Fe (BNSF) Railways for the following reasons:

- The Draft Environmental Impact Statement (DEIS)did not indicate that the population density within ¼ mile of the tracks is about 70% Hispanic, or that it includes about 21,000 people.
- The railroad line will cross numerous pipeline right-of-ways which BNSF has presented as a safety issue in other presentations before government institutions. Yet, in BNSF minimizes the safety issue when during its presentations of the San Jacinto Rail project.
- The DEIS indicated that the added trips of railroad cars would not have a social economic impact. However, thousands of residents and businesses are already affected by train crossings along Highway 3. I do not see how the DEIS stated that the increase in rail cars would not affect our vehicle flow to the number of schools that are located within 1-mile of Highway 3, our businesses, stores, and access to interstate and state highways.

For these and many other issues that were not discussed in the DEIS, I oppose the approval for the San Jacinto project.

Respectfully,

Fernando Samano
5522 Wood Creek Way
Houston, Texas 77017
713-941-3731
fsamano25@sbcglobal.net

Feb-21-03 02:08P Fernand Samano (713) 941-3731 P.01

02/21/2003 17:08 2814716456 HUGHES PRINTING PAGE 01

February 21, 2003

FD 34079
D0586

FAX: 1-866-293-4979

TO: Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board

From: Mrs. Evan KERR
110 Fairfield
Shoreacres, Texas 77571

Subject: Draft Environmental Impact Statement
Proposed San Jacinto Rail Project
and Draft Environmental Impact Statement,
Expansion of Bayport at Its Present Site

Dear Mrs. White:

As a resident of the City of Shoreacres, immediately north of Bayport, I urge you to combine the (2) draft environmental impact statement of the expansion of Bayport at its present site, and the (2) draft environmental impact statement on the proposed San Jacinto Rail project.

Bayport is currently served by the Union Pacific Railroad. I see and hear these trains everyday from my home in Shoreacres. It is my understanding that the San Jacinto Rail Project, which is proposed, would extend from Bayport west along the northern edge of Clear Lake City, and connect with the rail line that exists at present on Highway 3 near Ellington Field. The proposed San Jacinto Rail trains would be Burlington Northern Santa Fe trains.

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February 21, 2003

FAX: 1-866-293-4979

TO: Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board

FROM: Mrs. Evan Kerr

PAGE TWO

upper Galveston Bay from Bayport north along the shore to Morgan's Point, where the Ship Channel to Houston goes inland, is a beautiful, historic, residential shoreline area at present. In Shoreacres is the location of the 100-year old Houston Yacht Club, one of the oldest yacht clubs in the United States, where national and Olympic sailing events are held each year.

Morgan's Point, adjacent to La Porte, is a National Historic District. The Clear Lake City area is heavily recreational and residential. The headquarters of the National Aeronautic and Space Administration is on the northern edge of Clear Lake.

Now with the expansion of Bayport at its present site and the construction of additional railroad lines adjacent to each other the entire upper Galveston Bay and Clear Lake city areas will be changed. Land use patterns in the entire area will be disrupted — will be increasingly industrial, rather than recreational and residential.

February 21, 2003

FAX: 1-866-293-4979

TO: Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board

FROM: Mrs. Evan Kerr

PAGE THREE

With additional railroad lines adjacent to Ellington Field national security issues should continue to be raised. I understand that N.A.S.A. has a emergency laboratory at Ellington Field which could be adversely affected by vibrations from additional train traffic. Our President, George Bush, lands at Ellington Field, when he visits the area by plane. Train traffic on Highway 225 already has its impact, as there are thirty schools within one mile of the present train line.

Please combine the draft Environmental Impact Statements of the expansion of Bayport at its present site, and the proposed San Jacinto Rail Project, in view of the above factors.

Thank you.

Evan Kerr
Resident of Houston, Texas

FD 34079
D0588

Lisa and Alex Lin
14003 Loch Creek Court
Houston, TX 77062

February 20, 2003

Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Attn: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Fax: ~~1-888-293-4979~~ 1-866-293-4979

Dear Ms. White:

The Coalition for Responsible Rail (CORR) has been formed to work together with elected officials to achieve responsible rail policies for Southeast Harris County. Our objective is to promote policies that provide for public and community safety, environmental responsibility and protection of property values.

I have been working diligently for the past 12 months in opposition to the proposed San Jacinto Rail Limited.. This proposed rail line has the potential to negatively affect the city in a number of different ways and in several different capacities in which the city serves the public. I also understand that the justification of wanting to build this rail in our community is financial and while I am appreciative of the problems, I believe there is a solution that won't adversely affect the safety of our children and the community as a whole. I would strongly urge you to work with the community and local elected officials in reference to this problem.

I am dedicated to the principle of smart growth, which states that reasonable economic development can and should occur but not at the expense of the existing community issues and I would appreciate your assistance in resolving this in a manner that is satisfactory to both the community and the industry.

Thank you for your support on this critical issue.

Sincerely,

FD 34079
D0589

Herminia Palacio, M.D., M.P.H.
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Public Health & Environmental Services
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February 21, 2003

Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

RE: Comments on Draft EIS concerning San Jacinto Rail

Ms. White,

Harris County Public Health and Environmental Services- Pollution Control Division (HCPC) would like to take this opportunity to provide written comment regarding the Draft Environmental Impact Statement (DEIS)- Finance Docket No. 34079 San Jacinto Rail Limited and The Burlington Northern and Santa Fe Railway Company proposed construction and operation of a new rail line from the Bayport Loop in Harris County. I have reviewed the draft EIS and have compiled the following list of comments and concerns for your consideration in the final EIS. These generalized comments relate to all of the build out alternatives. These comments also address types of materials to be transported, environmental justice, secondary impacts on land use and wetlands, pipelines and rail safety, and impact to a nearby water treatment plant.

- **Hazardous Chemical Transportation** The San Jacinto Rail DEIS indicates that most of the railcars will carry non- hazardous plastic pellets. However, there will be a significant number of these cars that will carry hazardous materials such as ethylene oxide and propylene oxide. There are presently 23 schools in the vicinity of the proposed rail project as well. The character of the materials that will be transported via this rail line dictates that close proximity to residential areas, agricultural areas and schools will multiply the effects of a derailment or other incident. Any hazardous material released has the potential to seriously impact both public health and the environment.

- **Environmental Justice**-- The executive order in environmental justice (EO 12898) requires that the impacts of a federal action be analyzed to insure that minorities are not disproportionately affected by proposed actions. These regulations include Hispanics in the definition of minority. The area of the proposed project has a high presence of minority persons living within a half-mile to a mile of the rail line.

- **Secondary impacts on land use and wetlands**-- The proposed San Jacinto Rail Line will cross an undeveloped tract of Armand Bayou and a portion of Ellington Field. The rail line would introduce additional commercial and industrial activity that will change the character of the existing land. Wetlands act as marine nurseries that facilitate the growth and sustainability of aquatic life.

- **Pipelines and rail safety**--The area proposed by the project is inundated by the presence of pipelines carrying all types of chemical products. A derailment in the vicinity of the pipelines could cause multiple toxic releases and / or explosions.

- **Impact to nearby water**—A spill from a derailed train could spill the contents into surface water bodies and possibly leach into the ground water supply. There is one alternate plan that would pass the Southeast Water Treatment Plant that could be detrimentally affected by a derailment.

If you have any questions concerning these comments, please contact me at 713-920-2831.

Sincerely,

Latrice Babin
Wastewater Permit Specialist

cc: Dr. Palacio, PH&ES

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FD 34079
D0591

February 20, 2003



Via Federal Express
Ms. Dana White, SEA
Surface Transportation Board
ATTN: STB Finance Docket No. 34079
1925 K Street, NW
Washington, DC 20006

STB Finance Docket No. 34079
San Jacinto Rail Limited Construction Exemption and the Burlington Northern and Santa Fe Railway Company Operation Exemption -
Build-out to the Bayport Loop near Houston, Harris County, TX

Comments on the Draft Environmental Impact Statement

Dear Ms. White:

Based on your conversation with Annette Lown of my firm, Galveston Bay Conservation and Preservation Association is submitting one copy of our comments, enclosed herewith, on the proposed San Jacinto Rail line DEIS. We are copying all parties listed on the attached certificate of service with this letter only. A copy of the enclosed comments will be provided to any party of record upon request.

Sincerely,

BLACKBURN CARTER, P.C.

by _____
James B. Blackburn, Jr.
ATTORNEY for Party of Record
GALVESTON BAY
CONSERVATION AND
PRESERVATION ASSOCIATION

Enclosure

Certificate of Service

I hereby certify that the foregoing cover letter has been served on all Parties of Record in *Finance Docket Number 34079*, by first class mail or more expeditious means, on this 20th day of February 2003.

_____
James B. Blackburn, Jr.

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SAN JACINTO RAIL COMMENTS

The following comments are submitted by the Galveston Bay Conservation and Preservation Association (GBCPA) regarding the Draft Environmental Impact Statement (DEIS) prepared by the Surface Transportation Board (STB) regarding the San Jacinto Rail (SJR) application. The DEIS reviews a proposed action to allow the construction of a rail line from the Bayport Loop to SH 3 and an increase in rail traffic along Highway 3 northward along an existing Union Pacific (UP) rail line.

In the following sections, GBCPA takes issue with the truthfulness of the disclosure provided by the STB in the DEIS. GBCPA believes that the evidence submitted herein demonstrates that the DEIS is impermissibly biased and fails as a full disclosure document. As such, the DEIS violates the National Environmental Policy Act (NEPA). Because the analysis is so flawed and biased, GBCPA submits that the analysis must be rewritten and submitted to the public in a Supplemental Draft Environmental Impact Statement (SDEIS) in order that the public can meaningfully comment upon an analysis at a meaningful time as guaranteed by the due process clause of the United States Constitution.

A. Pipeline Safety

The starting point for these comments on the DEIS is the issue of pipeline safety. In the DEIS, the issue of pipeline safety was dismissed in a peremptory manner (see pp. 4-19 to 4-22). In this document, there was no indication given that the rail industry had major concerns about the compatibility of pipelines and rail construction and operation. In fact, the DEIS indicates that there is no major concern. This appears to be a false statement in light of the document that is attached hereto as Exhibit 1.

Exhibit 1 was obtained in discovery in these proceedings from Union Pacific Railroad. Exhibit 1 is a powerpoint presentation that was presented by BNSF at a national rail meeting in Santa Fe, New Mexico in the fall of 2002. Dennis Kearnes, a BNSF employee associated with the San Jacinto Rail Project, is identified as a source of an e-mail transmitting this document. Exhibit 1 creates a powerful case that pipelines and rails are not compatible, that major issues exist regarding the co-location of rails and pipelines. Exhibit 1 identifies hazards associated with rail operations arising from the use of maintenance equipment as well as from a possible derailment. Exhibit 1 identifies hazards to pipelines from chemical releases as well as from minor nicks and scrapes that may emerge decades later as the cause of a pipeline rupture and fire.

A major theme in the BNSF presentation is the depth at which pipelines are buried. BNSF asserts that federal laws require pipelines be at least three feet underground, but that American Railway Engineering Maintenance-of-Way Association (AREMA) recommends burying pipelines at least five feet underground. BNSF goes even farther in the presentation to declare, "The safe and economic solution would be to install all pipelines a minimum of 10 ft. below natural ground." BNSF asserts this in its own presentation, yet in the DEIS there is no mention of the depth of the pipelines in the areas affected by this project.

The DEIS does not even discuss the pipelines along the existing rail line where no additional construction would be needed. This is a major flaw. Pipeline hazards arise not just from the construction of railroad tracks, but also from the operation of trains on those tracks. Again, BNSF has this information and is well aware that operational accidents do occur and do result in pipeline releases. To ignore the operation of the trains on the existing tracks is a big mistake, especially since this project will initially add a minimum of two trains per day on these tracks. In BNSF's own presentation, this issue is not ignored, why is it ignored in the DEIS?

The DEIS fails to address future maintenance of the rail line and the surrounding right of ways. In the presentation given by BNSF, there are four slides that illustrate that one of the hazards of siting a rail line near a pipeline is the large maintenance equipment which is used to maintain the rail line and the right of ways. The maintenance equipment is extremely heavy and causes the ground that covers the pipelines to erode. BNSF is fully aware of this issue, yet has declined to bring it up in the DEIS. The BNSF presentation confirms that maintenance of the lines plays a large role in assessing the potential for accidents from rail line operations, yet the issue was entirely left out of the DEIS.

Another important issue included in BNSF's presentation is the delayed consequences of injuring pipelines. A pipeline may be dented or scratched by rail line construction or operations, but

not immediately rupture and result in a release. The dent or scratch, however, could rupture eventually and cause a release. In the DEIS, when the frequency of releases was calculated, no consideration was given to these releases waiting to happen. BNSF is aware that rail construction or operation may result in damage to pipelines, yet in the DEIS, only releases which manifest right after the accident were accounted for. This failure to account for releases only reiterates the incompleteness of the DEIS.

The point here is that there is no honest discussion – no honest disclosure – in the DEIS of the actual risk associated with rail construction and operation in the vicinity of pipelines. Similarly, the DEIS is absolutely silent on the subject the number and type of pipelines that would be either parallel with or crossed by the San Jacinto Rail project. Exhibit 2 consists of maps prepared by the Railroad Commission of Texas that identifies the existing pipelines in the vicinity of the San Jacinto Rail project. There are a very large number of pipelines that are potentially affected by the proposed action. Nowhere in the DEIS is the existence of these pipelines or the type of chemicals contained therein disclosed. By way of illustration, we have compiled a list of pipelines from the maps crossed or adjacent to the proposed rail route as follows:

SEGMENT 1 – From origin up Port Road
Crosses:
Seadrift Pipe Line Corporation
UCAR Pipe Line Incorporated
Kinder Morgan Texas Pipe Line, LP
Celanese Pipe Line Company
Mobile Pipe Line Co.
Chevron Pipe Line Company
Houston Pipe Line Company LP
Vintage Petroleum, Inc.

On Top Of:
Kinder Morgan Texas Pipe Line, LP
Buckeye Gulf Coast Pipelines, LP
Chevron Pipe Line Company
Equistar Chemicals, LP
Celanese Pipe Line Company

Adjacent to:
Enterprise Products Operating, LP
Vintage Petroleum Inc.
BP Pipelines (North America), Inc.
Southtex 66 Pipeline Company, LP

SEGMENT 2 – South from Port Road to Red Bluff Road
Crosses:
Southtex 66 Pipeline Company, LP
Exxon Mobile Pipeline Co.
El Paso Field Services, LP
Houston Pipe Line Company LP
Teppco Crude Oil, LP
Equistar Chemicals, LP
Vintage Petroleum, Inc.
Exxon Mobil Corporation
Kinder Morgan Texas Pipe Line, LP

Adjacent to:
BP Pipelines (North America), Inc.
Exxon Mobile Pipeline Co.
Air Liquide America Corporation
Buckeye Gulf Coast Pipelines, LP
Chevron Pipeline Company
Houston Pipe Line Company, LP
Equistar Chemicals, LP

SEGMENT 3 - From Red Bluff Road to where Alignment 2D/ 2B splits from Alignment 1
Crosses:
Houston Pipe Line Company, LP
Equistar Chemicals, LP
Exxon Mobil Pipeline Co.
Exxon Mobil Corporation
Teppco Crude Oil, LP
Marathon Ashland Pipe Line, LLC
Kinder Morgan Texas Pipeline, LP
Shell Gas Gathering, LLC
Exxon Mobil Oil Corporation
El Paso Field Services, LP
Galveston Bay Pipeline Company
San Jacinto Gas Transmission Co.
Texas Eastern Transmission, LP
Chevron Pipe Line Company

SEGMENT 4 - Alignment 2D to Highway 3
Crosses:
El Paso Field Services, LP
Teppco Crude Oil, LP
Phillips Petroleum Company
Phillips Texas Pipeline Co LTD
TE products Pipeline CO LP
San Jacinto Gas Transmission Co.
Exxon Mobil Pipeline Co.

Adjacent to:
San Jacinto Gas Transmission Co.
TE products Pipeline CO LP
Kinder Morgan Texas Pipeline, LP

SEGMENT 5- along Highway 3
Crosses:
Houston Pipe Line Company, LP
Seminole Pipeline Company
Americo Energy Resources, LLC
Buckeye Gulf Coast Pipelines, LP
Chevron Pipe Line Company

On or Adjacent to:
Houston Pipe Line Company, LP
El Paso Field Services, LP
Kinder Morgan Tejas Pipeline, LP
Seaway Crude Pipeline Co.

SEGEMENT 6 – Alignment 1 up to Highway 3
Crosses:
El Paso Field Services, LP
Exxon Mobil Pipeline Co.
Teppco Crude Oil, LP

Adjacent to:
Seaway Crude Pipeline Co.
Teppco Crude Oil, LP
Kinder Morgan Tejas Pipeline, LP
Houston Pipe Line Company, LP

Before any further action is taken on this application, there should be a full and thorough accounting of all pipelines crossed or parallel to this proposed line. There are pipelines within the Bayport Loop, there are pipelines immediately west of Armand Bayou, there are several pipelines between Ellington Air Field and Clear Lake parallel to and potentially below the south alternatives (IA and IC), there are several pipelines crossed by the northern route (IIB and IID) and there are several pipelines either parallel to or crossing the existing UP line along Highway 3. Not only should the location of these pipelines be identified but there also should be public disclosure of the chemicals or products carried by these pipelines.

Exhibit 1 was prepared by the rail industry. GBCPA did not prepare it. Exhibit 1 contains an analysis that is very different from the analysis in the DEIS. GBCPA has undertaken

independent research and is of the opinion that the industry report in Exhibit 1 is more accurate than the DEIS. Accordingly, GBCPA requests that the pipeline safety analysis be redone and republished in a SDEIS that fully discloses the risk of rail operations on pipelines and fully discloses just what is carried in the many pipelines crossed or adjacent to this proposed rail line.

B. Geologic Faulting

The analysis shown in Exhibit 1 is only worsened by the existence of geological faulting within the proposed project area. Exhibit 3 is a faulting analysis by Dr. H.C.Clark, a geophysicist and Professor Emeritus in Geology at Rice University. Dr. Clark has evaluated the existence of geological faulting in the project area and has determined that geological faults intersect the surface in the area west of Armand Bayou that is traversed by the SJR line.

In his expert report, Dr. Clark is highly critical of the analysis of faulting in the DEIS, stating that it was "written by someone from out of town". Dr. Clark proceeds in his expert report to identify the work that should have been done regarding both faulting and subsidence, two active geological processes potentially affecting the proposed rail line. Dr. Clark's report clearly shows that faulting is a major concern and is present in the project area. Consider the following excerpt from Dr. Clark's report:

> ". . . The literature contains several papers describing the effects of faulting on already built structures. . . . The photograph of the rail bed displaced by fault 73 (Attachment 6 to his report) is of specific importance to this DEIS study of potential environmental impact. In summary, active surface faulting is a problem in the rail line area, and while the displacement parameters may not be of the scale of the down to the coast regional faults, they exist, cross the alternatives and require consideration. The consequences of not doing these analyses are demonstrated by the photograph of the rail bed displaced by fault 73. Clearly an active surface will deform the roadbed to a point where it could cause a derailment. The fault map example [Attachment 3] also shows a number of faults crossing alignment 1 and the middle portion of the common alignment north of Clear Lake.

Dr. Clark's analysis indicates that these faults increase the risk of accidents and were not considered correctly or honestly in the DEIS. That must be changed by the publication of a SDEIS that fully and fairly discloses the consequences of this faulting on rail line construction and the risk of accidents.

C. Accidents

GBCPA submits that the analysis of rail accidents prepared by the STB is biased and misrepresents the accident potential in the urban community within which this proposed action occurs. In turn, this misrepresentation biases the analysis of hazardous material releases and pipeline safety because the risk of derailment is higher than identified and it biases the analysis of environmental justice because these risks fall disproportionately on the Hispanic community. Until such full disclosure occurs, the requirements of the National Environmental Policy Act will not be met.

The accident analysis in the DEIS was biased by the selection of a methodology that under-represented the risk of accidents in the urban setting within which the proposed action occurs. The DEIS uses an aggregated nationwide data set to determine probabilities of accidents for rail cars and trains (DEIS pp. D-7 to D-10). Nearly half of the data (2 of the 4.75 years) is estimated, not actual (p. D-8). The use of this data set biases the risk of accidents on the low side when compared to Houston data.

The problem arises in applying this national, aggregated data to a specific fact situation that is a subset of the national aggregation. By emphasizing the nationwide data, as shown in Table D.3-3, the DEIS model shows that an overwhelming proportion of derailment incident probability correlates with higher car mile travel distances. This means that the number of rail cars and the distance traveled are the dominant factors in the DEIS accident analysis. The DEIS fails to discuss the fact that most rail accidents occur in congested urban areas and at rail terminals and rail yards. Second, the DEIS does not include track or signal caused derailments or grade crossing accidents; these were not counted at all in the DEIS hazmat analysis. Obviously, the chance of a train hitting something increases exponentially in a congested urban area that doubles as a major rail terminal with several rail yards. In the methodology used in the DEIS, those odds are spread out over thousands of miles of rural track with virtually no risk, and then reapplied to the congested area traversed by the proposed San Jacinto Rail. As a result, the conclusion regarding haz mat accident release risk is artificially low when applied to the true risk involved with San Jacinto Rail.

Stated otherwise, GBCPA is claiming that the methodology used by the contractor and the Surface Transportation Board unfairly biased the analysis, causing the conclusion to be undependable for NEPA purposes. The issue is – what is the risk in an urban, congested setting as opposed to some computed nationwide risk that includes thousands of miles of rural rail with few crossings and little traffic. The inclusion of this nationwide data does nothing more than dilute the analysis of risk in a document that is required by law to fully and fairly describe the impact of this proposed action to humans and the environment. Given the type of materials to be carried by the San Jacinto Rail Line, this type of bias cannot be allowed.

In fact, urban rail accident data for Houston is readily available but was ignored by the STB. The Federal Railroad Administration (FRA) keeps records of all railroad safety incidents in the United States dating back to 1975. As the FRA Office of Safety's website demonstrates, this is an agency that understands its mission and knows what it is doing. All manner of data, reports and queries, from the scale of individual grade crossings to national aggregations, are available immediately from databases accessed through the website. We hereby incorporate this website into the record of this proceeding.

STB, ICF, and the applicants are aware of the data that FRA records. The DEIS even notes that ICF used nationally aggregated FRA data in its report and that it cut-and-pasted the methodology and data from for this analysis. Upon visiting the website and reviewing the data, no question exists that the methodology used by the STB and the contractor has led to a biased and erroneous result in the DEIS with regard to risk of accident and derailment. The FRA website is so customizable and easy to use that a user can produce and download the number of rail and grade crossing accidents for Harris County and/or the City of Houston over any time span since 1975 within minutes.

FRA reports information so detailed that users can pinpoint the location of previous accidents by line, grade crossing, accident type, train speed, number of cars, and whether hazardous materials were involved, among other criteria.

Most importantly, those accidents exist. And they exist in significant numbers. One hundred rail operations accidents and 64 grade crossing accidents occurred in Harris County in 2001

alone. Three grade crossing accidents along Telephone and Old Galveston Roads, and 2 at the Port of Houston's Barbours' Cut Terminal occurred in 2002. The FRA numbers are a far cry from the dozens, or even hundreds of years between a single accident represented by the DEIS accident frequencies in Tables D.3-4 and D.3-5.

GBCPA questions the basis for the decision by STB, ICF and the applicants to ignore specific local data collected by a sister federal agency. If the STB had simply asked *parties* UP and/or BNSF to provide accident data for the Houston area, they would have immediately seen the fatal flaw in their hazardous material risk analysis. In fact, there's no question BNSF knew or should have known that the DEIS was wrong – 14 of the grade crossing accidents and 12 of the rail operations accidents in Houston in 2001 involved BNSF trains. Compare that with the highest accident frequency in the DEIS, on page D-16 for the future market capture on the East Belt. The DEIS projects 0.25 accidents per year, or 1 accident every 4 years, a totally unrealistic projection when compared to the actual accident data from Harris County and from BNSF.

Apparently not satisfied with merely ignoring easily accessible, localized (and for the applicants, possessed) data for determining accident frequencies for rail operations, STB, ICF, and the applicants actually visited the FRA Office of Safety Website to obtain data for the grade crossing safety analysis (p. F-7). There, they downloaded specific data for the past 5 years for every intersection along the proposed route. They then proceeded not to analyze hazardous materials risk for grade crossing accidents. This is an unacceptable analysis. It is biased. It conceals the truth and fails to fully and fairly evaluate the potential impact of a proposed action. The question is – why is the truth being concealed from the public and the agencies in this analysis?

Existing data from UP alone shows accident and hazardous materials incident rates for Houston far exceeding those shown in the DEIS. Thirty-nine of UP's incidents involved hazardous materials in the first 10 months of last year. This data appears in Appendix A to these comments.

The point here is that the accident analysis in the DEIS is incorrect. It is flawed. It misrepresents what is currently occurring in Houston. It misrepresents what will happen if this project goes forward. The STB selected a methodology that, as a practical matter, eliminated accidents when, in fact, the data show that accidents are occurring much more frequently than

disclosed by the STB in the DEIS. It is difficult to believe that the STB and the applicant did not realize what they were doing. Just as was the case with the pipeline safety issue, the treatment of accidents in the DEIS makes a mockery of the NEPA full and honest disclosure requirement.

D. Environmental Justice

The analysis of the impact of this proposed action on minorities is even more objectionable than the previous two subjects. Amazingly, the DEIS concludes that the majority of the population living adjacent to that section of the rail line bordering highway 3 is not minority. Simply stated, Figure 4.16-1a perpetrates a fraud on the public and those who read and depend on the DEIS for honest information. Simply stated, the community surrounding the proposed SJR line along Highway 3 is predominantly Hispanic. That is the first error in the analysis.

Attached is Exhibit 4 which is an environmental justice expert report by Prof. Olga Moya of the South Texas College of Law. Prof. Moya is an expert in NEPA and in environmental justice issues, having published on both topics. Her resume' is attached to her expert report. And make no mistake about it. Prof. Moya is clear and strong in her opinion that environmental justice issues are triggered by this proposed action.

Once the honest risks associated with this proposed action are disclosed by correcting the analysis of pipeline safety issues and rail accidents, then it becomes clear that the minority Hispanic community is disproportionately impacted by the proposed action. There are 23 schools within 1/4 mile of this proposed action, and the majority of these students along Highway 3 are Latino. There are over 43,000 people living within a half mile of this proposed rail line, the majority of whom are Latino. This is what an environmental justice analysis is supposed to disclose. This is what an environmental justice inquiry is supposed to illuminate. What a disgusting failure the DEIS is. Appendix B demonstrates the differences between the DEIS and the actual situation regarding the minority population.

The Association of American Railroads defines a "Key Route" as a railroad segment that carries more than 10,000 carloads of hazardous materials over a period of 1 year. FD_33877 *Illinois Central RR, East Baton Rouge, LA*, Environmental Assessment, fn 28 (enclosed as Appendix C). Key

Routes require special risk management treatment by railroads, according to industry best management practices. *Id.; see also specific examples in* FD_33556 *CN/IC Merger* Draft Environmental Assessment at 4-15. When one railroad proposes to add to the risk on another carrier's line, full disclosure of Key Route-related risks is required, so that the proposing railroad may adequately compensate the community and the line owner for managing the additional risk. In past cases, STB has focused extra attention on impacts sustained by communities living near Key Routes, particularly minority communities. See e.g., FD_33877 *Illinois Central* EA, FD_34040 *Riverview Trenton RR*, Wayne County, MI, Environmental Assessment at 5-33 (enclosed as Appendix E); FD_33556 *CN/IC Merger* Draft EA extended discussion at 4-15 to 4-20 and Response to Comments. STB has gone so far as to impose mitigation on some applicants based on the Key Route status that their proposals would create or add to. FD_33556 *CN/IC Merger* Draft EA at 4-19 and 8-6.

All of the existing project segments for this proposal are Key Routes. Yet the DEIS completely ignores this fact and conducts no analysis based on it. This is doubly important in light of the environmental justice issues associated with this proposed action, yet the DEIS gives not a clue about such issues. That is wrong. That must be corrected.

Finally, with regard to environmental justice, one further issue needs to be discussed. In the DEIS, the applicant's preferred alternative is route IC which goes south of Ellington Field and is adjacent to the existing Clear Lake Community. Clear Lake is predominantly anglo. Subsequent to the release of the DEIS, the applicant identified that alternative IID was the preferred alternative. This route goes to the north of Ellington Field and avoids the anglo community to the south. However, the Hispanic community remains significantly impacted by the proposed rail line. The point here is that the applicant has now indicated a preference for a route that avoids impacts to whites. That is an environmental justice issue of the first order.

E. Public Safety and Environmental Justice

Public safety concerns are at center stage in this proceeding, as they were in the only case the Board has ever denied on the merits. *Indiana and Ohio Railway Company -- Construction and Operation -- Butler, Warren, and Hamilton Counties, Ohio*, 9 I.C.C.2d 783, 786 (1993) (*Indiana and Ohio*). (Appendix D) There, the Board's predecessor agency, the Interstate Commerce Commission (ICC) determined

that "[the line's] location would create a threat to public safety that cannot be adequately mitigated. These substantial adverse public safety concerns outweigh the transportation benefits of the proposed line." *Id at 783.*

Though ultimately denied on the merits, the decision of denial relied on information from the EIS. Without question, the agency interpreted the merits provision that they were denying the proposal under (49 U.S.C. §10101(8)) as overlapping with "environmental" concerns. *Id.* at 790. The denial had to reference the FEIS to show that the agency agreed with the public safety consequences predicted by opposing parties.

The *Indiana and Ohio* FEIS reported that approximately 2,100 people lived within 1,000 feet of the proposed construction, in 470 single family homes and 220 mobile homes. *Id.* at 789. The proposal called for 2 trains a day hauling lumber, pulp, tires, and other non-hazardous materials. The agency stated that:

> The recommended mitigation would not fully eliminate the potential for adverse effects because of the close proximity of the proposed rail line to a substantial number of residences. Therefore, for the reasons detailed in the DEIS and FEIS, it is [SEA]'s final recommendation that the no-build alternative is the environmentally preferable course of action in this case. *Id.*

The commissioners followed suit:

> Because of the serious public safety concerns that could not be adequately mitigated, [SEA] recommended...that the construction and operation of the line not be approved. That recommendation was concurred in by the U.S. Environmental Protection Agency. We agree with the conclusions of the final EIS and adopt them as our own. *Id.* at 790.

Here in the case of San Jacinto Rail, even though the risks dramatically exceed those in *Indiana and Ohio*, the STB did not analyze the proximity of persons and residences to the proposed route. Based on 2000 U.S. Census data, over 1,600 people live within 1/4 mile (1,320 feet) of the proposed construction in this proceeding, and over 4,400 live within 1/2 mile. In Harris County, 43,153 people live within ¼ mile of the existing tracks the proposal would operate over. The majority of these residents are Hispanic.

Failure to conduct such an analysis is inexplicable and completely arbitrary. STB has not abandoned the practice of its predecessor agency. Numerous recent STB environmental impact statements and assessments contain a population and housing proximity analysis, including:

FD_33782, *Entergy Arkansas and Entergy Rail, White Bluff to Pine Bluff, AR* at IV-1 (attached in Appendix F)

FD_34060, *Midwest Generation LLC, Will County, IL*, Environmental Justice Assessment at 5 (attached in Appendix G)

FD_33407 *Dakota, Minnesota, and Eastern (DM&E) – Construction into the Powder River Basin*, Final Environmental Impact Statement, vol. II, at 9-45.

FD_32530, *Kansas City Southern Railroad, Geismar/Ascension Parish, LA*, Draft Environmental Impact Statement at vii.

These analyses have not been and are not being conducted here, despite GBCPA's explicit request to conduct such analyses in our scoping comments. Such methods impose no burden on the agency, as they are quick, efficient, and easy and have been utilized in the past, as the above cases show. In addition, GBCPA has supplied STB as part of these comments population and proximity data that should trigger a denial under *Indiana and Ohio*. The agency has been informed of the need and provided with the means to conduct a proximity analysis, yet continues to refuse.

Is a different standard being applied to the Hispanic neighborhoods of Houston than to the anglo neighborhoods of suburban Cincinnati? Why is the data not being collected that would reveal the same types of problems that led to denial of the permit in that proceeding?

F. Landfills

Another issue included in Dr. Clark's report is the impact of the landfills on the safety and construction of the proposed facility. As discussed earlier, although the applicant's preferred alternative in the DEIS is 1C, the applicant has publicly requested the City of Houston to grant it right-of-way to construct alternative 2D. According to Dr. Clark's report, which is Exhibit 3, there are major problems associated with old landfills in the vicinity of alternative 2B. The Farley Street Superfund site is in the vicinity of these northern routes. The site is close to or involved with the turning radius of alternatives 2B and 2C and alternative 2D appears to cross the landfill itself. There

are also several other landfills in this area that are identified as construction and debris landfills. However, given past practices in disposal in the Houston area, these landfills should be fully documented in the DEIS. They are not and this is a major omission.

G. Land Use

From another perspective, the proposed SJR line can be seen as a major land use that will generate secondary impacts. Secondary impacts are impacts that occur due to induced growth. "But for" the proposed activity, certain types of impacts would not occur. The SJR line is an infrastructure investment that will generate secondary impacts. In fact, the SJR line will lead to a transformation of the undeveloped property between Genoa Red Bluff and Clear Lake to commercial and industrial land developments.

By putting a rail line through undeveloped property, this land will become unavailable for certain types of development. Residential development will be discouraged by the proximity of a rail line. Industrial and commercial development, in turn, will be generated by the availability of undeveloped land adjacent to the proposed rail line. In this manner, SJR will cause the industrial and commercial development of a large swath of land from Armand Bayou to Ellington Field.

GBCPA asked architect and land planning expert Peter Brown to evaluate the potential for and likelihood of secondary impacts being generated by the proposed SJR line through the currently undeveloped property between Genoa Red Bluff and Clear Lake. His report is included as Exhibit 5. Among his conclusions are the following:

I. SUMMARY AND CONCLUSIONS

1. Land uses falling within the definition of "heavy industrial," (The SIC code used by the U.S. Department of Commerce) based on generally accepted community/land use planning principles are considered incompatible with other land uses.

2. General principles and scholarly literature also show that heavy industrial uses tend to aggregate and attract similar uses once established, as well as drive down adjacent property values.

3. Generally accepted planning principles also establish minimum buffer distances between "heavy industrial" and other land uses.

4. The proposed San Jacinto Rail line is properly classified as a heavy industrial use under general principles and federal and local land use classification systems.

5. Existing municipal land use plans and restrictions in some municipalities in the Clear Lake region prohibit further heavy industrial development in many areas along the proposed alignments.

6. The DEIS fails to accurately depict current land use in the Clear Lake region.

7. The DEIS fails to classify San Jacinto Rail as any type of land use, even though railroad right of ways are classified as "industrial" under the SIC codes.

8. The DEIS fails to define an appropriate scope of land use analysis despite impact results and data given elsewhere in the DEIS and available to the agency.

9. The scope of analysis used, restricted to the rail right of way, is unreasonable and the "analysis" conducted has no methodological basis other than the agency's whim and is completely arbitrary as industrial land use impacts extend far beyond property lines.

10. The DEIS fails to provide a methodology for or define which land uses are "compatible" with the proposed action.

11. Because its scope is improper, the DEIS ignores adopted local land use plans for adjacent land and makes invalid, unsupported, blanket ad hoc assumptions concerning all land use not within the rail right of way. These assumptions have no basis, and are contrary to generally accepted planning principles or otherwise, and abdicate disclosure responsibilities.

12. Using data in the DEIS and generally accepted planning principles, this rail proposal will generate:

- Significant environmental impacts on adjacent properties within 1 mile.
- Significant land use conversion and change on adjacent properties within 1 mile through industrial sprawl, occurring over time:
  - First as vacant land is converted to industrial uses, often contrary to established land use plans, some being marginal uses such as storage yards, and
  - Then as industrial uses aggregate and attract similar uses, and

  - Finally as existing developed property impacted by industrial uses declines in value there is an inevitable transition to industrial purposes.
- A reasonably forseeable corridor, defined by the buffer zones and impacts, containing the only compatible land uses – heavy industrial uses - with this rail line, from SH 3 to the Bayport Container Terminal site and Galveston Bay.
- Reasonably predictable landuse conflicts and negative impacts on existing higher uses and on land suitable for higher uses or as natural preserves. The negative impacts and land use changes caused by this rail line corridor will be significant and wide spread.

13. The cumulative land use analysis unreasonably restricts the scope of all cumulative actions to a property line analysis, including the rail right of way.

14. A property line analysis for cumulative land use impacts arising from San Jacinto Rail and the Bayport Container Terminal directly contradicts the numerous offsite impacts disclosed in the Bayport DEIS.

15. Using data in both the San Jacinto Rail and Bayport DEIS's, and generally accepted planning principles, the cumulative impacts from these two proposals will accelerate:

- Significant environmental impacts on adjacent properties within the buffer zones for heavy industrial uses associated with each project.
- Significant land use conversion and change on adjacent properties within the buffer zones resulting from the market forces of industrial sprawl, occurring:
  - First as vacant land is converted to industrial uses, often contrary to established land use plans, and
  - Then as industrial uses aggregate and attract similar uses, and
  - Finally as existing developed property declines in value and retains utility solely for industrial purposes.
- A reasonably foreseeable corridor (defined by the buffer zones and impacts) containing the only compatible land uses – heavy industrial uses - with these two proposals, from SH 3 to Galveston Bay.
- Reasonably predictable landuse conflicts and negative impacts on existing higher uses. The negative impacts and land use changes caused by this rail line corridor will be significant and wide-spread.

H. Wetlands

Based on the analysis by Peter Brown, industrial land development will be induced by the permitting of SJR across the existing undeveloped land area between Armand Bayou on East and Ellington Field on the West, Genoa Red Bluff on the north and Clear Lake on the south. These secondary impacts will directly impact extensive wetland acreage existing in this area. The length of the proposed action impact in the coastal prairie portion of the project is about 26,000 feet or approximately 60 acres of total impact with a 100 foot ROW. Past experience suggest a minimum of 30% wetland coverage or approximately 20 acres of wetlands along this route.

The loss of wetlands is a major issue today in Harris County. Since the U.S. Supreme Court decision in *Solid Waste Agency of Northern Cook County v. Corps of Engineers*, isolated wetlands have lost their regulated status according to the interpretation of the Galveston District of the U.S. Army Corps of Engineers. Now, more than ever, a DEIS must fully and fairly evaluate the impact of a proposed action upon wetlands, particularly non-jurisdictional, isolated wetlands. Only by fully understanding the impacts of federal action can the permitting agency make the "informed" decision required by the U.S. Supreme Court in the *Methow Valley* case.

The impacts of induced development on non-jurisdictional wetlands was not even considered to be an issue worthy of attention by the STB in the DEIS. To evaluate this issue, GBCPA requested that Dr. John Jacob, a wetlands specialist, prepare an expert report for the STB. Dr. Jacobs's expert report is attached hereto as Exhibit 6.

Although the DEIS for the SJR shows a total impact to jurisdictional wetlands of 2.84 acres, Dr. Jacob's analysis indicates as much as 8.5 acres could be impacted just in the areas identified, that is forested floodplains and in salt marshes.

More importantly, this area impacted is a very important landscape of ecological significance. The prairie pothole landscape of the Elligton-Red Bluff corridor contains the interfingering of different hydrologic regimes as a result of the complex geologic history that formed the landscape. The uniqueness of this wetland complex is because it is one of the last large extensions of a prairie pothole - MIMA - mound complex left on the upper Gulf Coast of Texas. The loss of the Ellington

prairie pothole complex would have a substantive effect on the water quality and the viability of the unique Armand Bayou Coastal preserve.

Dr. Jacob is very clear that the area traversed by the SJR line is one of the last remaining, relatively pristine wetland areas in southeast Harris County.

I. Cumulative Impacts

There are several levels of cumulative impact that are important in the context of the proposed SJR line. At this time, there are at least two other proposed federal actions that will impact the same area as is impacted by the SJR line. These are the Bayport container port and the Shoal Point container port. A DEIS has been published for the proposed Bayport container facility and both a DEIS and FEIS have been published for the Shoal Point container port.

The Bayport container port is proposed to be constructed adjacent to the Atofina plant, the eastern terminus of the SJR line. The Bayport container port will generate over 5000 trucks per day and will generate 8-8000 foot long container trains per day. Bayport will cause significant destruction of wetlands, change land use patterns, generate substantial small particle air pollution and generate significant sources of noise, among other things. The Shoal Point container port is proposed to be constructed at Texas City to the south of the proposed SJR line. The major overlapping cumulative impact will be involve rail traffic from Texas City moving northward up Highway 3 along the UP line, causing an increase in traffic along the same route to be used by SJR. These cumulative impacts must be fully and fairly discussed.

Attached to these comments are several CDs. One CD contains the Shoal Point FEIS and another CD contains the Bayport DEIS. Three CDs contain the comments of GBCPA in response to the Bayport DEIS. In these Bayport comments, GBCPA complains about certain negative impacts that will occur if the project were to go forward. The GBCPA comments contained in the attached CDs provide documentation of the impacts that generate the concern of cumulative impacts in association with the proposed SJR. The following is a short summary of the cumulative impact concerns.

1. Land Use. According to Peter Brown's analysis, SJR will cause the development of industrial and commercial uses in the undeveloped land west of Armand Bayou and west of Ellington between Genoa Red Bluff and Clear Lake. Additionally, Mr. Brown has projected that the development of the proposed Bayport facility also will cause a change in the land use around the Bayport facility. These two new land uses – Bayport container port and SJR – will transform land use in southeast Harris County. This land use transformation must be fully and fairly presented.

2. Wetlands. The secondary impacts of the proposed SJR facility will lead to the destruction of one of the two remaining wetland tracts of significance in southeast Harris County. Bayport will destroy the other one. Together, Bayport and SJR will destroy the last two remaining areas with significant acreage of pristine or relatively pristine wetlands in southeast Harris County. Dr. John Jacob's analysis of wetland impacts at Bayport is included in the CD. His analysis of the SJR impacts is included as an exhibit to these comments. The important point, however, is that the two projects will destroy the last remaining prairie pothole complexes in southeast Harris County. That has not been disclosed and must be.

3. Fine Particle Air Pollution. As shown in the attached CD, the fine particle air pollution levels from Bayport are significant. They are projected to be as much as a 3 microgram per cubic meter increase in annual PM2.5 levels at the container facility. The Atofina plant is immediately adjacent to this area of increased PM2.5 concentrations. The diesel locomotives used by SJR will contribute to this increased PM2.5 level. This must be quantified. Additionally, EPA has just released a study confirming that diesel emissions are carcinogenic. The diesel carcinogens from the SJR locomotive will be added to the diesel carcinogens from Bayport to the detriment of the public living nearby. The combined effects of these diesel emissions must be fully disclosed.

4. Noise. Noise levels in adjacent neighborhoods, particularly in Shoreacres and LaPorte, will be affected by the combined effects of Bayport and SJR. This must be fully and fairly explained in the EIS.

In reviewing the regulations of the Council on Environmental Quality, it seems clear that the proposed Port of Houston container port and the proposed SJR line are "cumulative actions" as that term is used at 40 CFR 1508.25(a)(2). There are significant cumulative impacts in association with the proposed Bayport facility. These two projects should be evaluated in the same EIS.

Exhibit 3

Dr. H.C. Clark Expert Report with 12 Attachments

February 10, 2003

To: Blackburn Carter

From: H.C. Clark, Ph.D.

Critique of geology related portions of the full title Draft EIS: Bayport Loop Build-Out

INTRODUCTION

This report involves the geology and related information as applied to the proposed alternative rail routes from the Ellington Field area to the Bayport terminal area. The discussion is about the information that should have been included in the Draft Environmental Impact Statement [DEIS] and a critique of the DEIS itself.

THE REVIEW BASIS AND SUMMARY

I am a consultant in geophysics and geology and my work is generally in the area of environmental matters. I received a Bachelor's degree from the University of Oklahoma in Geology and Geophysics in 1959. I received a Mater of Science degree in Geophysics from Stanford University in 1966 and a Doctor of Philosophy in Geophysics from Stanford in 1967. My Masters research involved seismic modeling and my Ph.D research was in paleomagnetism. Following graduation, I came to Rice University. I am now emeritus at Rice and, in addition to environmental work, I am active in farming in Limestone County. My curriculum vitae is attached as Attachment 12. I reviewed the available information on the geology, active surface faulting, subsidence and waste disposal in the general vicinity of the planned rail line alternative alignments. I visited the 2B, 2C and 2D alignment alternative route areas to review the present surface conditions. I compared what I found to the evaluations in the EIS. This comparison is based on the fact that a critical environmental impact would occur if there were a derailment, spill and/or pipeline rupture. And that derailment could occur if the alignment were chosen and the rail line built on the basis of the information contained in the current Draft EIS.

There is a lot of geology related information available that specifically deals with this geographic area, and the various reports are readily found in Houston libraries. The area is well known to geologists in Houston who have been concerned with geologic hazards over many years. Specifically, the Ellington Field and Clear Lake areas have been studied in detail as examples of active surface faulting. In addition, those familiar with early Superfund sites all recall the stories of the Farley Street swimming pool. Excerpts from several data sources are included as Attachments to this report. To summarize at the outset, these Attachments, when compared to the conclusions of the Draft EIS, suggest that, at best, the DEIS minimizes the potential negative geology related impacts. The DEIS should be redone in order to consider and analyze the specific detail available in readily accessible local sources.

The geology related portions of the DEIS were apparently written by someone from out of town. The descriptions of faulting and the other geologic phenomena in the Houston area are incomplete and indicate a lack of understanding of some of the basic concepts. The DEIS acknowledges the presence of hundreds of miles of faults, but fails to discuss or include a map of those faults well known in the Ellington and Clear Lake areas. The DEIS describes subsidence in the Houston area, but fails to discuss subsidence in the Clear Lake and Ship Channel area. The EIS simply concludes that faulting and subsidence have come to an end and a rail line will not affect either geologic situation. That thinking is misguided and misleading.

A thorough DEIS would include all available maps of faulting in the particular area of each alignment alternative and then create a plan to monitor the chosen route alternative for future fault related displacement. For it is that displacement and the possibility of train derailment, spills, and pipeline rupture that represents the potential negative environmental impact, and not whether passing trains will somehow excite future fault displacement. Next, the DEIS should include available maps of past and predicted subsidence in the Clear Lake area and include that information in the engineering plan for the chosen alternative. Instead, the DEIS dismisses subsidence by concluding that the rail line plans no fluid extraction and thus poses no subsidence related impact. Certainly no one expects this railroad consortium to enter the oil and gas business here; but the issue is the impact of the historic change in grade and related leveling and drainage problems on the rail line. The DEIS should also include comprehensive mapping of waste disposal sites, particularly along alignments 2B, 2C and 2D. This area is well known for a number of sand pits and subsequent landfill operations. The absence of any detail about the Farley Street site, a description of that Superfund event, and the current status of the site is particularly troubling. For decisionmakers to choose an alignment alternative without detailed information about a Superfund site is shortsighted, at best. Finally, the DEIS should consider the potential for roadbed problems related to the near surface geology and hydrogeology.

Discussion

This report began with a discussion of geologic information that should be considered in the DEIS. This section is about information about faulting, subsidence, waste disposal, groundwater and soil stability.

The Bayport Loop Build-Out is south of Houston in the Ellington Field and Clear Lake area. The geology section of the EIS correctly describes the surface geology of the area as typical of the Beaumont formation. Importantly, the surface here is a deltaic portion of a former course of what was likely the Brazos River. This means that the various rail alignments will cross sediments that have a different sand:clay relationship than much of the Beaumont formation. The birdsfoot Pasadena delta is oriented toward Galveston Bay rather than the Gulf [VanSicien, 1991, Attachment 1]. Groundwater is shallow, gradients are low, and drainage and infiltration are important. These are critical engineering factors for a construction project.

Faulting

Active surface faulting is a major construction concern and hazard in Houston [Attachment 2, VanSicien, 1984]. The area immediately south of Houston includes several salt dome related oil fields involved with active surface faulting. Slow upward movement of domes has given rise to generally radial faulting, more concentrated in the regions between the domes than not. Production of oil and gas together with historic production of groundwater have activated existing and new faulting. This type of fault is typically shorter and the displacement less than the major down to the coast faults such as the Long Point. The general area of the rail route includes both the Webster and Clear Lake oil fields. Both areas have been studied in part because Ellington Field has played an important role in transportation involved with the space program, and in part because Clear Lake is the home of many involved in the space program. Concern for their safety and well being led to extensive fault studies in the area. But the presence and importance of these faults had been recognized by Houston geologists long before. Several maps are included in the Attachments to this report. Several other maps may be found in the reference citations. The DEIS should re-visit the subject of active surface faults in the area using a full historical set of data to fully evaluate fault activity in the path of the rail line.

Consider the section of the fault map by Verbeek and Clanton [1981, Attachment 3] expanded to the approximate scale of the rail maps included in the DEIS. These faults were mapped on aerial photographs and on the ground and the map is a compilation of the several

sources. The map shows a number of faults potentially affecting the proposed rail alternatives. There are other maps of faults available that should be considered. The literature contains several papers describing the effects of this faulting on already built structures. Some examples taken from their work are included here in the Attachments. The trace of segment 73 [Attachment 4] across the Ellington runway is marked by airplane tire marks left as they met the upthrown side of the fault. The photograph of the fault [Attachment 5] beneath the Ellington engineers' building is an apparent example of the importance of the horizontal component of active surface fault displacement in the Houston area. The photograph of the rail bed displaced by fault 73 [Attachment 6] is of specific importance to this DEIS study of potential environmental impact. In summary, active surface faulting is a problem in the rail line area, and while the displacement parameters may not be of the scale of the down to the coast regional faults, they exist, cross the alternatives and require consideration. The consequences of not doing these analyses are demonstrated by the photograph of the rail bed displaced by fault 73. Clearly an active surface will deform the roadbed to a point where it could cause a derailment. The fault map example [Attachment 3] also shows a number of faults crossing alignment 1 and the middle portion of the common alignment north of Clear Lake. The Clear Lake oil field shown on the fault map is also evident on the aerial photos included in the DEIS.

Subsidence

The EIS describes subsidence in the Houston area in general terms but minimizes its potential effects. Historically, there has been approximately six to eight feet of subsidence in the Bayport Rail project area [Attachment 7, Gabrysch, 1987]. It is not insignificant that the headquarters of the Harris Galveston Subsidence District is located at Clear Lake. Topographic maps and benchmark elevations and records are updated periodically and current map editions and available information does not necessarily reflect the actual elevations. USGS maps for this area caution that the area is affected by subsidence. The District has been effective in developing a strategy to reduce future subsidence. Maps included as Attachment 8 [Harris-Galveston Subsidence District] show predicted future subsidence under two scenarios. The measures taken have effectively reduced use of groundwater in the area of the proposed rail line alternatives. However, the historic subsidence shown in the Attachment 7 diagram illustrates the problem and provides a baseline that should be considered in planning in the area. The DEIS

should have included these maps and indicated that the builders should consult with the district to obtain the current benchmark and survey values. The DEIS does not contain sufficient detail to determine the effect of historic subsidence on the rail route alternatives. Graphic information would improve the analysis. For example, the DEIS should plot rail route profiles showing the difference between recent and historic topographic mapping elevations and actual subsidence affected elevation. Failure to properly consider subsidence could result in a rail line built too low with attendant drainage difficulties and flooding. The case of the recent boulevard extension in Clear Lake is familiar to many in Houston. Here, the completed road turned out to be two feet below the actual required elevation and must be rebuilt.

Waste

Waste disposal is a critical issue in the part of the geographic area where sandpits and subsequent landfilling of one sort or another have taken place. This is of particular concern in the Genoa Red Bluff area where alignments 2B, 2C and 2D are planned. The DEIS discusses waste disposal and possible hazardous waste spills. But it appears that the research, with the exception of a description of the HCFC ditch through the Hughes site, is primarily a summary of database searches and suggests too little time in the field. The general area is one of active sandpits, inactive sandpits, an active landfill, and several inactive and capped landfills. In general, these landfills are and were construction and demolition landfills, but several were operated before formal permitting and regulation became the norm. Of particular interest is the Farley Street Superfund site located in the vicinity of the three alignments, 2B, 2C and 2D. This site is an example of a "discovered" disposal site and closure before current standards for closure. It is also because the summary reports provide shallow geologic information that should be valuable to general engineering planning for the rail alignments.

The Farley Street review included a feasibility study, a status report and an NPL Delisting Recommendation report. This site is on the west side of Farley Street somewhat south of its intersection with Genoa Red Bluff. The site is a little over 2 acres, about a three hundred foot square. The location map [Attachment 9] is not to scale, but does show that the site is south of the intersection of Farley Street and Genoa Red Bluff. The site originally involved two east-west trenches, about 150' by 25' and initially about 6' to 8' deep [Attachment 9]. Although the history is incomplete, it is known that a Mr. W.L. Davis leased the site in 1958, and his trucking

company hauled chemical waste from at least one area plant and dumped it in these trenches for some time. Periodically, the trenches were set on fire, leaving the enterprising Mr. Davis with renewed trench disposal capacity. The disposal of chemical plant waste in unlined pits in a sandy environment had not been industry recommended practice for some time, but nevertheless, it was found to be the case at a number of sites in the Houston area. The remediation effort discovered several "fingers" of hydrocarbon in the silty layers of the pit walls indicating migration.

It appears that the Hughes sandpit operation purchased this property and others for sandpits and subsequent filling as landfills in the early seventies [Zingery map 1972 with 1976 update note]. Mr. Hughes deeded the Farley Street 2.07 acre site to his daughter and continued sandpit and landfilling operations to the west and south. She built her home on the property and in 1981 excavated to add a swimming pool with a vinyl liner. It appears that while the home may have avoided the pits themselves, the pool did not and the excavation encountered what Mr. Davis left behind. The pool was abandoned, and the house itself burned within the year. The site became one of the early local additions to the NPL. A PRP was identified and the waste was excavated and taken to its hazardous waste onsite landfill in Freeport. The reports are only approximate in their description of the waste and the extent of the problem, even describing it at times as Class II and III waste. Regardless, the recommended plan was to excavate the waste impregnated soil in the pits, backfill and cap, and surround the site itself with a slurry wall keyed to clay at about 24 feet in depth. Documentation about the slurry wall was not found in the reports, but a letter from the City of Houston accompanying the delisting recommendation concurred with the plan apparently in the expectation that the entire Hughes sand mining and landfilling operation was to be surrounded by a slurry wall. The integrity of the slurry wall was to be assured by future groundwater monitoring well measurements. This same report, however, describes only a planned slurry wall along Farley Street following the development of landfilling to the west and to the south and over the Superfund site.

Clearly, this story indicates that the Farley Street site should be carefully investigated before choosing any of the several alternative alignments. This site is close to or involved with the turning radius of two alternatives (2B, 2C) across the corner at Genoa Red Bluff and Farley. Alignment 2D crosses the landfill itself. Either the Farley Street site was closed with a slurry wall, and rail line construction might compromise the integrity of this seal; or none of the slurry

wall plans were carried out, leaving the migration of the chemical waste as an unknown and calling into question the Farley Street Superfund closure documentation. Another concern prompted by the Farley Street story is the content of the several area landfills presumed to be construction and demolition debris. At one point, the DEIS describes the Hughes work as unpermitted. But at another it lists the TCEQ permit number. The aerial photographs indicate recently completed landfilling, and therefore agency records might serve to clarify the waste fill history and involvement with the rail route alternatives. At the least, the EIS should have the benefit of detailed studies where the rail line is planned along (2B, C) or between cells of the sandpit landfills [2D].

The present relationship between the alignments and past landfilling operations is not well documented in the DEIS. The DEIS describes the results of a recent study by the HCFC along its ditch in the vicinity of 2D. That study found asphalt, shingles, wood, concrete, or what would generally be described as construction and demolition landfill materials in the ditch wall. The 2D alignment alternative is to be on the northern bank of this ditch and is described as being between two landfill cells. It would be between two above grade mounds; however, the results of the HCFC study show that below grade is landfill waste. The draft EIS should be corrected to recognize this problem and should not be finalized until soil boring studies along the full route through the landfill area are evaluated and made public. The 2001 aerial photograph shows evidence of recent fill work [May, 2001]. Historical aerial photographs reviewed showed no evidence of sandpit activity in 1969, 1971 or 1972. Air photos from 1990, 1995, 1998 and 2000 show the progressive sand mining and the landfill development following. The 1975 air photo [Attachment 10] shows sand pits to the west and to the south of the intersection of Genoa Red Bluff and Farley. The photo shows two areas along Farley that were not being excavated. The 1975 photo also shows the HCFC easement area with excavation taking place on either side. The 1982 topographic map shows this as a road with excavation on either side. Thus, it appears that this part of alignment 2D is over an area that was once excavated as a sand pit.

A visit to the site area in February, 2003, found none of the planned monitor wells and fresh earthwork on the landfill cap north of the HCFC ditch and in the area involved with alignments 2B, C and D [Attachment 11 a, b, c]. If the landfill is closed in the regulatory sense, then this new work may alter or re-open the cap.

Shallow sediments and groundwater considerations

The EIS describes the sediments and Chicot and Evangeline groundwater production aquifers in the area of the project. But it fails to consider or evaluate the geotechnical problems presented by shallow sands and clays, and is rather disingenuous in suggesting that groundwater is not found near the surface but at great depth. The discussion of the HCFC ditch study, however, admits that groundwater there is encountered at about eight feet. The Farley site studies found groundwater in a silt encountered at about ten to seventeen feet. Shallow groundwater is typical and expected in the Houston area. The EIS should fully describe the potential problems and steps generally taken to deal with shallow groundwater. In this regard, the geotechnical studies involved with the City of Houston Water Treatment Plant, for example, should be reviewed and included in the EIS. The HCFC ditch study and the historic aerial photos show that the route of alternative 2D and perhaps 2B and 2C may be over landfilled sandpits rather than native soils. Thus, the "soil" immediately underlying the route may well be trash and not soil at all. This problem should be investigated, and plans developed for removal and replacement or some of the stabilization measures taken when building through or over landfills.

CONCLUSION

The DEIS fails to consider fundamental information about faulting, subsidence, waste disposal sites and shallow hydrogeology that affect the several rail alignment alternatives. This report provides data, resources, and recommendations for additional work that should be accomplished before the DEIS can be considered complete.

ATTACHMENT LIST

Attachment 1	Aerial geologic map of coastal terrace forming stratigraphic sequences showing Pasadena delta (Van Siclen, 1991).
Attachment 2	Principal Active Faults, Houston Area, Texas (Van Siclen, 1984).
Attachment 3	Surface fault pattern - Southeast Houston (Verbeek and Clanton - Figure 6, 1981).
3a	Surface fault map (Exhibit 3) superposed on Preferred Alignment
3b	Surface fault map (Exhibit 3) superposed on Alternative Alignment 2D
Attachment 4	Fault 73 crossing Ellington Field tarmac and runway (Clanton & Verbeek, 1981, Figure 30)
Attachment 5	Fault 73 beneath Ellington Field Engineer's Building (Clanton & Verbeek, 1981, Figure 26)
Attachment 6	Distortion of railroad track, Fault 73 (Clanton & Verbeek, 1981, Figure 24)
Attachment 7	Historic Subsidence, Houston Area - 1906 - 1978 (Gabrysch, 1987)
Attachment 8a,b	Future - Predicted Subsidence 1995-2030. Map of Harris-Galveston Subsidence District; 2 Groundwater development scenarios
Attachment 9	Location Map, Farley Street Superfund Site (MRA, 1984)
Attachment 10	Genoa Red Bluff area and sandpits 1975 (Zingery-Wallace, 1975)
Attachment 11	H.C. Clark Photos - Farley Street landfill area photos - February 2003
11a	Looking west Alternative 2D
11b	At Farley Genoa Red Bluff area
11c	Landfill and earthwork
Attachment 12	H.C. Clark Curriculum Vitae

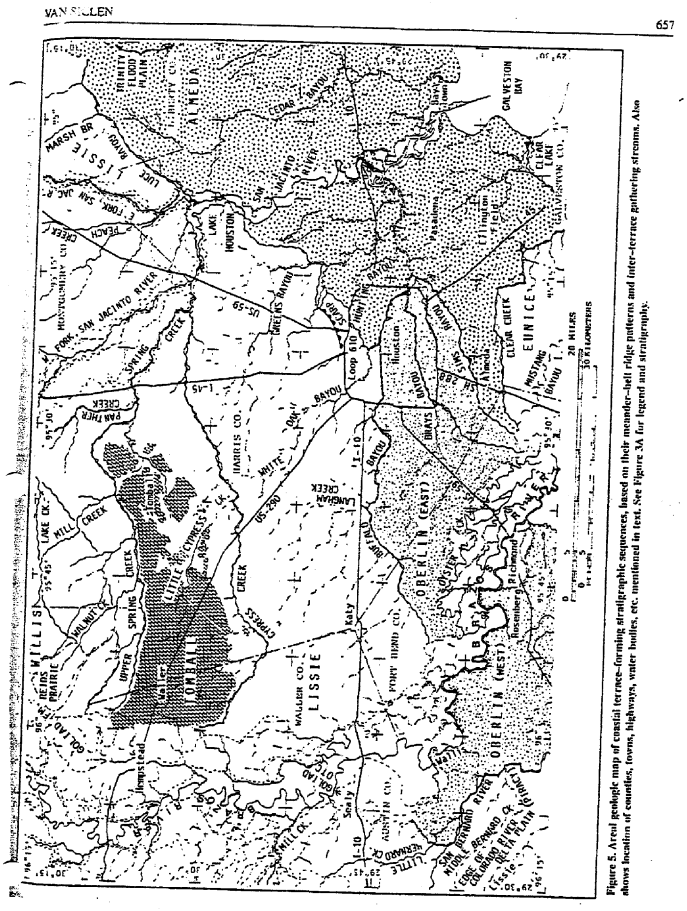
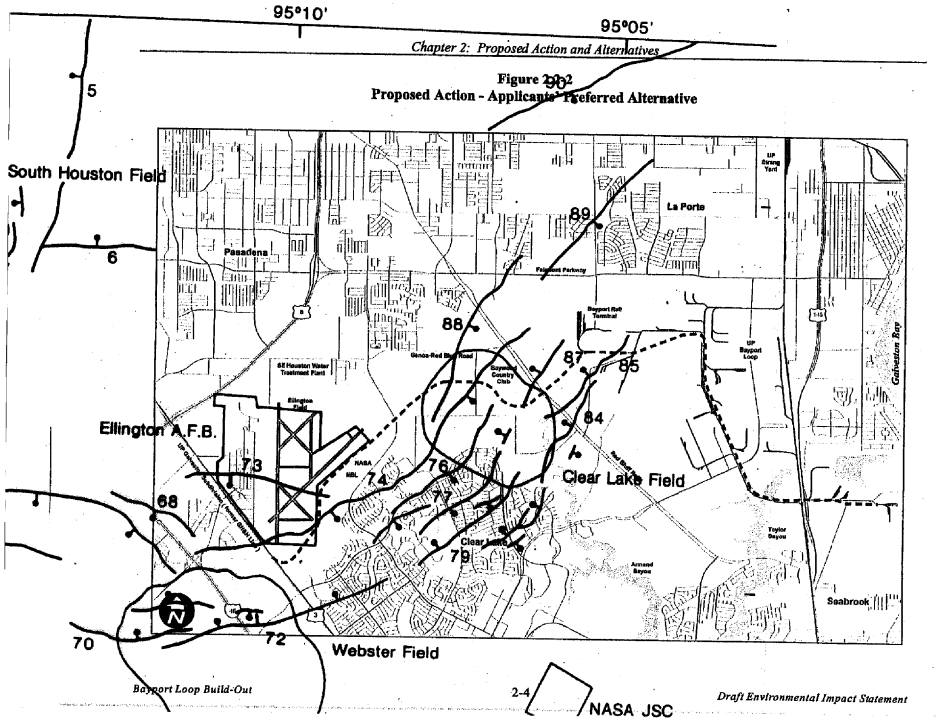
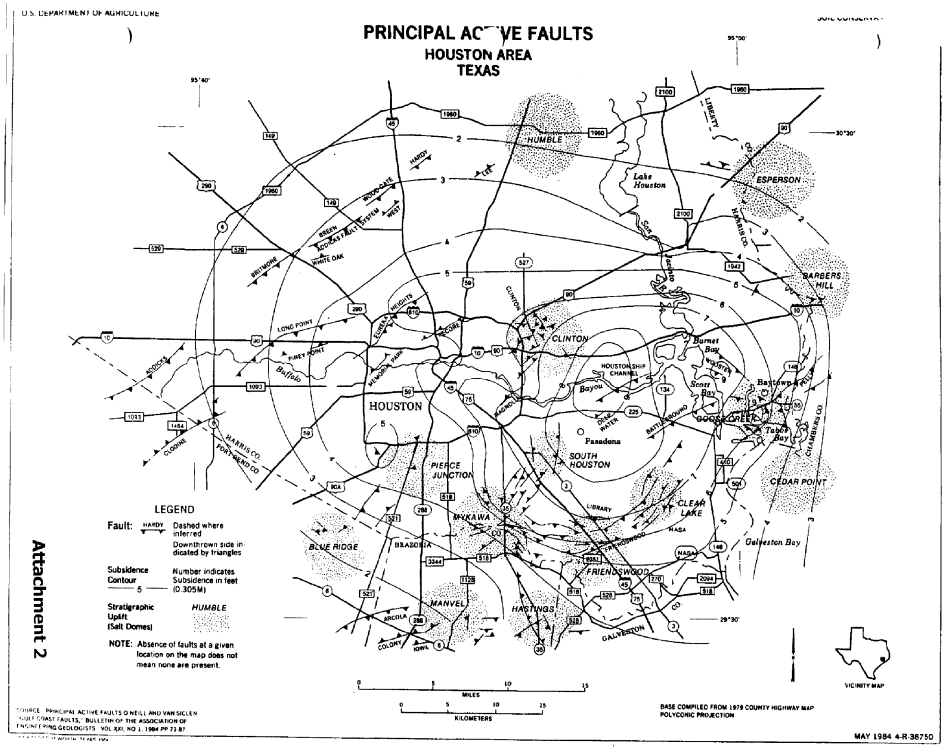


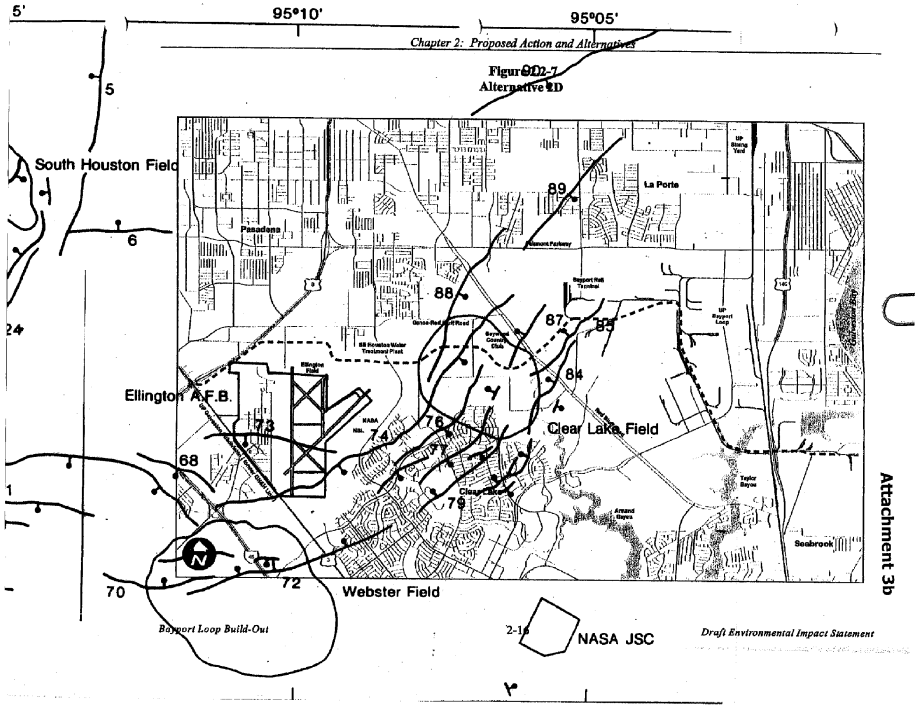
Figure 5. Areal geologic map of coastal terrace-forming stratigraphic sequences, based on their meander-belt ridge patterns and inter-terrace gathering streams. Also shows location of counties, towns, highways, water bodies, etc. mentioned in text. See Figure 3A for legend and stratigraphy.



Attachment 3a



Attachment 2



Attachment 3b

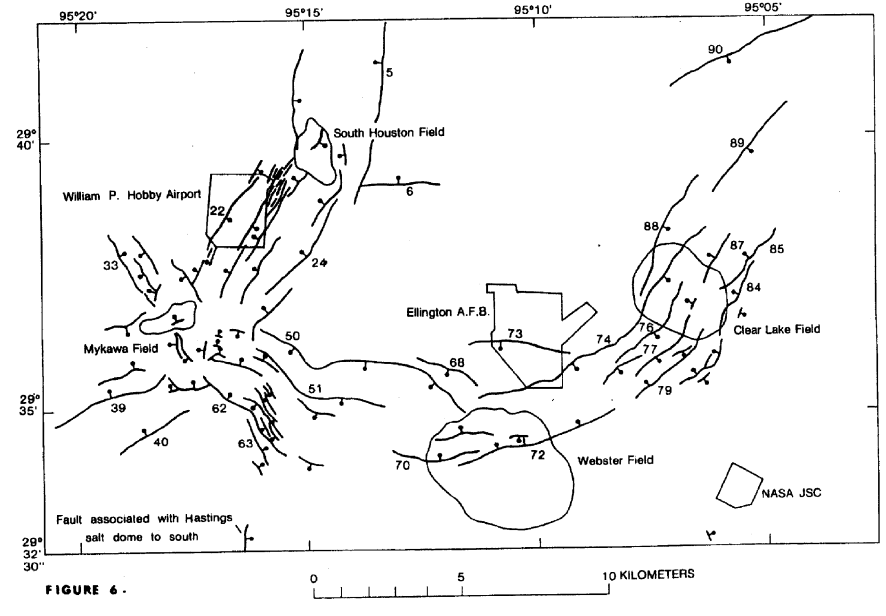


FIGURE 6.

Attachment 3



Figure 30.--View looking WNW across part of the parking and warmup ramp at Ellington Air Force Base, approximately along the trace of an active fault. Tar patches at breaks in tilted concrete panels outline the scarp. Other patches, lighter in color, mark where the original concrete has been cut away and new concrete poured in its place. Some of these new concrete patches form ramps between adjacent panels that were offset vertically along expansion joints. Daily inspections and frequent repairs are necessary to keep the taxiways and runways free of loose chips of concrete that could be swept up by the engines of jet aircraft.

The fault continues beneath the long building in the background, which is offset at a point near the fifth set of windows to the left of the main entrance. The severity of fault damage to the building cannot be fully appreciated in this distant view, but damage to the rear wing of this building is shown in figure 29.

NASA Photo S78-26710; fault no. 73 of Verbeek and Clanton (1978), about 27 km SE of downtown Houston.

Attachment 4



Figures 26, 27.--The crawl space beneath the Base Engineers Building at Ellington Air Force Base, one of the few places in Houston where a fault scarp has long been protected from erosion and is accessible to view. Shown here are two views of the scarp, one toward the exposed edge of the upthrown block (figure 26) and the other along the strike of the fault (figure 27). The fault is an open, sinuous fissure with vertical walls. Measurements of vertical offset vary slightly along the scarp but average about 20 cm. The apparent amount of horizontal extension is misleading in figure 27 because the separation has been exaggerated by caving of material from the walls. By excavating the fault to a depth of 1.4 m, the fissure was found to be 5 cm wide and was filled with debris that had fallen into it from the surficial organic-rich soil. The ratio of vertical to horizontal movement (about 4:1) suggests that the dip of the fault decreases downward rather than maintaining the vertical dip seen at the surface.

NASA Photos S74-23184 (figure 26) and S74-23186 (figure 27); fault no. 73 of Verbeek and Clanton (1978), about 26 km SE of downtown Houston.

Attachment 5

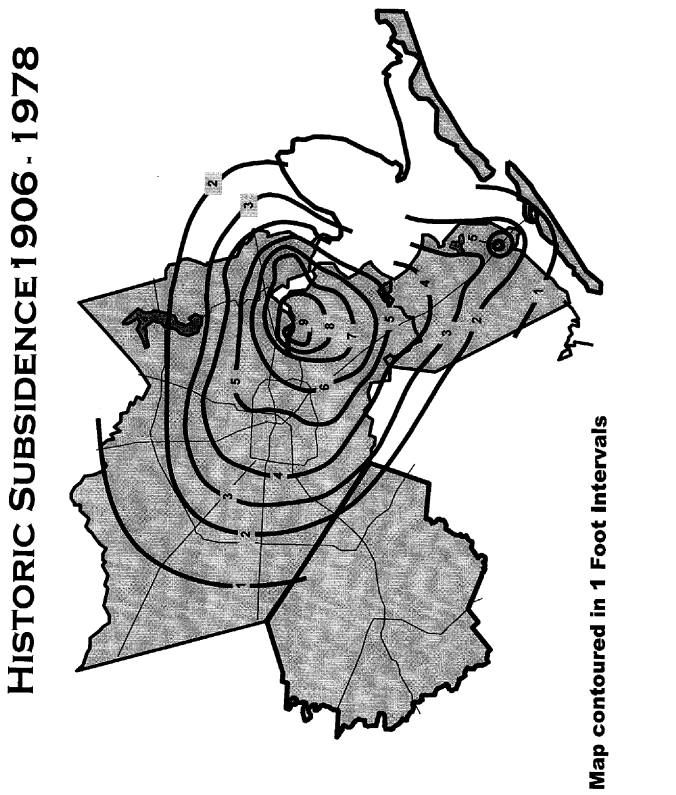


Figure 24.--Distortion of a railroad track over the growing scarp of an active fault. Restoration of desired grades at the many places where tracks cross active faults in Houston generally requires the addition of new ballast on the downthrown side to elevate the track near the scarp. Extra ties may be installed for increased strength. These repairs are temporary, however. As faulting proceeds, ties near the scarp that once were firmly embedded in the ballast and that bore the weight of the overlying rails progressively lose support as the downthrown block drops beneath them. Gaps between the bottoms of the ties and the crushed rock on which they once lay can be seen in many places simply by pushing some of the ballast aside at the end of the tie. Sections of track up to several tens of meters in length may thus become suspended across the scarps of active faults. This common situation is not in itself dangerous, but serious damage to the track can result if maintenance is long delayed. Each rail car that passes forcefully drives suspended ties into the ballast, a process that damages the ties and loosens many spikes. Pulled spikes are locally so common that some of the tie plates which normally hold the rails to the ties instead are lying loose on the ballast. Tie plates that are still in place typically are deeply embedded in the ties (whose ends may eventually break off), and, rarely, the joint bar that connects two rails end-to-end has broken. Steel gauge rods that span the width of the track and hook onto each rail are locally the only reliable means of preventing rails from shifting sideways and changing the track width. Extensive damage to tracks, however, is limited mostly to spurs used only for low-speed freight traffic. Main lines and industrial lead tracks are repaired sufficiently often that possible hazards from faulting are minimized.

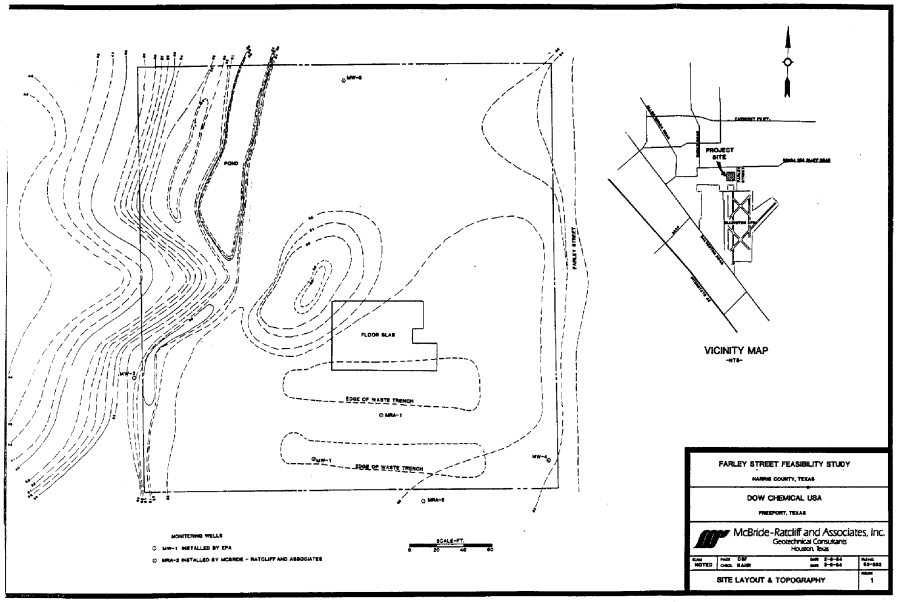
The abrupt vegetation change from grasses to taller shrubs on both sides of the track is another consequence of faulting. This species of shrub, unlike most others, grows well in disturbed areas of poor soil where moist conditions prevail much of the year. Here the shrubs grow thickly on the downthrown side of the fault within the wettest parts of drainage ditches next to the track.

NASA Photo S78-25187; SE view across fault no. 73 of Verbeek and Clanton (1978), about 25 km SE of downtown Houston.

Attachment 6

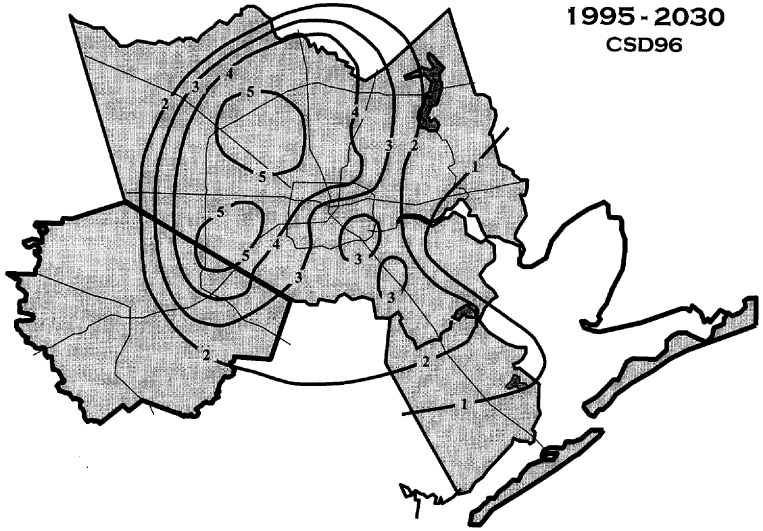


Attachment 7

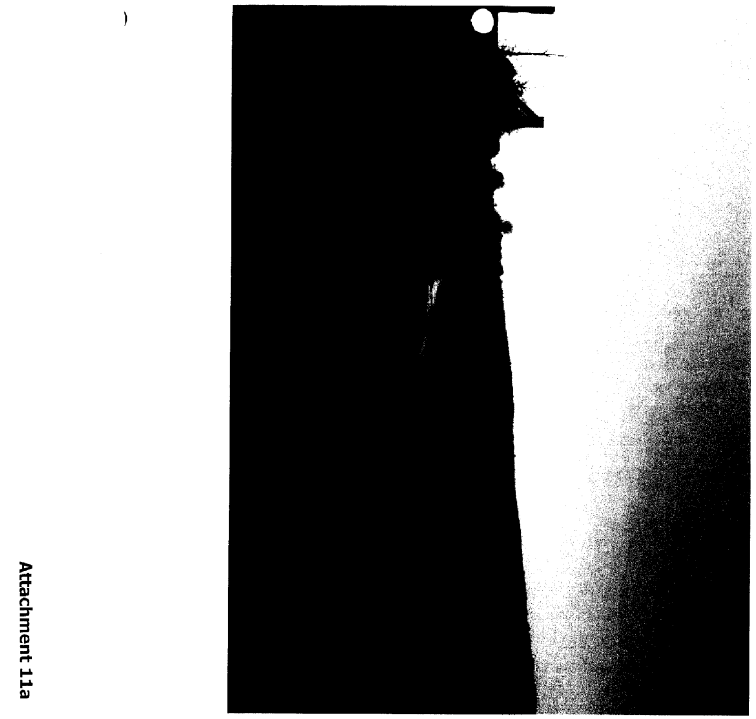


Attachment 9

PREDICTED SUBSIDENCE
1995 - 2030
CSD96

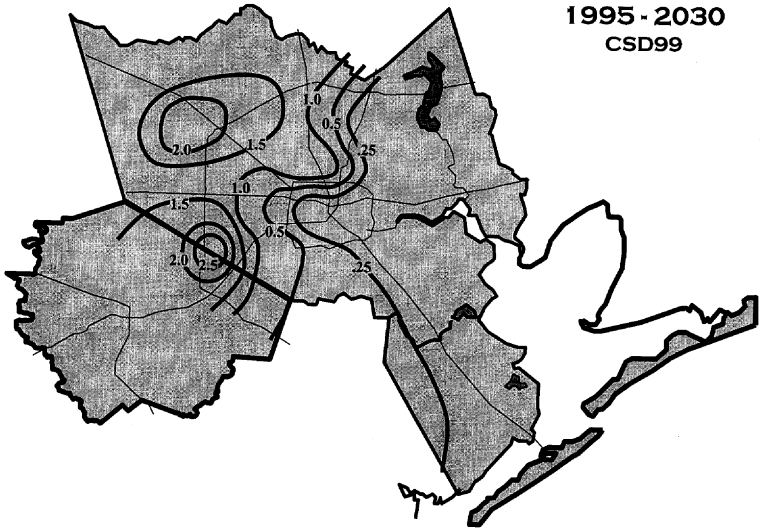


Attachment 8a



Attachment 11a

PREDICTED SUBSIDENCE
1995 - 2030
CSD99



Attachment 8b



Attachment 11b

Velia Andaverde

From: H.C. Clark [hcclark@rice.edu]
Sent: February 03, 2003 11:55 AM
To: Vandaverde@Blackburncarter.Com
Subject: for hc's bayport rail



Attachment 11c

H.C. Clark
2300 Bolsover
Houston, Texas 77005
hcclark@rice.edu;
[713]529-0090; [254]7892271

Consulting Geology and Geophysics

Rice University, Emeritus, Geology andGeophysics

Education
PhD, Geophysics, Stanford University, 1967
MS, Geophysics, Stanford University, 1966
BS, Geology and Geophysics, University of Oklahoma, 1959

Teaching
courses in geophysics and geology, geologic hazards, engineering geology, and engineering geophysics

Research: Current — Geophysical techniques applied to the study of shallow features; Past — paleomagnetism, geophysical measurements and crustal studies, detection of dynamic fractures, seismic studies of hydrogeologic problems

Organizations — American Geophysical Union, Society of Exploration Geophysicists, Houston Geological Society, Geophysical Society of Houston

Appointed to Task Force 21 of the Texas Natural Resource and Conservation Commission
Appointed to EPA/ASTSWMO Industrial Waste Management Guidance Stakeholders Group [1997-present]
At Rice University from 1966 to 1989

Consulting Projects

Browning Ferris- CECOS Gulf West Hazardous Waste Landfill, Chambers Co., Seismic study of active fault, groundwater geology
BFI 521 Municipal Landfill, Fort Bend Co., Texas,Geology, groundwater, active faulting and salt dome
BFI McCarty Road Municipal Landfill, Harris Co., Texas, Geology, active faulting
BFI Stratton Ridge Injection Well, Brazoria Co., Texas, Geology, fracture potential
CECOS Livingston Hazardous Waste Landfill, Livingston Parish, Louisiana, Geology
BFI Galveston County Landfill, Galveston Co., Texas , Resistivity study, baseline data
City of Houston, Crystal Chemical Injection Well, Harris Co., Texas,Active faulting, geology of reservoir
Rice Center for Community Design and Research, Chambers County Natural Factors Study, Chambers Co., Texas, Geology components
Texas Coast Project, Two County Tier, Texas,Geology components
Metropolitan Transit Authority Project, Harris Co., Texas, Composite fault map metropolitan area
Citizens, Willis, Montgomery Co.,Texas,Municipal Landfill, Geology and groundwater
Citizens and County, Matagorda Co., Texas ,Phillips 66 Landfarms, Landfills, Contaminated Water Ponds,Geology, groundwater, systems design
Fayette County Resource Watch, Fayette Co., Texas, Cummins Creek Lignite Mine Geology, geophysics and groundwater
Citizens, Katy, Texas, CMI Municipal Landfill, Cypress Creek, Geology, faulting
Citizens, East Houston, Texas, Municipal Landfill—Negev, now Bluebonnet,Geology, faulting
Citizens, North Houston, Texas Municipal Landfill—Atascocita, Geology, geophysics
Citizens and Power Systems Equipment, Chappel Hill, Washington Co., Texas Municipal Landfill, Geology, geophysics, groundwater
CASE, Beaumont-Port Arthur, Jefferson County, Texas, CWMI Injection Well
Campbell, Foss, and Buchannan, Inc. Eureka, Nevada, Mine Exploration
Magnetic measurements and interpretation Norse-Windfall Mines, Eureka, Nevada
Magnetic and seismic refraction measurements and interpretation
Anderson and Frierson, Geologists Central Texas Oil Exploration
Gravity and magnetic measurements and interpretation
U S Army Corps of Engineers, Galveston, Texas Galveston Bay Sand Supply Study
Data compilation and interpretation
U S Air Force, Office of Ballistic Missle Research Micro-blast rapid tunnel excavation. Sunburst Recovery
Seismic recording, CSM Experimental Mine, Golden, Colorado
Tenneco Oil, Exploration and Production, Houston, Texas
Magnetic ranging system for detection of well blowout, patent
Allied Chemical, Norfolk, Virginia, Magnetic survey, steel tank construction site
SanJacinto Development Corp., Landslide and groundwater influence, downstream Livingston Dam; San Jacinto Co., Texas
Vinson and Elkins, Attorneys, Houston, Fault study. West Houston
Keplinger Associates, Petroleum Engineers, Houston, Oil Mining Study, Ohio, Geophysical measurements and interpretation Mining Prospect, Alaska, laboratory magnetic measurements and interpretation
Universal Savings Association, Houston
Hazardous waste study—former pipeline terminal and sludge storage pits
Soil borings, monitor well installation; soil, sludge, groundwater
sampling, interpretation of chemical test results
Hazardous waste study—former manufacturing facility
Waste disposal audit, supervision of testing program
Active surface fault study—former manufacturing complex Field surface study and interpretation of surface, photo, and subsurface data
Hazardous waste study—office park and landfill area
Soil borings, monitor well installation; soil, sludge, groundwater sampling, interpretation of chemical test results
ERM Southwest, Houston, Texas,Pesticide Manufacturing Plant, Dallas County, Texas
Seismic refraction interpretation
Testing Unlimited, Houston, Texas,Conroe Jail, Montgomery County, Texas, Seismic study, basement heave
General Dynamics, Fort Worth, Texas Airforce Plant 4, Fort Worth, Texas, Seismic reflection study, groundwater problem
McClelland Engineers, Houston, Texas, Bosque Dam Construction Planning, Seismic refraction study, outlet works
Police Jury, Calcasieu Parish, Louisiana Chemical Waste Management Hazardous Waste Landfill, Lake

Attachment 12

Charles Facility-Geologic and hydrologic study
Commissioners Court, Matagorda County, Texas -Phillips 66 Landfarm- geohydrologic study of landfarm operation
Citizens of Security, Texas-Montgomery County Contractors Type 1 Landfill, geology and geohydrology — Permit amendment for special wastes
Texas Environmental Coalition, Concerned Citizens of Winona-Land Banned Waste Exemption Petition - WDW 186, Gibraltar Chemical Resources, Winona, Texas
Citizens, Fort Bend County, Texas-Fort Bend County Landfill - proposed expansion
Resolution Trust Corporation-Former Industrial Facility - ground water contamination
Fault study - seismic reflection profile study-splay faults and contaminant transport
City of League City, Texas-Waste oil processor-Hazardous waste and ground water
Calhoun County Resource Watch, Texas-Union Carbide Plant Hazardous Waste Landfill Faulting, geology, and ground water; British Petroleum Plant-Hazardous waste landfill geology and performance
Mitchell Development Corporation-Bald Head Island Beach erosion and relationship to Wilmington Channel Dredging
Allen County [Ohio] Citizens for the Environment Workshop on deep well injection
Louisiana Department of Environmental Quality-Workshop on deep well injection
Law Engineering, Houston, Texas-Workshop on landfills
Citizens, Fort Bend County, Texas-Fort Bend County Landfill - methane migration and groundwater
Citizens, Waco, Texas-City of Waco Landfill Expansion,geological and geophysical analysis
City of Petronila, Nueces County, Texas Texas Ecologists Hazardous Waste Disposal Analysis of application for two injection wells
Numerous groups in Texas, Louisiana, Ohio: Critical comments on hazardous waste injection wells including:Gibralter Chemical; Chemical Waste Management, Port Arthur and Corpus Christi, Texas; Vickery, Ohio;DSI, Empak, Waste Water Inc, Dupont, Celanese, American Cyanamid, Cecos, Rollins, BP Green Lake, IMC Fertilizer, BP Lima Harris County, Texas-Westbelt Landfill, geological and geophysical analysis;American Envirotech Hazardous Waste Incinerator, geological and geophysical analysis
City of Houston and Harris County-Hunter Industrial Facilities salt dome storage of hazardous waste, geological and geophysical analysis City of Wilmer, Texas Laidlaw Wilmer Landfill Remand Hearing, geological analysis
Citizens, Lacy-Lakeview(Tirey Trust) Lacy-Lakeview Landfill Expansion,groundwater and geology
CASE-CWMI Port Arthur Landfill-audit of landfill documents-geologic analysis
Citizens, Fairview (COFF),McKinney Landfill Expansion,geological and geophysical analysis
Lower Colorado River Authority-Tricil Landfill, Altair, Texas geological and geophysical analysis
City of Del Rio-CWMI Dryden Landfill. Dryden, Texas
CONTROL [Citizens of Justin, Texas] Sentry Landfill Proposal,Denton, Texas-geological analysis
West Harris County MUDS-Madden Road Landfill geological and geophysical analysis
Sierra Club, Eagle Pass, Dos Republicas Coal Mine
geological and agricultural analysis of alluvial valley floor
Citizens Live Oak County, Texas IEC Injection Wells 156, 159, geological and geophysical analysis
Citizens Winnsboro, Texas East Texas Landfill, geological analysis
Citizens East Fort Worth Laidlaw Landfill, MSW 2145,geological analysis
City of Lancaster, Texas WMX Skyline [Ferris] Landfill, 42-C, geological analysis
Citizens Walker County, Texas DDI Landfill, geological analysis

Citizens Palo Pinto County and Fawcett XO Ranches-Blue Flats Landfill, geological analysis
MOSES [Mothers Organized to Stop Environmental Sins] Injection Wells 186 and 229, Smith County, Texas-injection well, geological and geophysical analysis
Citizen groups Jefferson County NORM facility, geological and geophysical analysis
CCAP Wharton County-Hazardous waste caverns, injection, geology and geophysics
Baggett, McCall & Burgess, Lake Charles PPG Plant contamination plume
ABLE, Canyon, Texas-BFI Canyon Landfill expansion proposal geological analysis
Frost Family Farms, Liberty County Class I [non-hazardous] injection well proposal, geophysical and geological analysis
Spring Cypress Landfill Coalition, Harris County-Type IV landfill, geology and hydrogeology
Sierra Blanca Legal Defense Fund, Hudspeth County, Texas ,Low Level Nuclear Waste Disposal license application,geophysical analysis
Citizens groups, Kinney County, Adobe Landfill proposal, geophysical and geological analysis
Bill Sutton, Fort Bend County Long Point Dome landfill proposal, geophysical and geological analysis
North Texas Municipal Utility District 121 Landfill design team, geological and geophysical measurements
Raytheon [McBride Ratcliff Engineers],Active fault and BMC Software complex, Houston
Limestone County, Texas-Hansen Aggregates quarry design and hydrogeology analysis
Citizens, Hays County, Texas-Aquasource water treatment and discharge facility, geology and hydrogeology
BFI-Blueridge Landfill expansion geology and hydrogeology
McFadden Family-Dupont Beaumont no-migration exemption renewals for injection wells, analysis
Frost, FPL Farming Ltd-Amendment to injection well permits WDW316 and 317
Chambers County, TSP Cypress Point Industrial Landfill, geologic issues analysis, industrial rules analysis
Citizens Fort Bend County, Juliff Type IV Landfill application
James E. Bradley, various LPST and drycleaner contamination cases
O'Connor Ranches, Victoria, groundwater resources in South Texas and analysis of availability modeling [GAM]

Publications

Keller, M.F., and Clark, H. C. Jr., 1964, Prediction of magnetic anomalies due to four buried spheres, in Computers In the Mineral Industries, Stanford University Press.

Clark, H. C. Jr., 1966, A Study of a Thick Oligocene Sill as a Paleomagnetic Record of Secular Variation, (abs.): Trans. Am. Geophys. Un., V.47,p. 79.

Clark, H.C. Jr., 1967, A Fused Quartz Curie-point Balance in Methods in Paleomagnetism, Developments in Solid Earth Geophysics: Amsterdam, Elsevier Publ. Co., v. 3, pp. 438-439.

Clark, H. C. Jr., 1967, Variation of Remanent Magnetic Properties Related to the Differentiation of the Mary's Peak Sill, Oregon, (abs): Trans. Am. Geophys. Union, v. 48, p. 79.

Lankford, R. R., Clark, H. C. Jr., Warme, J. E., and Rehkemper, L. J. 1969, Galveston Bay Estuarine system - Case study in Case Studies ofEstuarine Sedimentation and its Relation to Pollution of the

Estuarine Environment:Gulf Universities Research Corporation, Houston, Texas, pp. A-l - A-64.

Gilliland, M. W., Clark H. C. Jr., and Sutler, J. F., 1969, Paleomagnetism of the Buck Hill volcanic series. Big Bend, Texas (abs.): Trans. Am. Geophys. Un.,V. 50, p. 131.Clark, H. C. Jr., 1959, Remanent Magnetism, Cooling history, and Paleomagnetic Record of the Mary's Peak Sill, Oregon: Journal of Geophysical Research, V. 74, ff. 1, pp. 3143-3160.

Clark, H. C. Jr., Flournoy, L. D., and Haupt, L., 1969, Late Pleistocene to Holocene Secular Variation Observed in Cores from the Gulf of Mexico: Trans. Am. Geophys. Union, V. 50, p. 606.

Clark, H. C. Jr., and Hickcox, A. E., 1970, Remanent magnetic stability and cooling history of the Mary's Peak Sill, Oregon (Abs.): Bull. Geol. Soc. Am., V 2, p. 276.

Clark, H. C. Jr., and Johnson E. A., 1971, Paleomagnetism ofOaxaca State, Mexico (abs), Trans. Am. Geophys. Un., V. 52, p. 190.

Clark, H. C. Jr., and Kennett, J. P., 1972, Confirmation of the reality of the Laschamp Geomagnetic Polarity Event in cores from the Gulf of Mexico (abs.): Trans. Am, Geophys. Un., V. 53, p. 423.

Clark, H. C. Jr., and Kennett, J. P.,1973, Paleomagnetic excursion recorded in Late Pleistocene deep sea sediments. Gulf of Mexico: Earth and Planetary Science Letters, V. 19, pp. 267-274.

Clark, H. C. Jr,, Fryer, G. E, Gasparini, P., Roberti, N., Scandone, R., 1973, II laboratorio de paleomagnetismo dell'osservatorio vesuviano: Prod. Associane Geofixica Italiana.

Kennett, J. P., Huddleston, F., Clark, H. C. Jr., 1973, Paleoclimatology, paleomagnetism, and teprochronology of late Pleistocene sedimentary cores, Gulf of Mexico. In CNRS Symposium Volume: Les Methodes quantitative d'Estudes des variations du climat au cours du Pleistocene. No. 219, p. 239-250.

Clark, H. C. Jr, Remanent magnetism of volcanic rocks, 1974, Physical Volcanology (Gasparini, P. and Civetta, L., Editors), 20 pages, Elsevier. Amsterdam.

Clark, H. C. Jr., and Bradbeer, G. E., 1974, Geology and natural environmental factors. Chambers County. Texas In Environmental Analysis for Development Planning, Chambers County, Texas. Rice Center for Community Design and Research and Southwest Center for Urban Research. 28 Manuscript pages and figures.

Clark, H. C. Jr., 1975, Geology, Map 9 In Texas Gulf Coast Project, Research Report 1, Williams, D. L., and Rowe, P.G., ed., Rice Center Community Design and Research, Houston, 261 pages.

Gevirtz, J. L., Clark, H. C. Jr., Rowe P. G., 1975, Environmental Description for Land-Use planning, Abstracts with Programs, Geological Society of America, Vol. 8, Number l,p.21.

Clark, H. C. Jr., Georges, D., and Rowe, P. G., 1976, Geologic Hazards and Land Use Planning in the Gulf Coast, Abstracts with Programs, Geological Society of America, Vol. 8, Number 1, p. 14.

Anderson, J, B., Weaver, M.F., Clark, H. C. Jr., 1977, Sediments and Sedimentary Processes on High

Latitude Continental Shelves, Offshore Technology Conference, V. 9,2738, 8 pages.

Anderson, J. B., and Clark, H. C. Jr,1977, Geologic Studies for the Galveston County Shore Erosion Study, U.S. Army Corps of Engineers, Galveston District, 52 pages.

Clark, H. C. Jr., and Gilliland, M. W.. 1975, "Paleomagnetism of Early Tertiary Volcanics, Big Bend, Texas." Cenozoic Geology of the Trans Pecos Volcanic Field of Texas; Conference Proceedings, Alpine, May 21-25,1978.

Watson, C. W. and Clark, H. C. Jr, 1978, "Gravity measurements and the Big Bend, Texas, as Part of a Continental Rift." Cenozoic Geology of the Trans Pecos Volcanic Field of Texas; Conference Proceedings, Alpine, May 21-25, 1978.

Clark, H. C. Jr,1978, Geologic Hazards and Houston, Houston Engineer, May-June, 1978, p. 23-24.

Fainstein. R., and Clark, H. C. Jr., 1975. The Crustal Structure beneath the Victoria-Trinidade Ridge, Revista Brasileira De Geosciencias, v. 8, p. 170-283.

Metcalfe, C. W. and Clark, H. C. Jr.,1978, Gravity Analysis of the Big Bend, Texas, as part of a Continental Rift, Abs., Transactions Am. Geoph. Union, V. 59, Number 12, p. 1189.

Gilliland, M. W. and Clark, H. C. Jr., 1979, Paleomagnetism of Early Tertiary Volcanics, Big Bend, Texas, Guidebook 19, Cenozoic Geology of the Trans-Pecos Volcanic Field of Texas, Anthony W. Walton and Christopher D. Henry, Texas Bureau of Economic Geology Guidebook Series.

Metcalfe, C. W., and Clark, H. C. Jr., 1979, Gravity Measurements and the Big Bend, Texas, as part of a Continental Rift," Guidebook 19, Cenozoic Geology of the Trans-Pecos Volcanic Field Of Texas, Anthony W. Walton and Christopher D. Henry, eds., Texas Bureau Of Economic Geology, Guidebook Series.

Clark, H.C. Jr, and Metcalfe, C. W., 1979, Ouachita Orogenic Belt Offset, Central Texas, ABSTRACT, Transactions of the American Geophysical Union, V. 60,46.

Clark, H. C. Jr., Greene, L. A. Jr., and Sealy, C. 0., 1979, Ground and Surface Water, Geologic Hazards, and Waste Disposal: Houston, Texas. ABSTRACT, Trans. Am. Geoph. Union, V. 60,46, p. 230.

Clark, H. C. Jr., and Georges, D., 1981, Deep Well Injection of Liquid Waste: Hazards and Planning, Abstract, EOS, Transactions of the American Geophysical Union, V, 62, p. 865.

Clark, H. C., 1982, Ouachita Orogenic Complex, Central Texas - Geophysical Measurements and Basement Offset, Transactions of The Gulf Coast Association of Geological Societies., (M. Malek-Aslani, ed.), 32, p.157-163.

Clark, H C. Jr., Young, Chapman, Barker, Ronald., 1984, "Field Tests of the Stem-Induced Explosive Fracturing Technique, Society of Petroleum Engineers of the AIME, Proceedings of the Unconventional Gas Recovery Symposium, SPE 12840; May 23, 1984, 8 pages.

Young, C., Barker, D., and Clark, H. C., 1986, Field Tests of the Stem Induced Explosive Fracturing Technique, Society of Petroleum Engineers, Journal or Production Engineering, p. 266-273.

Clark, H.C., 1993, Geophysical Measurements and Environmental Problems in the Regulatory Process, Special Session, Third International Congress of the Brazilian Geophysical Society, Rio de Janeiro [Invited Paper].

Clark, H.C., 1995, Geophysical Measurements and the Public Environmental Process [Best of SEG], American Association of Petroleum Geologists Annual Meeting, p. 17a, Houston.

Clark, H.C., 1996, Overview of Environmental Problems and Non-Invasive Geophysics and Their Role in the Legal/Regulatory Framework, Looking Into the Earth, Geophysical Society of Houston, Environmental Applications Special Interest Group, p. 19-20.

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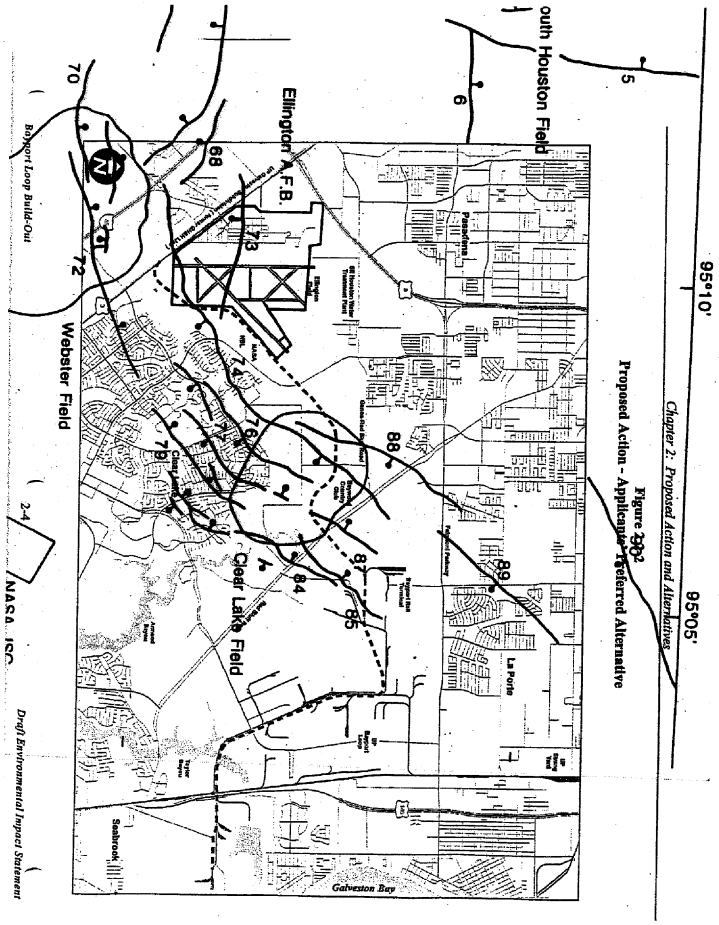


Exhibit 4

Professor Olga Moya Expert Report with 1 Attachment

SAN JACINTO RAIL LINE
ENVIRONMENTAL JUSTICE COMMENTS

February 2003

By
Prof. Olga Moya
South Texas College of Law

These comments include a critique of the San Jacinto Rail DEIS, and a discussion of its omissions and methodological errors in relation to Environmental Justice. This analysis specifically addresses the implications that the omissions of the San Jacinto Rail DEIS will have on the minority and low income communities in southeast Houston.

A. THE NATIONAL ENVIRONMENTAL POLICY ACT AND EXECUTIVE ORDER 12898

The National Environmental Policy Act (NEPA), and its corresponding Council of Environmental Quality (CEQ) regulations, is a general statute designed to institutionalize within the federal government, a concern for the quality of the environment. It mandates environmental awareness among all federal agencies. Executive Order 12898 provides, in part, that all Federal agencies make achieving environmental justice part of their mission.

NEPA requires that an agency take a "hard look" at its environmental consequences before it takes any action. It requires a consideration of the impact of proposed projects not only on the natural and physical environment but, also the social, health and safety, ecological, aesthetic, historic, cultural and economic impacts.

On March 14, 2002, The Galveston Bay Conservation and Preservation Association provided the STB with the CEQ guidance document for implementing NEPA and Executive Order 12898. STB was aware of these requirements when they prepared the DEIS, as it is referenced in the Chapter 3 Environmental Justice section, however, STB failed to comply with them.

B. INACCURATE INFORMATION REGARDING NUMBER OF MINORITIES

The draft EIS does not include complete or accurate information regarding demographics; it does not reflect the true racial make-up of the affected areas. If the correct information were in the DEIS, it would have reflected the true demographics of Houston's East End. Then perhaps there would also have been an examination of the mitigation measures needed to protect the communities, and maybe even the proper standard for determining the effects of a Federal action on a minority population would have been analyzed in the DEIS. In segment from Ellington Field to SH225 (Tower 30), there are 21,966 people within 1/4 mile, 72% of whom are Hispanic. One-third of this number are children under the age of 18. There are several schools including elementary, intermediate and senior high schools a mile or less from the proposed operating route as follows:

J. Harris Elementary School
Davila Elementary School
Southmayhd Elementary School
Milby Sr. High School
Kay Elementary School
Deady Jr. High School
Sanchez Elementary School
Crespo Elementary
Park Place Elementary
Chavez Sr. High School
Rucker Elementary School
Williams Elementary School
Patterson Elementary School
Bonner Elementary School
Stevenson Jr. High School
Queens Intermediate School
South Houston Elementary School
Matthys Elementary School
South Houston Intermediate School

Smith Elementary School
Freeman Elementary School
Pearl Hall Elementary School
South Houston Sr. High School
Garfield Elementary School
Young Elementary School
Miller Intermediate School
Genoa Elementary School

The census data is very simple to understand. The data taken directly from the 2000 census report on the census bureau website indicates that within ¼ mile of the proposed route, 71% of the population is Hispanic. The contrast between the accurate data and the data provided in the DEIS is very clearly demonstrated in the presentation attached as Appendix B. Every map in the Environmental Justice section of the DEIS completely understates the number of minorities in the area.

Fully 90%, or 27,825 of the Hispanic residents within 1/4 mile of the proposed operating route had not been included in the impact analysis. When it comes to the Census, the preparers of this environmental document know the data. They know that Census 2000 reports data on Hispanics. They know how Census 2000 is organized to first classify respondents into 1 of 7 categories, and then to subclassify on the Hispanic question. They undoubtedly have been instructed on how to use Census data properly. They know that east and southeast Houston are predominantly Hispanic. Their knowledge has been reinforced repeatedly by the STB's contact with the Latino community and the focus on East End impacts raised by the parties opposing San Jacinto rail.

The policies behind using Census data are required to be disclosed under NEPA as methodologies. The report states that STB and EPA environmental justice policies were followed. On page 3-78 it quotes explicitly from the Council on Environmental Quality guidance that states that Hispanics are a minority group. Thus, all preparing parties were aware of Hispanics' minority status. In addition, STB also states on page 3-78 that it has followed the

guidance in the past, raising additional questions about whether this was an isolated case of fraud on the part of the applicant or a more systematic agency problem.

- Once the Census 2000 data file is appended, the Hispanic data appears on the screen again.

- The Hispanic data would have been noticed yet again when calculating the blocks with more than 50% minorities.

- One single check of almost any random unshaded block near the line would have revealed the error.

It is easy to check the classifications in the mapping software by merely clicking on a shaded or unshaded block. Upon doing so, the "mistake" if any would have been revealed immediately. It is also easy for the preparer to compare White and Hispanic populations directly, to determine graphically where more Hispanics than Whites live. This was not done either. Essentially, to believe that the error was a mistake is to believe that all the checks failed, at every level, and that no one asked the threshold question: "Where is the Hispanic population?". This is not a "mistake" even if the analysis was an inconceivable one-step process in the face of all information, guidance, and the STB's own statements in the report to the contrary. The threshold question was never asked, by anyone, when the data was on the screen in front of the preparers at all times.

- During the DEIS' limited exposure analysis these errors would have been repeated.

Any use or verification of Census data elsewhere in the DEIS would have exposed the Hispanic data classification. The DEIS claims it used such data in calculating one exposed population along the proposed operating route and new segments. At the very least the results (population totals) from this section should have indicated that the environmental justice section was wrong.

This large mistake in leaving 27,825 Hispanic people out of the analysis that was intended to protect the minority populations cannot really be called a mistake. It also cannot be tolerated. The STB must go back and honestly account for the number of minorities who will be

affected by the proposed rail line. Not only the numbers must be identified, the risks to these communities must be fairly and fully disclosed.

C. THE OHIO DECISION

The Surface Transportation Board has used a different standard in analyzing the San Jacinto Rail DEIS than was used in a similar case in Ohio. The Interstate Commerce Commission (ICC) ruled on a case in Ohio, Finance Docket 31320, on July 23, 1993. The Ohio case involved an application by the Indiana and Ohio Railway Company that was applying for permission from the ICC to construct a rail line in the suburbs of Cincinnati.

The ICC denied the application due to public safety concerns, mainly that the proposed rail line would be too close to too many residences, "the recommended mitigation would not fully eliminate the potential for adverse effects because of the close proximity of the proposed rail line to a substantial number of residences." The Indiana & Ohio Railway Company, 9 I.C.C.2d 783, 789, (1993). (Appendix D)

There are some major differences between the proposed San Jacinto rail line and the Ohio rail line. First, in Ohio, there were 840 single family homes and 320 mobile homes in the vicinity of the proposed line. The Ohio line would have passed within 1,000 feet of 470 single family homes and 220 mobile homes which housed 2,100 people. The San Jacinto rail line will pass within 1,320 feet of 20,000 people and 23 schools.

Another major difference between the Ohio case and the present situation is that the Ohio rail line was proposed to transport lumber, tires, and plastic. The San Jacinto rail line will be used to transport hazardous materials and chemicals. The potential for adverse effects to humans because of the railway's close proximity to residences and schools is so much greater in this proposal than in the Ohio proposal. How is it possible for this applicant to argue that transporting hazardous materials within 1,320 feet of 20,000 people is less dangerous than transporting lumber, rubber, and plastic within 1,000 feet of 3,000 people?

A large part of the Ohio opinion focused on the fact that there was no way to mitigate the damaging affects on the community enough to render it a safe neighborhood. In the San Jacinto rail DEIS the mitigation section is deficient. It is deficient in part due to the STB's inaccurate assessment of the environmental justice communities that will be affected by the proposed rail. On page three of chapter six in the San Jacinto rail DEIS, it is stated "for the environmental resources as discussed below, if SEA concluded that the impacts are negligible, no mitigation is warranted." This statement is followed by some mitigation suggestions that the Board is free to adopt into their decision or not. However, the environmental justice sections in the DEIS wrongfully concluded that all of the impacts to environmental resources were "negligible." The DEIS is not truthful in revealing all the hazards which would necessitate a thorough mitigation analysis.

Why is the STB not applying the Ohio standard especially when the Ohio case specifically lays out the intent to serve as a model? "We believe that this explanation will provide useful guidance to the public in future cases involving the construction of rail lines." 9 I.C.C. 2d 783, 786. The court does not stop there in providing direction; "A decision here will give the public valuable guidance on how the Commission weighs environmental and public safety concerns in rail construction cases." Id. The ICC and the STB are under the same regulations, the same standards apply in all other areas of their duties, should they not also apply in their public safety analysis?

The difference in the treatment of the two situations is a violation of environmental justice principles.

D. ALTERNATIVES

Clear proof of the intentional discrimination against the minority community in Houston's East End is the choice of alternatives. The DEIS analyzed Alignment 1B as the preferred action. One week after the DEIS was released, however, the applicant's preferred route was changed to alternative 2D.

Alternative 1B, the option that BNSF designated as their preferred alignment in DEIS, travels west from the Bayport Loop, then southwest between Clear Lake and Ellington Field where it connects to the existing UP line at Highway 3. One week after the DEIS was released, BNSF announced that it preferred an alignment that was analyzed but not designated preferred in the DEIS. The applicant's preference now is a route that runs west from Bayport to Highway 3, crossing north of Ellington Field near the City of Houston Southeast Water Treatment Plant.

The new preferred alternative goes well north of Clear Lake, the primarily white, affluent neighborhood that would have been greatly impacted from the proposed rail line had it been built on Alignment 1B. Instead, BNSF has chosen to impact the majority Hispanic community of the East End. Changing the preferred route after the DEIS is complete is a blatant effort to circumvent the environmental justice implications that result from alignment 2D.

In chapter two of the DEIS, the SEA discusses reasons for selecting their proposed alternatives. Alternative 2D was developed for the same reasons as Alternative 2B to "avoid businesses, residences, and churches along Genoa-Red Bluff Road." Alternative 2B was developed to address the issues associated with crossing land owned by the Deer Park School District, and its proximity to a major residential neighborhood. DEIS p. 2-14. The change in preferred alternatives from 1B to 2D makes it clear that the Applicant and STB feel that the Deer Park School District where many of the white affluent children go to school is more important than the Houston Independent School District where many of the Hispanic children go to school. This unfair treatment results in Hispanics being forced to shoulder a disproportionate share of exposure to the negative effects and risks of this railway. Choosing Alternative 2D for the stated reasons is a blatant violation of NEPA and Executive Order 12898.

E. CUMULATIVE IMPACTS AND HEALTH RISKS

Under NEPA, direct and indirect effects to the environment must be considered. In addition, cumulative effects and actions to the environment must also be considered. Cumulative impacts occur when environmental impacts increase because of the collective actions of past, present and reasonably foreseeable future events regardless of which agency undertakes such

actions. Currently, as this project is being analyzed in accordance with NEPA, the U.S. Army Corps of Engineers (Corps) is going through the same process on the proposed Bayport Container and Cruise Ship Terminal. The San Jacinto Rail DEIS fails to address the cumulative effects and impacts that the construction, operation and maintenance of the Bayport Terminal will have in the area that will also be affected by the proposed rail line. A thorough analysis of the adverse effects that the proposed San Jacinto Rail line and the proposed Bayport Container and Cruise Ship Terminal will have on Southeast Houston must be done and compiled by the two agencies into one EIS. This comprehensive EIS must include the impacts from both of the projects that will be placed on the East End community due to additional air pollution, additional road traffic, additional rail traffic, and the hazards that these impacts impose.

It is no secret that the East End is already overburdened with chemical and other industrial plants. These plants produce an overabundance of carcinogenic gases and fumes. The DEIS however, neglected to consider the implications of the additional air pollution that will come with the trains through the East End combined with the air pollution that is already affecting the residents there.

Another extremely large oversight in the DEIS environmental justice analysis is the additional hazards that the rail will pose to the community from the web of pipelines that plague the area. As noted in the Pipeline section of these comments, the DEIS fails to mention BNSF's own findings of high degree of danger to public safety posed by railways located near or over high pressure liquid and gas flammable pipelines. A presentation made by the Applicant, BNSF, denotes how easily a pipeline may be ruptured from the construction, operation, and even the maintenance of a rail line right of way. The East End is laden with underground pipelines. A ruptured pipeline that releases its toxic contents often also results in a deadly explosion. These communities are already disproportionately burdened with toxic substances in the air and in pipelines underground at the very least, the STB must follow the NEPA guidelines and assess the extent of new hazards that the community will face if the rail line is built.

F. CONCLUSIONS

1. A Supplemental DEIS is warranted

Due to the lack of accurate information and omission of material information the DEIS is "materially deficient." Each of the above-referenced inaccuracies and omissions must be addressed in a Supplemental Draft EIS. The Supplemental Draft EIS should then be open for public comment and discussion. A complete and accurate draft environmental impact statement must be made available to the public for the purpose of adequately informing affected individuals and entities and for the purpose of allowing those members of the public to be able to participate in a meaningful way in the decision-making process before a Final EIS is drafted and published.

2. Public safety is paramount

Public safety is paramount. If the location of the proposed railway is found to pose a threat to public safety that cannot be adequately mitigated, then the adverse public safety concerns must outweigh the transportation benefits of the proposed line. The agency should deny the request for construction of this line and follow the precedent that was laid out in Ohio.

3. Environmental Justice Background and Addendum

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," provides that "each Federal agency shall make achieving environmental justice part of its mission…" The accompanying guidance document states that each Federal agency shall analyze the environmental effects, including human health and safety, economic and social effects, of Federal actions, including effects on minority communities and low-income communities, when such analysis is required by NEPA. Minority is defined as "individual(s) who are members of the following population groups: American Indian or Alaskan Native; Asian or Pacific Islander; Black not of Hispanic origin; or Hispanic."

In addition, the memorandum emphasizes the importance of NEPA's public participation process.

Generally, the term environmental justice is defined as: the fair treatment of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of laws, regulations, and policies. Fair treatment implies that no population should be forced to shoulder a disproportionate share of exposure to the negative effects of actions due to lack of political or economic strength. Environmental justice is based on the premise that it is a basic right of all Americans to live and work in safe, healthful, productive, and aesthetically and culturally pleasing surroundings. Environmental justice is based on the concept of fundamental fairness.

Fundamental fairness includes notions of social justice, procedural justice, distributive justice and corrective justice. Social justice is the virtue of justice that moves us to use our best efforts to bring about a more just ordering of society—one in which people's needs are more fully met. The demands of social justice are that the members of every class have enough resources, power and opportunity to live as befits human beings, and second, that the privileged or ruling classes (government and powerful individuals or entities) be accountable to the wider society for the way they use their advantages and power.

Procedural justice is about the perceived fairness of the procedures leading to a decision or outcome. It is about the right to treatment as an equal. It is the right to equal concern and respect in the political decision about how burdens and opportunities are to be distributed. It involves justice as a function of the manner in which a decision is made, and it requires a focus on the fairness of the decision-making process. The Executive Order on environmental justice is strongly focused on procedural justice, directing agencies to ensure greater public participation and access to accurate information for minority and low-income populations. The principles of environmental justice demand that public policy be based on mutual respect and justice for all peoples. To meet this principle agencies should grant the affected communities the right to participate as equal partners at every level of decision-making. Procedural justice affirms the

fundamental right to self-determination. The agency process must be free from bias or discrimination.

Distributive justice is about the equitable distribution of the burdens resulting from threatening activities or of the benefits of government and private-sector actions or programs. More specifically, in an environmental justice context, distributive justice involves addressing the disproportionate public health and safety risks borne by people of color and lower incomes. It requires agencies to make an effort not to increase risks upon communities already bearing a disproportionate amount of burdens in comparison to more affluent or non-minority communities.

Corrective justice involves fairness in the way injuries, losses and damage to human health and the environment are repaired or remedied. It means responsible parties will be caught and punished and not be allowed to reap benefits for disregarding legal standards. In an environmental justice context, it means that agencies will be as visible and vigilant in implementing standards and in enforcing the law in minority and low-income communities as in affluent and non-minority areas and that the imposed fines and penalties will be stringent enough to deter future violations.

This DEIS fails to confront and analyze the issue of environmental justice fully and accurately on all levels.

Exhibit 5

Peter Brown Expert Report
with 1 Attachment and 8 figures

SAN JACINTO RAIL LINE LAND USE ANALYSIS REPORT

A Land Use Report on the Proposed San Jacinto Rail Line

Prepared for:

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REFERENCES

I. SUMMARY AND CONCLUSIONS

1. Land uses falling within the definition of "heavy industrial," (The SIC code used by the U.S. Department of Commerce) based on generally accepted community/land use planning principles are considered incompatible with other land uses.

2. General principles and scholarly literature also show that heavy industrial uses tend to aggregate and attract similar uses once established, as well as drive down adjacent property values.

3. Generally accepted planning principles also establish minimum buffer distances between "heavy industrial" and other land uses.

4. The proposed San Jacinto Rail line is properly classified as a heavy industrial use under general principles and federal and local land use classification systems.

5. Existing municipal land use plans and restrictions in the Clear Lake region prohibit further heavy industrial development in many areas along the proposed alignments.

6. The DEIS fails to accurately depict current land use in the Clear Lake region.

7. The DEIS fails to classify San Jacinto Rail as any type of land use, even though railroad right of ways are classified as "industrial" under the SIC codes.

8. The DEIS fails to define an appropriate scope of land use analysis despite impact results and data given elsewhere in the DEIS and available to the agency.

9. The scope of analysis used, restricted to the rail right of way, is unreasonable and the "analysis" conducted has no methodological basis other than the agency's whim and is completely arbitrary as industrial land use impacts extend far beyond property lines.

10. The DEIS fails to provide a methodology for or define which land uses are "compatible" with the proposed action.

11. Because its scope is improper, the DEIS ignores adopted local land use plans for adjacent land and makes invalid, unsupported, blanket ad hoc assumptions concerning all land use not within the rail right of way. These assumptions have no basis, and are contrary to generally accepted planning principles or otherwise, and abdicate disclosure responsibilities.

12. Using data in the DEIS and generally accepted planning principles, this rail proposal will generate:

    - **Significant environmental impacts on adjacent properties within 1 mile.**

- **Significant land use conversion and change on adjacent properties within 1 mile through industrial sprawl, occurring over time:**
    - **First as vacant land is converted to industrial uses, often contrary to established land use plans, some being marginal uses such as storage yards, and**
    - **Then as industrial uses aggregate and attract similar uses, and**
    - **Finally as existing developed property impacted by industrial uses declines in value there is an inevitable transition to industrial purposes.**

- **A reasonably forseeable corridor, defined by the buffer zones and impacts, containing the only compatible land uses – heavy industrial uses - with this rail line, from SH 3 to the Bayport Container Terminal site and Galveston Bay.**

- **Reasonably predictable landuse conflicts and negative impacts on existing higher uses and on land suitable for higher uses or as natural preserves. The negative impacts and land use changes caused by this rail line corridor will be significant and wide spread.**

13. The cumulative land use analysis unreasonably restricts the scope of all cumulative actions to a property line analysis, including the rail right of way.

14. A property line analysis for cumulative land use impacts arising from San Jacinto Rail and the Bayport Container Terminal directly contradicts the numerous offsite impacts disclosed in the Bayport DEIS.

15. Using data in both the San Jacinto Rail and Bayport DEIS's, and generally accepted planning principles, the cumulative impacts from these two proposals will generate:

    - **Significant environmental impacts on adjacent properties within the buffer zones for heavy industrial uses associated with each project.**

These impact zones overlap and the cumulative impact is shown in Figure XIII-3 attached. (From the Galveston Bay Conservation and Preservation Association comments to the Port of Houston Authority's Proposed Bayport Container Project Draft Environmental Impact Statement). As a result of these impacts, the two proposals will also generate:

- **Significant land use conversion and change on adjacent properties within the buffer zones resulting from the market forces of industrial sprawl, occurring:**
    - **First as vacant land is converted to industrial uses, often contrary to established land use plans, and**
    - **Then as industrial uses aggregate and attract similar uses, and**
    - **Finally as existing developed property declines in value and retains utility solely for industrial purposes.**

- **A reasonably foreseeable corridor (defined by the buffer zones and impacts) containing the only compatible land uses – heavy industrial uses - with these two proposals, from SH 3 to Galveston Bay.**

- **Reasonably predictable landuse conflicts and negative impacts on existing higher uses. The negative impacts and land use changes caused by this rail line corridor will be significant and wide-spread.**

II. INTRODUCTION

Peter H. Brown Civic Design has been engaged by the Galveston Bay Conservation and Preservation Association to prepare a regional and cumulative land use impact analysis for the Draft Environmental Impact Statement (DEIS) for the proposed San Jacinto Rail line. This study includes a critique of the DEIS, and a discussion of its omissions and methodological errors. This study also includes an analysis of the cumulative effects that the concurrently proposed Bayport Terminal and San Jacinto Rail Line will have on land use, community character and the quality of life.

Peter H. Brown is a second-generation native Houstonian, and an architect and an urban planner with a Masters Degree City Planning from the University of Pennsylvania. He has extensive planning experience in Houston, Orange, El Paso, New Braunfels, and Plano, Texas, Philadelphia and Washington, D.C., numerous cities and towns in Florida, Oklahoma City, Boulder, Colorado and numerous townships in New Jersey and Pennsylvania. He is licensed by the American Institute of Certified Planners (AICP).

Much of the data used in this report is contained in the DEIS. In addition, the Gulf Coast Institute and GBCPA have been retained to develop an analysis of land use trends using a Geographic Information System (GIS), shown in Figures 6 and Figures 8 to 12 attached. (From the Galveston Bay Conservation and Preservation Association comments to the Port of Houston Authority's Proposed Bayport Container Project Draft Environmental Impact Statement).

III. COMPREHENSIVE PLANNING AND LAND ANALYSIS

Land use planning is, historically, an important function of government and the democratic process, and therefore an important part of any environmental impact analysis. Land use planning studies are essential to determine the possible consequences of large infrastructure projects in a community.

When a project presents land use conflicts, visual blight, traffic congestion, air pollution and other environmental hazards, a planning study and land use analysis of critical regional impacts is entirely appropriate. All of these issues significantly affect the economic health and competitiveness of an entire metropolitan region. Comprehensive planning with regard to past, existing and future community growth helps to establish an efficient, rational and humane pattern of land use over that

region. It similarly discloses spillover effects and environmental injustices before they occur, so that communities may take preventative or prohibitory actions ahead of time.

IV. HEAVY INDUSTRY AND THE NATURE OF INDUSTRIAL LAND USES

Industrial uses are generally classified in municipal land use regulations in two categories: **light** industry and **heavy** industry, and the distinction between the two is significant.

In the lexicon of American land use planning, residential and open space are considered the least "intensive" uses. Heavy industrial uses are considered highly "intensive" uses, and as such, are highly, categorically incompatible with residential and open space uses. Heavy industry includes manufacturing involving chemical processes and significant noise, airborne particulate matter, glare, vibration, traffic and visual nuisances. Transportation terminals, railroads, ports, airports, electric generating stations, substations, utility plants, breweries, smelters and chemical plants are all classified as **heavy industry**. A reasonable definition of "heavy" industrial is a use that "causes higher levels of noise, vibration, odors, smoke and dust or produce or require heavy bulky products and materials." Further, the Baytown code of ordinances notes that heavy industrial uses "typically involve a high incidence of truck or rail traffic and outdoor storage of products, materials, equipment or bulk fuel" as would occur during storage of tank cars on sidings (Baytown code, section 130-1).

Light industry includes warehousing, storage yards, and manufacturing involving the assemblage of pre-manufactured parts, such as computers or small machines and products. Light industrial is a "permitted use" in the zoning ordinances and comprehensive land use plans of La Porte and Seabrook, **but "Heavy Industrial" is not a permitted use for new development in most communities in the Clear Lake sub-region, except near Barbours Cut in La Porte.**

In terms of residential and other non-industrial uses, heavy industry is considered a blighting element that requires buffering or separation from other uses. The Department of Regional Planning at Texas A&M University publication "Community Development Standards: A Municipal Planning Guide for Land Use and Community Facilities" (1978) recommends that heavy industrial uses have the maximum separation from residential uses. Minimum buffer distances between heavy industry and residential uses are generally in the 1,000 - 3,000 ft range, which includes visual screening, massing such as earth berms, and noise barriers. These are national standards, promulgated by the American Planning Association and established in land use regulations and comprehensive plans throughout the nation. Therefore, heavy industry tends to be grouped in isolated areas of a city or suburb, to minimize adjacency with other uses, and with direct highway or freeway access, since industrial uses are generators of heavy truck traffic.

In most urbanized areas, industrial uses generally account for 9-11% of the gross land use of a city or sub-region, and tend to be concentrated in large agglomerations, close to major transportation arteries (highways, freeways, inter-coastal waterways, ports and railroads) (Eisner, et al). The large container truck operators adjacent to the BNSF intermodal railyard near Hobby Airport are a good example. These often-noxious uses tend to eliminate the viability of residential and related development from the immediate area. Finally, industrial land is generally less valuable and tends to depress adjacent property values. Therefore, again, industrial uses and in particular

heavy industry tend to be restricted by land use controls to isolated areas that are not considered suitable for residential use.

In sum, there are three reasons for the **concentration** of industrial uses.

1. **Heavy industrial uses, in terms of commonly accepted planning and land use standards, are incompatible with most other land uses.**
2. **Industrial areas attract other industrial uses in close proximity.**
3. **Industrial uses adversely affect the property values of other uses, most notably residential, retail and office uses.**

The DEIS should be guided by the following commonly accepted land use principles regarding heavy industrial use:

a) No heavy industrial uses are permitted within proximity of existing or future residential uses, and should be buffered by a separation of at least one-half mile (2500 ft.) by open space, light industrial or commercial uses.

b) No heavy industrial uses are permitted within one mile of a public school, library, hospital or other community serving use.

These are basic land planning principles commonly accepted and understood across the United States, and reflected in municipal codes, deed restrictions, and master plans in the Clear Lake area's communities.

V. COMMUNITY CHARACTER - THE CLEAR LAKE/UPPER GALVESTON BAY AREA

The proposed San Jacinto rail line is a major heavy industrial facility located adjacent to some of the most attractive natural, recreational and residential communities of the Houston region. These communities are located in the heart of the Clear Lake/Upper Galveston Bay sub-region of the Houston metropolitan area. Statistically, this is the one of three major growth quadrants of the Houston area, in terms of housing starts, employment and new job formation, related commercial development, public investment in civic and transportation infrastructure, schools, libraries, recreational opportunities and natural preserves.

The Clear Lake area has several features distinguishing it from the other two significant growth quadrants (Woodlands/north and Sugar Land/southwest). First, it enjoys the extraordinary scenic amenity of Galveston Bay, its tributaries, and coastal prairie. Attractive shorelines and preserved natural areas, primarily coastal/estuary wetlands, enhance the coastal character of this area. The Armand Bayou Park and Nature Center, a nature preserve and bird sanctuary, is a major environmental attraction. Other important recreational activities include numerous golf courses (6 in the Greater Clear Lake Area), many marinas, and various private clubs such as the Houston Yacht

Club. Tourism is thriving in the Clear Lake area; it, as well as boating and recreation, is a major contributor to the economic base of the area.

Second, it is the home of the National Aeronautics and Space Administration's (NASA) Johnson Space Center and the University of Houston-Clear Lake campus (approximately 2 miles from the proposed alignments). As such it is the region's center of new technology employment growth in the 21st-century knowledge industry sector. Exemplary school systems (Clear Creek ISD, the thirtieth largest district in Texas, and La Porte ISD) make this sub-region perhaps the most attractive suburb for residential living in the entire SMSA. The two school districts, Clear Creek ISD (28 schools with 28,500 students) and La Porte ISD (11 schools with 7,344 students), represent a major public investment in the cultural/educational infrastructure serving the residential population of the sub-region.

VI. THE PROPOSED SAN JACINTO RAIL LINE (Proposed Alternative)

BNSF and its partners, which include 4 major chemical companies, will construct the San Jacinto Rail Line. Their preferred alternative is to lay new tracks from the edge of the proposed Bayport terminal site, running parallel to Port Road and SH 146 and the existing Union Pacific tracks, then turning west into the chemical facilities and arriving at the Bayport Rail Terminal, a switching yard near an Equistar plant. The tracks would then cross Armand Bayou and its numerous tributaries, skirting the Baywood Country Club, the upper reaches of and the southern areas of "Village Grove" in Pasadena and the northern edge of Clear Lake City, adjacent to the Bay Pointe, North Fork, and Pine Brook subdivisions. The line would then curve south over land currently owned by the City of Houston and slated for light industrial, high tech redevelopment at Ellington Field, bordering the new Sylvan Rodriguez Park.

<u>The impact corridors for San Jacinto Rail</u>

The San Jacinto Rail Line will shift the transport of hazardous materials from a relatively industrial route along SH 225 and ship channel refineries to a route that penetrates residential areas of Pasadena, Houston, and Clear Lake City. It will also add to already adverse rail traffic impacts experienced in east and southeast Houston. Even if the BNSF projections of 7,000 rail cars per year carrying hazardous chemicals are correct, the annual hazmat traffic will increase by about 80% (Union Pacific currently runs an average of 3.4 trains per day along SH 3, with 9 cars per train containing these toxic materials) in Clear Lake and south Houston. A major concern is the significantly increased likelihood of toxic spills and explosions. Another major land use concern is traffic congestion caused by blocked at-grade rail crossings.

Chemical plants to the northwest of the proposed Bayport container terminal generate up to 600 rail cars per day of plastics and petro-chemicals. BNSF projects a baseline level of 19 chemical tanker cars containing ethylene oxide and propylene oxide alone. The toxic characteristics of these chemicals are:

Ethylene oxide: volatile, unstable, gas at room temperature, carcinogen, mutagen, highly flammable

Propylene oxide: ether-like odor, flammable, liquid at room temperature, carcinogen, mutagen

Both of these chemicals cause significant health effects including eye, ear, nose and throat irritation and burning, and respiratory problems.

In planning, an impact corridor or buffer zone defines the spatial extent of compatible and incompatible land uses. Given the type of materials transported by the San Jacinto Rail Line, the minimum impact area, at least 1500 feet or one-quarter mile from the center line, should be classified as a high impact, heavy industrial use corridor. Over 1650 people live within this range along Alignment 1.

In addition, there should be a substantial visual and noise buffer between the heavy industrial use and adjacent residential uses, generally considered to be in the range of 1000 feet that would include evergreen vegetation. An additional half mile on each side should be considered part of the impact area to account for nuisance effects such as noise and traffic, as well as the appropriate evacuation corridor necessary in the event of a spill involving the two chemicals noted above. These ranges reflect widely accepted planning principles that are based on impact ranges.

VII. THE DEIS

- **The DEIS fails to present an accurate picture of land use in the Clear Lake region.**

The DEIS fails to classify existing land uses according to a professionally recognized classification scheme, as shown on the Land Use Map in this report (Figure 6). It ignores the wider context of recent residential and commercial development. It also disregards the existing separation of heavy industrial and institutional uses from residential and commercial uses with appropriate buffers (e.g. Bayport Industrial Complex separated from residential area by >1 mile buffer and Red Bluff Road), indicating that it places no value on disclosing land use compatibility. As shown *infra*, the DEIS fails to apply a generally accepted category of compatible land uses to this heavy industrial project, nor does it define its own interpretation.

The majority of land uses adjacent to the proposed line are residential, open vacant land, or natural areas. The history of this quadrant has much to do with balancing the land use conflicts between industrial expansion from the north and expansion of the region's own high-tech growth sector, particularly associated with NASA space industries. The majority of this land, in terms of the type of soil and the access to water is suitable for either residential, related commercial, or environmentally restricted areas. The neighborhoods along the Galveston Bay shore developed in the 1930s through the 1950s, prior to the establishment of the Bayport Industrial Area. In the immediate area of San Jacinto Rail's terminus, at the border of the proposed Bayport Container Terminal, there are numerous older water-oriented communities, such as "El Jardin del Mar" and Shoreacres, both of which front on Galveston Bay. These neighborhoods were developed with water and recreation as their major attractions. West of Highway 146 are larger, more recent planned communities developed starting in the 1960s, such as Taylor Lake Village and the Clear Lake City portion of the City of Houston. Major residential development adjacent to Alignments 2b and 2d has recently occurred within the City of Pasadena.

The existing Land Use Map in this report (Figure 6) shows this predominant residential and open space character, with limited industrial uses. The existing infrastructure (Figure 6) is designed to accommodate a predominantly residential and recreational community, with limited industrial uses, and a large employment base adjacent to NASA and along SH 3.

- **The DEIS fails to classify San Jacinto Rail as a land use.**

Failure to categorize and analyze San Jacinto Rail as a HEAVY INDUSTRIAL USE as per the U.S. Department of Commerce's Standard Industrial Classifications ("SIC" 4011 and 4013) is a significant error and omission in the DEIS. A rail line hauling hazardous materials shares the characteristics of the source of those chemicals - a large petrochemical or refining complex - or a large Type I sanitary landfill. It serves as an extension of those facilities in the same way a pipeline moves chemicals between units at the facility itself. A critical concern is the hazardous toxic and explosive chemicals carried by these rail lines, particularly ethylene oxide and propylene oxide. Even without a "worst case scenario", the environmental impacts of this type of industrial supporting infrastructure result in the three industrial development concentration effects noted above in section IV of this report.

- **The DEIS fails to define an appropriate scope of land use analysis despite impact results and data given elsewhere in the DEIS and available to the agency.**

Because the DEIS fails to classify San Jacinto Rail as a heavy industrial use, it fails to articulate criteria to both analyze impacts and meaningfully compare them during the alternatives analysis. The DEIS instead merely presents a blanket conclusion that the land use impacts from all alternatives are "negligible" (p. 2-29). Yet the DEIS presents no basis or methodology to arrive at this conclusion. The document never compares or contrasts land use impacts for each alignment, primarily because it never articulates a basis for comparison (cf. DEIS section 4.10.1, p. 4-66). It therefore fails to incorporate results given in other DEIS sections and data in the record to define an appropriate scope for comparing land use impacts. The resulting scope is unreasonable, arbitrary, and invalid.

- **The scope of analysis used, restricted to the rail right of way, is unreasonable and the "analysis" conducted has no methodological basis other than the agency's whim and is completely arbitrary.**

The current DEIS methodology of analyzing change solely within the right of way (cf. DEIS p. 4-66, 4-68, 5-9) is unreasonable and completely arbitrary. The DEIS did not apply the planning principles, the MSDS, the noise impacts, or any other impacts in its land use analysis. It fails to identify a reasonable substitute method to account for land use change due to environmental impacts. No land use changes are analyzed outside of the right-of-way in the DEIS. No conflicts are discussed except where the land use in question directly intersects with the right of way. DEIS p. 4-67. An example of the improperly restricted scope of DEIS "analysis" appears below. Note the absence of analysis on how land uses on the 240-acre tract adjacent to the right of way will be affected:

> The City of Houston is also considering a new road that would connect Space Center Boulevard with SH 3. This new road would be used to provide additional

> access to Ellington Field and would be located around the boundary of the 240-acre parcel. This new road would intersect with the rights of way for the Proposed Action and Alternative 1C...Construction of the Proposed Action or Alternative 1C could conflict with this potential access road. DEIS p. 4-67.

That is the extent of analysis for land use regarding a significant tract that currently buffers a densely populated residential area from Ellington Field. In the preceding paragraph on the same page, the DEIS makes unsupported conclusory statements that:

> No adverse impact would be created if the land was developed for non-aviation use (e.g. business or industrial park). Alternative 1C would run along the southeast perimeter of this 240-acre parcel and would have no adverse impact on its potential development use. DEIS p. 4-67.

The DEIS presents no basis for these conclusory statements of consistency with commercial or light industrial uses. No impacts determined in other parts of the document are applied to support this conclusion, and no methodology (such as planning principles, MSDS, Standard Industrial Classifications of existing and proposed uses, etc) is presented to reach it. The only possible distinction that allows STB to find the rail right of way inconsistent with aviation use but consistent with business or industrial park use is the fact that airplanes typically do not drive over rail crossings, but cars and tracks can. Yet even this absurdity, held up as "land use analysis," goes unstated in the DEIS. The reader finds only arbitrary, unsupported conclusions based on the STB's whim. The DEIS presents no basis for the STB's finding of land use "consistency" between the rail right of ways and the lands they cross.

- **The DEIS fails to provide a methodology for or define what land uses are "compatible" with the proposed action.**

The DEIS fails to distinguish and define rail-compatible uses on any property – intersecting, adjacent, or proximate. Indeed, it never even defines what a compatible use is, both in the face of governing land use plans crossed by the routes and for existing and planned land uses adjacent and proximate to the routes. No reasonable land use impact analysis can proceed without a basis for determining if an impact (e.g. a significant conflict or change) will result.

- **Because its scope is improper, the DEIS ignores local land use plans for adjacent land and makes invalid, unsupported, blanket ad hoc assumptions concerning all land use not within the rail right of way. These assumptions have no basis, in generally accepted planning principles or otherwise, and abdicate disclosure responsibilities.**

The DEIS simply does not analyze land use impacts on the adjacent and proximate properties along the build alternative routes.

The DEIS accomplishes its "analysis", if it can even be referred to as that, by switching its focus between an overly narrow and a universal conception of where land use impacts will occur. Specifically, the DEIS fails entirely to consider the secondary impacts on land proximate to the rail line. Instead, the affected environment is strictly limited to the actual land area that will be

converted to right of way (p. 3-65, 3-68). Adjacent and proximate land parcels that may experience land use impacts are not considered as part of the affected environment. Rather, they are considered "subject to market forces and landowner decisions" that the DEIS considers unaffected by the presence of a rail line (p. 4-68). Indeed, the DEIS claims that "the land in the project area could be developed for any mix of residential, commercial, or industrial use" (*Id.*).

To justify the potential of all currently undeveloped land becoming industrial, the DEIS claims that the Clear Lake region lacks land use planning (p. 3-63). This finding is significant because it allows the DEIS to claim that the rail line will not affect secondary land uses on adjacent and proximate tracts in the future. This is absurd on 2 fronts.

First, the STB is already on record in this proceeding as a cheerleader for the added value that rail access provides to industrial shippers (e.g. "Any industrialist contemplating construction of a major facility in this area would undertake an evaluation of the entire transportation system." FD_34079 Decision served August 28, 2002 at 6.) One could infer that land with or near rail lines would be more desirable. See also the numerous agreements contained in the DEIS Appendices that preserve competitive access and provide new rail infrastructure in the UP/SP merger that provide the authority for this build-out.

The value of rail access for inducing land conversion and development for heavy industry is more than just intuitive, however. Classifying the appropriate land uses for rail lines moving hazardous materials in this manner is a planning standard found in numerous ordinances, planning guides, and the Standard Industrial Classification system. That is the difference between a methodology and the DEIS's ad hoc, speculative assumption that adjacent and proximate tracts would become industrial with or without a rail line (thus producing no significant impact), simply because a developer can theoretically develop to the highest valued use. When planning principles are applied, the *only* appropriate use for adjacent and proximate tracts to San Jacinto Rail is heavy or light industrial, and that is what the DEIS fails to disclose.

Second, the DEIS contradicts its own claim about the lack of controlling land use policies near the alignment. The major landowner on the west side of the build segments is the City of Houston. For both the southern (1 and 1C) and northern (2B and 2D) alternatives, the City has established plans for institutional uses that conflict with a heavy industrial rail line. Heavy industrial is certainly not the "no action" alternative here. The DEIS mentions specifically the Ellington Field Master Plan governing both southerly and northerly tracts, as well as the Southeast Water Treatment Facility and its related institutional uses, which are strictly controlled to protect the integrity of the water supply (p. 4-66, 4-68). Finally, the DEIS mentions the Pasadena Light Industrial District (p. 4-67).

The Ellington Master Plan is not in its "beginning" stages, but rather is being revised to reflect changed conditions – most notably the continued expansion of residential development on all sides of the airport and the City's desire for compatible development between the airport and the residences in the "buffer zones" that it has acquired. The DEIS notes that the most recent update to the Plan reflects the City's desire for "office and light industrial uses" in the area closest to residences (p. 4-66). That area encompasses the undeveloped tract on Ellington Field's south and southeast sides, where the applicants have proposed alignments 1 and 1C.

The DEIS evaluates San Jacinto Rail's incompatibility with the Ellington Field Plan only in terms of compatibility with aviation (p. 4-66 to 4-67). Without ever stating a methodology to conduct this analysis, the DEIS contains a conclusory statement that disruption of potential aviation uses are not a factor because they are not likely under the Plan. This implies that rail could disrupt aviation uses by cutting off access to runways, but the reader is left to wonder whether this is the only factor.

Clearly, however, the fact that compatibility with the *other, non-aviation* uses called for in the Plan was not even evaluated is a fatal flaw. The DEIS merely presents a conclusory statement that "no adverse land use impact would be created if the land was developed for non-aviation use" (p. 4-67). At no point does the DEIS ever evaluate this claim. The focus throughout pages 4-66 and 4-67 is on compatibility with aviation use only. The only possible justification for the DEIS conclusion is the use of an unstated methodology. Therefore, after it fails to classify San Jacinto Rail as a heavy industrial use, the DEIS then proceeds from the unstated assumption that all rail lines are compatible with all industrial and commercial land uses, both on the land intersected by the right of way, and on adjacent or proximate properties. Nothing could be further from the truth. The *only* compatible uses with the proposed rail line are heavy industrial uses.

The same unsupported conclusory statements obscure the fact that the DEIS failed to analyze land use impacts in the Pasadena Light Industrial District (LID). The Pasadena LID is a mixed use development area on the north side of the proposed alignments, east of Red Bluff Road. It has over 12 pages of environmental standards in its covenants, conditions and restrictions (CC&Rs), that are attached as an appendix along with additional governing regulations.

The DEIS states only that San Jacinto Rail will not directly cross the Pasadena LID properties (p. 4-67). This, apparently, is enough to conclude that "there is no conflict with the Pasadena[LID]," because the environmental consequences section contains no further mention of the LID on this issue (*Id.*). Once again the DEIS's failure to properly classify San Jacinto Rail as a heavy industrial use serves as a fatal omission. The DEIS fails to distinguish between light and heavy industrial uses. From the perspective of an expert planner, few omissions could blatantly skew an analysis as badly, particularly in light of the numerous planning standards concerning heavy industrial land uses discussed above.

- **Significant environmental and land use conversion impacts will occur as a result of the San Jacinto Rail proposal**

The DEIS (cf. DEIS Appendix G Figs. 5-14) discloses impacts consistent with planning principles for noise impacts only. It ignores other relationships central to determining compatibility and buffer zones, such as the relationship between hazardous material risk, heavy industrial uses, and land use impacts. In so far as the DEIS has inadequately disclosed or failed to disclose other impacts, the applicants' own Material Safety Data Sheets (MSDS) for two commodities that San Jacinto Rail will carry - ethylene oxide and propylene oxide - contain additional information concurring with the planning principles. In the event of a release, the MSDS evacuation radii for these chemicals are 1 mile (EO) and ½ mile (PO) respectively. This is much less than the worst case scenario evacuation distances from the Equistar and Lyondell facilities at Bayport themselves, which

are approximately 6 miles. La Porte Area Plants – Risk Management Planning Worst Case Scenario Summary.

Institutional and special uses

Certain non-residential uses, such as pipelines, critical utilities (water treatment, power, storm sewers), aviation, and one-of-a-kind institutional facilities (such as NASA's Sonny Carter Neutral Bouyancy Lab) must be separated by a sufficient distance from the direct impacts associated with a heavy industrial rail line. These direct impacts include day-to-day operational impacts as well as constant hazardous materials release risks. The size of the buffer is determined by the circumstances of each use, but can range from a few hundred feet to over ½ mile. These non-residential uses are also adversely impacted by secondary impacts from further industrialization on adjacent and proximate land, particularly if they are a part of or depend on infrastructure that was not designed to support the safety risks from that subsequent industrialization.

Commercial uses

In addition, applying community planning principles to the heavy industrial development represented by San Jacinto rail shows that any commercial development should be both sufficiently distant from the rail line (> 1500 feet) and buffered. This is true whether or not the commercial use already exists to serve adjacent residences or is planned by the City to complement existing adjacent residential areas southeast of Ellington Field. Because it neither specifically identifies nor evaluates compatibility with these uses, the DEIS fails to disclose this significant adverse impact.

Residential uses

In addition, there should be a substantial visual and noise buffer between the heavy industrial use and adjacent residential uses, generally considered to be a minimum of 1000 feet, which should include evergreen vegetation landscaped screen and berms. An additional half mile on each side should be considered part of the impact area to account for nuisance effects such as noise and traffic, as well as the appropriate evacuation corridor necessary in the event of a spill involving the 2 chemicals noted above. These ranges reflect widely accepted planning principles that are based on impact ranges.

Therefore the width of the impact corridor itself is, at a minimum, 3000 - 5000 feet or approximately 1 mile on each side (see Figure 3). At the very least the DEIS should discuss land use impacts on adjacent and proximate properties within the 1 mile range. Such an analysis was apparently requested by GBCPA and numerous citizens. It did not occur.

Not only are adjacent and proximate properties well within the objectively defined zone of risk in the event of a release, but they are also subject to land use change from the inherent alteration in compatible uses that occurs when a heavy industrial use is placed adjacent or proximate to them. These land use changes need not result from a direct impact on residential integrity, due to excessive noise or nuisance, though many, if properly analyzed, do. Inherent land use changes can also be indirect, reasonably foreseeable impacts on future land use caused by the heavy industrial facility.

For instance, since generally accepted planning principles mandate certain distances and buffers between heavy industry and residential, commercial, or light industrial uses, it is reasonably foreseeable that residential, commercial, or light industrial development is no longer probable on any undeveloped land adjacent or proximate to new heavy industrial uses. The DEIS does not disclose this impact.

Two other impacts on adjacent and proximate tracts are also not disclosed in the DEIS. Such tracts planned for development as residential, commercial, or light industrial purposes will experience a dimunition in both economic and non-economic value due to the rail line and will no longer ideally suit their currently foreseeable use in the rail line's absence. This leads to the second impact, the aggregation of heavy industrial uses. It is reasonably foreseeable that heavy industrial uses will become the primary planned development adjacent to the rail line, since no other uses will be compatible.

Finally, the third impact, conversion or land use transition, results. It is reasonably foreseeable that adjacent and proximate tracts currently developed for non-heavy industrial purposes will undergo conversion to heavy industrial use since heavy industrial will be, for these tracts, the only compatible use with the rail line. This conversion will occur through subsequently induced development in response to the heavy industrial uses presented and attracted by San Jacinto Rail. It will occur as a result of value dimunition caused by the marketplace's recognition of a lack of compatible development options for these tracts. It will occur most quickly on the larger tracts, such as in the Clear Lake Gas Field, which the DEIS fails to discuss and which will soon end production, and on those tracts north and south of Ellington Field. These principles, known as industrial sprawl, are further discussed in the cumulative impacts section below.

VIII. CUMULATIVE IMPACTS

- The cumulative land use analysis unreasonably restricts the scope of all cumulative actions to a property line analysis, including the rail right of way.

  DEIS Page 5-9 reveals that no adjacent or proximate properties were analyzed.

- A property line analysis for cumulative land use impacts arising from San Jacinto Rail and the Bayport Container Terminal directly contradicts the numerous offsite impacts disclosed in the Bayport DEIS.

It is undisputed that the Bayport Container Terminal will have serious offsite impacts that San Jacinto Rail will intensify. Though GBCPA disputes the conclusions of the Bayport DEIS, simply applying the data in the document itself reveals the significant offsite impacts on noise levels, air quality, and road and rail transportation, all of which occur at levels consistent with the heavy industrial use classification. It has also been alleged in comments on the Bayport DEIS that more significant impacts from Bayport exist in the above categories, along with additional cumulatively significant impacts on environmental justice communities, land use, wetlands, and wildlife, among others.

Using data in both the San Jacinto Rail and Bayport DEIS's, and generally accepted planning principles, the cumulative impacts from these 2 proposals will generate:

- **Significant environmental impacts on adjacent properties within the buffer zones for heavy industrial uses associated with each project.**

These impact zones overlap and the cumulative impact is shown in Figures 11 – 12 attached. As a result of these impacts, the two proposals will also generate:

- **Significant land use conversion and change on adjacent properties within the buffer zones through industrial sprawl, occurring:**
  - **First as vacant land is converted to industrial uses, often contrary to established land use plans, and**
  - **Then as industrial uses aggregate and attract similar uses, and**
  - **Finally as existing developed property declines in value and retains utility solely for industrial purposes.**

- **A reasonably foreseeable corridor (defined by the buffer zones and impacts) containing the only compatible land uses – heavy industrial uses - with these two proposals, from SH 3 to Galveston Bay.**

- **Reasonably foreseeable conflicts with non-compatible non-heavy industrial uses resulting from impacts and land use change caused by these 2 proposals.**
- **The cumulative or combined impacts of these interactive industrial uses will exceed the sum of the industrial impacts.**

Industrial Sprawl

Sprawl is defined as using more space than is functionally required, or in the case of land use, consuming more acreage than is required for a healthy and safe human environment. The phenomenon can be defined further as "industrial sprawl" by a growing network of heavy industry, promoted by the confluence of high capacity vehicular transportation, railroad lines, shipping facilities, and utilities, particularly power and the potential for waste outfall.

The Bayport Industrial Complex, home to the San Jacinto chemical partners, borders several residential subdivisions to the north, south, and east and is adjacent to the Armand Bayou Park and other estuarine tributaries of Clear Lake. This area is a good example of what occurs when spreading growth patterns of heavy industrial uses from the Houston Ship Channel (primarily chemicals, manufacturing, trucking and warehousing) infringe on pristine natural areas and vacant land, with negative effects on nearby residential neighborhoods.

The spiral of industrial sprawl can be easily explained by the fact that no other uses, except other heavy industrial facilities and related light industry (trucking, light manufacturing, warehousing and storage) are compatible with heavy industry. In addition, the infrastructure necessary to service heavy industry (rail lines, industrial highways and freeways, waterway, large scale utilities etc.) induces

demand for additional industrial usage. In many cases, industrial sprawl thrives where industrial uses generate nuisances, such as noise, glare, as well as air pollution, heavy truck traffic, and toxic emissions, as well as the transportation of toxic and explosive chemicals. Examples are the linear development along industrial waterfronts, port facilities, concentrations of refineries, chemical plants, sewage treatment plants, and landfills. Finally, undeveloped industrial zone properties represent depressed land values, and therefore, highly attractive to marginal type uses (i.e. storage and scrap yards) which cannot afford the higher land prices where there is a demand for other, less intensive uses (residential, commercial).

A rail line, like a chemical plant or a port, will also impact land uses in the surrounding area, from its direct impacts (rail traffic, road traffic, noise, hazardous materials risk, etc) alone. However, these land use impacts are most effectively discussed cumulatively rather than separately, since the environmental impacts involved in the concentration of heavy industrial uses clearly aggregate as industrialization of an area increases. In other words, beyond an initial point, the environmental impacts of heavy industrial land uses – from traffic, from rail, from shipping - drives the need for heavy industrial grade infrastructure. This in turn attracts additional heavy industry and crowds out planned and existing land uses - such as residential and commercial – that are incompatible with the air pollution, noise, traffic, and other impacts generated by heavy industrial uses. This industrial sprawl phenomenon is at the core of the cumulative land use and environmental impacts generated by Bayport and San Jacinto Rail.

The inadequacy and incompleteness of the DEIS land use analysis has important overlap with other aspects of the DEIS assessment; principally public safety, environmental justice, road transportation, noise, air pollution, coastal zone management, visual blight and nuisances, and especially the health, safety and general welfare of the community. Such overlap, in light of the numerous reasonably foreseeable future impacts associated with this project, means that criteria for cumulative impacts need to be applied.

The phenomenon of industrial sprawl, described above, and these potentially severe cumulative impacts, are not described in either the San Jacinto Rail DEIS or the Bayport DEIS. A major concern should be the fact that the Bayport facility and San Jacinto Rail Line, if constructed, could bring the entire region to the ***tipping point*** in terms of its predominance as a prime residential and recreational community.

The Bayport Container Terminal

Per the definition of "heavy industrial" provided above, several criteria of the proposed Bayport terminal merit its classification as a heavy industrial land use.

Magnitude: The size of the proposed project is 1,174 acres. This is roughly the size of both Downtown and Midtown Houston, and is *larger* than New York City's Central Park. The site utilizes a considerable amount of unspoiled Galveston Bay shoreline, approximately 1.5 miles, and a new turning basin will be constructed 100 feet into Galveston Bay. The facilities to be built include a 962-acres of container terminals, a 100-acre cruise terminal complex, an 80-acre rail yard, a 230-acre associated light industrial co-development area, and 122 acres of roadways.

Impacts: As shown in the expert reports of Michael Hunt (section V-B), CSTI (section VI-B), and Lee Engineering (section IV-B), impacts from air pollution, noise, and traffic respectively merit the proposed Bayport terminal's classification as a heavy industrial land use. Figure 1 depicts these impacts. (See enclosed CD, GBCPA Bayport DEIS comments submitted).

Massing: The site will contain in excess of 18 large dock cranes approximately 200 feet high (the height of an 18-story building) in use and 280 feet high stowed. In addition, the site will contain over 100 high mast light poles approximately 120 ft. high, and flood light poles (with as high as 7.42 foot candles of illumination at the surface. As a comparison, the typical parking lot lighting is 0.5-1.0 foot candles). Finally, the container yard will stack containers five high or higher, to heights over 50 feet. All of these actions will be visible over the 20 foot berm proposed by the applicant as mitigation.

Industrial grade access: According to the plans shown in the Bayport DEIS, rail and road access will require major improvements and new construction. Because the rail tracks serving the site along Port Road are already heavily accessed, a new rail corridor and rail yard into the site are proposed. Todville Road will be relocated and a new south access road will be constructed to handle cruise passengers. Using what GBCPA holds to be an improperly adjusted traffic count, Bayport DEIS Table 3.5-7 projects that 8,597 truck trips per day will occur to and from the terminal from State Highway 146 and Port Road, along with 7,593 cars. In phase II of the project, Port Road will be widened to a 6 to 8 lane freeway, depending on projections shown in the Bayport DEIS and Port of Houston Authority local funding commitments in the 2025 Metropolitan Transportation Plan. The DEIS also assumes, on page 3.5-3 and Table 3.5-39, the completion of a future, as yet unfunded widening and expansion project for SH 146. In summary, the Bayport DEIS acknowledges in section 3.5 (surface transportation) that the Bayport project will require a series of major highway and grade separation projects, from opening day to build out, to accommodate the projected lane mile improvement needs that it will generate.

After 2012, the Port of Houston Authority projects that a new Port Terminal Railroad Association (PTRA) line will be constructed from Bayport north to the PTRA's existing Barbour's Cut/SH 225 line, which connects into the existing Houston rail network at Manchester. In addition, internal rail connections will be constructed, as well as a 300-acre intermodal yard and storage area south of Port Road. The Bayport Master Plan (JWD, 1998) depicts eight 8600' trains a day moving along this line; the Bayport DEIS predicts a slightly lower number. Regardless, these trains will contribute, along with the proposed San Jacinto Rail line, to a serious rail traffic impact in Houston. The expert report of Juan Parras describes this impact in more detail. (See enclosed CD).

Industrial grade construction impacts over the next 30 years: Although the construction schedule necessary to make the container port functional at various stages is somewhat unclear and certainly subject to change, the critical elements listed in the DEIS are as follows:

Bayport container port	35% through 2002-2012
	100% through 2025
Cruise terminal facility	100% by 2025
Reconstruction /widening of SH 146	Shown in DEIS Table 3.5-39 as 2003-2007, Scheduled in TxDOT SH 146 MIS for 2009-2012

Construction of grade separated south entrance from SH 146	2013
Port Terminal Railroad Association (PTRA) North South line	2015
Widening of Port Road	2009

These are heavy industrial grade infrastructure investments that would not occur to this degree were it not for the need to support a heavy industrial facility of this size. The Port of Houston Authority controls the timing and the funding of some of these projects critical to the proper functioning of Bayport. Both the San Jacinto Rail and Bayport DEIS's fail to disclose the overlapping and additive environmental impacts from these infrastructure proposals, rendering their cumulative land use analyses completely invalid.

Alternative "No Action" uses for the impacted areas

The San Jacinto Rail and Bayport proposals clearly meet the commonly accepted definition of heavy industrial uses. In addition, although a small portion of the total Bayport site is within the original Bayport II Industrial Complex (see Weller, H. expert report GBCPA Bayport DEIS comments section III), this does not mean that the highest and best use of the entire site is industrial uses "similar to that being proposed by the applicant" (Bayport DEIS 3-2.8). There are many alternative land uses of greater social and economic benefit to the region than these 2 proposals. Feasible "No Action" alternative uses, provided that there are significant and adequate buffers from existing heavy industrial uses, include:

- **Single and multi-family residential** – oriented toward the water areas, buffered from existing industries and institutional uses
- **Commercial retail, shopping centers, and office**, along Highway 146 and Space Center Blvd.
- **Leisure commercial** including hotels, convention/meeting facilities, restaurants and entertainment venues
- **Recreational/commercial marinas** and related facilities
- **Institutional facilities**
- **Regional parklands**, sports and recreational facilities, golf course and country club
- **Light industrial**, manufacturing and warehousing, with adequate buffering
- **High-tech Research and Higher Education Park.** Another important consideration is a different kind of port facility, an "Information Port", as part of a hi-tech research facility, similar to HARC in the Woodlands. Such an investment of public funds would unquestionably have a far greater positive impact on the region's economy, quality of life and environment than a heavy industrial port.

Without these 2 proposals, the undeveloped land will tend to develop according to prevailing and compatible trends, with increased high quality residential, recreational (water-oriented), and high-tech office uses, focused on the growing 21st century technology, and the space and research sectors. These, with proper buffering of existing industrial uses, are the highest, best and most appropriate land uses for this area and this site.

Using other stable sub-regions as an example, a balanced land use pattern suggests that very little additional industrial growth, especially heavy industry, is warranted in the Clear Lake – Galveston Bay sub-region, especially east of Highway 146 or south of Shoreacres Road or west of Red Bluff Road. Existing comprehensive planning and land use policy for Seabrook, Shoreacres, much of La Porte, Taylor Lake Village, El Lago, and Clear Lake strictly forbids any expansion of heavy industry in these portions of the sub-region.

Cumulative Land Use Impacts

The San Jacinto Rail DEIS does not disclose the cumulative impacts of the proposed Bayport container terminal and proposed San Jacinto Rail line. As such, it cannot and does not apply them in a valid cumulative land use analysis.

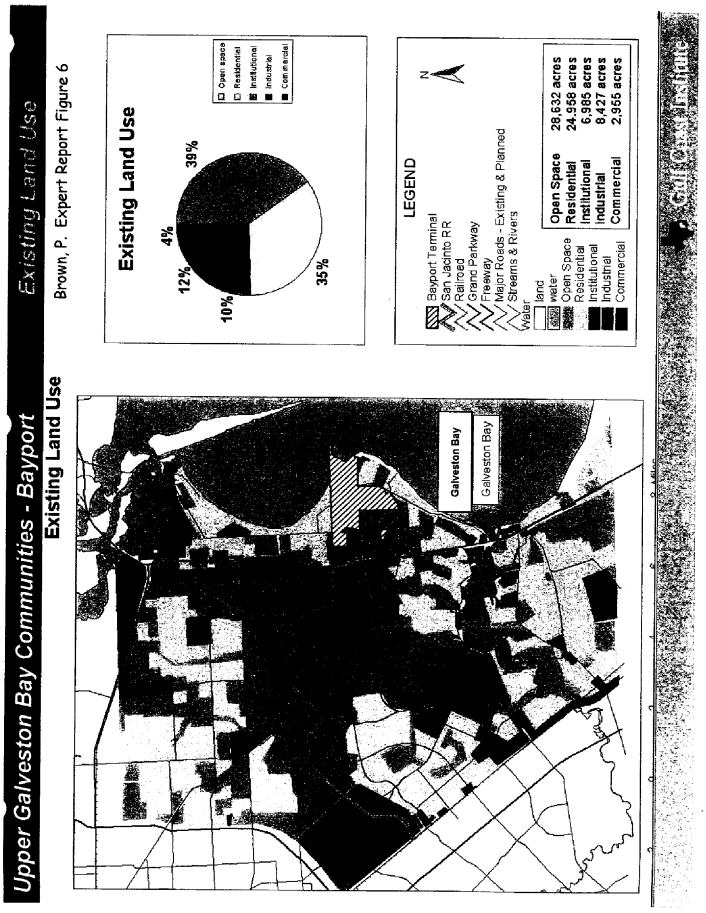
These concurrent industrial activities will have a major negative impact on:

- The residential integrity, stability and growth of the sub-region
- Recreational activities and resources
- Sensitive environmental areas, particularly Armand Bayou and its tributaries and the coastline of Galveston Bay itself
- Economic growth in the highly productive hi-tech NASA related sector
- The overall quality of life and character of the region itself.

The primary impacted land uses are:

1.) Existing residential communities in Clear Lake Region. These include in the core Bayport Container Terminal impact area La Porte, Shore Acres, Seabrook, and El Lago, as well as San Jacinto Rail impact areas in Clear Lake, Pasadena, and Houston. Both proposals and their associated activities (including construction) will have a major negative impact on existing residential homes. In general, no one would elect to live adjacent or proximate to a large container port, hazmat rail line, or a mega-industrial use, such as a power station or petroleum refinery. However, communities extending as far as Beltway 8 will also be affected, due to industrial sprawl and the exposure to industrial activities along the railroad network.

2.) Schools. Because of the San Jacinto Rail Line, petrochemical traffic will be rerouted within one block of Chavez High School, Milby High School, Stevenson Middle School, and a private school. Five of the public schools are within a quarter mile of the line, where 10,000 students and 500 teachers spend most of the day. Within ½ mile of the rail line, there are 16 public schools, with a child population of 16,000 children. These schools appear with other schools within one mile of the



Brown, P.
Expert Report

Figure 7

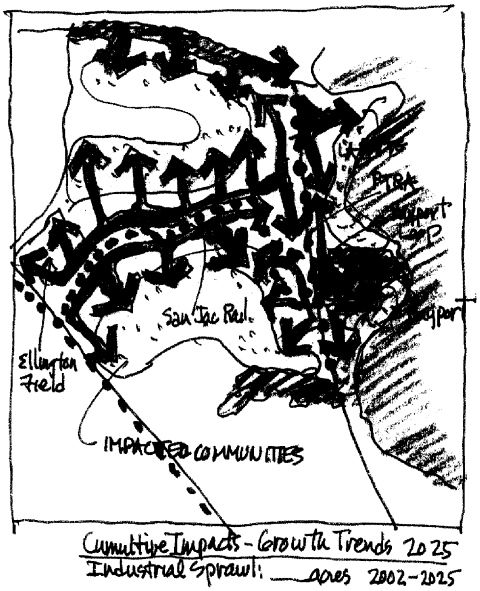
2012 cumulative
land use impacts

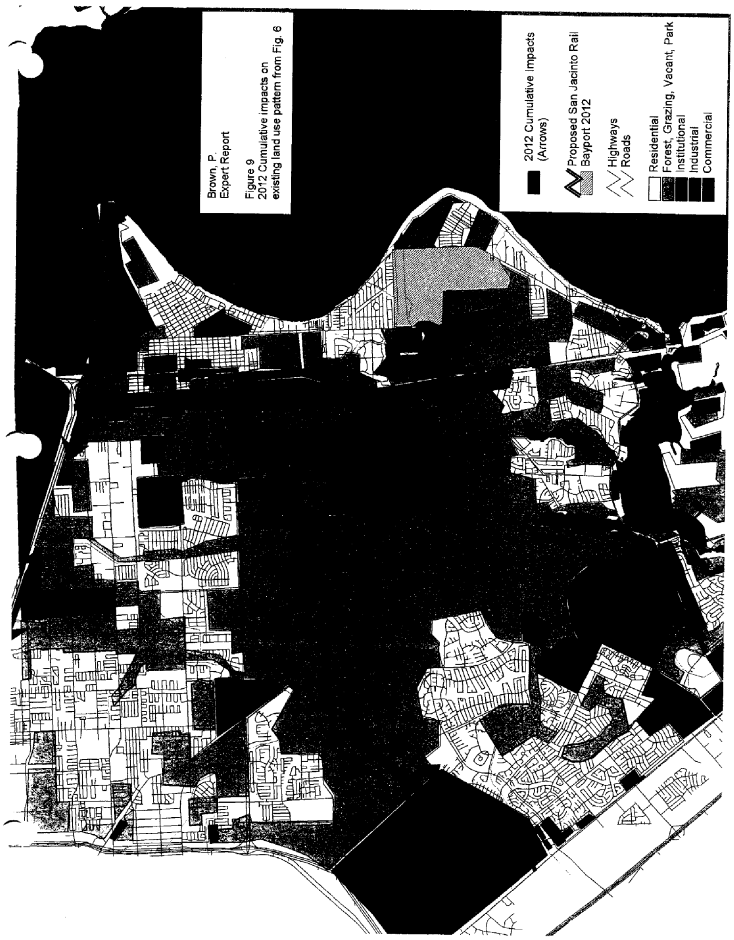


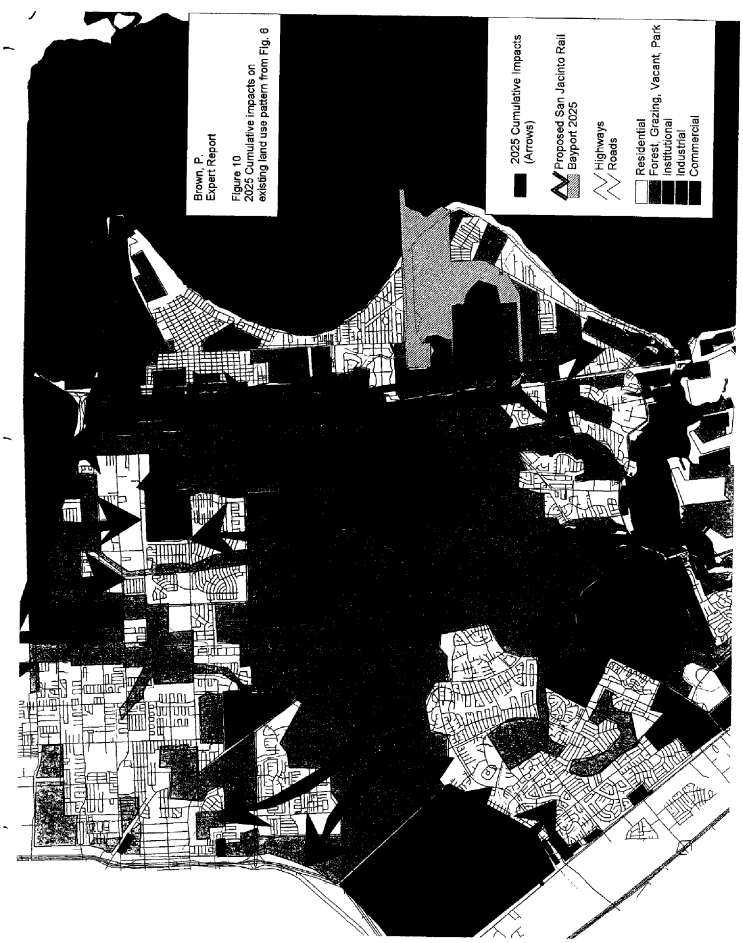
Brown, P.
Expert Report

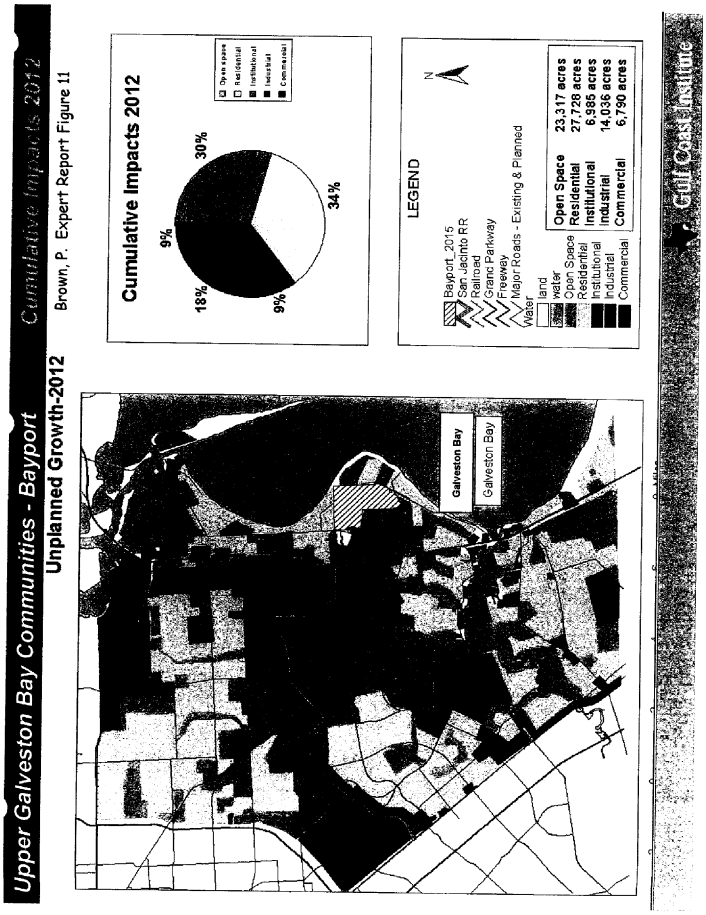
Figure 8

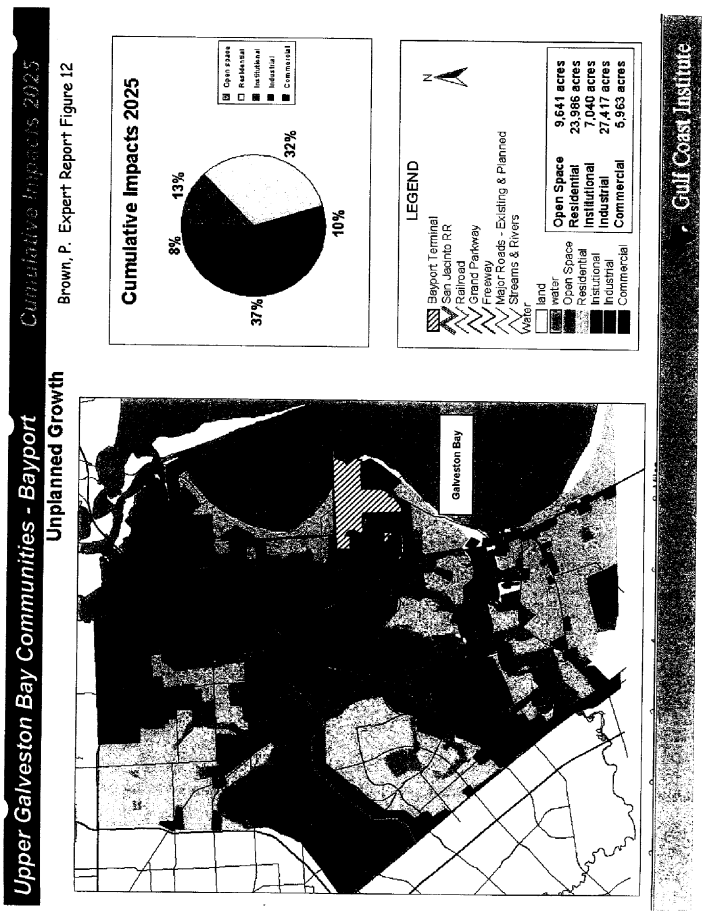
2025 cumulative
land use impacts











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Peter H. Brown, AIA, APA, AICP, has more than 25 years experience in city planning, urban design, and architecture. His education includes degrees from The University of Houston (BA), The University of California at Berkeley (MA), and the University of Pennsylvania (B.Arch, M.Arch, M.City Planning). Mr. Brown is a second-generation native Houstonian, in professional practice in Houston since 1984, specializing in municipal planning, urban design, parks and recreational facilities, civic and residential architecture, urban redevelopment, and mixed-use planned communities. He is a national spokesman for traditional neighborhood planning and "The New Urbanism." His urban redevelopment experience started in the 1970's, when he directed a neighborhood-based community design center in a blighted community of West Philadelphia.

As a city planner, Mr Brown has been a consultant to the cities of Houston, TX; Galveston, TX; EL Paso, TX; Boulder, CO; Philadelphia, PA; Miami, FL; Draper (Salt Lake City), UT; St. Petersburg, Russia and numerous towns in Texas, Florida, Pennsylvania and New Jersey. He served as the Planning and Zoning Official for the Lamar Terrace Tax Increment Reinvestment Zone during 1990 - 1994, has been a consultant to the Houston Metropolitan Transit Authority (METRO), to the Housing Authority of the City of Houston (HACH), a planning consultant to the University of Houston, and to the Chinatown community, and is currently working on several city projects, including Hermann Park, the Downtown Transit Streets, and the Houston Bikeways project.

His architectural work includes the Hillcroft Transit Center, Garden Villas Elementary School, numerous criminal justice facilities, public housing, apartments, parks and recreation projects, and private residences.

In term of public service, Mr. Brown has served on numerous Boards and Committees, including:

- Houston Proud (Founder)
- Making Main Street Happen, Inc. (Founder)
- Billboards Limited
- The Houston Architecture Foundation
- American Institute of Architects, Houston Chapter; President 1987-88
- Clean Houston, Inc.
- Trees for Houston
- The Park People
- Briargrove Civic Association

He is a licensed architect in the states of Texas, Florida, New Jersey and Pennsylvania, a licensed planner in New Jersey, and is a member of the American Institute of Architects (AIA) and The American Institute of Certified Planners (AICP).

A recipient of numerous design and service awards, he was the first prize winner of the Hermann Park "Heart of the Park" International Design Competition in 1994.

A journalist as well, Brown's numerous articles on urban issues and improving the quality of the built environment have been published in the Philadelphia Inquirer, Metropolitan Home, Texas Architect, Architectural Record, the Christian Science Monitor, the Houston Chronicle , The British Planning Journal, CITE Magazine and other newspapers and magazines. Mr. Brown has co-authored "Seven Schools", a book on innovative urban education and is currently working on a book "Surviving the Millennium - A Civic Credo for the Next Century."

He resides with his family at 10Waverly Court in the Museum District.

Exhibit 6

John Jacob Expert Report with 1 Attachment

Analysis of Wetland Resources

Associated with the
San Jacinto Rail Limited Project
in the
Ellington – Taylor Lake Corridor
SE Harris County, TX

A Report for the
Galveston Bay Conservation and Preservation Association

February 18, 2003

John S. Jacob, Ph.D.
Professional Wetland Scientist
Certified Professional Soil Scientist

with GIS assistance from Ricardo Lopez

Executive Summary

The DEIS for the San Jacinto Rail Limited shows a total of 2.84 acres of impact to jurisdictional wetlands, mainly in forested floodplains and in salt marshes. Our analysis indicates that as much as 8.5 acres could be impacted in the areas indicated. Because of the current adjacency interpretation by the USACE Galveston District, no impacts for jurisdictional wetlands area are shown in the coastal prairie part of the alignment. The DEIS suggests 4.22 acres impact in this zone, but as much as 20 acres wetlands could be impacted in this area.

Project Area:

The project area for this report extends from just east of Taylor Lake on the east to Beltway 8/Sam Houston Tollway on the west, and from Genoa-Red Bluff Road on the north to Clear Lake City Blvd. on the south (Figure 1).

Scope of Work:

This investigation consists of an analysis of the wetlands in the San Jacinto Rail Limited (SJLR) project impact area. This analysis is limited to an analysis of the adequacy of the delineation as presented in the USACE Public Notice dated Jan 10 2003.,and primarily addresses the delineation in terms of the quantity of wetlands reported, with some additional comments on the ecological and hydrological value of these wetlands.

No field work was accomplished as a part of this project. No access was granted to examine the wetlands on the ground in any part of the project area.

Methodology

I examined 1995 Color IR aerial photographs from the Digital Ortho Photo Quad collection at the Texas Natural Resource Information Service, and 2000 color aerial photography (Lambert projection) obtained from the Houston-Galveston Area Council. These photos were examined in a geographic information system (ARCGIS) and compared with existing data such as the National Wetland Inventory of the USFWS, the soil survey data of the USDA, and the latest FEMA maps, among others.

No on-the-ground investigation was possible for this project. The analysis in this report is based on the extensive field experience of the author with similar wetlands across the Upper Gulf Coast of Texas.

Overview

There are three basic wetland types within the SJLR project corridor: estuarine or tidal wetlands, riparian forested wetlands, and coastal prairie pothole wetlands (see Moulton and Jacob, 2000). Each of these wetlands have their unique characteristics, and contribute distinctive functions and values to the overall ecosystem of the Armand Bayou and Taylor Lake Bayou watersheds.

Under current USACE Galveston District interpretations, only those wetlands which are in the 100-year floodplain or that are directly connected hydrologically to a navigable water body through a channel or ditch are considered jurisdictional. Under this interpretation, some very substantial wetland impacts would not be addressed by this project.

We analyzed first the consistency of the wetland impacts as presented by SJRL. Are their figures accurate? If we measure the impact areas they delineate, do we come up with the same numbers?

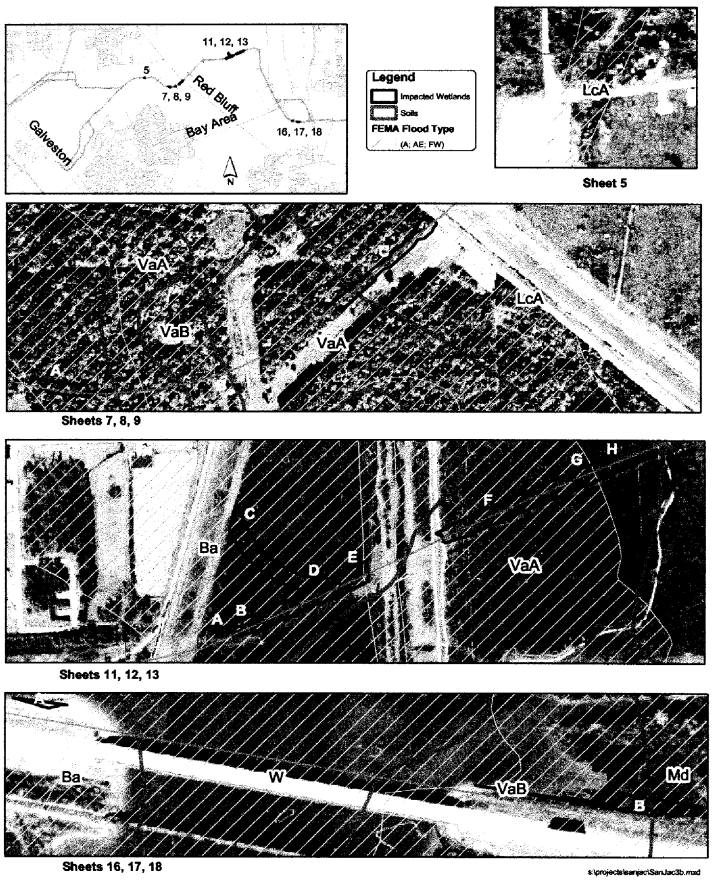
Secondly, we examined the reasonableness of their assumptions. Are their assessments of wetlands in this area consistent with what we know about these kinds of wetlands?

Figure 1 shows the wetland impact areas overlain on the 2000 Lambert color aerial photography obtained from HGAC. The soil boundaries and the FEMA 100 year flood lines are also shown. Table 1 shows the each wetland area with the acreages as calculated by transferring polygons from the plan sheets as downloaded as pdf files from the USACE Galveston District web site. Scale bars were not included on these sheets, such that it was difficult to make precise transfers into our GIS system if recognizable landmarks were missing. There is thus a discrepancy in their total reported acreage (2.84 acres jurisdictional wetlands for the proposed action) and our figures (2.25 acres). The largest discrepancy was in the tidal marsh area where they reported 0.36 acres while our figures showed 0.11 acres.

Table 1. Wetland Impact Areas, SJLR

DIES Sheet	area	section	Wetland Type	% wetland by DEIS	Total Impact Area (acres)	Wetland Impact Area (by DEIS %) (acres)
5		Intermittent Tributary 1	Emergent Wetland Fringe	100%	0.01	0.01
7	A	Armand Bayou	Bottomland Hardwoods 10% Forested Wetlands	10%	0.41	0.04
8	B	Armand Bayou	Adjacent Wetland	100%	0.01	0.01
9	C	Armand Bayou	Bottomland Hardwoods 10% Forested Wetlands	10%	1.06	0.11
11	A	Big Island Slough	Chinese Tallow Dominated Woods 10% Wetland	10%	0.28	0.03
11	B	Big Island Slough	Chinese Tallow Dominated Woods 20% Wetland	20%	0.15	0.03
11	C	Big Island Slough	Chinese Tallow Dominated Woods 20% Wetland	20%	0.74	0.15
11	D	Big Island Slough	Chinese Tallow Dominated Woods 50% Wetland	50%	1.99	1.00
12	E	Big Island Slough	Chinese Tallow Dominated Woods 75% Wetland	75%	0.51	0.38
13	F	Big Island Slough	Bottomland Hardwoods 5% Forested Wetlands	5%	2.02	0.10
13	G	Big Island Slough	Bottomland Hardwoods 25% Forested Wetlands	25%	0.50	0.12
13	H	Big Island Slough	Bottomland Hardwoods 25% Forested Wetlands	25%	0.66	0.16
16		Taylor Bayou	Tidal Marsh	100%	0.01	0.01
17		Taylor Bayou	Tidal Marsh	100%	0.01	0.01
18		Taylor Bayou	Tidal Shrub	100%	0.09	0.09
				TOTAL	8.45	2.25

SAN JACINTO RAIL PROJECT - WETLAND IMPACT AREAS
SITES AFFECTED



1. Tidal Wetlands

Tidal wetland impacts are limited to the Taylor Lake Bayou crossing, according to the Nov 2002 plan sheets (sheets 16,17, 18) in the USACE January 2003 Public Notice. Our analysis indicated a total of 0.11 acres impacted in this area. Table 4.7-3 in the DEIS lists 0.36 acres tidal marsh impacts. We were not able to reconcile this discrepancy with the maps available to us.

The wetlands in this area are subject to the ebb and flow of daily tides. These wetlands are on clayey substrates of the Vamont and Midland soil series (Soil Survey Staff, 1976).

The area just to the east of the wetland delineated on Sheets 17 and 18 is mapped as Midland Clay Loam in the Harris County soil survey. The Midland series is on the National Hydric Soils list, and it is rare that these areas do not contain at least some wetlands, yet none are shown here.

2. Forested Wetlands

All of the forested wetlands in the project area that are currently considered jurisdictional are in the 100 year floodplain. Some of these areas are true bottomland hardwoods or riparian wetlands in the sense of Moulton and Jacob (2000), while others fit their Coastal Flatwoods classification better. Both of these kinds of wetlands occur in this area—the only difference is that the hydrology of the riparian wetlands is controlled by overbank flooding and that of the flatwoods by precipitation and overland flow. In this flat-lying area it is often difficult to draw a line between the two wetland types.

Most of the forested floodplain wetlands impacted by the SJLR are mapped mainly as Vamont or Beaumont soils, with lesser amounts of Lake Charles Clay (1976 Harris County Soil Survey -Soil Survey Staff, 1976). All of these soils are classified as Vertisols in the USDA Soil Taxonomy (United States Department of Agriculture, Natural Resources Conservation Service. 1998. Keys to Soil

Taxonomy, Eighth Edition. Soil Survey Staff). Vertisols are very clayey, very active soils with a very high shrink-swell potential. These are the "gumbo clays" that give so much business to foundation repair companies.

The shrink-swell forces in these soils often give rise to a particular pattern known as gilgai microtopography (Wilding, L.P., and R. Puentes. 1988. Vertisols: Their distribution, properties, classification and management. Technical Monograph No. 18. Soil Management Support Services. Under Contract No. 40-319R-8-00304 by Texas A&M Printing Center, College Station, TX). Gilgai microtopography is characterized by a pattern of microlows and microhighs. The amplitude from high to high on the Upper Texas Gulf Coast will typically be about 15-20 feet. The topographic relief from microhigh to microlow may be about 8 to 20 inches. This microtopography may or may not be associated with wetlands.

As might be expected, there is a pronounced difference in hydrology between the microhighs and the microlows. On the Upper Gulf Coast of Texas, it is often the case that the microlows will have pronounced wetland characteristics while the microhighs will not.

All Vertisol mapping units are currently classified as either hydric or nonhydric (although there is currently a movement to classify the microhighs and lows as separate soil series). Given the difficulties of mapping every hydrologic gradation in these soils, it is not uncommon to find nonhydric Vertisols with substantial inclusions of hydric soils, especially in the microlows. Conversely, we will often find nonhydric inclusions in hydric Vertisols, especially on the microhighs.

Mapping out microlow wetlands in an otherwise nonhydric Vertisol is impractical, given the scale of the inclusions. Each microlow area might be 10-20 feet in diameter, and so beyond the scale of an reasonable mapping effort. The USACE has thus allowed transects to characterize the percent hydric microlows present in a less-than-100%-hydric Vertisol.

The Beaumont Clay (Ba) is a hydric soil mapping unit, while the Lake Charles Clay (LcA) and the Vamont Clay (VaA) units are not. But as discussed above, it

is not unreasonable to expect inclusions of hydric areas in nonhydric mapping units, or vice versa, in soils with gilgai landscapes.

There is not much published data on hydric/nonhydric sequences in Vertisols. I have, however, transected many of these landscapes myself, and I have recently conferred with professional colleagues active in this area on the Gulf Coast. In my experience, on the Upper Gulf Coast, when hydric microlows are present, it would be very unusual to find them with coverages of less than 20 to 25% of the landscape, and this is confirmed by my colleagues (personal communication, February 2003, Wes Miller, NRCS, and Andy Sipocz, TPWD). Forty to sixty percent coverage would be an average value in this area, if the microlows are wet enough to be hydric.

This is not to say that 5% of a gilgai landscape could not be wetland or hydric, as is claimed for several areas in the SJLR impact zone. But it is not a very likely value for the following reasons:

1. Five percent is below the level of accuracy of any reasonable mapping effort. Even in gilgai landscapes there are no sharp boundaries between what is hydric and what is not. There is per force a level of professional judgment that must be exercised. I do not know of any quantitative studies that have been done of hydric/nonhydric complexes in Vertisols, and of course we would need one in this area if we were to be able to appeal to any quantitative standard. And not having any quantitative data, we must make inferences based on our best professional judgement.
2. A detailed study of the drier Vertisols impacted by the SJLR, such as the Lake Charles Clay, would certainly reveal at least 5% of hydric inclusions if not more in this area, even in areas not delineated in the SJLR DEIS. In this rainfall and evapotranspiration regime it is not reasonable to expect that some of the microlows in *all* of these soils would not have hydric characteristics if examined closely enough. If all of the drier Vertisols thus have at least 2-5% hydric inclusions, why point this out in a wetter Vertisol? If there are enough hydric microlows to be noticed, they very likely constitute well over 5% coverage.
3. How small can a wetland be and still be recognized as a wetland? There is a size issue here – at some point a spot is going to be too small to function as a wetland. So the question for gilgai complexes is this – if only 5% of an area is wetland, does this mean that the wet spots are randomly distributed across the landscape, and if so, how significant is it to recognize them as part of a mosaic, especially if they are too small to map

separately? Or is the 5% wetlands uniformly distributed across the landscape? In which case the wetlands would be very small indeed. The point here is that if wetland characteristics are recognized in a gilgai landscape, then they are typically going to make up much more of the landscape than a mere 5%.

4. Relevant to this question, but as somewhat of a digression, one might ask just how functional it is to delineate gilgai wetlands in this manner. If an area is at least 50% wetland, and these areas are small microlows uniformly distributed across the landscape, might it not make more sense to call the whole area a wetland, since it begins to function as one anyway?

Any of the 5% delineations in the SJLR project are suspect (and probably the 10 or 25% complexes as well). If wetland characteristics were recognized in the field in these areas, then almost certainly at least 20% of the area is wetland.

Wetland areas A, B, C, and D on sheets 11-13 (Figure 1) are all in the Beaumont mapping unit of the Harris County Soil Survey. For the hydric Beaumont soils, it is highly unlikely that wetland areas would be less than 60-70% of the whole, and more commonly the entire area, highs and lows, is hydric. Only wetlands D and E are shown as more than more than 50% wetland in this area. I question the low percentages of wetlands A,B, and C.

The Vamont soil is not on the hydric soil list, but as described in the Harris County Soil survey, and as I have encountered it in the field, it tends to be mapped in significantly wetter spots than the relatively dry Lake Charles Clay. In fact, the Soil Survey lists the water table for the Vamont as the same depth and duration as the hydric Beaumont soil. Five and 25% hydric areas in Vamont soils, as portrayed on sheets 12 and 13, seems unreasonably small. Coincidentally, only a very small portion of the VaA mapping unit between Red Bluff Rd and Armand Bayou in Sheets 7-9 is shown as having wetlands, again inconsistent with past experience in these areas.

The wetland polygons on Sheets 11-13 terminate in the pipeline areas. There is no indication from aerial photography that wetlands do not extend into these areas. Extending wetland A on these sheets to the east through the forest and

into the pipeline easement (and along both the spur and the main track) would show an additional 1.06 acres of impact not accounted for in the DEIS.

3. Coastal Prairie Potholes

None of the coastal prairie wetlands currently fall under jurisdiction under USACE Galveston District interpretations. These wetlands are nonetheless critical to the functioning of the watershed. And because of the unique character of these wetlands, a brief digression on their significance is warranted. We did not do a quantitative analysis of the wetlands in this area because we have no delineations to compare with. However, the length of the Proposed Action impact in the coastal prairie portion of this project is about 26,000 feet, equaling about 60 acres of total impact with a 100 ft ROW. Past experience suggest a minimum of 30% wetland coverage, which would yield approximately 20 acres of wetlands along this route. Table 4.7-3 of the DEIS shows 1.00 acre of impact on the prairies, a particularly low value inconsistent with the dense wetland network that we can see from the aerial photography.

The wetlands in the Ellington – Red Bluff corridor are one of the last extensive remnants (about 2000 acres) on the upper Gulf Coast of Texas of a once vast coastal prairie ecosystem – the prairie pothole –mima mound complex (Moulton and Jacob, 2000). This particular complex is the last one of any significance in the Armand Bayou watershed. The prairie pothole – mima mound complex is the result of a unique assemblage of geologic and biotic processes occurring over the past 30,000 years, and constitutes an irreplaceable geologic legacy (discussed below). The terms "pothole" and "mima mound" appear to be from the vernacular references by early settlers to this complex.

The wetlands in this corridor are seasonally wet shallow depressions, with hydroperiods ranging from as little as two weeks to 3-4 months saturation. No detailed studies have been conducted in the project area. A very few studies

have looked at the prairie pothole complex in the region, and I draw from those studies as well as my own experience in wetland delineation and soil survey in the area over the past 20 years for this analysis.

The aerial view of Figure 2 demonstrates the range of most of the wetland features in the Coastal Prairie part of the project area. Potholes, mima mounds, and intermound flats is a simplified but useful classification of the features in this ecological complex. Potholes are shallow to somewhat deep depressions that occur in a variety of shapes and sizes. The deepest potholes are perhaps 2 feet deeper than the adjacent intermound flats. The darkest areas in Fig. 2 are potholes, and the darker the area, the deeper and wetter the pothole. These depressions range in size from as little as 30-40 feet across to more than 600 feet wide. Many of the potholes are circular, but most have rather oblong to irregular shapes. The mima mounds (also called pimple mounds) are small mounds about 1-2 feet high and from 20-90 feet in diameter. The mounds may occur in clumps or strands, or may occur randomly on the landscape. The are found both in the potholes and on the intermound flats.

The simplicity of the above categorization belies the true complexity found in this landscape. The potholes are interfingered into the intermound flats, and most of the potholes are also interconnected through a complex series of channel-like depressions. Every possible hydrologic niche appears to be filled between the deepest potholes to the highest pimple mound. Significantly, all of this complexity occurs within a very short distance, usually just a few hundred feet for the full range, and marked changes commonly occur within just a few feet. Wetland delineation is not a simple matter in this landscape that contains a full range of hydroperiods—from three to four months of saturation to near semi-arid pimple mounds.

Geologic History

The prairie pothole – mima mound complex in the Ellington – Red Bluff corridor is the result of a unique geologic history over the last 30 to 50 thousand

years. This corridor lies on a remnant meander ridge of the ancient Brazos River laid down some 30,000 or more years ago (Fisher et al., 1972). The pattern of

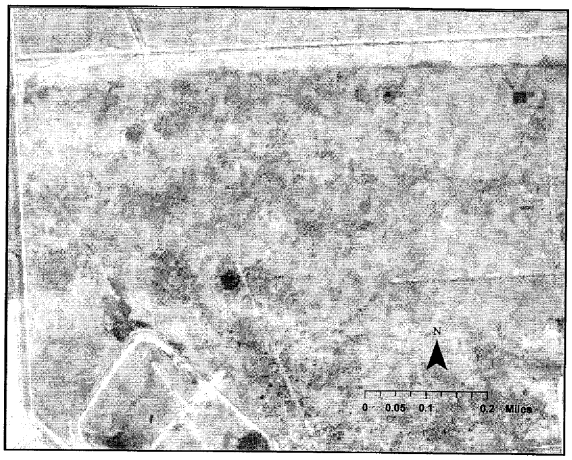


***Figure 2**. Color infrared aerial photograph (1995 DOQQ) of a portion of the Coastal Prairie traversed by the SJLR project, in the area of the split between the 1 and 2b routes. The gray and black areas are prairie pothole wetlands. Notice the elongate and interconnected nature of the wetlands, and the interfingering of habitat types throughout the area. Pimple mounds are red dots.*

wetlands on in this area are a product of both the depositional history of the Brazos River and subsequent geomorphic modification of the landscape.

The potholes have their inception in channels cut by the ancient Brazos River (Bernard, et al., 1970), modified over time by the shifting of the ancient river, much as occurs today on modern floodplains, and subsequently shaped by wind and biotic forces (e.g., buffalo and mammoth). Although greatly modified

through geologic time, remnants of channel-like features can still be seen on aerial photographs (Fig. 3). The sediments of the ancient Brazos River in the project area are part of the Beaumont Geologic Formation. These sediments were deposited during a period of relatively high sea level. During the last glacial period, sea level dropped (maximum glaciation and lowest drop in sea level about 18,000 years ago), and the Brazos and other coastal rivers cut deeply incised channels in their approximate present locations.

With the cessation of flooding and other active river processes, other geologic and biologic forces continued to shape the land. Wind has been a constant force in the coastal region, particularly during dryer periods. The most commonly accepted hypothesis for the origin of the mima mounds attributes them to dunes shaped by eolian or wind forces during the Altithermal, a dry, almost desert-like period that occurred some 7-8 thousand years ago. Aronow (1995) provides a near-comprehensive list of other theories for the origins of these knolls.

The large megafauna that roamed the prairie in the past also shaped and formed the landscape. No studies have been conducted that would reveal what role mammoth or buffalo might have played in shaping the prairie pothole landscape, but there can be no doubt that they had a significant impact, perhaps using the potholes as watering holes and widening and deepening the depressions by wallowing in them.

The geologic history, then, of the Gulf Coast prairie pothole landscape is complex. This landscape can be conceived of as a tablet or palimpsest that has been written over several times, without necessarily erasing each past writing. Each writing or landscape force has modified the effects of prior shaping forces. While the sediments are geological fairly young, the land surface itself is quite old (among the oldest in Texas), because it has not yet been eroded and dissected as have older inland sediments, This surface thus preserves a unique record of geomorphic events that have manifested themselves in a very unique

landscape assemblage of unique ecological significance. This landscape is a geological legacy. It is a "chance-melody" that cannot be replicated.

Ecological Significance of the Prairie Pothole Landscape Pattern

The complexity of the prairie pothole landscape has not been quantified, but simple inspection of aerial photographs reveal the richness of its complexity. It is a landscape of asymmetry and interconnectivity. It is a landscape of patches and edges. It is a landscape of diverse niches and fluxes.

Perhaps the most significant ecological characteristic of the prairie pothole landscape is the diversity of ecologic niches or "patches" within very short distances of each other. These patches are significant because they provide a variety of habitat types, and thus provide a template for a diverse flora and fauna. The habitat of the project area is somewhat degraded floristically, but the template for restoration is there.

The patches of the prairie pothole landscape are made up of the features discussed above: potholes, intermound flats, and mima mounds. The diversity of the patches and their adjacency is in and of itself of unique ecological value, but what makes the prairie pothole landscape even more unique is the *interdigitation* of these patches. Interdigitation is the inter-fingering of markedly different niches. In the case of the prairie pothole landscape of the Ellington-Red Bluff corridor, it is the interdigitation of different hydrologic regimes, the result of the complex geologic history that formed this landscape. Ecologically, interdigitation increases edges, and thus increases the opportunities for flows across these boundaries or edges. In an ecologically functional area, edge effects lead to greater diversity and stability.

The biogeochemical effects of the interdigitated, mosaic pattern of the prairie pothole landscape have not been examined. It can be assumed, however, that alternating microregions of high and low redox potential should

result in a very high water quality of the waters discharging from this landscape. For example, denitrification (the conversion of toxic nitrates to benign gaseous nitrogen) requires the presence of both aerobic and anaerobic environments. Waters coursing through the potholes and across the intermound flats have ample opportunity to come in contact with both environments.

For the unique mosaic pattern of this landscape to be fully ecologically functional, it must occur in a fairly large acreage. Small remnants of less than 100 acres, valuable though they are, can never attain the full functionality of a larger landscape. Small patches surrounded by development are then subject to the negative side of the edge effect, and diversity and stability decrease precipitously. Flows across this boundary act to destabilize the system. Part of the uniqueness of the wetland complex in the Ellington – Red Bluff corridor is that it is one of the last large extensions of a prairie pothole – mima mound complex left on the Upper Gulf Coast of Texas. It is certainly the only remaining complex with any functionality left in the Armand Bayou watershed. Just downstream from this complex is one of only 4 Texas General Land Office coastal preserves. According to the GLO, the "Coastal Preserve Program is designed to protect unique coastal areas and fragile biological communities, including important colonial bird nesting sites" (http://www.glo.state.tx.us/coastal/coastpres.html). The loss of the Ellington prairie pothole complex would have a substantive effect on the water quality and the viability of this unique coastal preserve. The GLO Armand Bayou coastal preserve is bordered by the Armand Bayou Nature Center, but the water quality of the preserve is affected much more by what is upstream in the watershed.

At least one endangered plant species is dependent on this very unique landscape, the Prairie Dawn (*Hymenoxys texana*). Its endangered status is reflective of the fast diminishing habitat on which it depends.

Adjacency Issues

The USACE Galveston District currently does not recognize the hydrologic connection that these prairie potholes have to Armand Bayou, a navigable water of the U.S. The USACE GD only recognizes distinct channel flow as constituting an "adjacent" hydrologic connection between wetlands and waters of the U.S.

A substantial amount of the water flowing through the prairie potholes in this landscape travels by overland flow to Armand Bayou. Almost all of the water that reaches Armand Bayou from this landscape flows through the prairie pothole landscapes. Most of that flow is overland, although a substantial part of this flow is channelized through remnant paleo channels. There can be little doubt that the wetlands in the Armand Bayou prairie pothole complex materially affect the quality of water entering Armand Bayou, and that any loss of these wetlands will have a measurable negative impact on the water quality of both Armand Bayou and Galveston Bay.

SAN JACINTO RAIL PROJECT

GIS METHODS

RASTERIZATION AND GEOREFERENCING

1. Paper drawings were scanned and converted to digital graphic file format.
2. Image coordinates were transformed into real-world coordinates using ArcGIS geo-referencing tool with geo-referenced Lambert DOQs as backdrop images. Scanned images were shifted, rotated and warped to fit the Lambert DOQ's coordinate system and spatial extent
3. Coordinate system used: State Plane CS – NAD 1983 (Feet) – Texas South Central Zone

SHAPEFILE & GEODATABASE GENERATION

1. Shapefiles depicting railroad tracks and impacted wetlands were created using on-screen digitizing, using the geo-referenced scanned sheets as background images. Digitized features were attributed using the following field descriptors:
   a. Sheet (original drawings sheet number)
   b. Wetland (polygon part inside a sheet)
   c. Site (descriptive label attached to wetlands in paper drawings)
   d. Wet_type (wetland type from paper drawings)
   e. Wet_perc (percentage of forested wetlands)
   f. AreaImp_mt (impacted wetlands in m2)
   g. AreaDei_mt (net impacted wetlands in m2, using percentage)
   h. AreaImp_ac (impacted wetlands in acres)
   i. AreaDei_ac (net impacted wetlands in acres, using percentage)
2. Polygon boundaries were fine-tuned using identifiable features from the scanned sheets (treelines, transmission and pipeline corridors, roads, etc)
3. Generated shapefiles were imported into an ESRI Geodatabase, to allow for automatic feature length and area calculations

PROBLEMS DURING DIGITIZING

Several problems were found during the geo-referencing and digitizing phase of the project:

1. In general, printed sheets lacked relative scale bars. Feature real dimensions were adjusted using bridge elevations (where present)
2. Sheet 12 (Big Island Slough) has a bridge length incompatible with the general drawing scale. Proper scale was assumed
3. Sheet 13 (Big Island Slough) presents a shifted FEMA floodplain boundaty, according to existing digital FEMA flood files

DATA SOURCES

1. Printed project drawings: San Jacinto Rail Limited Consultants
2. Soils: SSURGO soils database
3. Streets: TIGER census datasets
4. Floodplains: FEMA Flood types dataset
5. Impacted Wetlands: On-screen digitizing (On-site)
6. Railway: On-screen digitizing (On-site)

MAP LAYOUT PREPARATION

1. Two map layouts were prepared for this project: "Project Location" and "Wetland Impact Areas". Wetland areas outside the FEMA 100 year flood plains were not included in the maps.
2. "Project Location" includes three frames with the following data:
   a. Texas State Boundary, Harris & Galveston Counties
   b. Harris & Galveston Counties, Project Study Area
   c. Project Study Area, Proposed Railway, Impacted Wetlands
3. "Wetland Impact Areas" includes 1 frame with project overview and 4 frames with the following data: Impacted Wetlands, Railway, Soils, FEMA Flood zones, Lambert DOQ's
   a. Intermitent Tributary # 1 (Sheet 5):
   b. Armand Bayou (Sheets 7, 8, 9)
   c. Big Island Slough (Sheets 11, 12, 13)
   d. Taylor Bayou (Sheets 16, 17, 18)

FD 34079
D0593

Attn: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K street, NW
Washington, D.C. 20423-0001

RECEIVED
FEB 20 2003
MAIL MANAGEMENT STB

SHEDTLER® No. 937 811E Engineer's Computation Pad

February 8, 2003

Dear Mr. White:

Following are my comments on the proposed San Jacinto Rail project near Houston, Harris County, Texas. I have the following concerns:

1. This new railroad will cause considerable environmental damage in an undeveloped area East of Ellington Field.
2. The railroad will expose existing pipelines to damage by construction or railroad operations/accidents.
3. Residential areas will be newly exposed to noise and possible toxic spills.
4. Motor vehicle traffic in the railroad area will be slowed at railroad crossings. (As time goes on I expect the train traffic to increase from the current projection of 2 trains per day)

For these reasons I am opposed to building this railroad.

I believe that some action such as negotiation backed up by possible anti monopoly measures should be taken to get fair freight rates for the companies being overcharged.

Sincerely,

Leo A. Reitan

Leo A. Reitan
511 Williamsburg Cir.
Friendswood, TX 77546

FD 34079
D0594

PORT OF HOUSTON AUTHORITY
EXECUTIVE OFFICES: 111 EAST LOOP NORTH • HOUSTON, TEXAS 77029-4327
MAILING ADDRESS: P.O. BOX 2562 • HOUSTON, TEXAS 77252-2562
TELEPHONE: (713) 670-2400 • FAX: (713) 670-2429

February 18, 2003

Surface Transportation Board
Office of the Secretary
Case Control Unit, ATTN: STB Finance Docket No. 34079
1925 K Street, NW
Washington, DC 20423-0001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing F. D. No. 34079

Dear Secretary Williams:
RE:

STB Finance Docket No. 34079

San Jacinto Rail Limited
and
The Burlington Northern and Santa Fe Railway Company –
Construction and Operation of a Rail Line
From the Bayport Loop in Harris County, Texas

Port of Houston Authority
Request for a Mitigating Measure

The Port of Houston Authority submits the attached request for a mitigating measure in the above captioned proceeding. An original and ten paper copies are enclosed, together with a copy in electronic form on a 3.5-inch disk in a format convertible to Word Perfect format.

Respectfully submitted,

Richard J. Schiefelbein

Copies to: Sarah W. Bailiff, Burlington Northern Santa Fe
Kathryn Kusske, Mayer, Brown and Platt

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34079

San Jacinto Rail Limited
and
The Burlington Northern and Santa Fe Railway Company –
Construction and Operation of a Rail Line
From the Bayport Loop in Harris County, Texas

Port of Houston Authority
Request for a Mitigating Measure

In the event the PHA Bayport Container Terminal project is approved, roadway traffic volume on Port Road east of State Highway 146 will increase substantially with the operation of the PHA Bayport Container Terminal. Design studies anticipate that PHA-related roadway traffic volumes will reach 23,000 daily vehicles (in an 11-hour Port operating day) in 2025; the initial daily volume will be 3,183 vehicles in 2005, increasing to 7,147 vehicles in 2009 and to 11,940 vehicles in 2015 (11-hour operating days).

Because interruption of the flow of roadway traffic would impact the efficient operation of the container terminal, PHA requests the following mitigation measure be imposed by the STB:

After consultation with PHA, BNSF and SJRL will develop an operating plan designed to minimize interference with roadway traffic at the Port Road grade crossing during Port operating hours. At the point in time that the average daily

traffic (ADT) on Port Road east of State Highway 146 exceeds 7,000 vehicles per day, BNSF and SJRL will consult with PHA to develop an operating plan to minimize interference with roadway traffic at the Port Road grade crossing during Port daytime operating hours. Pending consultation of the parties, the operating plan would to the extent consistent with BNSF's common carrier obligations, restrict rail operations across the Port Road grade crossing during Port operating hours (7:00 a.m. to 6:00 p.m.), except in unusual situations, such as derailments, severe weather, unusual customer needs, or in the event volume swings during peak demand periods cannot be accommodated during non-Port operating hours, in which case BNSF will provide advance notice to PHA and work with PHA to minimize adverse impacts. Notwithstanding the foregoing, in the event the operating plan causes BNSF service to become noncompetitive with other rail service on the Bayport Loop or otherwise results in unreasonable interference with BNSF's joint operations with UP in the Bayport Loop area (i.e., crossings of UP right-of-way), BNSF may on advance notice to and coordination with PHA revise its operating plan to the extent necessary.

PHA has conferred with BNSF and SJRL concerning the above mitigation measure, and both BNSF and SJRL have represented that they have no objection to its inclusion in the mitigation measures imposed in the Final Environmental Impact Statement in STB Finance Docket No. 34079.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Request by the Port of Houston Authority for a Mitigating Measure has been served on all Parties of Record in Finance Docket No. 34079, by first class mail or more expeditious means, on this 18th day of February, 2003.

Richard J. Schiefelbein

FD 34079
D0597

RECEIVED
FEB 20 2003
MAIL MANAGEMENT
STB

Dearest Dana,

I have lived in Meadow Creek since 1969; it has been a relatively quiet & clean neighborhood & I do want it to remain so! I schooled all my children at Milby High (graduated them) as well as Patterson Elem. & Deady Jr. High. I have been awakened a many a night with the train whistle & I certainly do not wish to have more. Should there be a train derailment (especially with chemicals) then many children would be effected & possibly killed. My business is to encourage children to make good citizens & make our world a better place to live in! I ask you "how can we do this" when we are constantly being plagued with more & more traffic with our trains & cars!!

I very much am against this new rail system & hopefully you will choose to speak on my behalf!!

Thank you,
Mrs. W.D. McCarley
5506 Bent Oak Trl
Pearland, Tx 77017

713-944-2514

Hopefully I will be one of the ones who does this!

over



FD 34079
D0598

MAYER
BROWN
ROWE
& MAW

1909 K Street, N.W.
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Main Tel (202) 263-3000
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Kathryn A. Kusske
Direct Tel (202) 263-3223
Direct Fax (202) 263-5223
kkusske@mayerbrownrowe.com

February 21, 2003

Ms. Dana G. White
Environmental Specialist/Program Manager
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: Finance Docket No. 34079, San Jacinto Rail Limited and The Burlington Northern and Santa Fe Railway Company – Construction and Operation of A Rail Line From the Bayport Loop in Harris County, Texas

Dear Ms. White :

On August 28, 2002, the Surface Transportation Board ("Board") issued a decision in the above-referenced proceeding concerning the application of San Jacinto Rail Limited's ("SJRL") and The Burlington Northern and Santa Fe Railway Company's ("BNSF") (hereinafter referred to as "Applicants") to construct and operate a new rail line near Houston, Harris County, Texas. That decision conditionally exempted Applicants from the prior approval requirements of 49 U.S.C. §10901, subject to further consideration of the potential environmental impacts of the proposal. The Board also ordered that, upon completion of the environmental review, it would "issue a further decision addressing those matters and establishing an effective date for the exemption, if appropriate, subject to any necessary conditions, thereby allowing construction to begin at that time." (Slip Op. at 8.)

A draft Environmental Impact Statement ("Bayport DEIS") was served by the Board's Section of Environmental Analysis ("SEA")[1] on December 6, 2002. In the Bayport DEIS, SEA

[1] Three other Federal agencies are serving as cooperating agencies in the environmental review being conducted under the National Environmental Policy Act ("NEPA"): U.S. Coast Guard, Federal Aviation Administration, and National Aeronautics and Space Administration ("NASA").

preliminarily concluded that construction and operation of the proposed rail line under any of the Build Alternatives[2] would have no significant environmental impacts if the Board were to impose and Applicants were to implement the proposed voluntary mitigation measures. Bayport DEIS at ES-16. Public comments on the Bayport DEIS initially were due by January 27, 2003. In response to requests for an extension of time for comments on the Bayport DEIS, on December 20, 2002, the Board extended the comment due date to February 21, 2003. Two public meetings on the Bayport DEIS were held by SEA and the cooperating agencies on January 14 and 15, 2003 at the Pasadena Convention Center and Cesar E. Chavez High School, respectively. The meetings were well-attended by elected officials, community representatives, and the public. Transcripts of the oral comments and written comments submitted during the public meetings are publicly available in the environmental record in this proceeding.

The purpose of this submission is to provide, on behalf of SJRL and BNSF, information in response to issues that were identified and comments made to date about the Bayport DEIS. Before addressing particular topics contained in the Bayport DEIS, we would like to offer some comments on the issues relating to national security and terrorism – areas of heightened concern to the public and communities in which transportation infrastructure projects (such as the new SJRL rail line) are being proposed in locations all across the U.S.

As a general matter, Federal agencies and courts have held, both before and after September 11, 2001, that agencies are not required to address the threat of terrorist attacks or sabotage as part of their NEPA review of proposed actions because such threats are, as a practical matter, too speculative and remote to be analyzed in any meaningful way. One Federal agency in particular -- the Nuclear Regulatory Commission ("NRC") -- has dealt extensively with questions related to national security and terrorism as part of its environmental review in connection with the licensing and installation of nuclear power facilities. In a recent matter in which the NRC overruled a decision of its Licensing Board, it found that the threat of terrorism cannot be considered in the licensing of reactors and other nuclear installations because the risk of an attack is too speculative and the probability of such an attack cannot be properly estimated. *See In the Matter of Private Fuel Storage L.L.C.*, CLI-02-025, at 11 (Dec. 18, 2002); *accord In the Matter of Duke Cogema Stone & Webster*, CLI-02-024 (Dec. 18, 2002); *In the Matter of Duke Energy Corporation*, CLI-02-026, (Dec. 18, 2002); and *In the Matter of Dominion Nuclear Connecticut, Inc.*, CLI-02-027, (Dec. 18, 2002). The NRC also expressed concern that discussing the issue at licensing hearings would provide terrorists with too much information and could unduly alarm the public. Specifically, the NRC found that "the public interest would not be served by inquiries at NRC hearings and public meetings into where and how nuclear

[2] The Build Alternatives were defined as the Proposed Action, the Original Taylor Bayou Crossing, Alternative 1C, Alternative 2B, and Alternative 2D. Bayport DEIS at ES-5-ES-7.

facilities are vulnerable, how they are protected and secured, and what consequences would ensue if security measures failed at a particular facility. Such NEPA reviews may well have the perverse effect of assisting terrorists seeking effective means to cause a release of radioactivity with potential health and safety consequences." *In the Matter of Private Fuel Storage L.L.C.*, CLI-02-025, at 13 (Dec. 18, 2002). (The STB served as a cooperating agency in connection with the NEPA review for that matter.)

In another recent matter involving a licensing renewal proceeding, the NRC rejected arguments that it was required under NEPA to address the possibility of a terrorist attack in the FEIS. *Generic Environmental Impact Statement for License Renewal of Nuclear Plant (Supp. 10) Regarding Peach Bottom Atomic Power Station, Units 2 & 3 Final Report (January 2003)* ("Peach Bottom FEIS"). There, the NRC concluded that the "environmental effect caused by third-party miscreants is simply too far removed from the natural or expected consequences of agency action to require a study under NEPA." *See* Peach Bottom FEIS at A-52. The NRC further explained that, because a terrorist threat is by nature unpredictable and "not a natural or inevitable byproduct of the granting of an application," an EIS is not an appropriate venue for addressing "the challenges of terrorism" on a site specific basis.[3] *Id.* By contrast, matters normally considered in an Environmental Impact Statement ("EIS") (*e.g.*, potential impacts on air quality, noise, and biological resources) are reasonably likely to occur and can be quantified with a reasonable degree of certainty.[4] *Id.*

[3] The NRC emphasized that its decision not to analyze the possibility of a terrorist attack as part of its NEPA review did not mean that it was ignoring the issue. The NRC explained that it was "closely examining the current security and protective framework and already had ordered interim improvements at licensed nuclear facilities." *Id.* at A-53.

[4] Besides the NRC, other Federal agencies such as the Department of Energy's ("DOE") Office of NEPA Policy and Compliance have issued guidance that sets forth the criteria to be considered in determining whether a potential accident scenario must be considered as part of an EIS. The guidance directs analysts to: "[F]ocus on accident, failure, or error scenarios within the design basis and determine the type of event that is likely to cause the greatest consequences, supporting that determination with rough estimates of or qualitative judgments about the magnitude of the consequences. Typically, these events will have probabilities of greater than 10-6 per year, especially for natural phenomenon events." The guidance also directs analysts to "[l]ook beyond design basis to see if there may be events of such large consequences that they need to be considered in order to satisfy the primary purposes of NEPA review as stated in the first paragraph in this section. Generally, examine the probability range 10-6 to 10-7 per year to the degree that events within this range bear on satisfying the two primary purposes of NEPA review cited above. As a practical matter (including litigation history), events with probabilities less than 10-7 per year will rarely need to be examined." *See* Section 6.4, *Accident Analysis, DOE Guidance for Preparing Environmental Assessments and Environmental Impact Statements. http://dewey/tis.ch.doe.gov/nepatools/guidance/reccom/6_4.htm.* Applying those standards here, the risk of sabotage or terrorism is clearly too remote to be considered.

Finally, several Federal courts have affirmed the findings of various federal agencies that terrorist threats are too speculative or remote to be addressed in any meaningful way in an EIS. *See, e.g., Limerick Ecology Action, Inc. v. U.S. Nuclear Regulatory Commission*, 869 F.2d 719 (3d Cir. 1989) (finding that NRC's Licensing Board did not violate NEPA when it determined that the risk of sabotage was too remote and speculative to be analyzed meaningfully in the EIS); *The City of New v. U.S. Dept. of Transportation*, 715 F.2d 732 (2d Cir. 1983) (upholding the Federal Highway Administration's regulation concerning the transportation of spent nuclear fuel on the interstate highway system); *Contra Costa County v. Pena*, 1998 U.S. Dist. LEXIS 3711 (N.D. Cal. 1998) (finding that DOE satisfied NEPA's requirements where it evaluated the potential consequences of three different types of terrorist attacks, but did not quantify the risk that such events would occur).

We now turn to respond to particularized concerns in the order of the Table of Contents in the Bayport DEIS.

Rail Operations and Rail Operations Safety

During scoping and the public meetings, commenters have raised questions about the accuracy of projected traffic levels on the new rail line. SEA conducted an exhaustive, independent analysis of baseline rail traffic and projected levels, gathering and comparing data from numerous third party sources, including from Applicants, the Union Pacific Railroad, the Board's waybill sample, direct field observations, and the Texas Department of Transportation. Bayport DEIS at ES-2, ES-3, 1-7 and Appendix C.[5] After conducting this thorough research and technical comparison of data, which far exceeded the level of study normally conducted during NEPA reviews where the projected traffic does not exceed the Board's threshold, SEA concluded that "[t]he Applicant's proposal to operate two trains per day, on average, over the build segments of the Build Alternatives would have little impact on rail operations or rail operations safety because only one train would operate at a time." Bayport DEIS at ES-10. The DEIS also observed the low risk associated with such traffic, given the small amount of hazardous material (with the large majority of the partners' traffic being plastic pellets) and the low train speed of 20 mph. Bayport DEIS at ES-10. We fully concur with SEA's findings on all

[5] In response to SEA's request for information, BNSF and SJRL provided detailed information about their traffic projections. *See, e.g.*, Bayport DEIS, Appendix N, Letter from K. Kusske dated February 1, 2002. In addition, BNSF presented testimony at the public meeting further documenting its projection of an average of two linehaul trains per day, one inbound and one outbound with trains consisting on average of approximately 36 to 66 railcars. *See* Statement of George Duggan, BNSF Vice President, Industrial Products, January 15, 2003 public meeting at 85-86. Other independent data sources confirmed that Applicants' projections were reasonable. *See, e.g.*, Bayport DEIS at ES-2, ES-3, ES-10 and Appendix C.

these issues and believe such findings are fully supported by the extensive environmental record in this proceeding.

Numerous commenters have raised concerns about the safety of planned rail operations on the new rail line because of the possibility of terrorism. As described during the public meetings, since September 11, 2001,[6] the U.S. rail industry through the Association of American Railroads ("AAR")[7] has been working closely with the Department of Transportation's Transportation Security Administration ("TSA")[8] to develop and implement an anti-terrorism plan to protect our nation's freight rail system. *See* Statement of Mark Stehly, Assistant Vice President, Environmental and Research and Development, BNSF, January 15, 2003 public meeting at 81.[9] These efforts, while wholly unrelated to this proceeding, will govern the series

[6] The rail industry's immediate response to the September 11th terrorist attacks, particularly its efforts to enhance the security of rail facilities and employees and to reach out to its customer and the communities in which the industry operates, earned the praise of Former STB Chairman Linda Morgan. *See* "Surface Transportation Board Chairman Commends the Surface Transportation Industry, Particularly the Rail Freight Industry, for Efforts Following Recent Terrorist Attacks", STB Press Release (September 14, 2001).

[7] The AAR is a trade association representing the major freight railroads in the United States, Canada, and Mexico.

[8] TSA was provided with a copy of the DEIS and was invited to provide comments, as were the numerous other agencies that were provided copies. Chapter 10 of the DEIS provides a list of the federal and state agencies, and organizations and persons to whom copies of the DEIS were sent.

[9] The "Terrorism Risk Analysis and Security Management Plan" ("TRA&SMP") identifies and analyzes potential areas of vulnerability in the nation's rail infrastructure and sets forth countermeasures for preventing, detecting, and mitigating any potential terrorist attack. *See* U.S. Treasury Advisory Committee on Commercial Operations of U.S. Customs Service (COAC), Subcommittee on U.S. Border Security Technical Advisory Group and Customs Trade Partnership Against Terrorism (C-TPAT), Statement of the Association of American Railroads, June 14, 2002. AAR adopted the TRA&SMP in December 2001. Using government issued best practice methodologies for conducting vulnerability assessments, an AAR team developed an alert plan that directs rail carriers and their customers to undertake specific actions in response to identified threat levels which depend upon the nature of the threat. The AAR has an Operations Center that is in constant contact and is staffed twenty-four hours a day, seven days a week when the rail industry is at an elevated threat level. The AAR Operations Center has a secure phone and email system and has clearance to handle classified government information at the secret level. As part of the Plan, the AAR has established direct links with various intelligence agencies (for example, the Central Intelligence Agency's Counter Terrorism Center, the DOT's Crisis Management Center, the FBI's National Joint Terrorism Task Force, the Federal Emergency Management Agency, the Army National Guard, the Transportation Security Infrastructure Service and the Department of Defense) and has been working with various intelligence analysts. AAR has also been working with a number of targeted customer group including, among others, the American Chemistry Council, the American Gas Association, the Chlorine Institute, and the American Petroleum Institute.

In addition to working with TSA to develop and implement an anti-terrorism plan, the AAR announced the establishment of five critical action teams during testimony before Congress on October 1, 2001. These critical action teams, to be led by senior railroad or AAR executives from both U.S. and Canadian companies, were tasked (cont'd)

of preventative activities that BNSF – and other U.S. rail carriers – will likely implement across their rail systems whether in Houston or elsewhere based on the threat assessment from the U.S. intelligence community.[10] Also, as described at the public meetings, unlike most other U.S. industries, BNSF has its own system-wide private police force that is commissioned in Houston pursuant to Texas state law. This police force is in direct communication with the U.S. intelligence community to facilitate advance notification of possible terrorist threats to our nation's rail system. Our efforts in working with TSA are ongoing and seek to cover all elements of security as it relates to the rail shipment of goods and commodities, whether hazardous materials or not.[11]

Although we believe the impacts of terrorism are too remote and sensitive for public review under NEPA in this context, we are not complacent about the matter. It is our desire that the public understand that these issues are being appropriately addressed in other federal regulatory arenas. Just as TSA is deeply involved with the rail industry on security issues, the FRA is the agency with the jurisdiction and authority over safety of the nation's rail industry.[12] The primacy of FRA's authority in matters of rail safety is recognized and relied upon by the STB in matters before it. *See* DEIS at 3-1- 3-2; *see also National Railroad Passenger Corporation -- Petition for Declaratory Order -- Weight of Rail*, Finance Docket No. 33697

(... cont'd)

with: (1) ensuring the safety of railroad employees and the communities within which the railroads operate; (2) protecting the viability of national and regional economic activity; and (3) ensuring that railroads can play their vital role in the military mission of the nation. The five critical action teams include: (1) Information and Technology and Communications; (2) Physical Infrastructure; (3) Operational Security; (4) Hazardous Materials; and (5) Military Liaison. *See* Statement of Ed Hamberger, President and Chief Executive Officer, AAR.

[10] Publicly available information shows that the rail industry has been put on alert by the U.S. and state governmental authorities about potential terrorist threats. *See, e.g.*, Anchorage Daily News, October 25, 2002, at B3 (Alaska Office of Homeland Security notifies railroad of possible terrorist threat to rail facilities); "Higher alert status gets attention:," A. Saccoman, J. Comm. online (Feb. 12, 2003).

[11] For example, the rail industry has established the Surface Transportation Information Sharing and Analysis Center ("ST ISAC") to help prevent a virus or cyber attack from disrupting the country's transportation operations. The ST ISAC will coordinate with the U.S. Department of Transportation's Transportation Information Operations Center ("TIOC"). *See* "U.S. Department of Transportation Applauds Association of American Railroads Initiative to Create a Center to Enhance Security," May 2, 2002 DOT Press Release. The TIOC will help communicate information between the Transportation Secretary, the transportation industry, and other federal agencies. *Id.*

[12] We note that in response to the 2001 Emergency Supplemental Appropriations Act (P.L. 107-38), which directed that emergency funding be made available for "providing increased transportation security," $6 million was obligated under the 2002 Department of Defense Appropriations bill to the FRA for "emergency expenses to respond to the September 11, 2001, terrorists attacks on the United States."

(served Jan. 31, 2003) ("Amtrak") ("in exercising [the Board's] authority, [the Board has] relied heavily on input from FRA, the Federal agency with the expertise and primary responsibility for rail safety." (Slip Op. at 3)). It is not only the fact that the STB looks to FRA for expertise in rail safety matters, it is also the role of FRA to provide ongoing oversight and regulatory enforcement of rail safety matters long after an STB matter has been concluded. ("As with other rail matters, we would expect that FRA will maintain oversight to the extent safety issues are concerned. We will therefore discontinue this proceeding." Amtrak, Slip Op. at 4). SEA consulted with the FRA regarding existing safety conditions and the potential effects of the Bayport project with respect to rail operations and rail operations safety. Bayport DEIS at 3-1. FRA also was provided with a copy of the DEIS and was invited to provide comments to SEA. *See* February 12, 2003 letter to Ed Pritchard, Director Office of Safety Assurance and Compliance, FRA from Victoria Rutson, Chief, SEA.

Hazardous Materials Transportation Safety

Several commenters expressed concern about the potential for a catastrophic release of a hazardous substance that could contaminate the City of Houston's Southeast Water Treatment Facility ("Treatment Facility") were Alternatives 2B or 2D constructed. *See, e.g.*, Statements of Councilwoman Shelley Sekula-Gibbs, Transcript of January 14, 2003 public meeting at 23 and Transcript of January 15, 2003 public meeting at 29. The Bayport DEIS calculated the potential for a release of a hazardous material in terms of a reoccurrence interval. Bayport DEIS at Appendix D. It calculated the reoccurrence interval along the new line west of the Bayport Rail Terminal ("BRT") at 1,400 years under current conditions and up to 290 years under future market capture conditions. Bayport DEIS, Appendix D, table D.3.5. This assumed a release anywhere along the 7.6 miles of new line west of the BRT. *Id.* Assuming that the release would need to be in the vicinity of the Treatment Facility in order to be of a concern, the interval would increase to 10,500 years for current conditions and 2,200 years for future conditions. Even then the Bayport DEIS concludes that "most releases would be small as a result of the low operating speed and of the design standards applicable to railcars; thus the consequences of a release are unlikely to be severe." Bayport DEIS at 4-9. Since the Treatment Facility is protected by a berm, the likelihood of a release reaching the drinking water is even more remote. Finally, the City of Houston has other plants that could provide drinking water were a release to threaten the Treatment Facility. In such event, the Treatment Facility would be taken off-line.[13]

[13] Representatives of BNSF and SJRL met several times with City officials to learn about how the proposed project might affect their plans for the Treatment Facility. No information concerning expansion plans for the Treatment Facility was provided to Applicants.

Pipeline Safety

The Bayport DEIS analyzes pipeline safety as it may be impacted by construction and operation of the new rail line. Bayport DEIS at 4-19 – 4-23. Specifically, SEA considered the potential consequences of a pipeline release resulting from construction and operation of the Proposed Action and Alternatives, relying on pipeline accident statistics available from DOT's Office of Pipeline Safety ("OPS")[14] in combination with information on the location of pipelines in the project area. Bayport DEIS at 4-19. SEA concluded that "the likelihood of a hazardous gas pipeline construction accident to be approximately 0.00002, or one chance in 48,000." Bayport DEIS at 4-20. With regard to operation, "[b]ased on the very low likelihood that rail operation would damage a pipeline and the relatively low probability that serious consequences would result even if such damage were to occur, SEA concluded that the impact of rail operations on pipeline safety would be minimal." Bayport DEIS at 4-22.

The issue of pipeline safety and the co-existence of pipelines with rail operations is not at all new to BNSF, the STB, SEA or among members of the pipeline and rail carrier industries. BNSF alone estimates that it has in the range of 100,000 pipeline crossings or pipelines adjacent to its network. Other rail carriers throughout the U.S. similarly have considerable experience with pipelines being adjacent to or included within their rights-of-way.

As demonstrated in prior Board matters, SEA has recognized that pipeline companies and railroads handle crossings and other co-existence issues – whether the pipeline pre-exists the rail line or the rail line pre-exists the pipeline – through cooperative efforts. For example, in the proposed new rail line to serve shippers located in Geismar, Louisiana,[15] SEA was presented

[14] OPS (a part of DOT's Research and Special Programs Administration) administers DOT's national regulatory program to assure the safe transportation of natural gas, petroleum and other hazardous materials by pipeline. OPS develops regulations and other approaches to risk management to assure safety in design, construction, testing, operation maintenance, and emergency response of pipeline facilities. As described on OPS's web site, the Federal pipeline safety regulations: (1) assure safety in design, construction, inspection, testing, operation, and maintenance of natural gas and hazardous liquid pipeline facilities and in the siting, construction, operation, and maintenance of LGN facilities; (2) set out parameters for administering the pipeline safety program; (3) require pipeline operators to implement and maintain anti-drug and alcohol misuse prevention programs for employees who perform safety-sensitive functions; and (4) delineate requirements for onshore oil pipeline response plans. *See* http://ops.dot.gov.init-htm.

The regulations are written as minimum performance standards, setting the level of safety to be attained and allowing the pipeline operators discretion in achieving that level. Comprehensive compliance programs are conducted by OPS's Regional Offices. *Id.* OPS was served with a copy of the DEIS and, to our knowledge, has made no comments on SEA's findings.

[15] *See The Kansas City Southern Railway Co. – Construction Exemption – Ascension Parish, Louisiana*, Finance Docket No. 32530 (served July 16, 1997) ("Geismar DEIS").

with the issue of numerous pipelines carrying a variety of chemical and petroleum products in the project area. SEA took extensive recognition of the pipeline safety practices observed in the industry and acknowledged the importance of achieving "final solution at each particular crossing."[16] This is entirely consistent with BNSF's experience in working with pipeline companies as most recently reflected in the construction of the new rail line to the Dow Chemical facility at Seadrift, Texas where multiple pipelines, telecommunications and utility lines were crossed.[17]

Beyond the practical day-to day experience that BNSF has with pipeline safety issues in operating its network, there are a number of other means, including participation in industry related groups, through which BNSF gains valuable knowledge and experience on such safety issues. For example, BNSF is an active member of AREMA. AREMA's mission is the development and advancement of both technical and practical knowledge and recommended practices pertaining to the design, construction and maintenance of railway infrastructure. There is a broad representation from the freight rail industry as members, and also in serving in leadership positions on the Board of Directors and on Technical Committees.[18] In addition,

[16] Geismar DEIS at IV – 43. As further explained by SEA, pipeline safety practices typically involve a determination by the pipeline owner, in cooperation with the railroad, of a final engineering solution at each crossing according to the applicable industry codes, practice and design standards that govern the engineering design and installation or modification of pipeline facilities. *Id.* The codes that might be applicable to a particular crossing or proximity of rail and pipeline could include codes of the American Petroleum Institute, the American Railway Engineering and Maintenance-of-Way Association ("AREMA"), American Society for Testing and Materials, OPS, American Society of Mechanical Engineers, and American Water Works Association.

[17] *See The Burlington Northern and Santa Fe Railway Co. – Petition for an Exemption from 49 U.S.C. § 10901 to Construct and Operate a Rail Line Between Seadrift and Kamey*, Texas, Finance Docket No. 34003.

[18] Five BNSF representatives are on AREMA's Board of Directors: Past President, Michael N. Armstrong Vice President Chief Engineer; Director Track, Robert J. Boileau, Assistant Vice President Engineering Services; Director Signal Engineering, William G. Petersen, Group Vice President of Communications and Signals; Director Communications and Signals, Fredrick Gratke, Assistant Vice President Telecommunications; and Director Engineering Planning, John A. Leeper, Director Engineering Services. Among the BNSF representatives serving on AREMA's Technical Committees are Chairman of the Committee on Roadway and Ballast, Donald E. Lozano, Assistant Director Structural Engineer; Vice Chairman of the Committee on Track Measuring Systems Michael T. Mischke, Consulting System Developer; Chairman of the Committee on Seismic Design for Railway Structures William G. Byers, Director - Structures Construction; Chairman of the Committee on Yards & Terminals Eugene D. Schubel, Director Field Engineering and Design; Vice Chairman of the Committee on Signal Systems Richard P. Bowden, Assistant Director Signal; and Team Leader of the Committee on Track Maintenance Steering Team Douglas D. Perry, Division Engineer.

through the AAR, BNSF and other major freight railroads bring to the attention of government officials critical rail-related issues whether at the federal, state or local level.[19]

In terms of this particular project, BNSF and SJRL have been proactive in the planning and design phases of the new rail line to study and develop detailed information about the number, ownership and location of the pipelines the new line will cross. Such information was provide to SEA at its request. *See* Bayport DEIS, Appendix N, Letter from K. Kusske dated Aug. 1, 2002. In addition, BNSF and SJRL proposed using the services of a qualified pipeline engineering firm that is familiar with the local project area to assist in the identification of the various pipeline crossings and to assist in the design of crossings as necessary for project-related construction activities. *See* Bayport DEIS at ES-16; 6-13, Measure No. 49. SEA recommended that such voluntary measure be adopted by the Board. *Id.*

BNSF and SJRL remain committed to ensuring that all project-related pipeline crossings and rail operations over such crossings will be in accordance with applicable federal and state regulations, as well as industry-recommended standards.

Grade Crossing Delay and Safety

During the recent public meetings in Houston, several commenters cited the 1993 decision in the Indiana & Ohio case[20] in which the Interstate Commerce Commission ("ICC") (predecessor of the Board) disapproved the construction and operation of new rail line on grounds of public safety where the land in the immediate vicinity of the proposed railway line was almost exclusively single-family residential.[21] The Indiana & Ohio requested authority to construct a new rail line that would have run adjacent to the lots of 37 single-family homes, would have crossed two front yards of residences, and would have run within 25 feet of 30

[19] In connection with AAR-related activities, BNSF and other freight railroads work together to develop strategies to address such matters of common interest. For example, in response to efforts of the pipeline industry last fall to enact state legislation in numerous jurisdictions that would have eased the ability of pipelines to cross railroad right-of-way without the consensus of the railroad being crossed, BNSF developed materials for use by AAR members to illustrate how important it is for the railroads and pipeline companies to address right of way crossings on a case-by-case basis through negotiated agreements. It is our understanding that these materials were voluntarily provided by Union Pacific in response to discovery requests propounded to it by GBCPA. *See* Union Pacific Company's Comments on Draft Environmental Impact Statement, filed Feb. 19, 2003.

[20] *Indiana & Ohio Railway Company – Construction and Operation of A Line of Railway – In Butler, Warren and Hamilton Counties, Ohio*, Finance Docket No. 31320 ("Indiana and Ohio").

[21] *See, e.g.*, Statement of Rick Noriega, Texas State Representative, District 145, January 15, 2003 public meeting at 27; Statement of Mary Vargo, Chairman, Southeast Neighborhood Coalition, January 15, 2003 public meeting at 66; and Statement of David Marrack, M.D., January 15, 2003 public meeting at 125.

mobile homes.[22] As noted in the extensive environmental documentation prepared by the ICC's SEE in the Indiana & Ohio case, the width of the proposed right-of-way along the 2.9 mile rail corridor varied between only 30 and 70 feet.[23] Under the unique circumstances presented there, the ICC determined that the project created potentially significant safety impacts for those persons living in the area adjacent to the proposed right-of-way which could not be adequately mitigated. We agree with the commenters that the Indiana & Ohio case is quite informative in providing guidance as to how SEA evaluates public safety in matters under review:

> [E]ach case presents unique environmental effects that require individually crafted mitigation measures. A general standard which would be appropriate in some instances may be either insufficient or burdensome in other cases. In this instance, we have based our conclusions concerning the issue of safety on our understanding of the area based on our site inspections, extensive consultations with other agencies, and comments from various parties of record.

Indiana & Ohio Final Environmental Impact Statement (served April 30, 1992) at 30. Moreover, unlike Bayport where the new rail line will serve the public interest by providing needed competition, see DEIS at ES-2, in the Indiana & Ohio case there was not a paramount need to provide rail service to the public as such service was already being provided, although less efficiently than would be the case if the line were built.[24]

[22] The Indiana & Ohio DEIS discusses the potential safety risks associated with derailments. "The risk would increase the closer adjacent properties are to the center line of the right-of-way." Indiana & Ohio DEIS at 84. The traffic to be hauled on the line was predominately inert solid products, with a few commodities (e.g., fertilizer) being flammable or combustible. Because of the limited distance of the mobile homes from the right-of-way and the size of the rail cars, Section of Energy & Environment ("SEE") found that the new line could pose a significant safety risk in the case of a derailment, and that such risk could expand beyond the right-of-way, with a "real possibility" that a derailed locomotive or rail car could strike a mobile home unit. Indiana & Ohio DEIS at 85.

[23] "Because the occupants of these new homes [built some 15 years after the line was abandoned] are unfamiliar with the intrusion of nearby rail operations, the proposed change in use of the right-of-way from an open-spaced corridor to an active rail line could pose significant safety risks. Moreover, the right-of-way itself, which varies in width from thirty to fifty feet, is far narrower than the average right-of-way (typically 100 feet). Therefore, the approval of the proposal would result in extremely close proximity of homes to moving trains." Indiana & Ohio DEIS at 75.

[24] In addition, the Indiana & Ohio case was decided under the Interstate Commerce Act ("ICA") which required that the ICC affirmatively find that a proposed construction is consistent with the public convenience and necessity in order to approve the construction. In enacting the ICC Termination Act of 1995, which completely recodified the ICA, Congress expressly intended to facilitate rail construction by changing the statutory standard to require

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Here, in contrast, the factual circumstances are quite different as can be seen by a comparison of aerial maps of the areas in which the two rail lines were proposed. (*See* Figures 1 and 2 appended hereto that depict the area of the proposed Indiana & Ohio line and the area of the proposed SJRL line, respectively.) The SJRL proposed line is not adjacent to any single-family residences, nor does it cross through property on which there are private residences. The land area where the proposed line will be located is not single-family residential as it was in the Indiana & Ohio case; rather, the build alternatives will be located in areas that are either currently undeveloped or are adjacent to existing utility corridors. *See* Bayport DEIS at 3-64 Figure 3.10-1. The SJRL proposed right-of-way will establish a large buffer area with the right-of-way of at least 100 feet in width in the areas where the right-of-way will be closest to residences. *See* Bayport DEIS at 2-6. Nor will the right-of-way come any closer than 400 feet to residential areas (as would be the case with Alignment 1C). In addition, Sylvan Rodriguez Park and the Clear Lake residences are all separated from the new rail line by either an existing fence, vegetation and landscaping, a major pipeline corridor, or a public roadway. *See* Bayport DEIS at 2-1 – 2-18.[25] These physical features create a natural separation that benefits public safety by limiting public access to the new rail line -- features which were not present in the Indiana & Ohio residential area. While commenters like the Galveston Bay Conservation and Preservation Association ("GBCPA") would have us believe that physical proximity to residences alone is sufficient to cause a problem with public safety, the lesson of the Indiana & Ohio case is that the specific configuration of land use, location of the new rail line, natural and man-made physical features, and geography are all equally important and must be analyzed before impacts to public safety can be measured.

When the environmental record in this proceeding is closely examined, it is clear that the majority of the public criticism about the proposed project is not really based on concerns about the new rail construction and operation within the Bayport Loop proper. The concerns raised are ones which stem from long-term dissatisfaction from the community about *existing* rail operations in Houston generally and on the GH&H line owned by the Union Pacific Railroad Company ("UP") in particular. *See, e.g.*, Statement of Gene Green, U.S. Congressman, 29th District, January 15, 2003 public meeting at 17-18; Statement of Robert Gallegos, President, Eastwood/Lawndale-Wayside Super Neighborhood, January 15, 2003 public meeting at 145.

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approval unless the Board finds that the project is inconsistent with the public convenience and necessity. 49 U.S.C. §10901. The Board has held that, under this revised standard, there is a strong presumption in favor of approving applications to construct and operate new railroad lines. *See Class Exemption for the Construction of Connecting Track Under 49 U.S.C. 10901*, 1 S.T.B. 75, 79 (1996); *accord Dakota, Minnesota & Eastern R.R. Corp. Construction into the Powder River Basin*, Finance Docket No. 33407, at 17 (served Dec. 10, 1998).

[25] If Alternative 1C is built, Sylvan Rodriguez Park will not be separated by a roadway.

Built during the 1850s, the GH&H line is an existing rail line carrying existing rail traffic. Bayport DEIS at 3-9. Parts of the east side communities, as well as the community of Clear Lake City, established their residential developments right next to this existing line. The GH&H line, just like any other rail line in the U.S. used in interstate commerce, is subject to a comprehensive set of federal regulatory standards established by the FRA that are designed to ensure safe rail operations and protection of the public safety. The incremental addition of our Bayport Loop traffic to that line will not change the applicable safety standards, nor present serious adverse effects on public health and safety as documented in the Bayport DEIS. The risks that exist today as they may relate to commercial activities on existing rail lines, roadways, and industrial facilities will remain the same irrespective of the new rail line, and the new rail line, when built and operational, will not significantly affect the quality of the human environment.

Just as the Indiana & Ohio case is instructive in outlining how public safety concerns cannot be easily mitigated in a particularized setting, there are numerous other Board precedents showing how protection of public safety and new rail line construction can co-exist. New rail lines have been found by the Board to be consistent with public safety in areas with nearby residences, churches, schools and other community facilities.[26] When evaluating these project proposals, key geographical features such as the separation of a new rail line from residences by a public road (as is the case with the proposed line in the Bayport Loop) can substantially affect the impact to public safety. We believe that SEA identified and fully evaluated the public safety concerns in the Bayport DEIS for the project and that the voluntary mitigation measures offered by the Applicants significantly enhance public safety.

Some commenters also expressed concern for the potential delay to emergency service vehicles along the existing rail line as a result of the incremental increase in traffic. The Bayport DEIS concluded that the average delay per vehicle at the existing grade crossings would potentially increase by only 0.1 to 0.9 seconds. Bayport DEIS at 4-23. In addition, the Bayport DEIS concluded that "the Build and No-Build Alternatives would have negligible impacts on traffic delay at grade crossings." Bayport DEIS at 4-24. We concur with SEA's conclusions and believe that the concerns raised were appropriately considered in the DEIS.

[26] For example, a proposal by Elk River Railroad to construct and operate a new line in West Virginia was approved by the Board in 1996, where over 400 residences were located within 145 feet of the line, and six churches and two schools also were located nearby. *The Elk River Railroad, Inc. – Construction and Operation Exemption – Clay and Kanawha Counties, WV*, Finance Docket No. 31989 (served Sept. 5, 1996). Similarly, SEA recommended approval of a proposal by the Kansas City Southern to build a new line to serve utilities located at Geismar, Louisiana where the line was to be located near 75 to100 residences (including two residencies within the proposed right-of-way), two churches and one school. *Geismar* (served June 30, 1995).

Noise and Vibration

Comments were raised about possible inconsistencies between the ambient noise readings in the Bayport DEIS with regard to the Shore Acres residential area as compared to those in the Port of Houston Authority's ("PHA") Bayport Terminal Project's DEIS, prepared by the U.S. Army Corps of Engineers ("Corps"). *See* Statement of Nancy Edmundsen, Mayor of the City of Shore Acres, Transcript of January 14, 2003 public meeting at 20. In reviewing the data, we believe that there are no inconsistencies in the data collected for the Bayport DEIS and the PHA DEIS. Instead, it would appear that the differences in noise monitoring results can be accounted for by the fact that the readings were taken at different locations in the Shore Acres residential area. While the Bayport DEIS reading was performed at 3527 Bayou Forest, see Bayport DEIS at 3-28–3-29, the PHA DEIS readings were performed at four different locations (separated by a mile or more from SEA's readings) and were further away from SH 146, a dominant source of vehicular noise identified by SEA. *See* PHA DEIS at 3.8-4.

Water Resources

In its analysis of impacts to wetlands, the DEIS concludes:

> The Proposed Action and Alternatives would potentially affect wetlands that are located within the right-of-way limits . . . and could indirectly affect wetlands that are located near the construction footprint. The construction of any of the Build Alternatives would require the placement of fill material in some jurisdictional and non-jurisdictional wetlands. The placement of fill would cause a permanent loss of wetland functions. However, some of the jurisdictional wetlands along Horsepen Bayou, Armand Bayou, Spring Gully, Big Island Slough, and Taylor Bayou would be bridged, which would reduce the direct impacts. Indirect impacts, such as shading by the bridges, hydrologic modifications, and storm water runoff from the bridges, could alter the functions and composition of the wetlands.

Bayport DEIS at 4-50. Commenters have criticized the proposed mitigation as insufficient. *See, e.g.*, Statement of Carroll G. Robinson, Houston City Council Member, Transcript of January 15, 2003 public meeting at 33. However, as shown by recent correspondence with the Corps (attached hereto), the proposed mitigation ratios exceed the level typically required by resource agencies whether based on the ratio for jurisdictional, high quality wetlands or the ratio which accounts for non-jurisdictional and low-quality wetlands.

The mitigation ratios for jurisdictional aquatic habitats (waters of the U.S.) average 3.75 to 1 for alignment 1/1B (Applicant's preferred route) and 3.35 to 1 for alignment 2D/1B. For

jurisdictional habitats types, mitigation ratios are greater than 20 to 1 for emergent wetlands, 7.7 to 1 for forested gilgai depressions, and 3.6 to 1 for tidal marsh and shrub habitats. SJRL has developed the mitigation measures to compensate for unavoidable impacts to both jurisdictional and non-jurisdictional water resources. Therefore, the cumulative mitigation ratio proposed by SJRL for all aquatic habitats for the preferred alignment 1/1B is approximately 1.5 to 1. Additionally, SJRL rail design will include stormwater berms along the corridor and multiple stormwater detention basins to compensate for construction activities in floodplains. The berms and detention basins will perform beneficial functions of attenuation of peak runoff flows from the project area and filtration of sediment and potential pollutants to maintain water quality. Considering the disturbed condition of many of the wetland habitats along the proposed routes due to past drainage activities and exotic plant colonization, SJRL firmly asserts the proposed mitigation measures for water resources will provide a substantial net benefit to the aquatic environment in the project area. Furthermore, the mitigation plan is currently under evaluation by the Corps of Engineers and the Corps of Engineers will independently determine if the plan is adequate. U.S. Army Corps of Engineers, Galveston District and Texas Commission on Environmental Quality, Public Notice 22823 (Revised), Feb. 7, 2003 (available at www.swg.usace.army.mil/reg/notice/pn22823.pdf).

Biological Resources

The Bayport DEIS concludes that the preferred alignment could impact approximately 18.65 acres of coastal prairie and 11.63 acres of bottomland hardwood forest. Bayport DEIS at 4-56. SJRL concurs with these findings. The Applicants' preferred alignment minimizes the impacts to these ecologically important habitats compared to alternative routes. Additionally, the Applicant's Voluntary Mitigation Measures proposed to permanently set aside 24 acres of coastal prairie habitat, which includes up to 17 populations of the endangered Texas Prairie Dawn (*Hymenoxys texana*), and 24 acres of floodplain riparian hardwood forest along Armand Bayou to mitigate for these non-regulated habitat types.

Through refinement of the project design and use of retaining walls at Taylor Bayou, SJRL has further minimized the impacts to tidal marsh and shrub wetlands to 0.11 acres. SJRL proposes to develop approximately 0.4 acres of tidal marsh habitat as documented in the Voluntary Mitigation Measures (see Bayport DEIS, page 6-9) on Harris County property managed by Armand Bayou Nature Center staff. This mitigation effort will result in a replacement ratio of approximately 3.6 to 1 for Essential Fish Habitat in the immediate project vicinity.

Land Use

During the public meetings, commenters expressed the view that the Bayport DEIS ought to take into account the possibility that the new rail line will induce additional industrial development and thereby cause additional traffic and land use impacts. (*See* Statement of Nancy

Edmundsen, Mayor of the City of Shore Acres, January 14, 2003 public meeting at 19-20; Statement of David Marrack, M.D., January 15, 2003 public meeting at 125-126.) This issue was squarely addressed in the Bayport DEIS:

> Construction of the Build Alternatives would not lead to increased pressure to develop the land along the alignment for industrial use. The absence of zoning regulations in Houston and Pasadena means that development pressures are subject to market forces and landowner decisions. The lack of development protections found under a planned zoning system means that the land in the project area could be developed for any mix of residential, commercial, or industrial use. The construction of a rail line, in an area that already contains several rail lines, would not adversely affect how private property is developed. The Clear Lake residential area has developed over time along the existing GH&H Line, which carries an average of 3.4 trains per day that include carloads of hazardous materials. This suggests that construction of a new rail line, carrying two trains per day, would neither hinder nor promote residential development opportunities in the Clear Lake area.

Bayport DEIS at 4-68. Not only does the Bayport DEIS already address the concerns raised, but we believe based on BNSF's own experience in economic development that the expressed concerns are based on several flawed assumptions.

First, it is the BNSF's experience that land use and economic development decisions are based on numerous complex factors, which may include the existence of transportation facilities, but are not normally based on a single factor. In other words, it is not BNSF's experience that all you need to do is build a line, and the business will necessarily follow, and BNSF does not invest in new facilities based on those assumptions.[27]

[27] Indeed, the STB has previously rejected that notion that the mere presence of a rail line will induce industrial development in other matters. *See, e.g., Illinois Central Railroad Company – Abandonment Exemption – In St. Tammany Parish, LA*, Doc. No. AB-43 (Sub-No. 154X) (June 17, 1992) (proper marketing or plans for development to bring freight traffic to a rail line cannot overcome independent economic factors). Even in this matter, the Board has rejected UP's argument that the presence of the new Bayport line will lead to induced industrial growth:

> UP's argument that the proposed construction would lure into Bayport new industry that would overwhelm the rail network is not persuasive. That argument assumes that firms in the petrochemical industry would make irrational investments of millions of dollars simply because BNSF plans to build this line. But any industrialist contemplating building a facility in this area would carefully study the

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Second, inasmuch as NEPA requires examination of only those secondary impacts that are reasonably likely to occur, those changes which are speculative need not be considered. *See State of North Dakota v. Andrus*, 483 F. Supp. 255, 260 (D. N.D. 1980) ("[I]ndirect effects which are caused by the action and are later in time or farther removed in distance must still be 'reasonably foreseeable'").

Third, as documented in the environmental record in this proceeding, the financial commitment to build the new rail line by SJRL is wholly justified based on the projected traffic levels and is not dependent on the addition of more rail traffic to justify the investment. Bayport DEIS at–ES-3, 1-3, and 1-7.

Finally, a detailed examination of the proposed new route itself clearly indicates that the potential induced industrial development would be controlled by local decisionmaking and inhibited by pre-existing land uses and set-asides.

- Beginning with the west end of Alignments 1 and 1C near State Highway 3, the new rail line will cross property owned by the City of Houston. Development at that location, therefore, will be controlled directly by the City of Houston. It is also noteworthy that, although this property already has access to a rail line running along State Highway 3, and the Ellington Field Master Plan calls for light industry in this area, no industrial development has occurred yet.[28] This fact alone belies the commenters' notion that the presence of the new rail line will inevitably lead to railroad-induced industrial growth.[29]

- Moreover, recent updates to the Master Plan do not envision heavy rail-served industry locating in that area. *See* Master Plan.

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> entire transportation system before undertaking such a major investment. UP's claim that this line constitutes a lure for the unwary ignores the reality of how this sort of investment decision is made.

Slip Op. at 6 (served Aug. 28, 2002).

[28] *See* Draft Site Suitability Analysis: Ellington Field Master Plan Update, prepared by Leigh Fisher Associates (July 2, 2002)("Master Plan").

[29] Similarly, for Alignment 2 variations, water treatment siting and current land uses would not be conducive for additional development north of Ellington Field.

- Moving toward the east along Alignments 1 and 1C, the line passes behind a light manufacturing facility and an office building owned by The Boeing Company, NASA's Sonny Carter Training Facility's Neutral Buoyancy Lab and a large Harris County Flood Control District retention structure. The presence of these facilities and the retention structure also makes it highly unlikely that such a site will see additional development. Just before crossing Space Center Boulevard, the route traverses through a 52 acre mitigation site owned and managed by Harris County. Without the lifting of current deed restrictions on those properties, development in that area is highly improbable.

- The route then crosses over Space Center Boulevard to an area that SJRL has voluntarily offered to contribute as a mitigation site of 24 acres. This set-aside will also act as a natural inhibitor to industrial development. In addition, SJRL is working with various agencies and organizations to help leverage the 24 acre site into a much larger coastal prairie habitat conservation site. This effort will set additional land aside and further restrict development potential.

- East of this property the line crosses an active gas field, which once again is not compatible with additional development. From there the line crosses Armand Bayou, and SJRL will set aside an additional 24 acres, on the north side of the proposed line, as a mitigation site. The owners of the property on the south side of the proposed line, ExxonMobil, is planning seismic testing with intentions of drilling for oil on the property. Finally, the line crosses Red Bluff Road and enters the Bayport Industrial District, an already highly industrialized area.

For all of these reasons, induced industrial development is highly unlikely and speculative and, therefore, need not be considered further by SEA.

Environmental Justice Issues

The Bayport DEIS finds "no potential high and adverse impacts on minority and low income populations as a result of the Proposed Action or Alternatives." Bayport DEIS at 4-82. During the public meetings, however, several commenters raised questions about the accuracy of the demographic information provided in the Bayport DEIS.[30] Specifically, it was stated that the Bayport DEIS did not accurately portray the number of people of Hispanic origin living in the community near the GH&H line and East End. Bayport DEIS Figures 4.16-1a and 4.16-1b.

[30] *See* Statement of Nick Lampson, U.S. Congressman, 9th District, January 14, 2003 public meeting at 17-18; Statement of Mary Vargo, chairman, Southeast Neighborhood Coalition, January 14, 2003 public meeting at 113; Statement of Gene Green, U.S. Congressman, 29th District, January 15, 2003 public meeting at 20-21.

These figures appear to include only the racial minorities and may have omitted the ethnic minorities. We encourage SEA to verify the demographic information provided in the Bayport DEIS and provide any corrections that may be warranted in the Final EIS. We note, however, that the NEPA process is designed to solicit input from the public for the precise purpose that the agency involved in a major Federal action be fully informed of the potential environmental impacts as a result of a proposed action.

To the extent that some of the commenters appeared to suggest that BNSF and SJRL had some role in the provision of inaccurate data, we note that BNSF and SJRL did not provide to the Board any demographic information concerning race, ethnicity or income levels. In addition, BNSF and SJRL did not provide to the Board any analysis of census data along the GH&H line. However, in response to information requests by SEA, BNSF and SJRL have submitted publicly available information from several sources, including the U.S. Census Bureau and Harris County. Correspondence between the Applicants and SEA is contained in Appendix N to the Bayport DEIS.

Even assuming that the *number* of census blocks with a minority population of greater than 50 percent along the GH&H route is greater than the number depicted in the map contained in the Bayport DEIS, see Bayport DEIS at 4-83–4-84, it is still the case that the Bayport DEIS correctly indicates that minority populations are located along the GH&H line. The Bayport DEIS concluded that "existing rail corridors . . . . pass through some areas with low income and minority concentrations." Bayport DEIS at 4-82. And, regardless of the accuracy of the demographic information contained in the Bayport DEIS, the conclusion of the Bayport DEIS that the project will have no high and adverse impacts on minority populations, whether Hispanic or otherwise, along the GH&H route remains valid. Finally, it bears mention that the issue of environmental justice in this matter relates entirely to the potential impacts to minority populations along an *existing* rail line -- UP's GH&H line over which BNSF will operate via trackage rights. BNSF had no choice as to where to place the alignment in this instance. By contrast, the area in which the *new* rail line is proposed to be built is "located in an area with few minorities and few low income residents relative to the general project area." Bayport DEIS at 4-82. No one has disputed this fundamental finding of the DEIS.

Please let me know if you have any questions or need additional information.

Sincerely,

Kathryn Kusske

Kathryn A. Kusske

cc: Victoria J. Rutson
Alan Summerville
All Parties of Record

Table 5. Wetland Mitigation Ratios (Jurisdictional & Non-Jurisdictional Waters), San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignment 2D/1B

Habitat Type	Impacts (ac)	Mitigation (ac)	Mitigation Ratio
Stream (Trib 1)	0.02	n/a	–
Freshwater Emergent			
Jurisdictional	0.03	5.00[1]	>20 : 1
Non-Jurisdictional (prairie potholes)	6.00	n/a	n/a
Cumulative	6.03	5.00	0.83 : 1
Forested Gilgai			
Jurisdictional	0.57	4.41[2]	7.7 : 1
Non-Jurisdictional	–	–	
Cumulative	0.57	4.41	7.7 : 1
Tidal Emergent Marsh			
Jurisdictional	0.11*	0.4	3.6 : 1
Non-Jurisdictional			
Cumulative	0.11*	0.4	3.6 : 1
Disturbed (e.g. tallow, drained pasture)			
Jurisdictional	--	n/a	–
Non-Jurisdictional	0.56	n/a	–
Cumulative	0.56	n/a	–
Average	7.29	9.81	1.35 : 1

[1] Conservative (low) estimate for wetlands within the 24-acre prairie habitat area.
[2] Cumulative total of estimated 0.91 ac within 24-acre forested Armand Bayou habitat and 3.5-ac mixed hardwood/emergent wetland habitat area proposed in detention pond.
[3] Stormwater detention / floodplain mitigation sites near existing HCFCD basin, Tributary 1 (north of Tejas gas field), and west of Big Island Slough totaling will compensate for previously disturbed and Chinese Tallow-infested wetland habitats.

Table 4. Wetland (Jurisdictional & Non-Jurisdictional) Mitigation Ratios, San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignment 1C/1B

Habitat Type	Impacts (ac)	Mitigation (ac)	Mitigation Ratio
Stream (Trib 1)	0.02	n/a	–
Freshwater Emergent			
Jurisdictional	0.35	5.00[1]	14 : 1
Non-Jurisdictional (prairie potholes)	1.00	n/a	n/a
Cumulative	1.35	5.00	3.7 : 1
Forested Gilgai			
Jurisdictional	0.57	4.40[2]	7.7 : 1
Non-Jurisdictional	–	–	–
Cumulative	0.57	4.40	7.7 : 1
Tidal Emergent Marsh			
Jurisdictional	0.11*	0.40	3.6 : 1
Non-Jurisdictional	–	–	–
Cumulative	0.11*	0.40	3.6 : 1
Disturbed (e.g. tallow, drained pasture)			
Jurisdictional	1.88	n/a	–
Non-Jurisdictional	2.48	n/a	–
Cumulative	4.36	n/a[3]	–
Totals	6.41	9.81	1.5 : 1

[1] Conservative (low) estimate for wetlands within the 24-acre prairie habitat area.
[2] Cumulative total of estimated 0.91 ac within 24-acre forested Armand Bayou habitat and 3.5-ac mixed hardwood/emergent wetland habitat area proposed in detention pond.
[3] Stormwater detention / floodplain mitigation sites near existing HCFCD basin, Tributary 1 (north of Tejas gas field), and west of Big Island Slough totaling will compensate for previously disturbed and Chinese Tallow-infested wetland habitats.

Table 3. Wetland Mitigation Ratios (Jurisdictional & Non-Jurisdictional Waters), San Jacinto Rail Limited, Bayport Industrial Build-Out Project, Alignments 1/1B and 2D/1B

Habitat Type	Impacts (ac)	Mitigation (ac)	Mitigation Ratio
Stream (Trib 1)	0.02	n/a	–
Freshwater Emergent			
Jurisdictional	0.03	n/a	n/a
Non-Jurisdictional (prairie potholes)	1.00	5.00[1]	>20 : 1
Cumulative	1.03	5.00	4.9 : 1
Forested Gilgai			
Jurisdictional	0.57	4.41[2]	7.7 : 1
Non-Jurisdictional	–	--	
Cumulative	0.57	4.41	7.7 : 1
Tidal Emergent Marsh			
Jurisdictional	0.11*	0.40	3.6 : 1
Non-Jurisdictional	--	--	–
Cumulative	0.11*	0.40	3.6 : 1
Disturbed (e.g. tallow, drained pasture)			
Jurisdictional	1.88	n/a	–
Non-Jurisdictional	3.25	n/a	–
Cumulative	5.13	n/a[3]	–
Totals	6.86	9.81	1.4 : 1

[1] Conservative (low) estimate for wetlands within the 24-acre prairie habitat area.
[2] Cumulative total of estimated 0.91 ac within 24-acre forested Armand Bayou habitat and 3.5-ac mixed hardwood/emergent wetland habitat area proposed in detention pond.
[3] Stormwater detention / floodplain mitigation sites near existing HCFCD basin, Tributary 1 (north of Tejas gas field), and west of Big Island Slough totaling will compensate for previously disturbed and Chinese Tallow-infested wetland habitats.

Table 1. Wetland Mitigation Ratios (Jurisdictional Waters Only), San Jacinto Rail Limited, Bayport Loop Build-Out Project, Alignment 1/1B

Habitat Type	Impacts (ac)	Mitigation (ac)	Mitigation Ratio	Mitigation Type
Stream (Trib 1)	0.02	n/a	–	
Freshwater Emergent Wetlands	0.03	5.00[1]	>20 : 1	Pres.
Forested Gilgai Wetlands	0.57	4.41[2]	7.7 : 1	Pres./Creation
Tidal Emergent Marsh	0.11*	0.4	3.6 : 1	Creation
Disturbed (e.g. tallow, drained pasture)	1.88	n/a	–	None
Totals	2.61	9.81	3.75 : 1	

[1] Conservative (low) estimate for wetlands within the 24-acre prairie habitat area.
[2] Cumulative total of estimated 0.91 acres within 24-acre forested Armand Bayou habitat and 3.5-acre mixed hardwood/emergent wetland habitat area proposed in detention pond.
* Revised impact assessment based on preliminary plans (Dec. 2002) for retention walls at Taylor Bayou crossing.

Table 2. Wetland Mitigation Ratios (Jurisdictional Waters Only), San Jacinto Rail Limited, Bayport Loop Build-Out Project, Alignment 1C/1B

Habitat Type	Impacts (ac)	Mitigation (ac)	Mitigation Ratio	Mitigation Type
Stream (Trib 1)	0.02	n/a	–	
Freshwater Emergent	0.35	5.00[1]	14 : 1	Pres.
Forested Gilgai	0.57	4.41[2]	7.7 : 1	Pres./Creation
Tidal Emergent Marsh	0.11*	0.4	3.6 : 1	Creation
Disturbed (e.g. tallow, drained pasture)	1.88	n/a	–	None
Totals	2.93	9.81	3.35 : 1	

[1] Conservative (low) estimate for wetlands preserved within the 24-acre prairie habitat area.
[2] Cumulative total of estimated 0.91 ac within 24-acre forested Armand Bayou habitat and 3.5-ac mixed hardwood/emergent wetland habitat area proposed in detention pond.
* Revised impact assessment based on preliminary plans (Dec. 2002) for retention walls at Taylor Bayou crossing.

BNSF

F. RAY HERMAN
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February 20, 2003

Mr. John Machol, FWS
USACE, Policy Analysis
CESWG-PE-R
Jadwin Building
2000 Fort Point Road
Galveston, TX 77550

RE: Proposed Mitigation Ratio Summary, San Jacinto Rail Limited, Permit Application #22823

Dear Mr. Machol:

The San Jacinto Rail Limited (SJRL) partnership has prepared a Conceptual Mitigation Plan and numerous voluntary mitigation measures to mitigate for the unavoidable adverse impacts associated with the proposed Bayport Loop Rail Build-Out in Harris County. During the comment period for the Draft Environmental Impact Statement (DEIS) the Surface Transportation Board (STB) received verbal comments regarding low mitigation ratios, of less than one to one, for impacts to wetland and aquatic resources. However, SJRL (Applicant) firmly believes the Conceptual Mitigation Plan goes beyond accepted mitigation ratios in providing adequate mitigation for unavoidable impacts to natural aquatic habitat. Further, SJRL developed the Conceptual Mitigation Plan following recent USACE guidance on mitigation in terms of avoidance, minimization, and compensation for jurisdictional and non-jurisdictional aquatic resources based on ecological function. Special attention has been given to the development of compensatory mitigation measures for natural wetland and riparian habitats to replace and preserve the important functions of these habitats.

The enclosed tables present a summary of proposed mitigation ratios for the various wetland habitat types that would be impacted by Alignments 1/1B, 1C/1B, and 2D/1B. Tables 3 and 4 present cumulative totals for jurisdictional and non-jurisdictional wetlands based on habitat type. Also note that the average replacement ratios are approximately 3.5 to 1 for jurisdictional waters and 1.5 to 1 for all aquatic resources (jurisdictional and non-jurisdictional) combined. The ratios are much higher for natural wetland habitats (i.e. prairie potholes, riparian gilgai, and tidal wetlands). Some impacts to manmade or isolated (non-jurisdictional) resources do not have corresponding mitigation projects proposed, but will be addressed within the other mitigation areas and by the use of best management practices along the route (i.e. vegetated swales, detention basins, etc.).

Please do not hesitate to contact James Thomas of HDR (Applicant's Agent) at (972) 960-4431, if we can provide any additional information regarding the project or the proposed mitigation. Thank you in advance for your time and attention to the proposed SJRL project.

Sincerely,

Fredrick Herman, Project Manager
BNSF Engineering

cc: Dana White, Project Manager, STB Section for Environmental Analysis
Alan Summerville, ICF Consulting
Larry Naeger, BNSF
David Seep, BNSF Environmental
Kathryn Kusske, MBRM
John Morton, HDR
James Thomas, HDR

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February 21, 2003

Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

RE: Comments on Draft Environmental Impact Statement, Finance Docket No. 34079 Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas

Ladies and Gentlemen:

The City of Houston, Texas, (the "City" or "Houston") offers the following comments on the Draft Environmental Impact Statement (the "DEIS") prepared by the Section of Environmental Analysis ("SEA") for the proposed Bayport Loop Rail Line (the "rail line" or "Proposed Action") before the Surface Transportation Board ("STB") in Finance Docket No. 34079. These comments represent the latest step in the City's participation in this proposal. The City has provided comments on the proposed scope of the DEIS (letter dated February 1, 2002 [*hereinafter*, "Scoping Letter"]), discussed City operations with the preparers of the DEIS (*see* DEIS at B-1), adopted a Resolution opposed to all of the proposed routes of the rail line (*see* City of Houston Resolution No. 2002-253, March 6, 2002), attended the public hearings on the scope of the DEIS and the DEIS itself, and defended itself in a lawsuit brought by the Burlington Northern Santa Fe Railroad ("BNSF") seeking access to survey City property in anticipation of condemnation (Cause No. 785139).[1] These comments will address four major areas: (1) the underlying assumptions; (2) the assumptions and analysis contained in the DEIS of the impacts of the Proposed Action on the community at large; (3) the assumptions and analysis in the DEIS of the impacts of the Proposed Action on the City's operations of three major facilities - the

[1] This matter was resolved by agreement between the parties that resulted in the dismissal of the lawsuit.

Council Members: Bruce Tatro Carol M. Galloway Mark Goldberg Ada Edwards Addie Wiseman Mark Ellis Bert Keller Gabriel Vasquez Carol Alvarado Annise D. Parker Gordon Quan Shelley Sekula-Gibbs M.D. Michael Berry Carroll G. Robinson Controller: Judy Gray Johnson

Southeast Water Purification Plant ("Drinking Water Plant"), Ellington Field and associated airport property ("Ellington") and Sylvan Rodriguez park (the "Park"); and (4) the proposed voluntary mitigation measures.

As an initial matter, it is important that the City state its understanding of the economic forces that have led San Jacinto Rail Limited and BNSF (the "Applicants") to the dramatic and expensive step of proposing to build a new rail line in an era when many lines are being abandoned and when excess capacity exists in the existing rail system in the Houston area. The City believes in and supports competition. Certainly the strength of the Houston economy that has lead to Houston's becoming the fourth largest city in the country derives from a competitive marketplace. In particular, the City supports the Bayport Loop Industries in their understandable quest for competitive rail rates. Nevertheless, when the burden of attaining competition is shifted from the participants in the marketplace to the nonparticipants - the residents of the City - who do not benefit from the competitive rail service, the City has an appropriate role in seeing that the consequences of this shift are fully analyzed and considered. The environmental review process provides the forum for that "hard look" at the impacts of the Proposed Action. The City believes that the DEIS has not met the test of providing an adequate discussion of impacts and does not meet the "hard look" standard required by the National Environmental Policy Act ("NEPA"), in spite of the DEIS's own conclusory statements to the contrary. DEIS at 6-1, § 6.1.

I. UNDERLYING ASSUMPTIONS

The DEIS contains statements that, while not part of any particular analysis, reveal an attitude or impression about the Houston area or the rail line that may have influenced or biased the objectivity of the DEIS. The underlying assumptions appear to have compromised the objectivity that is required of an environmental impact statement.

A. Relationship between Rail Line and Port Authority Bayport Terminal

In the Project Context in Chapter 1, the DEIS suggests that the "public interest" and comments in opposition to the rail line were directly related to and caused by public opposition to the Port of Houston Authority's proposed Bayport Channel Container/Cruise Terminal (the "Bayport Terminal"). The DEIS implies that the "several hundred" comments that were submitted before the scoping period came from people organized in opposition to the Bayport Terminal. DEIS at 1-5, § 1.5. While it may be attractive for the Applicants to dismiss the opposition to the rail line as a ploy to stop the Bayport Terminal ("Stop the Train, Stop the Port"), it is not the reality.

The City is a case-in-point. The City supports the Bayport Terminal project, but has passed a unanimous resolution in opposition to the routes currently being proposed for the rail line. We are not using one project to defeat the other. Surely by now, after the

testimony at the two public hearings, SEA realizes that opposition to the rail line stands on its own. For example, the bus driver who spoke so eloquently at the January 15 public hearing about children being late for school because of train traffic expressed no concern about the Bayport Terminal. Thus, assertions that the public comments should be dismissed because the opposition is against the Bayport Terminal are not supported at all by the record of the public hearings on the DEIS.

We are concerned, however, that an early impression may have been created in the minds of the preparers of the DEIS regarding opposition to the rail line that influenced the way the SEA evaluated public comment and analyzed impacts in the DEIS. The danger of such a bias is that it is insidious and cannot necessarily be detected in any particular section of the DEIS, but nevertheless may permeate the entire document. While public opinion is collateral or secondary to the primary NEPA inquiry, to the extent that the SEA may have discounted public opposition due to the Bayport Terminal controversy, it may also have discounted the *basis* for the public opposition, such as rail operation safety, traffic delays, hazardous materials and pipeline safety, thus impacting just how "hard" SEA looked at the impacts of the rail line.[2] Therefore, we believe that it is incumbent on SEA to reevaluate the assumptions on which they developed the DEIS in response to comments on the DEIS so that the very real public safety concerns of Houston residents are given full weight.

B. Understanding of Houston and Region

The DEIS correctly characterizes Harris County as "at the center of one of the largest concentrations of plastics and chemical manufacturers in the U.S." DEIS at ES-8. Houston is also accurately described as "an important railroad center and . . . hub for freight traffic." *Id.* Indeed, the City seal on the letterhead under which these comments are presented prominently displays a locomotive. The attitude that underlies the DEIS and the analysis of impacts, however, appears to be that the Houston area is already so impacted by hazardous materials and rail lines that "a little more won't hurt them."

In fact, the converse is true. Because Houston already has so many railroads, which have more than adequate capacity, it does not need another one. Because our residents already are more impacted by the potential for acute, and the reality of long-term, exposures to chemicals than most other areas, we need actions that will reduce, rather than increase that exposure. To imply that another increment will not have an adverse environmental consequence on Houston surely constitutes "piling on". The statement that "[a]most all of the project area is already exposed to the risks associated with the transportation of hazardous materials," DEIS at ES-10, while technically true, is used in

[2]Expanding the scope of the DEIS to include areas not required under the STB rules is not the same as the depth in which the subject is analyzed.

the DEIS to negate the cumulative risk associated with additional exposures. This attitude is not scientifically based, is subjective and is contrary to the fundamental purpose of the NEPA process. It is not the proper focus of an environmental impact statement to negate risks based on existing environmental conditions or to minimize the risk to populations already at risk. Such an attitude produces an absurd result: those areas of the country with large populations that are already feeling the effects of cumulative exposure to hazardous chemicals, currently experiencing delays in delivery of emergency services and are most at risk of losing their last vestiges of natural resources have the least protection from actions that will worsen their conditions. Moreover, it is evidence of a fundamental lack of understanding of the NEPA cumulative impact analysis requirement, which requires an agency to consider a proposed action in the context of *past* actions that have impacted the environment. 40 C.F.R. § 1508.7 (2002). This DEIS has not considered any past actions in its analysis of cumulative impacts and is inherently inadequate as a result.

C. DEIS Understates the Number of Trains

The DEIS is able to conclude that the environmental impacts of virtually all of the Build Alternatives are negligible by refusing to analyze the impacts of more than two trains per day. Neither the Applicants nor the SEA has adequately demonstrated that this is a realistic estimate. Because no means are available to reconsider the issue once the line is built, it is more appropriate to evaluate the potential impacts based on the capacity of the line, rather than on a number for trains and cars that has been extrapolated out of a set of limited data by the application of tenuous assumptions. It will be too late to decide that the risks of hazardous chemical release are significant after the rail line is built when there are 15,000 to 70,000 cars of hazardous materials per year rather than the 1500 to 7000 included in the analysis.

The DEIS relies on erroneous assumptions to calculate the number of trains expected for the affected rail lines.[3] The estimates of the number of trains and carloads, both total and those estimated to be carrying hazardous materials are therefore understated. The DEIS depicts the proposed level of rail activity in conflicting terms.

[3]The number of trains triggers different levels of review under STB regulations implementing NEPA. *See* 49 C.F.R. § 1105.6(c)(2)(2002)(no environmental review required for changes in operations that do not exceed three trains per day in Clean Air Act nonattainment area such as Houston). While SEA in this instance has chosen to do a more extensive analysis than the STB regulations might otherwise require, that does not change the fact that it is very much in the interest of an applicant to minimize the number of trains, if possible, to avoid the environmental review triggers in the STB rules. The existence of such a regulatory trigger should encourage an agency to do more independent analysis, beyond mere verification, of the information provided by an applicant, rather than less.

When discussing the need and purpose of the project, the DEIS emphasizes the need for the "chemicals and plastic producers in the Bayport Loop" to have access to a competitive rail service. DEIS at 1-4, § 1.3. The DEIS states that the new rail service would initially be offered to the four company Applicants, "and in the future could be offered to a number of other facilities within the Loop." *Id.* at 1-3, § 1.2. One significant feature of the Proposed Action is to add capacity:

> "The Applicants have also stated that the proposed new line would add *capacity* and infrastructure to the Houston area, would provide shippers with access to BNSF's extensive single line service, and would provide shippers with flexibility and Alternative [sic] transportation routes in the event of future service disruption. . . . Access to additional rail *capacity*, through the construction and operation of the proposed rail line, would allow shippers more freedom of choice . . . . The proposed rail line would introduce *additional transportation capacity* and competition to the Bayport Loop and potentially bring a significant reduction in the cost of transportation for the shippers. "

Id. at 1-3 - 1-4; § 1.2 (emphasis added). Implicit in additional capacity is an increase in the amount of rail traffic. Yet, when describing the potential environmental impacts, the DEIS suggests that the amount of new rail traffic is somehow insignificant. *See, e.g.*, DEIS at 2-23, § 2.4.1.1. The SEA was unreasonable and inconsistent for failing to consider the capacity-building purpose of the Proposed Action and relying on the Applicants' low estimates of train traffic.

Second, the DEIS completely ignores the data provided by the Union Pacific Railroad Company ("UP"). In a letter dated November 7, 2002, in response to SEA's request for information regarding existing rail traffic, UP stated that:

> "the average daily count includes data for Saturdays, Sundays and holidays when little traffic moves. . . . on days with heavy industry releases, the car counts rise substantially, sometimes exceeding 600 cars per day. The peak movement for a single day has been 749 cars. Volume exceeds 400 cars per day 25 percent of the time and 480 cars per day 10 percent of the time."

Id. at App. C. The letter indicated that the number of loaded and unloaded cars on the Bayport Loop averaged around 300 cars per day.

Mr. Joe Adams, Chairman's Special Representative for UP, stated that where UP and BNSF were in competition for chemical traffic along the Ship Channel, BNSF had two-thirds of the business. Testimony of Joe Adams, *id.* at App. N. Applying that number to the UP traffic in the Bayport Loop results in an average of 200 cars per day. The Applicants addressed this issue by asserting that "BNSF still would be able to handle such

volume of traffic without adding new train service beyond one linehaul train trip per day on average in each direction." February 2, 2002 letter from K. Kusske to STB, DEIS at App. N. Applying the UP data about peak traffic, however, indicates that 25 percent of the time the daily traffic exceeds 400 cars. Two-thirds of 400 cars is 268 cars, half of which is in excess of the 100 cars that a linehaul train can carry, indicating that on one-fourth of the days of operation, more than two trains would run. The SEA unreasonably disregarded this information and relied instead on the Applicants' information that appear designed to avoid all regulatory triggers. *See, e.g.*, Correspondence from K. Kusske to ICF Consulting Group, Inc., October 26, 2001, fn. 1. (number of hazardous materials tank cars will not trigger "'key route'" designation).

Third, this approach is inconsistent with SEA's assertion that it focused on "worst case consequences." DEIS at page 4-13, § 4.2.2.2. A true "worst case" analysis for construction of new permanent sources of potential environmental impact to an area would look at the ultimate build out or capacity of the project. When confronted with choices that would better lead to an effective evaluation of the impacts of the Proposed Action, such as consideration of peak short-term traffic loads, ultimate rail line capacity, and market and industry growth potential in the Bayport Loop and along the Build Alternatives, SEA steadfastly clung to the *lowest possible* estimate of traffic for the *shortest period of time*. This decision infects the entire DEIS and prevents it from fulfilling its NEPA-mandated purpose of clearly articulating the impacts of the Proposed Action.

Fourth, even if the data the SEA used are correct, the calculation of the number of trains is based on faulty logic. The DEIS relies on the following argument:

- 258 cars currently pass through the Bayport Loop each day
- The Applicants' projection of 36-66 carloads per day is reasonable *because* that would equate to between 28 and 51 percent of the total Bayport Loop traffic.

Id. at 2-9, § 2.2.1.2 (emphasis added). The appropriate syllogism, however, is this:

- 258 cars currently pass through the Bayport Loop each day
- The Applicants' estimate that they will capture between 28 and 51 percent of the Bayport Loop traffic is reasonable
- Therefore, the Applicants' projection of 36-66 cars per day is reasonable.[4]

[4]This DEIS is characterized by the application of inappropriate logic that leads to conclusory statements; this is just one glaring example.

Nothing in the DEIS, however, including Appendices C and N, explains where the 28 and 51 percent figures come from. The DEIS does not provide (1) the data Applicants relied on to make this estimate; or (2) the analysis SEA applied to determine the reasonableness of the estimate. Thus, the conclusion that 36-66 cars per day are reasonable is completely without support. At a minimum, the baseline for this inquiry should include the current number of daily carloads from the four partners in the rail line expressed as a percentage of daily traffic. Because everything in the DEIS turns on the number of trains, it is inconceivable to the City that more attention was not paid to this assumption.

Fifth, the estimate of the number of cars per day also either relies on faulty or "fuzzy" math or is deliberately misleading. The DEIS states:

> "The waybill sample data shows that, on average, UP originated or terminated 129 carloads per day in the Bayport Loop in 1999 and 2000. A carload is defined as a loaded rail car containing a product. Because the waybill only accounts for loaded rail cars, it can be reasonably assumed that an equal number of empty rail cars also pass through the Loop each day, for a total of 258 cars. The waybill sample data show that the Applicants' projections of capturing between 36 and 66 carloads per day is reasonable because that would equate to between 28 and 51 percent of total Bayport Loop traffic."

Id. The DEIS unnecessarily flips between loaded cars (carloads) and cars. The math is faulty if the percentage is applied to the total number of cars. A careful reading, however, shows that the percentage is expressed as carloads, which is applied to the 129 carloads a day, not the 258 cars. The total number of cars (258) is not compared to anything, although the paragraph structure would suggest otherwise. This obscures the total number of *cars* - between 72 and 132 - per day. Twenty-eight percent of 129 carloads equals 36 carloads, so there was no reason to have the sentence about the 258 cars in the paragraph, except to mislead. The reality for the residents of Houston who will be impacted by this project, however, is that this project proposes *at a minimum* between 72 and 132 *cars* per day on the rail line, not 36 to 66. *But see* February 2, 2002 letter from K. Kusske to STB acknowledging the possibility of 100 cars per train. The DEIS is disingenuous in the presentation of this information. *See also* DEIS at 7-3, Table F.1-2 (showing *12.5 trains* per day at *new* grade crossing with Bay Area Boulevard).

Last, the DEIS also fails to account for recognized planning principles in determining the number of trains. The DEIS is replete with references to the City of Pasadena's proposed industrial district and the 240-acre tract at Ellington that the Ellington master plan identifies as appropriate for industrial and business development. *See, e.g.,* DEIS at 2-19, § 2.3.1; 4-67, § 4.10.2; 5-9, § 5.1.10. In addition, the DEIS identifies the American Acryl facility in the Pasadena Industrial District as a new

development currently underway. *Id.* at 5-9, § 5.1.10. Planning guidelines for the location of industrial uses focus on access to rail lines. *See* THE PRACTICE OF LOCAL GOVERNMENT PLANNING 262 (Frank S. So et al., eds. 1979) ("Industrial development requires large, flat or nearly flat sites with soils having good load-bearing qualities. *It is advisable to have rail service available.*")(emphasis added); F. Stuart Chapin, Jr., URBAN LAND USE PLANNING 372 (1972)(criteria for manufacturing area includes "access to railroad"). Thus, an industrial area in proximity to a rail line is likely to generate rail traffic for transporting raw materials and product.[5] The DEIS failed to account for this well-recognized phenomenon in calculating the number of trains that will operate as a result of the project. NEPA's "hard look" requirement demands more of the SEA than mere verification of the Applicants' numbers. It requires independent analysis and the application of common sense in deriving a realistic estimate of the volume of train traffic likely to be generated. A more appropriate analysis of the number of trains would take into account factors outside the Bayport Loop as well as the actual capacity of the rail line at ultimate build-out of the project.

D. New Construction versus Expansion

Not only has the SEA minimized the cumulative risk to people already subjected to risks from hazardous materials, it minimizes the risk to people not currently subjected to these risks. SEA acknowledges that its analyses have typically and historically involved build-outs to an applicant's own lines, as opposed to the use of trackage rights by an applicant to gain access to a proposed build-out site. DEIS at ES-4; 1-8, § 1.5. While the City applauds the SEA's decision to evaluate the operational impacts along the existing tracks, this approach has skewed the analysis of the Build Alternatives. All of the conclusions drawn concerning impacts and increased risk in the DEIS have been minimized by bringing the whole of the shared line into the analysis rather than analyzing the Build Alternatives as discrete elements. *See* DEIS at D-18, Table D.3-5 (Frequency of release increases 35% over entire line, but 392% over Build Segments). When evaluating new construction, the risks associated with the build-out itself should be the primary focus of the analysis.

The DEIS states that:

> "[t]he SEA recognizes that some people and natural resources in the vicinity of the Build Segments do not currently bear any risk from the transportation

[5] "The Applicants have stated that rail service is vital to chemicals and plastics production, distribution, and inventory management. Production at the facilities in the Bayport Loop is closely tied to available rail capacity and the ability to transport products to market." DEIS at 1-4, § 1.3.

> of hazardous materials during transportation by rail because there are no existing rail lines near these people or resources."

Id. at 4-18, § 4.2.2.3. The conclusion that the risks to these previously unexposed populations and resources are minimal, however, is based on an analysis that diluted the risk over the entire rail system. This is a faulty premise on which to conclude that the risk is minimal. While the incremental risk of passing an additional six to seven cars of hazardous materials per day over miles of track that already carry 79 to 248 cars of hazardous materials per day may indeed first appear minimal, when the increment goes from zero to six, the increase is expressed in orders of magnitude, an effect the DEIS completely ignores.

II. COMMUNITY IMPACTS

In addition to the foregoing, the City believes that the DEIS contains other deficiencies as set forth below.

A. DEIS Fails to Consider the Homeland Security Impacts of the Proposed Action

In spite of the Applicants' assertions that homeland security is a "red herring,"[6] for the City and its residents, it remains a major concern. Homeland security is an issue for Ellington, which is the base of operations for three military units. The largest military group at Ellington is the 147th Fighter Wing of the Texas Air National Guard, which conducts worldwide combat operations with the F-16C aircraft. The 147th conducts a 24-hour operation with a mission to provide protection for the western Gulf Coast, Houston metropolitan area, and petrochemical industry. Due to its proximity to the Gulf Coast, the Fighter Wing provides quick response when unknown activity occurs in the vicinity of the off-shore warning areas. With the events of September 11, the 147th was "scrambled" to provide military escort for Air Force One as it was enroute from Florida to other destinations. The 149th Aviation Helicopter Battalion of the Army National Guard, an attack helicopter force specializing in anti-armor, international deployment missions, is also stationed at Ellington. The Coast Guard, now part of the Department of Homeland Security, maintains Air Station Houston at Ellington to provide search and rescue and law enforcement services. In addition, within the planning horizon of the DEIS, is likely to continue to be used as an air field for heads of state and other politically significant individuals. All Build Alternatives are close enough to Ellington that it would be within the

[6] Comments of David Harpole, Lyondell Chemical Co., January 14, 2003, Public Hearing.

area of concern for a hazardous chemical release or explosion along the rail line. Any activity that restricts military operations at Ellington compromises the national security service of this facility. The Proposed Action would transect the Ellington property as shown in Exhibit 1.

Homeland security also is not a red herring to the operators of critical public infrastructure, such as the Drinking Water Plant. Even prior to September 11, 2001, President Clinton had addressed public water systems and other critical infrastructure "essential to the minimal operations of the economy and government" as as potential targets of terrorist attack. Presidential Decision Directive/NSC-63, 1-2 (May 22, 1998) ("Because of our military strength, future enemies, whether nations, groups or individuals, may seek to harm us in non-traditional ways including attacks within the United States."). This Directive set in play an internal federal organizational structure around the critical infrastructure sector, *id.* at 4, and assigned the Environmental Protection Agency ("EPA") responsibility for public water supply. *Id.* at App. A. More recently, Congress adopted the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (the "Act"), among the provisions of which are amendments to the Safe Drinking Water Act that require a public water system serving over 3300 persons to perform "an assessment of the vulnerability of its system to a terrorist attack or other intentional acts intended to substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water." Public Health Security and Bioterrorism Preparedness and Response Act of 2002 § 401 (Pub. L. No. 107-188, 116 Stat. 594). To implement this mandate, the City on January 22, 2003, approved a contract for $400,000 with an engineering firm engaged to perform the vulnerability assessment of the City's drinking water supply system, including the Drinking Water Plant. City of Houston Ord. No. 2003-0085.

The Act also requires the EPA to review methods by which terrorists or others "could disrupt the supply of safe drinking water" or render it less safe for human consumption. Act at § 402. Among the methods to be considered are:

> "(2) Methods and means by which collection, pretreatment, treatment, storage and distribution facilities utilized or used in connection with public water systems and collection and pretreatment storage facilities used in connection with public water systems could be destroyed or otherwise prevented from providing adequate supplies of drinking water meeting applicable public health standards."

Id. The Drinking Water Plant is the type of facility that EPA is required to analyze for homeland security purposes.[7] The foregoing demonstrates that the City and the federal

[7] Furthermore, the National Strategy for Homeland Security (the "Strategy") developed in 2002 by the federal Office (now Department) of Homeland Security identifies

government recognize the potential threat to the Drinking Water Plant from sabotage, terrorism or other attacks of violence and are required to analyze and minimize those threats.

As will be discussed in detail below, Build Alternatives 2B and 2D, and to some extent the Preferred Alternative and Build Alternative 1C, compromise the security of both the Drinking Water Plant and Ellington, as shown in Exhibit 1. The DEIS does not discuss this critical impact at all, and is thus deficient because it failed to address the following issues:

1. The increased vulnerability of Ellington to sabotage, terrorism or other acts of violence resulting from the location of a rail line through, adjacent or in close proximity to the facility.

2. The impact of such sabotage, terrorism or violence on the military units' ability to perform their essential defense function and on Ellington's role as an airfield for dignitaries.

3. The risk to Ellington of the release of one or more hazardous materials from a train operating on any of the Build Alternatives. This is a risk that currently does not exist, and is not fairly characterized as incremental to existing conditions.

4. The impact of such release on the military units' ability to perform their essential defense function and on Ellington's role as an airfield for dignitaries.

5. The increased vulnerability of the Drinking Water Plant to sabotage, terrorism or other acts of violence resulting from the location of the rail line through or in the vicinity of the facility.

6. The impact of such sabotage or violence on the supply of drinking water to the one million people[8] served by the Drinking Water Plant.

"Protecting Critical Infrastructures and Key Assets" as one of six critical mission areas. STRATEGY at viii-x. In discussing this critical mission area, the Strategy lists water as the third critical infrastructure sector. *Id.* at 30.

[8]This is an estimate of the current number of people served by the Drinking Water Plant. The City estimates that the population served by the plant will exceed two million by 2015.

7. The risk to the Drinking Water Plant of the release of one or more hazardous materials from a train operating though or in the vicinity of the plant. This is a risk that currently does not exist, and is not fairly characterized as incremental to existing conditions.

8. The impact of such release on the supply of drinking water to the one million people served by the Drinking Water Plant.

9. The cost of providing the additional security resulting from the increased vulnerability of Ellington and the Drinking Water Plant.

Furthermore, the SEA cannot argue that NEPA and its implementing regulations do not require it to consider issues of homeland security in the DEIS. The Department of Transportation rules governing compliance with environmental laws require an environmental impact statement to:

> "[d]escribe the effects, including impacts on *essential public services* (e.g. fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in the communities to be traversed by the line."

49 C.F.R. § 1105.7(11)(vi)(2002)(emphasis added). The Drinking Water Plant and Ellington provide essential public services. Protecting them from sabotage, terrorism and other acts of violence aimed at the people and resources of the United States is also surely an "essential public service." Yet, the DEIS does not address this critical issue and does not analyze the impacts of any Build Alternative on homeland security.

B. DEIS Understates Gravity of Hazardous Materials Safety

The City recognizes that hazardous materials move in various modes of transportation every day. The City also recognizes that there are certain risks associated with transporting hazardous materials. It is not the position of the City to object to the Proposed Action because there are hazards associated with transporting these materials. It is the position of the City, however, that a fair and objective evaluation of these risks to the population and environment that will be exposed to them be presented and appropriate mitigation to reduce the risks considered. The City expects the DEIS to contain a management approach to these risks that does not depend on the action of others to respond to situations created by the Proposed Action and that does not deny that these risks exist. The DEIS is completely contrary to these expectations and the requirements of NEPA by dramatically understating the seriousness of hazardous materials safety. Its analysis is incomplete and its methodology erroneous.

The DEIS asserts that the "key concept" with respect to risk assessment is:

> *"Risk considers both the likelihood of occurrence and potential consequences."*

DEIS at 4-6, § 4.2.1 (emphasis in original). While the DEIS purports to go through the steps of this analysis in section 4.2 and in Appendix D, a closer look reveals that the assumptions used do not fairly present the risks associated with the project.

1. Frequency of Release

The DEIS utilizes an erroneous method of calculation for determining the frequency of a release during a rail incident. It also fails to take into account other factors relevant to an adequate assessment of risk.

a. The assumption of the number of trains is too low

As has already been discussed, the number of trains used throughout the DEIS is artificially suppressed. Basing the calculation of the amount of cars hauling hazardous materials on this low number of trains also artificially suppresses the risk of release. DEIS at 4-8, § 4.2.2.1. *See* discussion *supra*.

b. The number of hazardous materials carloads is too low

The projection of the number of carloads of hazardous materials is too low. Appendix C illustrates that 20 percent of the average daily carloads in the Bayport Loop are hazardous materials carloads. The analysis of risk, however, is based on a projection that only six percent of the railcars (loaded and unloaded) operated on the new rail line at project initiation will haul hazardous materials, and this percentage rises to only 15 percent at market capture. At a minimum, the analysis should have assumed 20 percent of the carloads diverted from UP to BNSF cars would haul hazardous materials. We have found nothing in the DEIS that explains or justifies the strikingly small percentages used by SEA in this analysis. Moreover, this analysis does not take into account the possibility, conceded by the Applicants, that each train could contain 100 cars. *See* February 2, 2002 letter from K. Kusske to STB acknowledging 100 cars per train. DEIS at App. N.

Because the purpose of the project is to offer competitive rail service to the Bayport Loop Industries, the estimation of the number of carloads hauling hazardous material should have considered the effect of that competition. The cost of hauling hazardous materials is presumably higher than the cost of hauling inert, bulk materials such as plastic pellets. If BNSF offers competitive pricing, as it has indicated it will do, it is logical to assume that industries will shift their highest cost transportation to the most competitive railroad. This argues for a much greater market share in an expanded universe than the maximum 15 percent of the current market analyzed in the DEIS. Given that, at the lowest estimate, the Bayport Loop generated an average of 129 carloads per day of hazardous materials in 2000, and BNSF anticipates from 72 to 132 railcars per day, it is well within

the range of possibility that all of the cars on the Build Alternatives will carry hazardous materials in a competitive market. Certainly, the Applicants have an economic incentive to achieve this result. The analysis of the number of railcars hauling hazardous materials should have taken these economic forces into account. A thorough evaluation of the risk would have considered a more realistic, capacity-based volume of hazardous materials traffic.

c. Frequency of release will increase dramatically

The formula used to calculate accident frequency demonstrates a dramatic increase in frequency of release associated with the Build Alternatives. Table D.3-5 shows that the frequency of release on the full length of new construction will increase 392 percent from initiation to build-out. This figure does NOT take into account the 0 risk that currently exists along that route. The table also shows that the frequency of release on the length of the Preferred Alternative and Alternative 1C increases 39 percent over existing conditions, while Alternatives 2B and 2D will result in a 35 percent increase in frequency of release. Along the GH&H line, the frequency of release increases 122 percent from existing conditions to market capture. This is a remarkable increase of risk in a low-income, minority area, and constitutes a disproportionate adverse impact on this population. While DEIS may have concluded that these increased risks are negligible, the City finds them to be quite significant, especially when compared to the risks of the No-Build and No-Action alternatives.

d. The "no-collision" assumption is false

The assumption that the portion of the Build Segment west of the Bayport terminal will not experience a collision fails to take into account the possibility of a collision at the intersection with the GH&H line, as certainly a "worst case analysis" should. DEIS at 4-11, § 4.2.2.1.

2. Consequences of Release

The SEA based its analysis of the consequence of a release on several assumptions, each of which must become a fact in the event of a release for the response equation to work. For example, with respect to emergency response, the SEA postulates that (1) there would be an emergency response team promptly on the site; (2) the emergency response team would be trained and equipped to deal with any type of hazard that may be associated with any chemical or combinations thereof and (3) the emergency response effort would be effective in containing the spill. With respect to the nature of the spill, the SEA assumed that it would (1) be limited to one rail car, (2) involve only one chemical, (3) affect a limited population and (4) disperse without regard to prevailing winds in the area. These assumptions present a house of cards that will fall when the first event does not occur.

a. Reliance on emergency response is misplaced

The DEIS diminishes the importance of a hazardous materials release by stating that "the emergency response teams on the scene would contain and clean up any release within a relatively short time." DEIS at 4-7, 4.2.1. The DEIS also assumes that:

> "Potential soil contamination would be limited by the prompt containment and clean-up of a spill. Moreover, the implementation of appropriate actions in the event of a release to surface water – such as cleaning up the spill and/or temporarily restricting the use of the water body – would minimize the potential for longer-term impacts through unrecognized soil or water contamination."

Id. The DEIS, however, does *not* explain the basis for its reliance on emergency response as an appropriate or effective means for controlling a release, nor does it indicate who will notify the appropriate emergency response team or how they will know whom to call. *See, e.g., id.* at 3-16, 3.2.3.2. In Section 3.2.3.2, the DEIS explains that the crew of a train will usually make the emergency call response to other railroad personnel in Fort Worth. If, however, the crew is incapacitated (a distinct possibility here given the characteristics of some of the hazardous chemicals) the DEIS explains that "the initial report may come *from* a local emergency response agency." *Id.* (emphasis added). Apparently, it did not occur to the preparers that emergency response agencies are just that: responders, not reporters.[9]

In addition, the DEIS relies on unsubstantiated assumptions about the ability of local emergency response organizations to effectively mitigate the impact to City structures and residents in the event of a release of hazardous materials. For example, the DEIS describes existing emergency management capabilities and concludes, without providing any direct evidence, or discussing the potential sequence of events with any local officials, that:

> "numerous emergency response organizations exist within the project area. They are familiar with the types of materials that are presently shipped within the Bayport Loop and the project area, and they offer extensive capabilities to deal with events that could occur."

Id. at 3-15, § 3.2.3 The existence of multiple emergency response agencies only complicates the decision about whom to call. Certain portions of the proposed new rail line

[9] If one follows the remainder of this "emergency reporting plan," one can only conclude that it would not likely result in a prompt response by any emergency response organization. *See id.*

are not in areas where these emergency response organizations typically respond. In fact, in spite of the title of Sections 3.2.3 and 3.2.3.1, the DEIS does not actually address which agency or organization would respond to a serious incident resulting from the release of hazardous materials, whether a fire, explosion, or toxic hazard. Providing a list of potential responders is not enough to document their capacity to promptly and effectively deal with a hazardous materials release. Minimizing impacts because of the assumed ability and efficiency of an unidentified agency to respond to an unidentified type of incident in its jurisdiction is inappropriate.

The DEIS is further flawed in its apparent assumption that each emergency response agency is equally and completely prepared and equipped to respond to a hazardous materials release. Nothing in the DEIS describes the experience of any organization in dealing with the suite of chemicals planned to be carried on the rail line or dealing with releases from rail cars. For example, the DEIS assumes without evidence that in the event of a spill local emergency resources would be capable of responding to a fire or spill event at the Drinking Water Plant in such a way as to minimize the impact to the facility and the water supply. This would require preventing catastrophic damage to structures, such as electrical wiring, power lines, electrical substations, pumps, tanks, and buildings; preventing interaction with water treatment chemicals stored onsite; and protecting the water supply. Further, while the DEIS points out that several of the Applicants' partners are members of CIMA, it does not unequivocally state that CIMA would respond to a hazardous materials incident along the rail line.

Finally, the focus on emergency response ignores the stark reality that the Proposed Action also proposes to shift the burden, including the cost, of dealing with its potential impacts to the non-participants in the project. The DEIS includes no mitigation for this increased burden on essential public services. Concluding that emergency response is adequate does not obviate the need for a sincere, scientifically-based, objective evaluation of hazardous materials risk.

b. Release may not be limited

The DEIS assumes that any hazardous materials release (1) would be contained or cleaned up "within a relatively short time," *id.* at 4-7, § 4.2.1, and (2) that the "duration of a release is limited by the volume in the railcar." *Id.*; *see also id.* at 4-18, § 4.2.2.2. Both of these assumptions are false. First, the conclusion that the release would be contained in a short time is predicated on the prompt response by local emergency planning personnel, which, as shown above, is an unreliable assumption. The DEIS fails to adequately demonstrate that the event could be contained within a relatively short time with the resources expected to respond to such an incident. Therefore, reliance on prompt emergency response cannot be used to support the proposition that the duration of a release, and therefore its potential consequences, is limited.

Further, the statement that the duration of any release would be limited by the volume in a single rail car is incomprehensible. In the event of accident, derailment or fire, there is no assurance that only a single car would be involved. Moreover, any number of other factors could influence the duration of a release, such as weather conditions, size of opening in the rail car and characteristics of the material in the car.

c. Worst case analysis is illusory

The DEIS purports to undertake a worst case analysis, including an analysis of consequences to resources such as surface waters and wetlands. *Id.* at 4-15, § 4.2.2.2. The DEIS, however, did not discuss or consider the potential worst case where one or more hazardous materials are released in the proximity of the Drinking Water Plant and contaminates the 27.5 million gallons of water in the forebay or the 25 million gallons of treated water in the two tanks.[10] The DEIS does not consider the impacts of temporarily restricting the public drinking water supply for a million or more people. It does not evaluate the problems associated with treating or disposing of millions of gallons of contaminated drinking water or even who would pay for dealing with the consequences of such a release. Similarly, some of the chemicals that are to be transported have vapors that are heavier than air, which "may concentrate and displace [oxygen] in low-lying areas." *Id.* at D-3, Table D.2-1. The displacement of oxygen means that people and animals are not able to breathe. Given the proximity of the Build Alternatives, especially Alternative 1C, to the Park, a public park likely to be frequented by children, a logical "worst case" scenario would consider what effect a release of one or more of these chemicals would have approximately 300 feet from where children are engaging in active exercise.

The analysis of the worst case has other flaws. It is impossible to independently verify the data with respect to the most densely populated areas. Although the DEIS relies on a "circle" analysis, it does not include a map of or otherwise describe the center of the circle. Nevertheless, a release on any of the Build Alternatives near the Drinking Water Plant, Ellington or the Park will likely impact more than one City facility, but this was not modeled. *Id.* at 4-15, § 4.2.2.2; D-23, § D.4.2. Furthermore, it states:

> "Most important, as can be observed by reviewing the FRA's incident reports and safety statistics, the overwhelming majority of accidents that do have a release experience a small release, with a correspondingly small potential impact area."

[10] Current facility only. Additional open forebays and vented tanks will be added with plant expansions.

Id. at 4-15, § 4.2.2.2. A worst case would involve a large potential release with a large potential impact area, and would not be minimized by an incorrect assumption that a small release will have a small impact area. Nowhere in the literature on the chemicals listed in the DEIS does it suggest that the impact area is a function of the size of the release. *See, e.g.,* the discussion of the chemical ethylene oxide at www.ull.chemistry.uakron.edu/erd/chemicals/7/6500.html ("Isolate for 1 mile in all directions if tank car or truck is involved in fire."). If a release occurs, a large area will be evacuated without regard to the size of the release. Therefore, the DEIS is deficient for failing to properly define a worst case release scenario and adequately evaluate the potential consequences.

The analysis of consequences of a release, worst case or otherwise, does not recognize the potential for the release of more than one chemical in an incident, and therefore does not address the consequences of reactions among chemicals that can lead to unfortunate synergistic results.

The DEIS should not rely on unverifiable, formulaic approaches to evaluate worst case or any other consequence of the Proposed Action. This DEIS provides enough "real-life, what-if" examples of situations, which if evaluated, would more effectively communicate to the public the impacts of the Proposed Action relative to hazardous materials safety. In addition to the Drinking Water Plant and Park scenarios, the DEIS should consider the consequences of a release along the GH&H line where there is a concentration of population that is likely already to be experiencing the effects of chronic exposure to hazardous materials and where emergency response may be complicated by language barriers.[11]

d. Ignoring chronic effects is inappropriate

SEA's conclusion that it needs to focus only on the acute effects of toxic substances is inappropriate. The DEIS recognizes that the City is located in an area with a large concentration of chemical manufacturing. *Id.* at ES-8. The DEIS also recognizes that the area experiences more than twice the volume of hazardous materials transported by train than the rest of the country. *Id.* at 3-13, § 3.2.2.2. By failing to consider the exacerbating and synergistic effects of release incidents on a population that may already have averse chronic effects, the analysis falls short of what is required by NEPA, in particular the admonition to consider the cumulative impacts of *past*, present and reasonably foreseeable actions.

[11] Indeed, in Houston a large number of languages are in sole or preferred use and a significant proportion of individuals who do not read English also do not read in their native language.

C. DEIS Misrepresents Risks Associated with Pipelines Located Along all Build Alternatives

The analysis of the risks associated with pipelines is grossly understated, if not actually misrepresented, in the DEIS. First, the analysis relies almost exclusively on the false premise that construction accidents are avoided by use of "one-call" locator systems. Second, the analysis fails to take into account the "over and across" or undefined easements that are typical of the Houston area that make pipeline location more difficult. Third, the risk analysis is flawed because it obscures the separate risks associated with construction activities that cross pipelines and those that occur adjacent to pipelines. Fourth, the analysis misstates the seriousness of the consequences of a pipeline incident. Last, the assessment of both construction and operation risk in the DEIS may be inconsistent with BNSF's own assessment of pipeline risk.

1. Reliance on the Texas One Call System is Misplaced

The DEIS describes three separate acts associated with the Texas One Call System: (1) the excavator calls the call center; (2) the call center notifies the affected companies of the proposed excavation; and (3) the affected companies mark their locations. DEIS at 3-18 - 3-19; § 3.3.1. Each one of these steps, however, presents many opportunities for breakdown: the excavator gives the wrong location; the call center does not call all of the affected entities; the call center has incorrect information; the affected company has incorrect information about the location of its pipeline or marks it incorrectly. The One Call system is a huge improvement in pipeline safety, but to assume that complying with the process will prevent all accidents is an erroneous assumption that should not be the basis of the environmental analysis. A review of the Accident Bulletins posted at www.underspace.com presents many examples of accidents that occurred because no one called a call center or because other mistakes were made in the process. (*See, e.g.*, the report of an incident in Lafayette, Indiana, where four houses were destroyed in a gas explosion after construction damaged a gas main. It appeared that the line had been marked, but an investigation revealed that the marked line was not the line that was hit. The locator had not identified a line connecting into the marked line.)

2. Undefined Easements Increase Risk

Many of the pipeline easements in the Houston area date back many years and do not necessarily describe the corridor in which the pipeline is to be located. For example, it is not uncommon for a property owner to have granted an oil and gas or pipeline company the right to lay a pipeline "over and through" or "over and across" a large tract of property. For example, the 1926 deed attached hereto as Exhibit 2 allows The Texas Pipe Line Company to lay and maintain a pipeline "over and through" about 630 acres of land, "grantee selecting the route." These deeds make identifying the location of pipelines more difficult, and increase the risk, especially with respect to construction, that they will

not be properly identified. While it is convenient to assume that the affected companies know where their pipelines are located, industry mergers, acquisitions, "down-sizings" and asset transfers make this less likely to be a reliable assumption. Moreover, the pipelines the area of the Build Alternatives are likely to be 50 years old or older, with the result that many companies simply do not know what they own.[12] The DEIS has not factored this uncertainty of identification into its risk analysis.[13]

3. Crossing Pipelines Is a Different Risk from Constructing Adjacent to Them

The DEIS states that "the Applicants have identified roughly 300 potential underground pipeline crossings along the Build Segment." DEIS at 3-18, § 3.3.2.1. In other instances, the rail line "would be located near (and generally parallel to) other underground pipelines." *Id.* The DEIS then states "SEA estimated that construction of approximately 0.5 miles on the new rail line. . . would occur near (within about 50 feet of) a natural gas pipeline and approximately1.0 mile would occur near petroleum or chemical pipelines." *Id.* While the DEIS may have factored the pipeline crossings into the analysis, the analysis completely ignores the discrete risk associated with construction *over* a pipeline at *each* of the 300 locations where this activity could occur. Aggregating the cumulative length of 300 pipeline crossings into two segments for purpose of analysis is a flawed methodology that improperly minimizes the risk and is misleading to the reader. The appropriate risk analysis would have evaluated risk as a function of the number of pipeline crossings that each route would require *in addition to* the risks of constructing near (along the side of) a pipeline.

The City also notes that the information on which the SEA and Applicants based their conclusions about the length of route to be impacted by pipelines is not available in the DEIS for independent confirmation. Given the concern with pipeline safety raised by this application, it would have been appropriate for this information, an underlying assumption perhaps without which the finding of "no impact" could not have been made, to have been included in the DEIS. The failure to do so is a defect in the process and the DEIS and prevents the City from analyzing the validity of the assumptions underlying the risk analysis.

[12]The age of the pipelines in this area also should suggest to SEA that they are more likely to be corroded or in a more degraded state than newer pipelines and therefore more subject to damage.

[13]Note that in their Voluntary Mitigation Proposal, Applicants only commit to making "reasonable efforts" to identify those "utilities" that are "reasonably expected to be *materially affected by* the proposed construction." DEIS at 6-13, item 48.

4. Risks and Consequences of Pipeline Incidents are Understated

The DEIS states:

> "In the extremely unlikely event of a pipeline release caused by a rail accident, OPS data indicate that the consequences of an incident involving a gas or hazardous liquids pipeline could include damage to property, fire, explosion, and personal injury or death. OPS data also indicate that only a small percentage of pipeline accidents that do occur result in serious consequences such as fire, explosion, or personal injury or death. Potential consequences associated with damage to other types of pipelines (e.g., water, sewage) would be much more limited (e.g., temporary disruption of service)."

DEIS at 4-22, § 4.3.2.1. This statement admits that serious consequences can occur as a result of a rail accident. The risk analysis, based on data spread over a national system, however, (1) ignores the facts that the Build Alternatives are introducing these risks into a system where the risks are not currently present, (2) fails to consider that many of the pipelines in the area are quite old, (3) ignores the density of pipelines in the area, and (4) does not consider the populations most likely to be injured by an incident. For example, there is a high concentration of pipelines located adjacent to Sylvan Rodriguez Park, which was planned and built with no expectation that a train would be traversing the pipelines to the north. *See* Exhibit 3. Alternative 1C will require construction and rail operation on top of these pipelines. If a construction or rail accident results in fire, explosion or release of hazardous chemicals, the children playing in the Park will most likely be impacted. The DEIS fails to take into account the potential location of the risk of accident and the population likely to be affected. It would be more appropriate to evaluate risk by comparing incidents that occurred in similarly populated areas than to dilute the effect by using incomparable national data.

The language quoted above also erroneously implies that damage to water and sewer pipelines will be "limited" and therefore minor, resulting in nothing more than temporary disruption of service. To the contrary, damage to the 96-inch raw water pipeline going into the Drinking Water Plant or the 96-inch drinking water pipeline[14] coming out of the Drinking Water Plant would result in a disruption of service that may be more than "temporary" and certainly affect more people than a break of a service line in a residential neighborhood. Even if the City and the Co-Participants could use back-up water sources, it is unlikely that these emergency sources could provide the pressure necessary for fire

[14]As part of the expansion of the Drinking Water Plant, the City will install two additional 96-inch raw water and two additional drinking water pipelines into and out of the plant, respectively.

fighting. These are significant risks that the DEIS does not explore at all, rendering the DEIS deficient as a result. More importantly, it reveals that the preparers of the DEIS have no understanding of the demands on the City's infrastructure. Without this understanding, it is impossible to adequately analyze the risks to the system.

5. Risk Assessment May Be Inconsistent with BNSF's Own Assessment of Pipeline Risk

The City has been made aware of a document which suggests that the Applicants may sometimes present a different story about the risks of pipeline safety associated with railroads than the one the Applicants presented to the SEA, depending on the audience and the context. If this is the case, the City certainly shares the railroads' concerns about the dangers of having pipelines and railroads located in proximity to each other and applauds their efforts to communicate these risks to others. In any event, it serves as a caution to the SEA that independent, open-minded due diligence is called for in preparing an environmental impact statement. The City will be glad to provide the SEA with a copy of this railroad industry document if requested.

D. DEIS Fails to Accurately Measure Grade Crossing Delay and Safety

The DEIS uses the incorrect methodology to assess grade crossing delay and safety. Evaluating delay on the basis of average delay per vehicle over a 24-hour period is an exercise so far removed from reality that we can only conclude that it was designed to hide the true impacts of the rail line. Drivers do not experience delay at rail crossing as an average over a day. They experience it when it occurs. Drivers of emergency vehicles waiting to cross a blocked track do not care what the daily average delay is; they are only concerned about the delay that is occurring then. Delay-based levels of service are intended for use with 15-minute vehicle volumes, not daily volumes, so they should not have been used here.

Further, the DEIS does not evaluate the relative increase in traffic delay caused by the Proposed Action. For example, Table F.1-2 illustrates that number of vehicles delayed each day at the at-grade crossings along the GH&H line will increase approximately 60 percent. The DEIS considers this impact to be negligible, yet it involves several streets with average daily traffic in excess of 15,000 vehicles and three streets with average daily traffic of more than 20,000 vehicles. Moreover, testimony from residents in this area at the January 15, 2003, public hearing focused on the problems these neighborhoods already are experiencing from train-produced traffic delays. This incidence of traffic delay is a significant, disproportionate, adverse impact of the Proposed Action on a predominantly minority, low-income population that the DEIS does not recognize.

E. DEIS Uses Flawed Information and Assumptions About Land Use

The DEIS states that because the Houston area does not have either zoning or consistent land use regulations in place, "SEA categorized the land use in the vicinity of the Build Segments into several general types, based on Texas GLO classifications and aerial photographs." DEIS at 3-63, § 3.10.2. As a result, the land use analysis, including impacts, is flawed because the SEA failed to consider other local and regional planning tools that are available. Land use planning is an activity that can and does take place in the absence of zoning. Land use planning theory recognizes planning as a discrete exercise, with zoning among several tools available to implement the plan.[15] Resting the land use analysis in the DEIS on the assumption that no planning occurs, and no planning tools exist, in the absence of zoning is inappropriate and is inconsistent with recognized principles of planning.

As a result of its inherently flawed assumption, SEA failed to consider the City's Major Thoroughfare and Freeway Plan (the "MTFP") in its analysis. The MTFP is the basis for local and regional mobility and transportation planning, as well as many private development and public capital improvement projects. The MTFP classifies streets as "principal thoroughfares," which are area-wide connectors designed to carry 25,000 or more vehicles per day (10% or 2500 vehicles per hour at peak times); "thoroughfares" which are designed to carry 20,000 vehicles per day (10% or 2000 vehicles per hour at peak times); and "collector streets," which are designed to carry 15,000 vehicles per day (10% or 1500 vehicles per hour at peak times). City of Houston Public Works and Engineering Dep't., Traffic and Transportation Division. The MTFP also designates the routes of the extension of the existing principal thoroughfares, thoroughfares and collector streets and the location of new principal thoroughfares, thoroughfares and collector streets.[16] As shown on Exhibit 3, the MTFP classifies El Dorado Boulevard as a thoroughfare with four lanes in a 100-foot right-of-way and requires its extension from Clear Lake to Genoa-Red Bluff Road. El Dorado Boulevard will cross the rail line in all of the Build Alternatives, but the DEIS does not address this. This is a significant omission because certain of the alternatives that were eliminated from detailed study in the DEIS were eliminated because they would interfere with plans to extend streets or would require

[15] *See, e.g.*, F. Stuart Chapin, Jr., URBAN LAND USE PLANNING 356 (1972) ("Zoning is one of several legal devices of implementing the proposals for land development as set for in the land use plan.").

[16] The City's development regulations, another planning tool not discussed in the DEIS, require that new development comply with the MTFP. *See, e.g.*, City of Houston Code of Ordinances §§ 42-24(b); 42-120(a)(5).

additional grade separated crossings.[17] DEIS at 2-19 - 2-21 §§ 2.3.1, -.2, -3. In addition, by failing to consider the MTFP, the DEIS also failed to analyze the functions that the thoroughfares in the area serve with respect to mobility and emergency evacuation routes.

Furthermore, the MTFP is only one of the planning tools the City utilizes that controls or influences land development. Zoning ordinances typically regulate lot size, building setback, landscaping, off-street parking, and location criteria for certain developments. The City, in the absence of zoning, regulates these aspects of land development. The only significant difference between the City and a city with zoning is that we do not specify how a particular piece of property may be used. The City has several ordinances that regulate development that were not considered in the DEIS. Chapter 42 of the Code of Ordinances implements the MTFP and establishes building lines, minimum lot sizes, open space, street spacing requirements and widths, among other things. Chapter 42 provides for the use of "general plans" to guide private development within the City and its extraterritorial jurisdiction. The DEIS does not appear to have considered the possibility that one or more general plans may have been approved for the undeveloped area along the Build Alternatives. The City's off-street parking regulations contained in Chapter 26 of the Code require all projects to meet minimum parking requirements. The landscaping or "Tree and Shrub" Ordinance, Chapter 33 of the Code of Ordinances, requires planting of trees and shrubs for new and expanded businesses and parking lots and parking lot buffering adjacent to single-family homes. Additional ordinances regulate the distance between one type of land use and another. These ordinances insure that residential areas, day cares, schools and similar land uses are protected from incompatible uses such as hotels, cell towers, hazardous material businesses and sexually oriented businesses. These locational ordinances, in particular, will influence the type of development that can occur along the undeveloped portions of the Build Alternatives in the City, but are not identified or discussed as planning tools or development predictors in the DEIS.

Because of incorrect assumptions and inaccurate information, the conclusions in the DEIS about the impact on future land use in areas adjacent to the railroad alignments that are presently vacant is incorrect. The DEIS failed to consider natural growth patterns and trends that are occurring in the area and assumed that no future residential uses would occur in the area adjacent to and east of Armand Bayou Preserve. The Clear Lake residential development is moving in a northward direction to the east of Ellington, however. Any of the Build Alternatives logically would impede the further expansion of residential development in that area. Instead, industrial development would be more likely

[17] Because the southward extension of Center Street by Pasadena will connect to the northern extension of El Dorado, this omission is even more startling. *See* DEIS at 2-19, § 2.3.1 ("This Alternative also would impact the City of Pasadena's long-term plans to extend Center Street to connect to Genoa-Red Bluff west of the Exxon Plant.").

to occur. Thus, the rail line would have two significant impacts on land use in the area: residential development will be less likely and industrial development will become more likely. Petroleum industries agglomerate because they can take advantage of shared infrastructure and services. *See* W. Alonso, *Location Theory*, in J. Friedman, REGIONAL POLICY: READINGS IN THEORY AND APPLICATIONS 78-105 (1975). This is particularly true for hub areas offering the potential to share substantial transportation facilities such as rail and shipping. Moreover, road access via north-south thoroughfares such as Space Center, El Dorado, Red Bluff and Bay Area boulevards and SH146 in the vicinity of the proposed Build Alternatives create an attractive environment for industrial hubs, spurs and rail terminals along the corridor. Therefore, it is likely that substantial new industrial development will be attracted to the area where there is extensive undeveloped land around the rail line. This industrial development is almost certain to be incompatible with the existing residential developments to the north and south and contribute heavy industrial traffic loads onto the residential streets in the area.

F. DEIS Contains Erroneous Information Relating to the Environmental Justice Population and Understates Impact on This Group

It appears that the DEIS incorrectly characterizes the minority population impacted by the proposed rail line by failing to distinguish the Hispanic component of the total population. This is a factual error that SEA should, and we believe will, correct in response to comments. *See* 40 C.F.R. § 1503.4(a)(4)(2002). The proposed rail line will increase rail traffic through a predominantly Hispanic area of Houston that is not accurately identified in the DEIS.

The environmental justice ("EJ") analysis contains other flaws, however, that will not be addressed by correcting factual errors. First, it does not appear that the DEIS followed any prescribed methodology, but rather created a methodology by borrowing from others. *See* DEIS at 3-79, § 3.16.2 ("SEA followed a *similar* approach" [emphasis added]); M-1 ("The five step methodology *draws on the general approach* previously used by SEA and the USEPA" [emphasis added]). Failure of SEA to employ a promulgated methodology for its EJ analysis raises concerns about the efficacy of the methodology, its consistency of application and the factors considered by the agency in fashioning the methodology.[18]

Second, the methodology does not effectively evaluate risk because it does not adequately describe the existing conditions of the affected population. The EJ population may be at the same risk that a chemical release will occur from a train derailment as the

[18] SEA's purported reliance on a 1996 EPA Region VI Environmental Index Methodology is also somewhat curious. This methodology was actually promulgated in 1994 and is currently in effect. Telephone conversation with Mr. Warren Arthur, USEPA Region VI, February 10, 2003.

non-EJ population, but the consequences of the release may be more severe because the EJ population may already be subject to more long-term exposure to chemicals than the non-EJ population. Guidance from the Council on Environmental Quality suggests that an agency should consider "relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards." Council on Environmental Quality, *Environmental Justice: Guidance Under the National Environmental Policy Act* at 8 (1997)(*hereinafter, "EJ Guidance"*). Because the DEIS does not consider the characteristics of the EJ population, it is impossible to properly determine whether the effects are significant, adverse or disproportionate.

Third, and a corollary of the foregoing, the DEIS does not recognize the significance in the EJ analysis of cumulative effects and multiple exposures. The DEIS falls prey here, too, to the underlying assumption that the area is already so "used to" chemicals and trains that a little more won't matter. Thus, the DEIS has not taken into account issues such as cumulative or multiple exposures to health or environmental hazards. *See EJ Guidance* at 26-27. Testimony at the public hearings, however, particularly the hearing on January 15, demonstrates the sense of the community that the Proposed Action will exacerbate conditions that are already adverse and disproportionate because of its incremental, cumulative effects.

Last, the DEIS does not take into account the population growth that has occurred and is projected to continue to occur within the Houston area, particularly within the EJ population that will be most impacted by the Proposed Action. The Hispanic population is the fastest growing population in the region and is already concentrated in this area. The analysis does not consider the probable increase in the EJ population or the likelihood that it will become more dense in the neighborhoods surrounding the Proposed Action. The analysis also does not consider the characteristics of the population and whether the EJ population will be more or less susceptible to health or environmental hazards as a result of age or other conditions. Without consideration of all of the foregoing and an accurate assessment of the EJ population, it is premature for the SEA to determine that the Proposed Action will have no disproportionately high and adverse impact on the EJ population.

G. The DEIS Analysis of Impact on Public Services Is Inadequate

The DEIS analysis of impacts on public services is deficient for reasons other than its failure to recognize homeland security issues. The DEIS states:

> "SEA analyzed the effects of the Proposed Action and Alternatives on the public services found in the project area. SEA considered the potential effects of the demands placed on emergency services, fire protection, police, medical services, and schools in the vicinity of the Proposed Action."

DEIS at 4-71, § 4.11.3. From this, SEA concluded, in the very next paragraph, that:

> "Construction and operation of the proposed new rail line would not place significant additional demands on the public services in the project area. The Build Alternatives would not generate a significant influx of people to the area to increase the demands on public services. The addition of approximately 13 miles of new rail line to an area that is industrial and supports many miles of existing rail lines that carry hazardous and nonhazardous materials would not generate notable additional demands on local emergency services. The Build Alternatives would have negligible effects on public services."

Id. § 4.11.3.1. The flaws in this finding are many. First, this is no analysis, just a conclusion. Second, the characterization of the area as "industrial" is incorrect. Large portions of the Build Segments, especially those in the City, would pass through undeveloped area, as indicated on the Land Use Map. DEIS at 3-64, Fig. 3-10.1. Third, even if "public services" only include emergency services, the Build Alternatives will increase the demands on "public services" because they will expose areas not currently exposed to *any* demand for emergency services to a new demand. Additional police or other security will be necessary to keep the water supply safe for the one million or more residents that depend on the water provided by the Drinking Water Plant if the perimeter of the facility is breached by a rail line. This was not analyzed and cannot be dismissed with conclusory statements. Fourth, the STB regulations require the DEIS to "describe the effects, including impacts on essential public services . . . in communities to be traversed by the line." 49 C.F.R. § 1105.7(e)(11)(vi). This language does not compel the SEA to limit its inquiry into *demand* for public service. To the contrary, it requires an explanation of the *impact* on public services. Last, this purported analysis falls victim to the underlying assumption that existing conditions in Houston justify minimizing the impacts of any incremental increase.

III. IMPACTS ON CITY OPERATIONS

The DEIS fails to address adequately the impacts of the Build Alternatives on three significant City operations, the Drinking Water Plant, Ellington and the Park. The DEIS contains NO analysis of the impacts of Alternatives 2B and 2D cutting the water plant in half. The analyses of the impacts of the Preferred Alternative and Alternative IC on Ellington and the Park are cursory and inadequate.

A. Southeast Water Purification Plant

The Drinking Water Plant, located at 3100 Genoa Red Bluff Road, was commissioned by the City in 1991 to provide surface water to participating cities and water

districts[19] for conversion from groundwater to surface water. This conversion was necessary to decrease the subsidence that the Houston region had experienced as a result of groundwater withdrawals, and was mandated by the Harris Galveston Coastal Subsidence District. *See* DEIS at 3-40, § 3.7.2.1. The Drinking Water Plant is a primary drinking source for a large portion of the City, including portions of the EJ population affected by the Proposed Action, and the primary drinking water source for the other Co-Participants. Over time, as groundwater wells that are used for backup or peak demand supply are abandoned, it is anticipated that the Drinking Water Plant will be essentially the only water supply for the other Co-Participants, as well as a large portion of the City. The City is under a contractual obligation to deliver a specified amount of water to each of its Co-Participants from the Drinking Water Plant.

The Drinking Water Plant is located on a 400-acre site that the City purchased to provide sufficient land for the ultimate 720 million gallon per day ("MGD") capacity of the plant. At initial construction, the plant had a capacity of 80 MGD, but has been recently expanded to 120 MGD capacity, as shown in Exhibit 4. The City currently is under contract with Camp Dresser & McKee, Inc. for the design of the next 80 MGD expansion (200 MGD total), scheduled for completion in 2007.[20] The City anticipates future expansions to 360 MGD by 2015 and to the ultimate capacity of 720 MGD by 2040. *See* Exhibit 4. At current capacity, the Drinking Water Plant provides potable water to approximately one million people and supplies much of the pressurized water for firefighting within the region.

Physically, the Drinking Water Plant has, among other facilities, an open air forebay unit that holds approximately 27.5 million gallons of raw water to be treated. In addition, the Drinking Water Plant has two ground storage tanks that store approximately 12.5 million gallons of potable water each. These units are susceptible to contamination by airborne releases caused by accidents or intentional acts of sabotage or terrorism.

The Applicant and the SEA appear to have distinguished the built portion of the Drinking Water Plant from the City property on which it located and on which it must be

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[19]The Co-Participant owners of the Drinking Water Plant in addition to the City, which serves as Managing Participant, are (1) the Clear Lake City Water Authority (serving NASA), (2) the City of Pasadena, (3) the City of Friendswood, (4) the City of La Porte, (5) the City of South Houston, (6) the City of Webster, (7) Baybrook Municipal Utility District No. 1, (8) Clear Brook Municipal Utility District, (9) Harris County Municipal Utility District No. 55, (10) the Gulf Coast Water Authority (serving League City), and (11) the City of Nassau Bay.

[20]The City initially considered a 120 MGD expansion, *see* Scoping Letter, but scaled this to an 80 MGD plan upon more detailed analysis of demand.

expanded. For example, the DEIS states that Build Alternatives 2B "would . . . run east alongside Genoa-Red Bluff Road and turn south before reaching the City's Southeast Water Treatment Plant. The alignment would then turn east *across the grounds of the Water Treatment Plant, passing to its south.*" DEIS at 2-14 § 2.2.4 (emphasis added). The description of alignment 2D is similar: "The alignment would . . . then swing southeast for approximately 1,000 feet to pass the City of Houston's Southeast Water Plant on its south side. The alignment would then turn east across the grounds of the Water Treatment Plant"). *Id.* at 2-17, § 2.2.6.[21] To the contrary, Build Alternatives 2B and 2D would cleave the plant into two halves. The existing plant facility represents only 120 MGD of the ultimate 720 MGD capacity of the plant, or approximately 17 percent. The "Southeast Water Plant" is the entirety of the 400 acre tract that the City acquired in the early 1980s for the purpose of building the 720 MGD capacity plant. The existing facility has essential support services located on the "grounds" of the Drinking Water Plant south of the proposed route that cannot be relocated, as shown in Exhibit 1. Thus, to treat the "Plant" and the "grounds" of the plant as two separate and severable tracts is an error.[22]

The City raised concerns about the impacts of the rail line on the Drinking Water Plant in its Scoping Letter. The DEIS acknowledges that the City raised some issues. DEIS at 4-68, § 4.10.2.1. In what is titled "Impact Analysis - Land Use - Build Alternatives," the DEIS states:

> "Alternatives 2B and 2D would cross land owned by the Water Treatment Plant. The City of Houston has expressed concern over the proximity of a new rail line to its Water Treatment Plant and has stated that any new rail line that would be adjacent to, or divide the Plant creates an unacceptable and unnecessary risk."

This statement of fact is the *only* statement in the section of the DEIS that is supposed to set out the analysis of environmental impacts on land use. No other section in the DEIS analyzes the impact of the Build Alternatives on the Drinking Water Plant.[23]

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[21]The alignment does not follow the proposed route map for Alignment 2D. The alignment would have to turn east *before* passing the south side of the existing water plant facility. If the route proposes to cross the Drinking Water Plant property diagonally to the southeast before turning south, this is not depicted on any map the City has seen and creates an even more untenable situation than what otherwise appears to exist.

[22]The land use of the Drinking Water Plant is also mischaracterized in Figure 3.10-1 as a mix of "industrial" and "natural areas/open space." The appropriate characterization of the entirety of the 400-acre plant site is as "public/institutional."

[23]In fact, the only other section in Chapter 4 that mentions the Drinking Water Plant is in the analysis of the Build Alternatives' impacts on cultural resources, where the

The DEIS is defective on its face for failing to analyze impacts on such a significant public facility.

A proper analysis of the impacts of the Build Alternatives on the Drinking Water Plant would consider the following issues:

1. Threat to public drinking water supply

Each of the Build Alternatives presents a threat to the public drinking water supply from contamination and disruption of service. The DEIS does not analyze this threat.

a. Contamination of water supply

Water from the Drinking Water Plant can potentially be contaminated deliberately by act of a saboteur or accidently by the release of a hazardous material in proximity to the plant. The SEA does not acknowledge the possibility of the former and diminishes the importance of the latter.

b. Interruption of Service

The DEIS does not analyze the consequences of an accidental interruption of service considered as a potential impact from an act of sabotage or a release of hazardous materials in the vicinity of the Drinking Water Plant. Instead, the SEA minimized this potential impact by representing that the populations affected by Alternatives 2B and 2D are the lowest compared to the other alternatives. A more appropriate population to consider is the one million people served by the Drinking Water Plant. Failure to properly identify the potentially affected population calls into question the technical validity of the assessment. In the event of an act that disrupted the water supply from the Drinking Water Plant, the City, and its Co-Participants, would not be able to replace the loss in service readily, and the entire area could be faced with the loss of water pressure essential to firefighting.

In addition, the characteristics of certain of the hazardous materials proposed to be transported on the Build Alternatives are such that, in the event of a release, it may be necessary to evacuate personnel from the Drinking Water Plant, which would result in a

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Drinking Water Plant is identified as having so "significantly disturbed" the route through the plant that it was "unlikely to contain any significant cultural resources." DEIS at 4-80, § 4.14.2.1. We note in passing that the "signifcant[] disturb[ance]" along the proposed route is further evidence of the City's operation of Drinking Water Plant as a unitary property.

facility shutdown. Again, this impact would affect the entire population served by the Drinking Water Plant, but has not been analyzed.

c. Terrorist attack

The DEIS must consider the impacts of the Proposed Action on public services. Because the Drinking Water Plant is an element of the nations' critical infrastructure, the City is required to consider the vulnerability of the Drinking Water Plant to attacks by terrorists. The DEIS, however, does not consider at all the increased vulnerability that the rail line would pose to the Drinking Water Plant. Yet this analysis is necessary to evaluate the risk to the Drinking Water Plant of railcars traversing the interior of the plant providing a vehicle or mode of entry for terrorist attack. The Drinking Water Plant currently has a single perimeter to defend. Alternatives 2B and 2D would sever the plant and create two separate and unconnected perimeters. The DEIS does not consider the increased security risks associated with routing a rail line through an existing sensitive public facility. The City has gone to great lengths to provide increased perimeter and surveillance security at all of its potable water supply facilities over the past year. The DEIS does not consider the potential impact to City security efforts to maintain adequate containment around the rail line as it bisects the Drinking Water Plant facility. It also does not consider any increased financial consequences to the City, or to the Co-Participants, who have to share in the cost for providing required security. Nothing in the emergency response analyses in the DEIS has adequately addressed these security issues at this critical infrastructure, and they cannot be dismissed by purported reliance on local emergency response programs. The City disagrees with an analysis that relies solely on response and not on prevention of risk. Both the opportunity and the means for engaging in potential terrorist activities would be increased daily by bringing a rail line containing hazardous materials in close proximity to a recognized target. After-the-fact responses are not the responsible manner to deal with this risk. In an era when managers of critical infrastructure throughout the country are being required and encouraged to think about points of entry, perimeter defenses and other vulnerabilities, it is inconceivable that the risks associated with a slow moving train passing between operating units of a major drinking water treatment plant are considered unworthy of consideration, nor can this risk be dismissed as negligible because of the small number of trains.

2. Interference with Build-Out of Plant

As discussed above, the City and Co-Participants in the Drinking Water Plant have long-anticipated that the 400-acre tract will be necessary for the ultimate 720 MGD capacity of the plant. The initial plan for the full build-out shows the use of the entire site, as shown on Exhibit 5. While current design proposals are somewhat different in response to changes in treatment technology and may result in a slightly different configuration of the plant, they still require the use of the entire site, as illustrated on Exhibit 4. The DEIS

does not consider the impact to the Drinking Water Plant of losing part of its property[24] to a rail line that will render it impossible for the plant to reach its 720 MGD capacity. More importantly, the DEIS does not address what the City and Co-Participants must do to offset the loss of this capacity. The Drinking Water Plant represents an investment of $169 million by the City and the Co-Participants. The next phase build-out is expected to cost in the range of $100 million, with the current estimate for ultimate capacity to be an additional $1.1 billion, for a total facility cost of $1.369 **billion**. *The DEIS does not consider the cost to the City of constructing a new facility to meet the demand that it will not be able to provide because of property lost from the site.*

3. Incidence and Impacts of Vibration

The DEIS does not adequately address the impact on the Drinking Water Plant of the vibration of the train. The DEIS does not provide any analysis of soils and substratum characteristics beyond a review of the literature of area soils and geology. Alternatives 2B and 2d pass above and through, respectively, the closed Hughes Type IV landfill, just to the west of the Drinking Water Plant. Due to its nature, the material in the landfill was not compacted, with the result that the loose fill magnifies and transmits external vibrations to the Drinking Water Plant. The Drinking Water Plant already is experiencing excess vibration from the operation of heavy equipment on the adjacent commercial property. The vibration caused by a moving freight train is likely to exacerbate this problem. Increased vibration could result in structural damage, up to and including system failure, as well as system inefficiencies that increase the cost of treating the water. The SEA should conduct a vibration study along these routes to assess the extent of vibration amplification caused by the landfill and its impact on Drinking Water Plant operations as well as the vibrations caused by the train traversing the plant.

4. Mitigation

Because the DEIS does not recognize the significant adverse impacts of the rail line on the Drinking Water Plant, it presents no mitigation for these impacts. These impacts are signifcant and adverse and the DEIS should address their mitigation.

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[24] The City does not concede that the Applicants have a paramount right to or will prevail in obtaining access to the Drinking Water Plant property. See DEIS at 2-6, § 2.2.2.1 ("The proposed new rail line would be constructed on land either owned by the Applicants or to which they have or intend to secure access."). For example, it is by no means clear, under the various bond indentures from which funds for financing the construction of the Drinking Water Plant are derived, that the City could voluntarily sell or alienate any portion of the plant site, which is part of a system the revenues from which are pledged to the bondholders.

B. Ellington Field

The City, with its airport planning consultant Leigh Fisher Associates, analyzed the DEIS with respect to impacts on Ellington operations. As with the Drinking Water Plant, the City finds that the DEIS is deficient and fails to analyze properly the impacts of the Build Alternatives on Ellington.

Ellington is a public, general aviation airport located in southeast Houston. The airport is owned and operated by the City of Houston as part of the Houston Airport System ("HAS"). Ellington has three runways, a 24-hour control tower, full-service general aviation facilities, limited commercial air service, and a significant military presence.

Ellington was established during World War I and served as a training base for pilots, bombardiers, and radio operators before closing in 1927. At the outset of World War II, Ellington was rebuilt as a training base. In 1947, Ellington Field became Ellington Air Force Base and continued as a training base for U.S. Air Force navigators. In 1976, the base was deactivated as a training base, but continued to host the Texas Air National Guard. In 1984, the United States Government transferred ownership of Ellington Air Force Base to the City of Houston Department of Aviation, which has operated the airport as part of the HAS.

Ellington currently fills 3 roles within the HAS:

1. Military and NASA;
2. General aviation; and
3. Limited passenger service.

Ellington is the home for three military operations (Texas Air National Guard, Army National Guard, and Coast Guard) and selected NASA training facilities, all of whom own property within the Airport boundary. Typically, almost 100 percent of all Houston-area military and NASA activity occurs at Ellington.

Ellington hosts a variety of general aviation activity including recreational, flight school, and corporate operations, as well as the annual Houston Air Show. In 2000 and 2001, Ellington accommodated about 10 percent of all Houston-area general aviation demand and 22 percent of general aviation demand at the three airports in the HAS. Ellington is frequently the airport of choice for Air Force One and other aircraft carrying high-profile dignitaries and public officials. Of the general aviation demand, about 10 percent is corporate general aviation and 90 percent is recreational and flight training.

Continental Express provides limited commercial passenger service (up to 10 operations per day) between Ellington and George Bush/Intercontinental Airport. In 2001, Ellington accommodated a very small portion of HAS commercial passenger activity.

The Build Alternatives impact Ellington in a number of ways:

1. Hazardous Materials

For Ellington tenants and facilities along State Highway 3, the increased train traffic from the Proposed Action and Alternative 1C would increase the potential for disruption of the airport and/or airport tenant operations due to spills or derailments. For facilities and future tenants on the southeast side of Ellington, the alignments would create new risk for spills or derailments that do not currently exist. An incident on the rail line southeast of Ellington that generates hazardous breathing or operating conditions would interfere with Ellington's ability to operate. An incident on the rail line north of Ellington (Alignment 2B or 2D) that creates hazardous breathing or operating conditions could also interfere with Ellington's ability to operate. Any incident affecting Ellington's three military tenants (the Texas Air National Guard, the Army National Guard, and U.S. Coast Guard) could limit their ability to fully perform their missions of national defense and local search and rescue.

2. Facility Access

The Proposed Action and Alignment 1C would increase the number of trains passing along the western boundary of Ellington on the GH&H line. This would increase the likelihood of a blockage of one or more of Ellington's three vehicle access roads. Trains of 4,500 feet or longer[25] could block all three entrances simultaneously if the train stops in a critical location. The increased train traffic will increase the frequency of gate closures on the three Ellington access roads. Moreover, the location of the rail line turn at the south end of Ellington in both the Preferred Alternative and Alternative 1C indicates that trains passing along the west side of Ellington will be traveling at low speeds. Low speed trains will increase the duration of gate closures on the three Ellington access roads. The DEIS claims that the amount of time that Ellington access roads would be blocked would increase by 0.35 seconds per vehicle. This calculation assumes that the daily traffic at these crossings is evenly distributed across 24 hours and does not recognize that (1) many Ellington operators have employee shift changes that cause surges in traffic at specific points during the day and (2) there are many hours during the 24-hour period where very few vehicles enter or exit the airport. For vehicles stopped by a train, the DEIS calculates an average of approximately 1.4 minutes of delay, each. In addition, the DEIS, uses an inappropriate measure for estimating the anticipated level-of-service (LOS) for vehicles at each grade crossing along a route. Table F.1-1 summarizes the corresponding LOS at a grade crossing for various amounts of average total delay per vehicle. The reported LOSs are based on the average delay experienced by vehicles over

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[25] According to information provided by the Applicants, at maximum service volume, trains would average 4,400 feet in length and could be up to 6,500 feet in length.

a 24-hour period. Delay-based LOSs are intended for use with 15-minute vehicle volumes, not daily volumes, so this analysis is inappropriate.

Alignments 2B and 2D would conflict with a planned interchange of a northern Ellington access road and Beltway 8, which would otherwise provide access into Ellington that would avoid the GH&H crossing. These alignments would also affect the alternative northern Ellington access road connection to the Beltway 8 frontage road.

3. Aviation Impacts

The proposed rail line can affect the aviation operations at Ellington. An object, rolling or fixed, exceeding 27 feet in height above the runway end for Runway 35L (32 feet MSL) would penetrate the FAR Part 77 surface and would require an aeronautical study to determine if the object is a hazard to air navigation. An object, rolling or fixed, exceeding 40 feet in height above the runway end for Runway 35L (32 feet MSL) would penetrate the inner approach obstacle free zone and could lead to runway operating restrictions. The Preferred Alternative alignment would pass between the last two lights of the MALSR installation (approximately 2,300 feet south of the end of Runway 35L). Any object, rolling or fixed, obstructing a pilot's view of one or more of the MALSR lights could restrict operations on the runway. Alignment 2D would cross Ellington property located north of Runway 17R. An object, rolling or fixed, exceeding 44 feet in height above the runway end (33 feet MSL) for Runway 17R would penetrate the FAR Part 77 surface for the future Runway 17R extension and would require an aeronautical study to determine if the object is a hazard to air navigation.

The Preferred Alternative would require realignment of the Airport Operating Area (AOA) and service road, and would reduce the size of Ellington Parcel I, a 94-acre tract shown on Exhibit 1, by approximately 6 acres.

4. Development Goals

HAS operates as an enterprise fund, financing its operations from revenues. One HAS goal, as an enterprise fund operation, is to be self-sufficient; another is to maximize system revenue. The acquisition and development of the 240-acre parcel to the southeast of the original airfield is an important component in achieving this goal. The City plans to develop this property for aviation-related industry, that is, industry that is likely to be attracted by and make use of the airfield facilities at Ellington. The competition for these industries is intense, so any restriction to the type of uses already identified for a given parcel at Ellington reduces HAS's ability to generate revenue at Ellington and, therefore, reduces HAS's ability to meet the stated goals. The Preferred Alternative would limit the ability to provide airfield access to Parcel L a 115-acre parcel, shown on Exhibit 1, that HAS intends to develop for aviation-related industry. Limiting this airfield access would reduce the types of tenants that might be interested in the site. Both the Preferred

Alternative and Alignment 1C conflict with a proposed access road that would connect the southern portion of Ellington to State Highway 3 and thus, significantly reduce the development potential of the 356 acres contained in Parcels I through M shown on Exhibit 1. Again, this reduced potential would reduce the number of possible tenants that would be interested in the site. Alternative 1C reduces the size and development potential of Parcel N, shown on Exhibit 1, by approximately 14 acres.

The DEIS appears to confuse general aviation and aviation-related industry. The DEIS states that:

> "based on the aviation forecast and the recommendation to use other areas for aviation use, it does not appear reasonably foreseeable that the southeast Ellington Field area would be used for aviation use. No adverse land use impact would be created if the land was developed for non-aviation use (e.g., business or industrial park). Alternative 1C would run along the southeast perimeter of this 240-acre parcel and would have no adverse impact on its potential development use."

DEIS at 4-67, § 4.10.2.1. While Ellington may be able to accommodate general aviation growth elsewhere on the property, this does not mean that there is no need for land for aviation-related industry or that rail line would not impact this. The southeast area is "reasonably foreseeable" for *aviation-related industry*, and the Preferred Alternative and Alternative 1C would interfere with that use. The last two statements in the quote are patently false, as either alternative would interfere with the ability of HAS to develop the property if for no other reason that both proposals restrict access to the property. The Preferred Alternative would restrict access to three Ellington parcels, Parcels I, J and K shown on Exhibit 1, to the same degree that the existing GH&H rail line affects Ellington's three entrances along State Highway 3.

C. Sylvan Rodriguez Park

The City dedicated Sylvan Rodriguez Park on Aug. 25, 2001, in honor and memory of the area's beloved journalist and philanthropist. The only regional park in the Clear Lake area, the Park comprises 111 acres between the Clear Lake residential area and Ellington, as shown on Exhibit 1. Alternative 1C will pass within 300 feet of this beautiful new facility. The Park's design was based upon community input and features leisure facilities rather than active sports areas. The Park serves thousands of area residents with its pastoral lake, hike and bike trails, playgrounds and picnic pavilion and sun dial plaza. A labyrinth based on the medieval design found at Chartres Cathedral in France is integrated into the paving pattern at the center of the plaza. The overall design can be read as a map of the cosmos whose inspiration came from nearby NASA. The Park also provides some open practice fields for youth sports and draws children from nearby schools. The City purchased the land for the park in 1990 for $1.4 million and has spent

$2.5 million to develop the first phase of the Park. Additional phases include a trail system that would link the current jogging trail to other areas of the Park and the community.

Both the Preferred Alternative and Alternative 1C present risks to the people who use the Park and its habitat that the DEIS has not evaluated. The layout of the Park presents its narrowest face to the existing GH&H line. Both Alternatives, however, would place a rail line along the entirety of the longest flank of the Park. Adjacent to the Park on this north flank is a pipeline corridor that contains a nest of pipelines. Exhibit 1 shows the general outline of the pipeline corridor and illustrates that it narrows adjacent to the Park. Exhibit 6 shows the concentration of pipelines that run adjacent to the Park. Unlike the GH&H line, which crosses these pipelines, Alternative 1C apparently would lie on top of this pipeline corridor. This close proximity of rail line and pipeline creates the potential for pipeline rupture during construction and operation of Alternative 1C. This creates two new risks for the Park: the possibility of a release of a hazardous substance from a train or pipeline accident that could result in explosion and fire, as well as the release of a hazardous substance. The DEIS has not examined the possibility of any of these events occurring in proximity to the Park, much less their consequences. Because of the natural state of the Park, long term environmental damage could occur if, for example, a pipeline accident released petroleum products that entered the surface water in the Park, affecting the wildlife. Further, the Park has a prominent water feature that is down-gradiant from the Preferred Alternative and Alternative 1C, so a combustible material could enter the water and ignite, presenting the potential for injury to persons enjoying the water in the Park. The DEIS does not evaluate the potential for these impacts, although the risks of pipeline accidents are well-documented.

IV. PROPOSED "VOLUNTARY" MITIGATION IS INADEQUATE

The City reviewed the Applicants' "voluntary" mitigation measures, many of which are more appropriately characterized as meeting the requirements of law. *See, e.g.,* DEIS at 6-7, item 5 ("For each of the public grade crossings on the new and existing rail line, Petitioners shall provide and maintain permanent signs prominently displaying both a toll-free telephone number and a unique grade-crossing identification number *in compliance with Federal Highway Regulations* (23 CFR Part 655).")(emphasis added); *id* at 6-11, item 34 (Applicants will obtain NPDES permit). Other mitigation measures seem to be less than what might otherwise be required. *See, e.g., id.* at 6-8, item 11(proposing to mitigate loss of wetlands at 2-to-1 or 3-to-1 without regard to requirements of the Corps of Engineers for 404 permit); *id.* at 6-12, item 42 (promise that trespass on private property will only be after notice to property owner). Nevertheless, because the SEA did not find any impact that needed to be mitigated, the voluntary measures become even more critical.

The City's comments on specific measures follow. The City reiterates, however, that there has been no mitigation proposed, voluntary or otherwise, for the enormous negative impact the Build Alternatives will have on the City's operations, and that the

project will have on the City's residents. The numbers below correspond to the number of the voluntary mitigation measure.

3. Petitioners offer to provide a toll-free number for Petitioners' contact. Will this number be staffed 24-hours a day, seven days a week? Will the contact person(s) be local? The answer to both of these questions should be "yes."

11. The proposed mitigation ratios should be expressed in terms of what the Corps of Engineers will require for the Section 404 permit. If the Applicants are proposing greater mitigation than the Corps would require for the permit, the City applauds them. If, however, they are proposing less, the City does not believe that it is appropriate in this document for Petitioners to preordain and restrict the ability of the Corps to enforce its own standards for mitigation. Unless the Petitioners will agree to do *more* mitigation than the Corps would require, this voluntary mitigation measure should read:

> "Subject to coordination with the USACE, TPW, and other appropriate Federal and state agencies, Petitioners shall negotiate for the purchase for conservation the amount and type of habitat the Corps of Engineers determines is necessary to mitigate the loss of bottomland hardwoods and gilgai wetland depressions.

In any event, 24 acres seems scarcely enough to provide the mitigation proposed. (2 X 12 = 24; 3 X 0.5 = 1.5; 24 + 1.5 = 25.5).

In this item and in item 12, the Applicants do not address what measures will be made to assurance that the property acquired for mitigation is maintained in that use. This measure is effective only if there is the property is acquired and restricted in such a manner that it cannot be converted from mitigation use. The Applicants have not addressed this issue.

20. The proposal to mitigate loss of essential fish habitat only on a 1:1 basis appears inadequate, especially as the proposal is to create new habitat, not restore or expand existing marsh. The difficulty in establishing new wetland areas underlies the customary requirement that mitigation occur at higher than 1:1 ratios. Similarly, this measure does not address permanent protection for the mitigation areas.

21. This measure does not address the effect of the berm on the groundwater hydrology that is an essential component of wetland hydrology. Will the creation of the berms adversely affect groundwater hydrology in such a way as to offset any benefit?

34. In several places, the DEIS states that the Project must secure or comply with a Storm Water Quality Permit from Harris County. DEIS at 3-38, § 3.7.1; 4-48, § 4.7.4.1; 4-62, § 4.8.3.1. The Harris County Storm Water Quality Permit, however, will only apply to storm water discharges to Harris County's storm sewer system. If any portion of a Build Alternative discharges storm water into the *City's* storm sewer system, which includes storm drainage ditches, the Applicants must obtain a Storm Water Quality Permit *from the City* and must implement best management practices to control pollutants in storm water. *See* City of Houston Code of Ordinances, Chap. 47, art. XII.

38. Testimony at the public hearings indicates that the public is more concerned about the operations of the rail line than the construction impacts. Voluntary mitigation measures 38 and 39, however, appear focused on construction issues. We would encourage the Applicants to maintain one or more Community Liaisons for a more than a year after operations commence. In addition, we recommend that one Community Liaison be fluent in Spanish.

40. While it is nice of the Applicants to agree not to trespass on residential properties, one area of concern during the construction phase is the use of residential *streets* to access construction sites. The Applicants should agree that construction vehicles, equipment and workers will not access work areas by use of streets in residential neighborhoods and will not use residential streets for parking.

59. *See* comment on item 40.

74. Any traffic control measures undertaken in the City must be approved by the City's Public Works and Engineering Department.

V. CONCLUSION

In reviewing and commenting on the DEIS, the City was assisted by certain of its consultants and employees. A list of those who participated in this process, and their qualifications, is attached as Exhibit 7. Individually and collectively, these reviewers found that the DEIS is seriously lacking in analysis. The DEIS reaches conclusion after conclusion based only on a recitation of fact to which no critical analysis has been applied Conclusory statements of impacts are antithetical to the requirements of NEPA. As but one of many examples, the last paragraph on page 4-68 states that "[c]onstruction of the Build Alternatives would not lead to increased pressure to develop the land along the alignment for industrial use." Following this is a series of statements that are either statements of fact ("The lack of development protections found under a planned zoning system means that the land in the project area could be developed for any mix of residential, commercial, or industrial use.") or conclusions ("The construction of a rail line, in an area that already contains several rail lines, would not adversely affect how private

property is developed.") *none of which* can be tied to the conclusion in the first sentence by the application of logic. This lack of analysis is appalling and indicates that the preparers were more interested in completing a process than honestly and objectively evaluating the results of the Proposed Action.

The City further concludes that the DEIS has not adequately served the purpose for which it was intended: to inform decision makers of the consequences of their potential actions. The DEIS sets up a house of cards based on untested assumptions from which flow all other assumptions and conclusions. A decision maker reading this DEIS would conclude that a new rail line constructed through a water treatment plant, across an airfield, and by a park that would send hazardous materials through an already disproportionately adversely impacted EJ population would actually clean the environment as it went. Nothing could be further from the truth: this Proposed Action will have serious adverse consequences and will increase risks to humans and the environment that are completely disproportionate to the benefits to be derived. The tragedy is that this DEIS, in a very formulaic, thoughtless way, not only has not revealed these consequences, but has actually obscured them. The SEA has not fulfilled its obligation to take a "hard look" at the impacts of this proposal. At best, it has merely "verified" information provided by the Applicant. In many cases, this verification seems skimpy indeed. Certainly it calls into question the remainder of the information on which the DEIS is based and the detail in which the SEA examined it.

NEPA entitles the City and its residents to the fair and honest presentation of the impacts of a proposal. At the end of the day, the project may go forward, but everyone has an understanding of its consequences. Don't expect to tell the people of Houston, however, that a railroad track next to their new park where one isn't located today poses only a minimal risk, and be believed. Don't expect to tell the people of the East End that one or two *more* trains a day won't matter and their kids won't have more to worry about from derailments and hazardous materials, and be believed. Don't expect to tell the City and the Co-Participants in the Drinking Water Plant that having a rail line cut the water plant in two is no big thing, and be believed. Don't tell the Houston Airport System that they can compete effectively for aviation related industry to locate at Ellington when a rail line separates the facility from the airfield, and be believed. Don't tell the parents of the Clear Lake children playing in the Park that they are not at greater risk from a train-related pipeline incident, and be believed. And that, at last, is the problem with this DEIS - it just isn't believable.

The City continues in its support of a solution to the monopolistic pricing for service in the Bayport Loop. This solution is not the building of a new rail line, but the sharing of trackage rights over existing lines that have more than enough capacity. To the extent that the STB did not address this issue adequately in the UP/SP merger, it is unfair and inappropriate to shift the burden of "fixing" it to the residents of the Houston area. The City

urges UP and BNSF to negotiate to provide shared trackage rights, and the STB to require these negotiations.

Sincerely,

Anthony W. Hall, Jr.
City Attorney

cc: Mayor Lee P. Brown
All City Council Members

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THE SOUTHEAST NEIGHBORHOOD COALITION

Chairman – Mary K. Vargo
P. O. Box 263248 Houston, TX 77207 Ph: (713) 242-0115 Fax: (713) 641-1014 mkv1918@pdq.net

February 20, 2003

FD 34079
D0600

Surface Transportation Board
Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
1925 K Street, NW
Washington, DC 20423-0001

To The Surface Transportation Board:

The STB has failed miserably in its obligation to present a factual, unbiased, and thorough Draft Environmental Impact Statement (DEIS) to the residents of Houston, South Houston, Pasadena, and southeast Harris County. The information contained in the 1,000+ pages, was not factual, was extremely biased, and was an embarrassingly poor excuse for a due diligence effort.

Throughout the document, maps gave demographic information so inaccurate, as to elicit disbelief from people who live in the affected communities. There is no acceptable excuse for generating, at taxpayers' expense, a document that relies on information that cannot be confirmed as accurate. The STB is charged with evaluating the viability and impact of the proposed project, in an objective manner. After having spent many hours and days gathering information, community members can only believe the STB regurgitated fantasy information from the applicants or simply made it up, in order to avoid the obvious.

A credible researcher will seek always to obtain information from more than one source, and then verify the congruency among the findings. It is an insult to those who pay your salaries, that this DEIS was prepared with so much effort toward quantity and so little effort toward accuracy. Perhaps the only excuse is that if the Surface Transportation Board had used accurate, current data, it would have been impossible to imply that the San Jacinto Rail Project will have no adverse impact on the communities through which it seeks to travel. Admittedly, the DEIS did state in several places that Environmental Justice populations would be negatively impacted, but in another paragraph those few glimmers of truth evaporated, when statements implied that those populations don't really matter, so the conclusion was to say the impact would be *negligible.*

Community members firmly support competition and business, and know the value of rail transportation. Supporting any business that will have an adverse impact on the public, however, is immoral. If all businesses conducted themselves appropriately, with regard to employees, fellow businesspersons, community members, safety, and the environment, we would not have agencies such as OSHA, the EPA, DOT, and thousands of Federal and State employees who are paid to write laws and protect the public from members of the business community who have a greater regard for increasing profit, than human life. **Any** time there is risk to the safety of the public, the greatest bias should be toward moving such goods into the **least densely populated** area.

Please read the attached documents. They prove that this project will be dangerous to the community of southeast Harris County, in ways that cannot be mitigated. This project must be denied.

Sincerely,

Mary K. Vargo

THE FACTS

- BNSF produced a document, obtained through a Discovery Request, that describes in detail (and photos) the tragic results and dangerous conditions created when railroads, pipelines, and utility lines come together. The area along Highway 3 is covered with utility lines and pipelines.
- The area through which the San Jacinto Rail Project seeks to transport goods from the Bayport Loop, is a densely populated area.
- The overwhelming majority of residents along Highway 3 and into the East End, are minority, predominantly Hispanic.
- There is a great diversity of income in this area, but overall, those who make a comfortable living are in the minority. The majority of people fall into a below average income range, with many at poverty level.
- Many people simply did not return their census forms, so census figures cannot be the exclusive source of demographic information. This does not mean they don't exist. Many are recent immigrants who may not have even received a census form. Many are working several jobs and taking care of a family, which limits their focus.
- There are a number of demographic studies available through organization such as the East End Chamber of Commerce and the East End Management District, which provide a more accurate reflection of the demographics of the area. Ed Wulfe, a local developer, did his own demographic study prior to becoming a leader in the revitalization of this area. His studies, and now his successful shopping center revitalization, proved that standard demographic studies do not accurately reflect the makeup of southeast Houston, in numbers, economic level, or ethnicity.
- The chemicals SJR proposes transporting through southeast Harris County are named on the list of the 100 most dangerous chemicals.
- Railroads may have fewer accidents that trucks, but individual rail accidents have impact that is far more devastating. Railroads have millions of dollars in damage each year, and those figures are growing.
- SJR partner chemical companies are among Harris County's worst offenders in toxic chemical releases.
- The EPA labels Harris County as a Non-Attainment Area.
- The STB is treating this project as a popularity contest, with the apparent winner being the group with the most money. Thus far, the Hearings and comments from the public, elected officials and affected cities have elicited nothing but opposition. Elected officials and cities do not oppose such projects, unless there is a substantial reason. The fact that SJR has been unsuccessful in ongoing efforts to get the support of elected officials should be a red flag to the STB. Elected officials have better things to do, than write letters and comments repeatedly, listen to constituents, and appear at Hearings. It is beyond comprehension that the STB can ignore City Council Members, Mayors, State Representatives, State Senators, and U. S. Congressional Representatives, who share the same message of oppostion. What right does the STB or any organization have, to bend to the will of 4 companies, while ignoring the voices of many elected leaders and thousands of community members?

FALSE AND MISLEADING INFORMATION

SJR partner companies have made unanimous claims to the STB and the community that the San Jacinto Rail Project would present no adverse impact to the community in which the new line will be built, nor on the thousands of residents along the old GH&H rail line, that runs parallel to Highway 3. These statements have taken place in many open meetings during the past year, SJR filings, and are on the www.sanjacintorail.com website.

- An internal BNSF document confirms BNSF's knowledge that railroads become very dangerous, when aligned with utility lines and pipelines, yet many (earlier) specific questions to BNSF about this subject have brought their repeated assurances of safety to the public (document attached). There are many pipeline marker signs 5-20 feet from the rail line (photos of a sampling of these markers are attached); Texas Railroad Commission maps confirm many pipelines crossing under and running parallel to the Highway 3 rail line, only a few feet from the tracks. Many utility power lines run parallel to the Highway 3 rail line, directly over the rail line and below ground.
- FRA statistics show that hundreds of millions of dollars are spent each year on rail accidents, and that damages caused by BNSF wrecks, derailments, incidents are many millions of dollars each year, and are rising, not going down (see statistics attached).
- Government studies confirm that rail accidents cause enormous damage, and hazardous cargo incidents (which are frequent) cause damages of catastrophic proportions (see documents attached).
- Chemical companies have the responsibility for loading chemical tank cars. Many rail accidents are the result of improper loading, which causes an accident after the tank car leaves the plant. SJR chemical companies are among the highest polluters in Harris County (see attached document).
- Harris County has more rail crossing accidents than any county in Texas. Recent statistics show a slight dip in Texas crossing accident rates involving all rail companies, yet BNSF's rate of crossing accidents in Texas has risen (see attached). Increasing rail traffic in a densely populated area, assures an increase in crossing accidents; with BNSF's record of *increasing numbers of accidents*, the danger to the public is considerably higher.
- Government reports indicate a variety of concerns about railroads, including engineer fatigue, under-reporting of accidents by railroads, railroad employees who are not literate enough to handle the requirements associated with hazardous cargo transport (yet are trained and operate as though they do know what they are doing). Some of these reports are attached; hundreds of others are available at www.fra.dot.gov, www.dot.gov, www.ntsb.gov.
- According to the government, hazardous chemical is not as safe as SJR would have us believe. Information on http://hazmat.dot.gov shows there is reason for concern.
- The ethylene oxide industry is very frank about the dangers of this chemical, and one of the website sponsors is an SJR partner company. No due diligence would be complete without a thorough study of the industry website: www.ethyleneoxide.com

- SJR claims that rail transport of this product is safe are refuted on this website (which, as a sponsor, the SJR partner company should know).
- Hundreds of accident investigations obtained from government documents show that BNSF cannot accurately claim the public is not at risk. Accidents are caused primarily by human error, and show no signs of abating. Other accidents are caused by poor track maintenance, brake failure, road-bed problems, tank failure, improper loading, and many other factors. Studies of statistics over several years sound an alarm for populations that live/work near railroad tracks.
- SJR has done its best to ignore the population located north of Clear Lake. There are many schools in the potential evacuation perimeter, whose students would have to shelter in place. Most of these students are minority and lower income (see attached documents).
- Statistics show that thousands of people are evacuated from their homes each year, due to hazardous chemical incidents, many of which are rail-related.

Conclusion:

San Jacinto Rail partner companies have participated in an effort to cover up the potential danger of bringing this project through the densely populated areas of Clear Lake and through Southeast Harris County. Their own internal document has confirmed the danger, when combined with knowledge of pipeline routes and utilities. They have presented misleading information about the dangers of transporting hazardous chemicals such as ethylene oxide, and have misled the STB and the public about their own safety statistics.

SJR should be denied the requested permit to build, based on failure to provide accurate data in Filings, which, had they been forthcoming, would assure denial.

Many hundreds of documents are available to the STB for further consideration. It is not up to the public to do the due diligence on a project for which they were not trained. The Surface Transportation Board is responsible for **complete and accurate** due diligence.

There are laws against knowingly putting the public safety at risk, and the members of the Surface Transportation Board will be violating those laws if this permit is granted.

BNSF INTERNAL DOCUMENT

Contradicts every claim that the San Jacinto Rail Project will be safe, from a construction standpoint, and from an ongoing operations standpoint, and confirms that they knew they were lying to the STB and to the public about the risks.

PHOTOS OF PIPELINE MARKERS

The markers in these photos are 3 to 20 feet from the rail line along Highway 3. There were many more, that could not be photographed, due to traffic or inaccessibility. Not pictured are the above ground power lines that criss-cross and run parallel to the Highway 3 rail line, and the underground cables for other utilities; the cable boxes were are also near the rail line.

DEMOGRAPHICS

Census reports in the DEIS were inaccurate, even by census standards. However, the census is not an accurate reading of the population of southeast Harris County. There is no way to ensure that questions were answered accurately, as some members of the minority community do not want to be considered minority, so if they chose to check another box on the census form, the accuracy is tainted.

Furthermore, it is known throughout the communities that many residents simply did not return their forms. Many more minorities did not return their forms. Immigrants may have felt they were putting themselves at risk of deportation, regardless of their legal status. Immigrants with language barriers may not have understood the need to return the form. Many immigrants did not receive census forms. There many other reasons to choose other means of demographic study for this project.

As stated on the cover letter, the East End Management District, the East End Chamber of Commerce, and developer Ed Wulfe have more accurate data.

For purposes of responding to the DEIS, attached are maps of Houston Independent School District Schools. Note the proximity to the Highway 3 rail line. Note also, the overwhelmingly high percentages of minority and low income populations (indicated also on individual school demographic sheets, showing the numbers of students enrolled in free lunch programs available only to low/poverty level students, and the numbers of students enrolled at *Limited English*).

These sheets prove:

- There are many schools located dangerously close to the rail line
- The majority of students are minority
- The majority of students are low income
- The majority of elementary students are in Limited English Programs
- The enrollment proves that the population density of the area is substantially higher than reported in the DEIS

Note that these sheets only include HISD. Pasadena Independent School District serves the area from South Houston to Genoa, and those statistics are not included.

The area also has many private schools.

RAIL ACCIDENT STATISTICS

Millions of dollars spent each year on rail accidents, is not *safe*, regardless of how many miles are traveled without accidents. Most of rail accidents occur in urban areas. More hazardous materials accidents occur enroute, rather than on loading/unloading, etc. Therefore, choosing the most densely populated urban area for hazardous material transport, is putting unnecessary risk on thousands of people.

Cities do not allow hazardous cargo trucks to travel through the city, if a route around the city is available. Trains should be required to follow the same protocol. The overall number of train accidents is less than truck transport, but the consequences of rail accidents are generally more devastating, particularly if they take place in an urban area.

HAZARDOUS CHEMICALS

Information is attached, from www.ethyleneoxide.com and other sources. A web search of hazardous chemicals in general, and ethylene oxide specifically, will generate information that confirms the necessity of transporting such goods away from densely populated areas.

An attached document showing releases from numerous hazardous chemical rail cars where no derailment occurred, proves that these tank cars *do* rupture, for a variety of reasons, and that the general population should not be subjected to the risk.

TOXIC RELEASE INVENTORY

The Toxic Release Inventory for the year 2000, shows that, out of the hundreds of companies in Harris County, that have toxic chemical releases, the four SJR partner chemical companies contribute over 20% of Harris County's total releases. This is an alarming rate, for a group that claims to be concerned about safety and the environment. EPA and Texas Natural Resources Conservation Commission (TNRCC) Reports (not included) also confirm that some SJR partner companies have been reprimanded and fined for releases.

The number in the far left column of the TRI Report shows that one Lyondell plant had the second highest rate of toxic releases in Harris County, in 2000. This is truly alarming.

MKVargo
Southeast Neighborhood Coalition
2/21/2003

RAIL ACCIDENT MEDIA REPORTS

There isn't enough paper to print all the reports of accidents that are pertinent to this issue. Attached are a few samples, but the STB should do a web search on rail accidents and on hazardous material rail accidents. The results are stunning.

MKVargo
Southeast Neighborhood Coalition
2/21/2003

DO THE MATH

Two trains per day sounds less threatening than it really is, when the facts are investigated. Unfortunately, SJR filings don't disclose that the *two trains* are going only one way, and that the *two trains* must return. Since a train going one way occupies the same amount of track and blocks the same amount of crossings, as a train going the other way, this is a misleading statement that understates the actual number of rail cars that will travel the line. Attached is a calculation that is easily followed.

Furthermore, statements that empty rail cars shouldn't be considered because they have less risk, is completely false. Every source of chemical study (several have been stated earlier), indicates that in most cases, an empty hazardous chemical tank car can be more dangerous than one that is fully loaded, since a small amount of residual chemical in the bottom of the car, can produce vapors and pressure buildup that would not occur in a fully loaded car.

MKVargo
Southeast Neighborhood Coalition
2/21/2003

*DO THE MATH

San Jacinto Rail Partners' website gives the following anticipated numbers of rail cars:

- Initially, two trains per day, approximately 33 cars each
- Within five years, two trains per day, approximately 66 cars each

Stated numbers of anticipated hazardous chemical rail cars vary, depending on the audience, and whether in print or verbally, but 30% is generally given in verbal conversations with SJR partner spokespersons.

Those numbers may sound innocuous, but do the math. They fail to mention that their numbers do not include an equal number of rail cars returning to point of origin. Rail cars going one way take up the same amount of room on the track as rail cars going the other way; almost empty hazardous chemical cars are a greater hazard than those filled to capacity:

- Initially:
  - 2 (trains) per day with 36 cars (outbound) = 72 cars (outbound)
  - 2 (trains) per day with 36 cars (inbound) = 72 cars (inbound)
  - 72 rail cars (outbound) + 72 rail cars (inbound) = 144 rail cars per day (round trip)
  - 144 rail cars per day round trip x 360 days per year = **51,840 rail cars per year**, in addition to current rail traffic
  - 30% of 51,840 rail cars = **15,552 hazardous chemical rail cars each year**
- Within five years:
  - 2 (trains) per day with 66 cars (outbound) = 132 cars (outbound)
  - 2 (trains) per day with 66 cars (inbound) = 132 cars (inbound)
  - 132 rail cars (outbound) + 132 rail cars (inbound) = 264 rail cars per day (round trip)
  - 264 rail cars per day round trip x 360 days per year = **95,040 rail cars per year**, in addition to current rail traffic
  - 30% of 95,040 rail cars = **28,512 hazardous chemical rail cars each year**
- The numbers above are limited to SJR partner chemical plants; partners acknowledge the potential for 20+ additional client chemical plants.

How can anyone support locating such a project in a densely populated area, only a few feet from homes and schools, and in particular, in an area experiencing revitalization? A derailment, leak, auto/train collision, or human error could cause a fire, explosion, evacuation, toxic release, resulting in devastating loss of life and economic disaster for the community. It has happened in many places in the U.S., and if approved, East End is a ticking time bomb.

THE FBI

See attached Press Release. Approving the San Jacinto Rail Project puts southeast Harris County in an extremely high risk category for terrorism. The rail line is easily accessible by anyone, and is positioned in high population density areas, with thousands of people living adjacent to or only a few hundred feet from the rail line, with numerous schools close to or adjoining the rail line. Chemical plants are very close. A single terrorist could cause catastrophic damage, by exploding a train with several tank cars of ethlyene oxide, as it passes the Howard Drive intersection. This would destroy thousands of lives, homes, several schools, and could easily impact several chemical plants and the port....all with one explosion.

Approving this project also creates the same risk for the Southeast Water Treatment Plant, and Ellington Field.

The risk from terrorism would increase dramatically if SJR is approved.

DEPARTMENT OF TRANSPORTATION (DOT) REPORTS

There are many more reports available; this is only a sampling. These reports confirm that unanticipated events take place often enough, in hazardous material transport, and in rail incidents in general, to make it necessary to make choices about routing away from densely populated areas.

NATIONAL TRANSPORTATION SAFETY BOARD (NTSB) REPORTS

There are many more reports available; this is only a sampling. These reports confirm that unanticipated events take place often enough, in hazardous material transport, and in rail incidents in general, to make it necessary to make choices about routing away from densely populated areas.

OPPOSITION

During the past year, we have found no support for this project, other than SJR partner company employees. We have been made aware of employees who oppose the project, or whose family members were vocal in opposition, and the employee was made aware that continuing opposition would put his or her employment at risk.

Many elected leaders and all local towns and cities in the affected area have stated opposition. Comments and resolutions from a sampling of these individuals and towns are attached.

Elected leaders and cities do not oppose such projects before first investigating the worth of the project. Many questions have been asked of the SJR partner representatives, directed toward why the community should support the project. Response from spokespersons for SJR, is repeatedly, that there is no reason for the community to support the project. If SJR cannot convince the majority of community members and elected leaders that this is a worthwhile project, how can the STB fail to acknowledge the importance of this level of opposition?

Attached are petition sheets, obtained at various meetings and walking some neighborhoods. Bear in mind that this is only representative of the community opposition. We have found no community members who support the project; time constraints make it impossible to walk hundreds of streets and obtain each of the thousands of signatures. The Chavez High School Hearings should be indicative of an intelligent group of people, who have formed intelligent decisions in opposition to this project. The overwhelming applause from the audience and people who did not speak, for those who did speak in opposition, should tell the STB that this is not just a matter of not *wanting* the project, but that community members have diligently studied the facts before coming to a conclusion that this is a dangerous project for a densely populated area.

CONGRESSMAN GREEN
NEIGHBORHOOD RAIL ACCOUNTABILITY ACT

This most egregious abuse of power by the STB in the SJR DEIS, has forced the Congressman to begin efforts to enact legislation to project the neighborhoods being ignored by the STB (see attached).

LAWS

There are many laws the STB could use, to resolve the issues of excessive rates and competition. Only one attachment is included. The STB should know or should find out the full breadth of its legal oversight capability. If the STB believes its function is to simply rubber stamp requests by railroads, they should resign, because putting public safety last is *not* what the STB was designed to do.

FRA ACCIDENT PREDICTION REPORT FOR HARRIS COUNTY HIGHWAY-RAIL CROSSINGS

Note that this prediction report does not incorporate the increased rail traffic SJR would cause (see Section *Do The Math*)

ADDITIONAL DATA SOURCES

Throughout this document, web addresses have been given, as sources of data that the STB should have investigated, and should now *thoroughly* study. Community leaders have tried in vain to find information that would encourage support of the SJR project; there is none to be found. Even information on the SJR website cannot be confirmed for accuracy; quite the contrary, the facts contradict SJR's presentation. When factual data is presented, the clear and repeated evidence is that the SJR project *will* compromise the safety of the public, and *will be* dangerous to life, health, and property, in a heavily populated area.

COMMENTS

Attached are various comments that have been presented at earlier community meetings. Some may be repetitive, but all should be taken into account, as there are points in each, that conflict with DEIS statements.

It is immoral and unthinkable, for the STB to put the desires of four companies above public safety. The STB's statements that impact of the San Jacinto Rail Project will be *negligible* are simply not true. Even if one chooses to play the odds, the odds are not in favor of public safety if this project is permitted. The STB has used inaccurate, false, misleading data. Regardless of where the data came from, it is up to the STB to reverse the false representation in the DEIS.

Attached is a letter written by an attorney representing SJR, when community members were attempting to lengthen the comment period. The STB has this letter, but it is necessary here to include it, with the comment that her references to *ongoing problems* and *long-standing* problems confirm that the railroads have long known they are already the cause of many problems in this densely populated area, and have done *nothing* to mitigate years of complaints. Her letter further states that the rail representatives are now *communicating* with the community, via various meetings, including the East End Rail Task Force. *Communicating* is a misnomer. They come to the meetings. They sit and listen. *If* they respond to community concerns, their response is *never* to address the problem; it is to offer excuses about why they cannot alleviate the problem. Lack of personnel, lack of time, public dumping on their rights-of-way and many other excuses are their *communication* measures.

The bottom line is that the railroads *have not* and *will not* do anything to alleviate ongoing problems they bring into the community. They have shown no interest, beyond occasionally mowing the grass, after residents complain for months and months. They own property in the community, yet are not held to the same standards as other property owners. They *use* the community and its land, but take no responsibility, beyond minimum maintenance that would affect their trains. Photos have been shown of enormous piles of trash on ROWs, and after claiming they can't control the dumping, they were made aware that this is trash and debris left behind by *their* employees. This is not a unique situation to on location; it is throughout the area, and has been a problem for many years. Interestingly, areas that are perceived as higher income or less diversity don't seem to suffer the same lack of maintenance.

Also attached is a draft letter written to Vernon Williams, requesting additional time in the comment period. The comment period was extended prior to mailing the letter, so it was not sent. It is included here, for the purposes of highlighting inaccurate information the attorney provided in her letter to the STB.

Rail spokespersons claim they do not block streets for long periods of time, but they are, and they know it. Blockages for hours at a time are not uncommon, and calling the dispatch number does not good; that is just a ploy to temporarily shut residents up. A long time resident, who lives in a *very* poor minority neighborhood in this area, has often told of having to call the police many times during her 70+ years, so the police could watch children crawl *under* rail cars, so they could get to school. Trains are parked for so many hours that this is the only way children can get out of their little neighborhood. Adults have to call in to their jobs, as they cannot get

their cars out. This has been ongoing for many years, and railroad companies have turned a deaf ear to pleas for help.

These railroads know they are causing problems and they don't care. Make them clean up their act, rather than cause additional problems in densely populated areas. Force them to route away from densely populated areas when there is *any* alternative.

MKVargo
Southeast Neighborhood Coalition
2/21/2003

C.I.A. Services, Inc. PROFESSIONAL COMMUNITY ASSOCIATION MANAGEMENT

FD 34079
D0603

Transmitted by FAX: 1-866-293-4979

February 17, 2003

RECEIVED
FEB 25 2003
MAIL
MANAGEMENT
STB

Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-00001

Dear Ms. White,

This letter serves as the comments of the Pine Brook Community Association (PBCA), located in the northeastern corner of Clear Lake City, Houston, Harris County, Texas, on the San Jacinto Rail (SJR) Draft Environmental Impact Statement (DEIS). The PBCA is an incorporated community association representing approximately 1100 residences, which is charged with the maintenance of property values for all real property within the boundaries of the community.

1. **Utility Lines and Rail Safety**: The area immediately north of PBCA and through which all proposed alignments of the SJR run is honeycombed with multiple pipelines carrying all types of petro-chemical products. Indeed, at Section 3.12.3, pg. 3-72/73, the DEIS states that there are 14 petroleum and gas pipeline corridors to the west of the Bayport Loop in the project area. The DEIS also states that transmission line corridors pass through the area, one of them entering Clear Lake City just west of Armand Bayou. SJR asserts and the analysis contained in the DEIS at Section 4.3.1, pg.4-19/20, state that there is extremely low probability of accidents resulting from damage to pipelines as a result of a train derailment or other incident. However, PBCA is in possession of a document (PowerPoint presentation, Appendix I) obtained through a motion for production by the Galveston Bay Conservation & Preservation Association which clearly demonstrates the rail industry's concerns and documents on-going safety problems regarding co-location of utility lines, both underground and above ground, and railways. The cover memo is from Dennis Kearns of Burlington Northern & Santa Fe Railroad and addressed to various personnel at multiple railroad companies and states that the document is for distribution in state capitols. This document makes several points.
   - "Most railroads use road graders to maintain right-of-way roads. Buried pipelines lose a layer of soil covering each time the grader makes a pass. Concentrated wheel loads could cause a dent in a buried pipeline, especially if burial depth is less than 3 feet." This point is critical in an area where most pipelines were laid 40 to 50 years ago and has since experienced substantial subsidence. How close to the surface are the existing pipeline corridors? The STB should analyze this question and disclose this information to the public.
   - "Pipelines that are only 3 feet deep in wet clay soils are susceptible to damage from heavy equipment, especially if rock is embedded over the line." Analysis should demonstrate that soils in the project area are predominately wet clay soils therefore especially susceptible to damage.
   - "Even if derailment equipment does not cause an immediate pipeline rupture, any dent or scrape to the pipe wall could manifest into a rupture years later."
   - "High voltage power lines parallel to the rails lines are the most problematic for our [railroad] signal system."
   - "Overhead high voltage lines that parallel the track will induce stray currents into the rails and damage the crossing gate instrumentation." What will be the effect on a railway running through the area and what impacts may arise from damage to instrumentation?
   - The presentation recommends that all pipelines be installed a minimum of 10 feet below natural ground, while federal law only requires 3 feet.

   Clearly, given the railroad industry's disclosure of safety issues resulting from co-location of utility lines and railroads, the STB should perform a much more thorough analysis of the potential problems which may result as a consequence of routing SJR through the area west of the Bayport Industrial Loop.

2. **Impact to the Southwest Water Treatment Facility**: The DEIS identifies the alignment which runs south of Ellington Field as the preferred alternative; however, at a City of Houston committee hearing in December, 2002, representatives of SJR stated that they now wish to pursue a northern alignment that would run adjacent to the Southwest Water Treatment Facility. At a public meeting of approximately 250 citizens in September 2001, SJR representatives stated that the rail line could not go north of Ellington Field because a hazardous materials (hazmat) incident would endanger the drinking water supply at this facility, which serves at least 750,000 people. What has changed from September 2001 to December 2002? There is no disclosure in the DEIS of possible consequences, either long or short term, resulting from a hazmat release into this water supply. The STB owes the potentially affected public complete analysis and disclosure of any and all impacts regarding this issue.

   Furthermore, the DEIS provides no analysis of this facility as a target of terrorism or of the potential to use a new rail line adjacent to the facility as a means of delivering some biological or chemical agent into the water supply. Indeed, during the fall of 2002, the Federal Bureau of Investigation released a warning regarding heightened concerns about the use of railroads for delivery of such agents to facilities like this water treatment plant. Of particular concern to area residents is the fact that Harris County currently has **only one** hazmat unit available to respond to any and all problems occurring within the county. Again, the STB owes the public full analysis and disclosure of any potential problems, including emergency/hazmat response, resulting from an incident of this nature.

Southwest Office: 9800 Centre Parkway, Suite 625, Houston, Texas 77036-8294 • Phone 713-981-9000 • Fax 713-981-9090
North Office: 5616 FM 1960 East, Suite 190, Humble, Texas 77346-2738 • Phone 281-852-1700 • Fax 281-852-4861

3. **Rail Operations, Accidents and Transportation of Hazardous Materials**: The methodology used to calculate the number of potential accidents and possible consequent hazardous materials incidents for the proposed SJR project is flawed. As stated in Appendix D, the STB chose to use national aggregated data to determine the number of potential accidents that may occur on this rail line. The use of such aggregated data biases the frequency on the low side since most accidents occur in congested urban areas such as Houston. The most problematic part of this analysis stems from the fact that any average citizen can access a reliable data set on any and all accidents through the Federal Railroad Administration (FRA) website. Indeed, by spending no more than 30 minutes in this endeavor, one finds that in 2001 in Harris County, 100 rail accidents operations occurred and 64 grade crossing accidents occurred.

   Once the accident analysis is biased on the low side, assessment of the potential for a hazmat release is also biased on the low side. Indeed, another look at the FRA website reveals that in the first ten months of 2002, the Union Pacific Railroad alone reported 39 hazmat incidents. Again, these data are readily available to the public and should have been used by the STB and its contractor to provide an honest, complete assessment of the risk to our community. Several questions arise from the foregoing:

   - Why did the STB use methodology and aggregate data set that biased the probability of accidents and, thus, hazmat releases, on the low side?
   - Why is there no exact statement of the actual chemicals to be carried on this line and in what quantities? As stated on p. 3-12, the "SEA did not have access to comprehensive information that characterizes and identifies all the hazardous materials currently transported along the relevant rail lines in the project area." How can the STB perform an adequate risk assessment of hazmat materials when the agency does not even know what those materials are?
   - As raised in Section 2 above, there is only one hazmat response unit in all of Harris County. Who will respond to an emergency in the vicinity of the Pine Brook community? Is this community to believe that the local LEPC can manage an evacuation of the neighborhood? Are we to believe that by going through Burlington Northern & Santa Fe Rail Roads emergency response procedures this community has any chance of evacuating 1,100 residences in a timely manner?
   - As PBCA pointed out in scoping comments, our neighborhood is at the northeast corner of Clear Lake City with only one major evacuation route available to residents. How will response teams evacuate our community should that be necessary?
   - Finally, who will pay for the costs of cleaning up a hazmat incident? What if the community must be evacuated? The city of Houston is already stretched so thin that police and fire protection in our neighborhood is much less than adequate. Given current budget constraints, this situation is unlikely to improve in the foreseeable future.

These questions are not adequately answered in the SJR DEIS. The affected public has a right to a rigorous analysis that presents us with an accurate assessment of any and all risks posed by the proposed project.

4. **Cumulative Transportation Impacts with the proposed Bayport Container Terminal**: The proposed SJR rail line will terminate at the Atofina facility on Port Road which is immediately adjacent to the Bayport facility site. Port Road at Highway 146 is slated to become the primary exit for truck traffic from the Bayport facility. The SJR DEIS assumes that vehicular traffic on Highway 146 will not be significantly increased along this route; despite the fact that the Bayport DEIS assumes an approximate increase of 5,000 trucks per day along this corridor. The STB has not incorporated the facts presented in the Bayport DEIS transportation analysis into the SJR DEIS and provides no analysis of the cumulative transportation impacts from location of both proposed projects in the same geographic location. This issue is relevant to the citizens of Clear Lake City because as non-truck vehicular traffic is displaced from the Highway 146 corridor to the major Clear Lake arteries of Bay Area Boulevard and Clear Lake City Boulevard, mobility problems, including response times for first responders, will be exacerbated in the Clear Lake area. The STB should perform a completely new transportation analysis, which examines the cumulative transportation impacts from both projects and consequent effects upon the community.

5. **Land Use and Associated Property Value Impacts**: The SJR DEIS describes current land use in the affected area as a multi-use mix of commercial, industrial, residential and recreational. Looking at the entirety of the proposed routes, this is a technically correct statement; however, the DEIS should look at discrete segments of the proposed routes. Of primary concern to the PBCA is the area bounded by Red Bluff Road, Genoa-Red Bluff, Clear Lake City Boulevard, and the Space Center Boulevard extension to Jana Road. With the exception of an ExxonMobil plant, which will soon be taken off-line, and one other gas pumping station, this area is almost undeveloped and includes one of the last remaining prairie pothole wetland complexes on the Texas Gulf Coast. The STB needs to fully assess and disclose the effects of industrialization and wetlands destruction on this area. What will be the effect of a rail line crossing this area? Skilled land use planners know that industrialization, including a rail line carrying petro-chemical cargoes, induces further industrialization. Neither the city of Houston nor the city of Pasadena has zoning to protect residential areas from such encroachment. What happens to property values in the Pine Brook subdivision if industrial land uses occur immediately north of the subdivision? What is the flooding potential to our neighborhood if wetlands to our immediate north are destroyed? Recent history in the Houston area demonstrates that, through lack of planning, we are creating what has been called a "movable flood." All of these issues deserve critical analysis and disclosure by the STB. These issues have not been addressed in this DEIS.

Suzanne Echevarria
General Attorney
(713) 220-3226

Email:
syecheva@up.com
Fax: (713) 220-3215

January 23, 2003

RECEIVED
JAN 23 2003

Via Courier

Mr. Jim Blackburn
Blackburn Carter
2900 Weslayan
Suite 400
Houston, Texas 77027

Re: ***Request for Production served on Union Pacific Railroad Company ("Union Pacific") by the Galveston Bay Conservation and Preservation Association in U.S. Surface Transportation Board proceeding Finance Docket Number 34079***

Dear Mr. Blackburn:

Enclosed please find Union Pacific's response to the above-referenced inquiry. Union Pacific will continue to research its files and will supplement accordingly with any additional information.

Please call me should you have any questions.

Very Truly Yours,

Suzanne Echevarria

Cc: Lou Anne Rinn

UNION PACIFIC RAILROAD
Law Department
808 Travis, Suite 620, Houston, TX 77002
fx (713) 220-3215

Before the Surface Transportation Board

STB Finance Docket No. 34079
San Jacinto Rail Limited Construction Exemption and the Burlington Northern and Santa Fe Railway Company Operation Exemption
Buildout to the Bayport Loop near Houston, Harris County, Texas
---

Union Pacific Railroad's Response to the Galveston Bay Conservation and Preservation Association's Request for Production of Documents and Records

To: Galveston Bay Conservation and Preservation Association, by and through its Attorney, Jim Blackburn, 2900 Weslayan, Suite 400, Houston, Texas 77027

Union Pacific hereby responds to the Galveston Bay Conservation and Preservation Association's Request for Production.

Request:

1. Public Safety is an issue in this proceeding. GBCPA hereby requests all document in both written and electronic form pertaining to the interface between pipelines, rail operations, and public safety. This request is intended to be inclusive of studies, reports, speeches and power point presentations regarding this subject matter.

Response:
See attached. Union Pacific will continue to research its files and supplement its response accordingly.

Union Pacific Railroad Company

By:
Suzanne Y. Echevarria
808 Travis, Suite 620
Houston, Texas 77002
(713) 220-3226
(713) 220-3215 (fax)

C.I.A. Services, Inc.
PROFESSIONAL COMMUNITY ASSOCIATION MANAGEMENT

FD 34079
D0604

Transmitted by FAX: 1-866-293-4979

February 19, 2003



Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-00001

Dear Ms. White,

This letter serves as the comments of the Bay Pointe Community Association (BPCA), located in the northwestern corner of Clear Lake City, Houston, Harris County, Texas, on the San Jacinto Rail (SJR) Draft Environmental Impact Statement (DEIS). BPCA is bordered by Ellington Field to the north, Clear Lake City Boulevard to the south, Space Center Boulevard to the east and State Highway 3 to the west. The BPCA is an incorporated community association representing approximately 561 residences and several commercial properties including a proposed Texas Children's Hospital Clinic, which will not be built if the permit is granted. The BPCA is charged with the maintenance of property values for all real property within the boundaries of the community. **Bay Pointe is also the closest community in Clear Lake City to the proposed Alignment 1 C, approximately 200 feet.**

1. **Utility Lines and Rail Safety**: The area immediately north of BPCA and through which all proposed alignments of the SJR run is honeycombed with multiple pipelines carrying all types of petro-chemical products. Indeed, at Section 3.12.3, pg. 3-72/73, the DEIS states that there are 14 petroleum and gas pipeline corridors to the west of the Bayport Loop in the project area. The DEIS also states that transmission line corridors pass through the area, one of them entering Clear Lake City just west of Armand Bayou. SJR asserts and the analysis contained in the DEIS at Section 4.3.1, pg.4-19/20, state that there is extremely low probability of accidents resulting from damage to pipelines as a result of a train derailment or other incident. However, BPCA is in possession of a document (PowerPoint presentation, Appendix I) obtained through a motion for production by the Galveston Bay Conservation & Preservation Association which clearly demonstrates the rail industry's concerns and documents on-going safety problems regarding co-location of utility lines, both underground and above ground, and railways. The cover memo is from Dennis Kearns of Burlington Northern & Santa Fe Railroad and addressed to various personnel at multiple railroad companies and states that the document is for distribution in state capitols. This document makes several points.

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Clearly, given the railroad industry's disclosure of safety issues resulting from co-location of utility lines and railroads, the STB should perform a much more thorough analysis of the potential problems which may result as a consequence of routing SJR through the area west of the Bayport Industrial Loop.

2. **Impact to the Southwest Water Treatment Facility**: The DEIS identifies the alignment 1C which runs south of Ellington Field as the preferred alternative; however, at a City of Houston committee hearing in December, 2002, representatives of SJR stated that they now wish to pursue a northern alignment 2D that would run adjacent to the Southwest Water Treatment Facility. At a public meeting of approximately 250 citizens in September 2001, SJR representatives stated that the rail line could not go north of Ellington Field because a hazardous materials (hazmat) incident would endanger the drinking water supply at this facility, which serves at least 750,000 people. What has changed from September 2001 to December 2002? There is no disclosure in the DEIS of possible consequences, either long or short term, resulting from a hazmat release into this water supply. The STB owes the potentially affected public complete analysis and disclosure of any and all impacts regarding this issue.

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3. **Rail Operations, Accidents and Transportation of Hazardous Materials**: The methodology used to calculate the number of potential accidents and possible consequent hazardous materials incidents for the proposed SJR project is flawed. As stated in Appendix D, the STB chose to use national aggregated data to determine the number of potential accidents that may occur on this rail line. The use of such aggregated data biases the frequency on the low side since most accidents occur in congested urban areas such as Houston. The most problematic part of this analysis stems from the fact that any average citizen can access a reliable data set on any and all accidents through the Federal Railroad Administration (FRA) website. Indeed, by spending no more than 30 minutes in this endeavor, one finds that in 2001, in Harris County alone, 100 rail accidents operations occurred and 64 grade crossing accidents occurred. The closest homes in Bay Pointe will be approximately 200 feet from the proposed Alignment 1C . The STB owes the potentially affected homeowners of Bay Pointe complete analysis and disclosure of any and all impacts regarding alignment 1C being this close to their homes.

Once the accident analysis is biased on the low side, assessment of the potential for a hazmat release is also biased on the low side. Indeed, another look at the FRA website reveals that in the first ten months of 2002, the Union Pacific Railroad alone reported 39 hazmat incidents. Again, these data are readily available to the public and should have been used by the STB and its contractor to provide an honest, complete assessment of the risk to our community. Several questions arise from the foregoing:

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- As BPCA pointed out in scoping comments, our neighborhood is at the northwest corner of Clear Lake City with only one major evacuation route available to residents. How will response teams evacuate our community should that be necessary?
- Finally, who will pay for the costs of cleaning up a hazmat incident? What if the community must be evacuated? The City of Houston is already stretched so thin that police and fire protection in our neighborhood is much less than adequate. Given current budget constraints, this situation is unlikely to improve in the foreseeable future.

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4. **Cumulative Transportation Impacts with the proposed Bayport Container Terminal**: The proposed SJR rail line will terminate at the Atofina facility on Port Road which is immediately adjacent to the Bayport facility site. Port Road at Highway 146 is slated to become the primary exit for truck traffic from the Bayport facility. The SJR DEIS assumes that vehicular traffic on Highway 146 will not be significantly increased along this route; despite the fact that the Bayport DEIS assumes an approximate increase of 5,000 trucks per day along this corridor. The STB has not incorporated the facts presented in the Bayport DEIS transportation analysis into the SJR DEIS and provides no analysis of the cumulative transportation impacts from location of both proposed projects in the same geographic location. This issue is relevant to the citizens of Clear Lake City because as non-truck vehicular traffic is displaced from the Highway 146 corridor to the major Clear Lake arteries of Bay Area Boulevard and Clear Lake City Boulevard, mobility problems, including response times for first responders, will be exacerbated in the Clear Lake area. The STB should perform a completely new transportation analysis, which examines the cumulative transportation impacts from both projects and consequent effects upon the community.

5. **Land Use and Associated Property Value Impacts**: The SJR DEIS describes current land use in the affected area as a multi-use mix of commercial, industrial, residential and recreational. Looking at the entirety of the proposed routes, this is a technically correct statement; however, the DEIS should look at discrete segments of the proposed routes. Of primary concern to the BPCA is the area bounded by Red Bluff Road, Genoa-Red Bluff, Clear Lake City Boulevard, and the Space Center Boulevard extension to Jana Road. With the exception of an ExxonMobil plant, which will soon be taken off-line, and one other gas pumping station, this area is almost undeveloped and includes one of the last remaining prairie pothole wetland complexes on the Texas Gulf Coast. The STB needs to fully assess and

disclose the effects of industrialization and wetlands destruction on this area. What will be the effect of a rail line crossing this area? Skilled land use planners know that industrialization, including a rail line carrying petro-chemical cargoes, induces further industrialization. Neither the City of Houston nor the City of Pasadena has zoning to protect residential areas from such encroachment. What happens to property values in the Bay Pointe subdivision if industrial land uses occur immediately north of the subdivision? The homes closest to the proposed Alignment 1C have already been affected with several homes not being able to be sold because of the proposed rail. What is the flooding potential to our neighborhood if wetlands to our northeast are destroyed? Recent history in the Houston area demonstrates that, through lack of planning, we are creating what has been called a "movable flood." All of these issues deserve critical analysis and disclosure by the STB. These issues have not been addressed in this DEIS.

The Directors of the Bay Pointe Community Association urge the STB to take these comments seriously and to provide the full, fair and complete disclosure required by NEPA. We suggest that a Supplemental Draft Environmental Impact Statement be prepared which answers the questions raised above and that an SDEIS be published so that the public may make comments on a second draft statement, prior to release of Final Environmental Impact Statement.

Sincerely,

The Board of Directors, Bay Pointe Community Association, Inc.

Appendix I: Power Point presentation on Co-location of Utility Lines and Railroad

Suzanne Echevarria
General Attorney
(713) 220-3226

Email:
syecheva@up.com
Fax: (713) 220-3215

January 23, 2003

RECEIVED
JAN 28 2003

Via Courier

Mr. Jim Blackburn
Blackburn Carter
2900 Weslayan
Suite 400
Houston, Texas 77027

Re: ***Request for Production served on Union Pacific Railroad Company ("Union Pacific") by the Galveston Bay Conservation and Preservation Association in U.S. Surface Transportation Board proceeding Finance Docket Number 34079***

Dear Mr. Blackburn:

Enclosed please find Union Pacific's response to the above-referenced inquiry. Union Pacific will continue to research its files and will supplement accordingly with any additional information.

Please call me should you have any questions.

Very Truly Yours,

Suzanne Echevarria

Cc: Lou Anne Rinn

UNION PACIFIC RAILROAD
Law Department
808 Travis, Suite 620, Houston, TX 77002

Before the Surface Transportation Board

STB Finance Docket No. 34079
San Jacinto Rail Limited Construction Exemption and the Burlington Northern and Santa Fe Railway Company Operation Exemption
Buildout to the Bayport Loop near Houston, Harris County, Texas
---

Union Pacific Railroad's Response to the Galveston Bay Conservation and Preservation Association's Request for Production of Documents and Records

To: Galveston Bay Conservation and Preservation Association, by and through its Attorney, Jim Blackburn, 2900 Weslayan, Suite 400, Houston, Texas 77027

Union Pacific hereby responds to the Galveston Bay Conservation and Preservation Association's Request for Production.

Request:

1. Public Safety is an issue in this proceeding. GBCPA hereby requests all document in both written and electronic form pertaining to the interface between pipelines, rail operations, and public safety. This request is intended to be inclusive of studies, reports, speeches and power point presentations regarding this subject matter.

Response:
See attached. Union Pacific will continue to research its files and supplement its response accordingly.

Union Pacific Railroad Company

By: _____
Suzanne Y. Echevarria
808 Travis, Suite 620
Houston, Texas 77002
(713) 220-3226
(713) 220-3215 (fax)

FD 34079
D0605

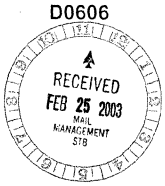
RECEIVED
FEB 25 2003
MAIL MANAGEMENT
STB

Dear Dana White,
We object to the location and construction of the Proposed San Jacinto Rail Project.
They are attempting to build the rail line too close to residential areas, schools & we feel it would be a hazard since the train would carry the petro-chemical products and two hazardous materials Ethylene Oxide & Propylene Oxide. also a concern of the train traveling over underground pipeline ... which the railroad industry has historically tried to avoid.
Please do all you can to stop this attempt to build rail line from Bayport into the proposed area.

Sincerely,

Steve & Jane Moran
13915 Brooklet View Ct.
Houston, Tx 77059

FD 34079
D0606



Construction and Operation of a Rail Line
From the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Att: Dana White
Environmental Project Manager
Environmental Filing

Thursday, February 20, 2003

I am writing in response to the Draft EIS that was prepared for the San Jacinto Rail Projects (SJRP). After reviewing your findings, I find that your organization did not put enough time and energy in researching everything that that will be affected by this project. In reviewing your study, I can post a dissenting view on most of your points.

INTRODUCTION

Questions have to be raised about how much effort was placed in the "conducting of technical analyses and studies, consultations, and site visits for a construction project with low train traffic and mostly negligible impacts."

The focus of the study basically only on the build area instead of the entire affected area of the project is a concern. The number of homes, schools, and businesses that will come in conflict with this project brings concerns about how many site visits were made to get an idea of who and what will be affected. The "low train traffic" is an interesting point. BNSF has already stated that they intend to aggressively pursue a large portion of the Bayport business. If they want a large portion of the business, they would obviously need to run more than the "1" train that they intend. The next EIS that comes out needs to either require that BNSF be limited to 1 train as they have grossly understated that they intend to run or the new EIS needs to reflect BNSF running more than 1 train a day. It is impossible for average citizens to get a scope of any project when regulating authorities like the STB allow applicants to have such a sliding scale on their expected output. As for the negligible impacts from the trains, that is an ASSUMPTION that can not be made without the exact amount of traffic that will be generated by the SJRP.

PROJECT CONTEXT

The STB and the USACE have determined that the Bayport Loop Build Out and the Bayport Terminal are not related projects.

To use as an example for the complete fallacy from the 2 government agencies, look at the SJRP. SJRP state in their project that they only will send 1 train per day. However, SJRP is already stating that they will aggressively pursue additional business. At some point, the government agencies need to lift their heads out of the books and realize what is going on around them. To take the complete word of an applicant who is interested in increasing their bottom line is what got a lot of people in trouble with Enron. In the next EIS, the STB should take an in-depth look at the correlation between the Bayport Terminal and the SJRP. Issues like how would the SJRP benefit from picking up business from the Bayport Terminal and what would be the affect of that extra business along the entire project route.

The STB can not force UP to allow BNSF to operate over the Strang Subdivision.

Although this may be true at this point. There are other avenues that the STB can take to make a resolution occur to allow BNSF to travel over the Strang Subdivision that has not been discovered and in the next EIS, the STB should list some of those alternatives. It is stated in the "ALTERNATIVES ELIMINATED FROM DETAILED STUDY" that 225 corridor routes were considered but they were unable to come up with a feasible alignment. It would be in the best interest of the community to know what those alignments were.

The Boards regulations, found at 49 CFR 1105.7, provide thresholds for analysis of potential environmental impacts based on predicted rail traffic levels for a proposed action

As stated before, SJRP has already stated that they will aggressively pursue additional business. The new EIS needs to address the impact of numerous trains resulting from this project. These impacts should be given at a traffic level that would be beyond the STB regulation thresholds to allow the public to have an idea of what is acceptable by the STB and what is not.

The Proposed Action and all of the Alternatives require SJRP to use trackage rights over lines owned by UP in order to reach the build-out.

If SJRP must use UP tracks to obtain this specific agenda set by the UP/SP merger, why can't they use the Strang portion? If UP's concern is that they do not want BNSF to be able to service those companies along that portion of track. Then the STB should write the agreement to state such activities. If the STB was the one to coordinate the merger then it should be able to show some type of administrative power and organization to get this handled.

ALTERNATIVES CONSIDERED IN SEA'S ENVIRONMENTAL REVIEW

August 6, 2002, the Applicants advised the SEA that in response to concerns raised by the communities in and around the New South Yard regarding existing congestion, they proposed to route the Bayport Loop traffic to the CMC Dayton Yard instead of the New South Yard.

The fact that they are admitting that there is already a concern in the area with rail traffic and willing to move their destination route should raise some flags within your organization. However, there is no guarantee from either the STB or the SJRP that after they are approved that they will not just take their rail traffic on to the New South Yard. The New EIS should take into consideration the trains going to both the New South Yard and the CMC Dayton Yard.

ALTERNATIVE 2B

The applicant developed alternative 2b to avoid crossing land owned by the Deep Park School District and to move the rail line further away from a **major residential neighborhood**

It is very important for the environmental racism issue that it is explained exactly what moving the rail line from a major residential neighborhood means. By using the GH&H rail, the SJRP has already made plans to pass by thousands of homes, schools, churches, and business that are up and down Highway 3. The difference between the two neighborhoods is that one neighborhood (the one being avoided) is going to be a very Caucasian neighborhood. While the neighborhood that will be affected is predominately a Hispanic low-income community. The new EIS needs to make more reference to situations like these that are splattered throughout the DEIS.

ALTERNATIVE 2D

The applicant developed alternative 2d… …and avoid a water main and a gas main that parallel Genoa-Red Bluff road

It is very interesting that the SJRP decided to avoid certain parts of Pasadena to avoid water and gas lines only to reach the GH&H line that is checkered with pipelines. This concern is explained in greater detail by the enclosed BNSF document about pipelines and railroads. With this new information handed to the STB. The new EIS should reflect the information that has been supplied.

ALTERNATIVES ELIMINATED FROM DETAILED STUDY

SEA eliminated alternatives 1a, 2, and 2a because they would require a single grade-crossing of Genoa-Red Bluff Road, which was determined to be economically infeasible and would conflict with the City of Pasadena's plan to extend Genoa-Red Bluff Road to the north/northeast to connect with Fairmont Parkway.

The explanations for eliminating these routes are basically the same reason that the communities along the GH&H are complaining. At Howard and Highway 3 (the area where I live) increasing the train traffic would not only be a nuisance from the noise that it will bring, but also because it will affect a lot more everyday activities. After talking with individuals in the Houston Fire Department, the increase in train traffic will have an affect on the response time that they have. With a person only having an 8-minute window from when their heart stops beating, the extra time that an emergency vehicle takes to get around a train could mean the difference between a persons life and death. The affect that the SJRP will have on emergency vehicle routes is an issue that was not addressed in the DEIS that does need to be studied and mentioned in the new EIS. No thought is given about the revitalization of certain areas and how the SJRP will affect that. With a new apartment complex going up in my area, I have to wonder how this train line will affect new business coming to the neighborhood. This is another issue to be taken up in the new EIS.

RAIL OPERATION AND RAIL OPERATION SAFETY

The impacts from the additional two trains per day would be negligible…

Granted that trains have fewer accidents per mile traveled than trucks, BNSF has more accidents than most train companies. To make it worst, BNSF's record has been getting worse over the past few years. Enclosed you will find an accident record for train companies. BNSF has increased over the past several years. To say that their trains coming through our neighborhood will have a negligible impact could not be further from the truth. As the enclosed articles will support, BNSF is an accident waiting to happen. To allow SJRP to bring hazardous chemicals down the GH&H is not a "community wise" decision. Looking at articles that show that some families were kept from their homes for days after a train derailed and emergency response teams were still unable to control the situation a couple of days later (see CNN.com article about Tamaroa, Illinois on 2/10/2003 and ABC News article on Eunice, LA on 5/27) is a great concern. In reading through the DEIS and talking to BNSF, there are no plans to include another HAZMAT team in SE Greater Houston to combat the chances that a train may cut off access (within a reasonable time) to an area in need of the HAZMAT unit.

When looking at the safety of transporting ethyleneoxide, a look at the ethyleneoxide website (www.ethyleneoxide.com) sheds some light on some of the careless accidents that happen and the ramifications of those actions.

1) This incident occurred in 1962 at an EO production and derivatives plant. An EO storage tank containing 25 tons of EO was contaminated with aqueous ammonia due to back-flow from an ethanolamines unit. A rapid reaction in the tank between the EO and the ammonia resulted in over-pressure and rupture of the tank, followed by an EO vapor cloud explosion. (Figures 5.1, 5.2, 5.3) Ignition of the vapor cloud caused heavy structural damage in a radius of 500 feet from the blast center. The explosion resulted in one fatality, three serious injuries, and 18 less serious injuries. The EO producer's

investigation revealed that ammonia entered the EO storage tank by backflowing through the EO transfer line. The ammonia passed through several check valves and a positive displacement pump (through its relief valve) to get to the EO tank [2,3].

2) An EO railcar was sent to a contractor for cleaning. It contained a "heel" of a few thousand gallons of EO. The contractor pumped brackish water into the car and left it in a rail yard overnight. During the night it exploded, causing significant damage to other railcars in the rail yard. (Figures 5.4, 5.5, 5.6) The EO producer's investigation revealed that a major contributing factor to this incident was the fact that the water was added slowly to the railcar. The EO and water formed two distinct layers in the railcar due to the difference in density and inadequate mixing. Due to the layering, there was an interface between a high concentration of EO and a high concentration of water. This resulted in a much higher reaction rate than would have occurred if the EO and water had been well mixed. Contaminants in the brackish water may have also contributed to the high reaction rate. The subsequent reaction generated a high temperature and pressure, resulting in rupture of the car [4].

3) A railcar was returned to an EO producer's plant after cleaning by a contractor. Unknown to the EO producer, the cleaning contractor had put bentonite clay (a drying agent) in the car, to reduce rust formation. When the car was received at the plant, the clay was not removed. During loading with EO, a fire occurred in the dome of the railcar. Reaction between the bentonite clay and EO caused an internal ignition and release of burning EO vapor through the car's safety relief valve. The fire was extinguished with water, but re-flashed. It was finally extinguished with dry chemical.

4) A European EO producer shipped an EO railcar to a customer. The railcar was delivered to the wrong plant and the workers at the receiving plant thought the car contained anhydrous ammonia. They attempted to off-load the EO into an anhydrous ammonia tank. The ammonia tank was at a significantly higher pressure than the pressure on the EO railcar. During the attempt to offload the EO, a check valve leaked and allowed a small amount of ammonia to back-flow into the EO railcar. When the workers at the plant discovered that the car was delivered by mistake, the unloading operation was stopped and the car containing the contaminated EO was dispatched on to its proper destination, 300 km away. The railcar car exploded in the middle of the night on a rail siding at the edge of the plant. The explosion caused major damage over a 300-meter radius and broke windows up to 5 km away. (Figure 5.7)

5) A US EO producer used high-speed centrifugal pumps to feed EO to two ethylene glycol units. The plant had a common spare feed pump for the two glycol units. The spare pump was typically kept cleared of EO, pressured up with 200 psig nitrogen and left with the suction and double discharge valves blocked in. A small amount of EO leaked through two blocked discharge valves into the pump. An electrical system malfunction caused the high-speed centrifugal pump's electric motor to start. The pump ran blocked in for approximately 10 minutes until the seal area of the pump reached EO decomposition temperature and the pump exploded. The decomposition of the 0.6 lb. of EO generated over 450,000 pounds of force and caused the failure of twelve, 3/4" stainless steel nuts and bolts. (Figure 5.8) The upper part of the vertical centrifugal pump and the motor (approximately 1000 lb.) were launched 60 feet in the air. The pump and motor landed on the discharge piping of another EO feed pump that was operating at 750 psig, pumping 80 gpm of EO. Fortunately the piping did not fail. (Figure 5.9)

6) A derailment resulted in the puncture of an EO railcar and a fire. Water was put on the burning railcar and on an adjacent EO car that was not leaking. The fire was extinguished after about 12 hours. About five hours after the fire was out, the safety relief valve on the adjacent car lifted and vapor from the relief valve caught fire. At this point, the accident scene was cleared for a radius of 1/4 mile. After about 55 hours, the relief valve fire went out for a brief period and then a violent explosion occurred. A large piece of the railcar was blown 5,000 feet through the air. The explosion was attributed to flame propagation back through the safety relief valve or a "hot spot" in the metal near the relief valve that triggered a decomposition reaction

7) Downwind evacuation should be considered if EO is leaking but not on fire. For large spills, DOT recommends evacuating in all directions at least 400 ft. DOT further recommends evacuation of downwind areas to at least 0.2 miles (day) and 0.6 miles (night). In case of small spills, evacuation of downwind areas to at least 0.1 miles (day) and 0.2 miles (night) is recommended.
If a tank or rail car is involved in a fire consider initial evacuation for one mile in all directions. If the fire is prolonged or uncontrollable, or if a container is exposed to direct flame, evacuation for one mile in all directions for protection from flying debris if the container should rupture violently. *(1996 North American Emergency Response Guidebook)*

PIPLELINE SAFETY

Construction of roads and rail lines over pipeline corridors occurs routinely following established engineering practices and all the pipelines have been identified in the project area.

The same types of engineers that the DEIS is talking about are also that same type of engineers that were working on the Kemah project years back that caused an explosion. The inability of BNSF to cross all the "t's" and dot all the "I's", makes me weary of allowing them the ability to bring hazardous chemicals down the GH&H. When looking through the articles about the accidents that BNSF has had, it is clear that these accidents are not freak mechanical difficulty problems. These accidents are the result of pure negligence. Accidents like one train rear ending a stopped train or two train colliding head on. These accidents are either the result of poor training, pitiful judgement, and/or the lack of administrative execution of necessary task. Regardless of which one it is, the DEIS made no mention of the safety record of the BNSF or the partnered chemical companies. This information is important because it sets a precedent on what type of operation to expect to be run.

LAND USE

There is no mention of how the STB projects the land usage to change over time from allowing the SJRP build a train. As it is noticed around the Houston area, business seems to follow the railroads. It would be advantageous for the NEW EIS to query the effect that having railroads in the area will have toward business coming to the rail line

ENVIRONMENTAL JUSTICE

SEA has determined that the risk from hazardous materials transportation is low and, therefore, the impact is negligible.

Articles from around the country showing the inability of BNSF to operate without a major problem over the span of a few years begs me to differ with the STB decision. When looking at the increase in accident rates over the past few years by BNSF, I have to question the motives of the STB by saying that the safety impact from BNSF is negligible. Since, the East End is already heavily burdened by rail; the SJRP takes a different aspect of piling on with the environmental justice (EJ) issue. Constantly piling onto the problems of the poor and minority is a definite example of EJ. Another issue that is causing concern about the EJ of this project is that the Project Manager Dana White admitted that she was unaware of the landscape that was affected by the SJRP. The questions whether the SJRP did not provide complete and factual information when they made the proposal or is it whether the STB did not take the time to verify if the information that was given to them was true.

NATIONAL SECURITY

After 911, it is important to make decisions with terrorist acts in mind. With the SJRP proposing to go by two very important sites (Ellington Field and the Water Treatment Facility(WTF) and other locations, National Security issues must be examined. When the attacks of 911 happened, it was fighter jets out of Ellington Field that escorted President Bush to his secure location. Ellington Field is the location of the regions air patrol. With a train carrying very explosive chemicals passing by Ellington Field, the location becomes a target that has just become more accessible to destruction or at the least disruption by terrorist. On the other side of Ellington Field is the City of Houston Water Treatment Facility. If for whatever reason a terrorist attacks the WTF, almost all of SE Harris County would be affected by a lack of usable water. The new EIS must acknowledge the influence that the SJRP will have on the National Security issue of Ellington Field, the Houston WTF and other schools and residents along Highway 3

In conclusion, the Draft EIS is not a well thought out document. The number of areas that were not completely cover by the STB shows more a desire to force this issue down the citizens' throat than to examine the negative effects that it will have on the general population. More examination needs to be done by the STB on issues that are more just face value. There are a lot of issues that the STB did not cover because of the expedient manner in which they examined this proposal. Although BNSF might be pushing you to hurry this process along, the community is asking that you take your time and examine each different angle that this project entails. If you do that you will be able to easily deny the proposed the San Jacinto Rail Project.

Thank you,

J. Mayse

FD 34079
D0607

February 13, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 204-23-0001



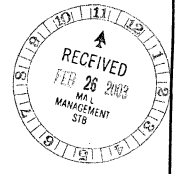
Attention: Dana White
Section of Environmental analysis
Environmental filing FD No. 34079

We say no to the San Jacinto Rail

Edward A Rhoad
Jane M. Rhoad

FD 34079
D0608

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis



Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: Lesley Throop

Address: 16023 Park Center Dr
Houston TX
77059

Phone: 281-488-3319

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I am truly shocked that the outcome of the draft EIS could be "minimal impact" to our area. To be honest, I am shocked that this issue still hangs over the head of our community. This proposal borders on a criminal act. It is a violation of any quality of life we could hope to attain here. It plays on the transience of the area where many committed professionals move out and in to annually and aren't often educated on local issues. It sends a message that attempts at zoning are ineffective. It prevents a much needed Children's Hospital from opening up here. It ignores the obvious connection the rail loop has to Bayport expansion plans. It fails to recommend that the two railroads come to an agreement on an existing line running through solely industrial land. It ignores our nature reserve and bayou integrity. It holds our community hostage to the monetary interests of 4 small chemical companies, risking health concerns and toxic spill concerns. I feel held hostage by a terrorist force! Would you want your community to have a train carrying highly flammable, lethal chemicals past your homes, past your children's schools??

Please – do the right thing! Force the two railroads and the 4 chemical companies to sit down and evaluate the existing no competition clause on the existing train line near Bayport. Until that has been exhausted as an alternative – you have not been fair to a single person in this area of Houston!! And you have not done your job as well as you are capable of.

Thank you!

Lesley Throop

Place Stamp Here

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0611

Weda Scholes
538 Surf Oaks Drive
Seabrook, Texas 77586
281-474-5506

February 15, 2003



Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-001

Dear Ms. White:

Comments on San Jacinto Rail DEIS

The analysis in the Draft Environmental Impact Statement (DEIS) for the proposed San Jacinto Rail totally misrepresents the population density and the ethnicity of the areas that are affected by San Jacinto Rail. The Surface Transportation Board (STB) should retract this DEIS and prepare a Supplemental Draft EIS (SDEIS) that tells the truth about the number of people living within one mile of the proposed rail line, including the section along Highway 3, as well as the racial composition of communities to be impacted by the proposed project.

The Interstate Commerce Commission, the predecessor to the STB, denied a permit application for public safety reasons for a rail line outside Cincinnati, Ohio, where approximately 1,000 people lived within 1,000 feet of the proposed rail line. If the STB made a fair analysis of the San Jacinto Rail project, they would determine that over 21,000 persons live within a mile of the proposed rail line between SH 225 and Ellington Field. Why isn't the same standard being used in Houston as was used in Cincinnati? In Houston, there are many more people close to the proposed rail, including over 7,000 children. There are 23 public schools near the proposed rail line.

Further, of the 21,000 people within a mile of the route, 72% are Hispanic. There is an executive order on environmental justice (EO 12898), and there are regulations issued by the Council on Environmental Quality implementing this executive order. These regulations define "minority" to include Hispanics. EO 12898 requires that the impacts of a federal action be analyzed to ensure that minorities are not disproportionately affected by proposed actions. In the DEIS on the San Jacinto Rail project, the existence of significant numbers of Hispanics was not disclosed. This is a clear violation of EO 12898 and the CEQ implementing regulations. How can a determination be made regarding impacts on minorities if you don't disclose the truth about the existence of minorities adjacent to the rail line?

It is arbitrary to use a different public safety standard in Cincinnati than in Houston. It is arbitrary and capricious for the STB to ignore data regarding the percentage of Hispanics. Together, these two facts show a pattern of racial discrimination by the STB. Such discrimination is impermissible and must be stopped.

Yours faithfully,

Weda Scholes

Weda Scholes

FD 34079
D0612

Drusilla Dickson
502 Pine Gully Road * Seabrook, TX 77586 * 281-474-2494

February 15, 2003



Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-001

Dear Ms. White,

Comments on Proposed San Jacinto Rail DEIS

Secondary Impacts: Land Use and Wetlands
The proposed San Jacinto Rail Line would cross a large, undeveloped tract west of Armand Bayou and east of Ellington Field. The existence of a rail line across this property would induce additional commercial and industrial development, creating an industrial/commercial area between Clear Lake and Pasadena. This changed land use pattern would negatively impact the residential areas of Clear Lake and Pasadena and would lead to the filling of a large number of pothole wetlands that are of great importance to the local ecology. These wetlands, along with those on the proposed Bayport container port site, are the last prairie pothole wetlands in southeast Harris County. The loss of these wetlands is significant and represents a cumulative impact of the San Jacinto Rail project and the proposed Bayport container port.

Pipelines, Faulting and Rail Safety
In addition, the route of the proposed San Jacinto Rail line is criss-crossed by many pipelines carrying all types of chemical products. The rail industry has noted the basic incompatibility of pipelines and railroads in documentation prepared for the Congress of the United States as well as in internal studies. If a train derails and if a pipeline is within the area of the derailment, then the chance of toxic releases and/or explosions from the pipeline is very real. Often pipelines are within a few feet of the land surface, leaving them vulnerable to the force of a derailed train.

In the case of San Jacinto Rail, the proposed line will cross several faults radiating from the Clear Lake oil field. These faults cause a shift in the land surface on the downthrown side of the fault, often leading to the structural failure of land uses crossing the fault. The chance of derailment is increased by the presence of faulting. The large number of pipelines and the products that they carry, and the location of faults, must be fully disclosed in the DEIS, as must the risk of pipeline rupture and explosions and toxic releases.

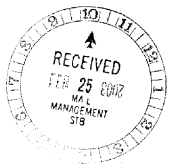
Yours sincerely,

Drusilla Dickson

FD 34079
D0615

M. Justin Wilkinson, Ph.D.
526 Surf Oaks Drive
Seabrook, TX 77586
281-474-9220

February 15, 2003



Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-001

Dear Ms. White,

Comments on San Jacinto Rail DEIS

The Port of Houston has proposed the Bayport container facility. Burlington Northern and Santa Fe and local industries have proposed the San Jacinto Rail project. A DEIS has been prepared and published for each of these proposals, one by the Corps of Engineers and one by the Surface Transportation Board. Under the rules of the Council on Environmental Quality at 40 CFR 1508.25(a)(2), where there are multiple pending proposals with **cumulatively significant impacts**, they should be discussed in the same EIS. San Jacinto Rail and the proposed Bayport container port will both significantly impact land use in southeast Harris County, air quality in southeast Harris County, wetlands in southeast Harris County, and transportation in southeast Harris County.

Additionally, there are cumulative environmental justice issues associated with the impact of rail transportation on the Hispanic community. Bayport will send eight 8000-foot-long trains along SH 225 and then north through the East End, adding to the two trains per day from San Jacinto Rail. These projects should be analyzed in the same EIS because they will significantly alter southeast Harris County.

We have been told that the industries that are partners in the San Jacintoi Rail project are pursuing this alternative because they need relief from exorbitant rates charged by Union Pacific. Yet, who are these industries that are asking us to endanger our children, our communities, our wetlands and our mobility? Do they have clean hands? Have they been violating any permit provisions lately? What are their hazardous pollutant releases? These questions need to be raised in public. These industries are causing us major problems and may endanger our lives and our property if they get this permit. They need to be honest with us. How many tons of pollutants do they put out? Have they ever had a shelter-in-place in the adjacent residential areas? What are their worst-case toxic release scenarios? We need to make sure that these industries fully understand that they have placed themselves in our field of vision. They have inserted themselves into our lives. Now let's find out who they are and whether or not they deserve the public trust.

Yours faithfully,

M. Justin Wilkinson, Ph.D.

FD 34079
D0616

Ross Beaudreau
538 Surf Oaks Drive
Seabrook, TX 77586

February 15, 2003



Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K. Street, NW
Washington, DC 20423-001

Dear Ms. White,

Comments on DEIS, San Jacinto Rail

Impact to the Southeast Water Treatment Plant
Although the DEIS for the proposed San Jacinto Rail project identifies the southern alignment around Ellington as the preferred alternative, Burlington Northern and Santa Fe and the industries have stated to a committee of the City of Houston that they now wish to pursue the northern alignment that is adjacent to the City of Houston's southeast water treatment facility. At a meeting with Clear Lake residents, a San Jacinto Rail spokesman said that the rail line could not go to the north because the threat of contamination of drinking water for the City of Houston and several other cities. What has happened to change that analysis?

It is really stupid to route a train carrying hazardous materials adjacent to a major drinking water treatment facility, just as it is really stupid to route a train carrying hazardous materials close to schools.

Cumulative Transportation Impacts with Bayport
The proposed San Jacinto Rail literally terminates at the Atofina plant, which is immediately adjacent to the Bayport container port proposed by the Port of Houston Authority. The proposed San Jacinto Rail line is adjacent to Port Road, which is to be used as the primary exit for the proposed Bayport container facility. There is no consideration in the DEIS of the potential overlap of these two projects, either along Port Road or at other locations. In fact, the DEIS assumes that traffic will not be significantly increased on Port Road, an erroneous assumption given that upwards of 5,000 trucks per day would be leaving the proposed Bayport container facility down Port Road. Clearly the STB has not read the DEIS for the Bayport container port and has not incorporated the facts of this proposed action in their analysis of transportation impacts along Port Road and SH 146.

Yours sincerely,

Ross Beaudreau

FD 34079
D0617

DEADLINE FEB. 21, 2003

FAX 1-866-293-4979

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis



Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas
Draft Environmental Impact Statement

COMMENT SHEET

Name: RITA WLAVACEK

Address: 4730 PARK DR.
HOUSTON
TEXAS 77023

Phone: 713-923-1264

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I would like to voice my strong personal opposition and I have grave concern regarding the proposed Rail Line in our Neighborhood. Some of the Term Sheet that the proposed Rail Line will impact public Safety Tremendously and put our Children and Community in harms Way and also the inconvenience and Safety Risk that go along with Rail on a Daily basis I am Strongly opposing the Creation of this proposed line.

Rita Wlavacek

FD 34079
D0619



10836 Spruce Drive South
La Porte, Texas 77571

February 20, 2003

Dana White
Section of Environmental Analysis
Environmental Filing F. D.# 34079

Dana White:

I am contacting you regarding San Jacinto Rail Line, 5800 North Main Street, Fort Worth, Texas 76179. Permit Application # 22823. As a resident in close proximity to this proposed rail line, I wish to inform you that I am in strong opposition to it. In particular, I am concerned about the negative environmental and safety impact on my community.

Sincerely,
Charles K. Nutt

Sylvia R. Garcia
COMMISSIONER

FD 34079
D0620

ADMINISTRATION BUILDING
1001 PRESTON, ROOM 950
HOUSTON, TEXAS 77002
(713) 755-6220



February 21, 2003

Mr. Roger Nober
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079

Re: Comments on Draft Environmental Impact Statement, Finance Docket No. 34079 Construction and Operation of a rail Line from the Bayport Loop in Harris County, Texas

Ladies and Gentlemen:

On January 14 and 15, 2003, the Surface Transportation board held its final public meeting on the proposed Burlington Northern Santa Fe (BNSF) rail expansion. Hundreds of homeowners and business leaders expressed their opposition to the new rail. As the former elected City of Houston Controller, I joined members of Houston City Council in opposition to the new rail line. Now, as the elected Harris County Commissioner who represents the entire area in which the new rail line is proposed, I reaffirm and urge opposition.

I might note that many of the cities I represent, Houston, Pasadena, Taylor Lake Village, Clear Lake Shores, South Houston, and others have passed similar resolutions in opposition.

While I recognize that competitive transportation rates for our vital chemical complex is a desirable goal, I submit that shared trackage rights better protects both the economic and neighborhood interests. If competing airlines code share, why can't competing railroads rail share?

Specifically, I would point out the following:

1. In the event of derailment, hundreds of thousands of people who live in my precinct will be exposed to toxic chemicals including ethylene oxide and propylene oxide. Many of them children attending about 50 public and

private schools. The proposed line puts thousands of children's health and safety at risk.

2. The Draft fails to consider that increased train traffic will reduce access to emergency and HazMat vehicles. Rail engines can pull up to 100 cars, blocking numerous intersections at once and giving rise to potentially deadly delays in rescue service or evacuations.

3. The proposed route 2D traverses the City of Houston's Southeast Water Treatment Facility. Many cities in my precinct depend on the City of Houston for its water supply. Consequently, a derailment in this area will immediately jeopardize the water supply for 750,000 residents of Houston and Harris County and could put as many as 2,000,000 people in danger if hazardous chemicals enter the surrounding water system. Encircling the proposed railroad track with barbed wire and cameras will not abate the security and health consequences of an accidental derailment or sabotage.

4. Selection of Routes 1 or 1C will stifle commercial growth of Ellington Field and the surrounding land. Transporting toxic cargo on or near airport property is a disincentive to economic development and bodes a security risk to airport users.

5. Alignments 1 and 1C pose a security, environmental and safety hazard to the Sonny Carter Research Facility located on Space Center Blvd. The vibratory stress on the Neutral Buoyancy Tank has not been adequately studied.

6. Finally, the Draft erroneously characterizes the minority population impact particularly as to Hispanics. My Precinct is almost 50% Hispanic population. Our Hispanic neighborhoods, particularly in the East End of Houston already have more than their share of railroad tracks. The Environmental Justice analysis in the draft ignores the population trends in the Harris County and it is simply erroneous to say that the line would have no disproportionately high and adverse impact on a growing minority (Hispanic) population.

These issues have not been adequately addressed in the Draft Environmental Impact Study. It is my request that SEA and the STB more fully explore the consequences of the proposed rail build-out and work in every capacity to bring BNSF and Union Pacific to an amicable agreement on sharing existing track along Highway 146, proposed Alignment 4. Again, I ask, if competing airlines code share, why can't competing railroads rail share?

Respectfully yours,

Sylvia R. Garcia, Commissioner
Harris County - Precinct. 2

FD 34079
D0623



February 18,20002

Dear Ms. White,
In response to the DEIS for the San Jacinto Rail project #34079,I would like to have the STB relook at a few areas.I am a citizen of Houston,living in the Clear Lake area,and am part of COOR ,citizens for responsible rail. I have found the initial DEIS to be inaccurate in some areas and failing in other important areas.
Of high priority to all is safety.In the area of safety,the STB was much too quick to accept the 2 trains per day cenario. This is either intentionally misleading or very short- sighted. With 13 companies in the Bayport Loop, the potential traffic is most likely to be at least 4 cars a day with many more likely given the development of the Loop. Although the Board did not want to consider the building of the Bayport Container Facility as part of this, I believe it is required to look at the two programs together since they are being built simultaneously, and are adjacent to each other.
Potential damage to underground pipelines in already a known hazard, and the proposed lines run over many pipelines and this needs to be more closely examined.
Another area of safety concern is that a least 1 of the proposed routes runs very close to the Houston Water Treament Facility which could be a potentail hazard to our drinking water if contaminated in any way. This could ultimately effect 2 million people.
For the sake of national security, I would ask that the STB get approval of Homeland Security for any rail to be built near Ellington Field. This is an active base with our National Guard using it as well as the President flying in and out of this air field along with other high ranking dignitaries.
I would also ask that a review be made regarding safety of carrying hazardous materials in light of the many recent derailments across the country.Specifically, I would like to see why it is o.k. for trains carrying known hazardous materials to be allowed to pass within a quarter mile of 7 schools and many daycares with an estimate of 7000 students. Also,I would like to know why it is o.k for that same rail to pass within a mile of 23 schools and an estimate of 21,000 students.
Another area of concern is that the companies comprising San Jacinto Rail have disclosed 2 hazardous materials that would be carried, but I urge the Board to find out all potentail hazardous materials that could be shipped from the 13 companies(not to mention that from the container facility)in Bayport Loop and assess the actual danger that will exist to humans and the enviroment based on more realistic information.
I also do not believe that the companies setting aside land for the indiginous wildlife and plants will be effective since once built the rail will change land use in the area causing more commmerial development.
I am also concerned about the quality of life. I have a well founded concern regarding my property values since in the last 6 months the value of homes selling in my sub-division,Northfork, has gone down about $3 per square foot, the homes are on the market longer, and home sales are being lost due to the rail line development plan (this information came directly from a Coldwell Banker Realtor).
I also find it unacceptable to say that since we already deal with noise from the air field that the additional noise is acceptable. These two do not equate since the planes do not fly at all hours of the night and the area is very quiet at night. With a rail,there could be noise potentailly all hours of the day and night. So please look carefully at the effect this would have on our neighborhood and our quality of life with thousands of homes right next to (within a mile) of the proposed lines.
And it is not just my neighborhood, but my neighbors to the north that will be adversely effected. The Mayor of S. Houston stated that 90% of the 16,000 residents that live there are low income,Hispanic americans.This is discrimnating against those that are less fornunate by adding more rail traffic though S Houston. The same is true of our neighors in the East End.
Representative Rick Noriega stated that this rail would come within 1320ft. of 31,000 residents. Please do not allow lives of children and families to be put in harms way for the profit of the chemical companies seeking this rail line. Help them find a safer alternative.
Thanks for your attention to these important matters.

Sincerely,
Christie Tee

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FD 34079
D0624

February 21, 2003



Ms. Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Dear Ms. White:

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for Implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Environmental Impact Statement (DEIS) for the proposed construction of approximately 12.8 miles of new rail line to serve the petro-chemical industries in the Bayport Loop known as the San Jacinto Rail Limited. The Burlington Northern and Santa Fe Railway filed a petition with the Surface Transportation Board (STB) pursuant to 49 United States Code (U.S.C.) 10502 for authority for construction of this short rail line.

The DEIS evaluates and identifies the potential environmental impacts associated with the Proposed Action and Alternatives, including the No-Action Alternative. Mitigation measures address moderate impacts as well as a range of additional issues of interest to the community. The DEIS demonstrates the proposed action would have no significant impact on the human environment and would have negligible impacts in all other areas.

EPA classified your DEIS and proposed action as "LO," i.e., EPA has "Lack of Objections" to the proposed alternative. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

EPA appreciates the opportunity to review the DEIS. We request that you send our office one (1) copy of the Final EIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

Robert D. Lawrence, Chief
Office of Planning and
Coordination (6EN-XP)

Internet Address (URL) - http://www.epa.gov/earth1r6/
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THE SOUTHEAST NEIGHBORHOOD COALITION

Chairman – Mary K. Vargo
P. O. Box 263248 Houston, TX 77207 Ph: (713) 242-0115 Fax: (713) 641-1014 mkv1918@pdq.net

February 26, 2003

FD 34079
D0625

Surface Transportation Board
Attention: Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
1925 K Street, NW
Washington, DC 20423-0001

To The Surface Transportation Board:

With the permission of Dana White, which permission was transmitted to me by Chris Caperton, I am submitting additional information for the STB's review. I appreciate the opportunity to submit the attached information, which I believe is significant, and believe it will have an impact on any thorough review process.

The attached binder includes:

- Transcripts of speeches made by elected leaders and others regarding the rail industry
- National Transportation Safety Board accident inspection reports and safety recommendations
- United Transportation Union (UTU) newsletter excerpts
- Several other miscellaneous pieces of information
- Demographic maps obtained from the website of the Houston-Galveston Area Council. Note that, while these maps show a significant gap between the STB's DEIS maps and the H-GAC maps' demographics, if the H-GAC maps were more current, the gap would be even wider (see comments about census figures in the ring binder/comments I submitted last week).

Please take time to read each page of the attached ring-binder, even though at times the information may appear to be redundant. If you read it, as I read every page and underlined noteworthy items, during two evenings (tonight and last night), you will see a common thread....the failure of railroad companies to consider safety of their employees over profits. By failing to put employee safety first, the railroad companies have also jeopardized the safety of the communities through which they travel, often with disastrous results.

Rail employee fatigue is a problem written and spoken about many times, at times, seeming to fall on deaf ears, particularly as noted in UTU newsletters. The numbers of hours these people are being required to work is unconscionable in any situation; in a dangerous workplace, such as rail employees face every day, it is beyond belief. Apparently, this is the way railroads increase profits; by working more, with fewer people.

Poor or non-existent railroad maintenance also shows up repeatedly in the attached information, with accident investigations often citing such failures as causes of millions of dollars in damage, and many lost lives, yet NTSB safety recommendations are routinely ignored, or take 10-15 years to be accepted (while lives continue to be lost).

There are a great many concerns about rail tank car failure, cited in NTSB investigations, and these are the rail cars being touted by BNSF, with assurances that the community through which they will transport highly volatile, highly explosive chemicals, can have peace of mind. Apparently, the NTSB and BNSF have different ways of looking at things.

One accident of note is an accident that **took place only a few months ago, in an Atofina plant**, in which improper loading by the Atofina employee caused a terrible accident. Atofina was cited for not requiring employees to wear breathing apparatus during such dangerous loading (or even providing the equipment), and in fact, they were reprimanded for providing employees with a handbook suggesting they use the *smell test* to evaluate whether there was leakage! This *smell test* endangered any employee who did as he was told, because of the nature of the chemical. Furthermore, the company's loading instructions were woefully inadequate.

If you read the attached information, you will see that the San Jacinto Rail partner companies have withheld from the STB pertinent data that proves the danger of allowing railroads with significant safety breeches affecting their employees, equipment, tracks, and public health, to transport some of the most dangerous chemicals known to man, from chemical plants operated by people who care so little about human life, as to ignore basic safety obligations. Withholding pertinent information should be reason enough to deny the permit, on that basis alone.

If transporting Hazardous cargo through our neighborhoods were as safe as BNSF claims, their own employees would not be crying out for Congressional action to stop the abuse. Not only is fatigue a problem, but employees who are injured (often because of fatigue), are intimidated and harassed into **not** getting medical care, so the railroads can win safety awards, so they will not have to turn in a report to the FRA, and so their stock prices remain high. In one document (attached) UTU enthusiastically reported that BNSF had entered into an agreement to implement better safety procedures. In later documents, complaints remained the same. Consistently, railroads agree to make changes, and then fail to do so. Some of their accepted methods of dealing with injured employees are shocking. I have worked for companies dealing with dangerous conditions for many years (the oil industry), and the methods employed by railroad management on a routine basis, would get managers fired in other industries. The industry not only seems to promote unsafe conditions, but also simply ignores the NTSB's safety recommendations

I read this information with immense sadness, then anger. Every time I have spoken at a public meeting about the SJR project, I have repeatedly stated my opinion that SJR companies work on the premise that causing a few million dollars worth of damage or killing/injuring a few people is just part of the cost of doing business. Obviously, if their own employees are expendable, they would have no more concern for community members.

As a final note, while the STB continues to reiterate the necessity of encouraging competition (and no one disagrees with the need for competition), the STB fails take the responsibility for allowing, even encouraging the unprecedented numbers of railroad mergers in recent years. So, who is at fault for destroying competition? The STB should look in its own shop.

The situation today is that, rather than improve existing infrastructure, by upgrading equipment, implementing new technology, and improving workplace conditions, railroads would rather allow existing infrastructure to deteriorate, doing just what is required to get by on a day to day basis, and borrow millions to buy up the competition. In other words, railroads today don't want to be better, they just want to be bigger. They wonder why they can't make money, when they fail to create conditions that appeal to shippers and employees, and could save millions by taking an aggressive position in eliminating accidents, injuries, and deaths. Is this the Enron method of bookkeeping? Does the balance sheet look better when one writes off death benefits, or compensation to an entire town that had to be evacuated, rather than book up-front capital expenses for improving infrastructure?

The STB, as is also seen in the attached documents, has failed to provide the oversight of railroads for which it was given authority. The STB can and should deny SJR's permit request, then the STB should take action that would provide the competition requested by shippers, by allowing trackage on the PTRA and UP's current route along Hwy. 225. Or, just deny the permit and tell BNSF to go home and get straightened out. The railroads have shot themselves in the foot, by failing to maintain good business practices. This is akin to WalMart and Kmart going toe to toe, or Lowe's and Home Depot. Greed seems to drive business; they want all of the pie, at any cost. They don't want competition; they want to take over the other guy. The railroads are doing the same thing, and the STB has been a participant.

Please read closely all of the information I have sent you, today's information and the material I sent last week. Make the railroads accountable. Don't allow them to expanding or increase business, until they get their own houses in order, including dramatic changes in inspection defect rates, workplace safety, fatigue issues, better track maintenance, and the many issues that have caused the public to lose confidence in the railroads' ability to provide safe transportation of goods.

When railroads achieved their fame and glory, they were not transporting the dangerous chemicals they transport today. They also were not trying to transport anything in densely populated areas, because there weren't many densely populated areas. Railroads may have been there before most of the communities, but the hazardous cargo came after the communities. Railroads have failed to incorporate the changes to their business practices, that became needed through evolution of their cargo, longer trains, and more densely populated areas.

My last comment is to say that I have been overwhelmingly disappointed by the lack of interest in the safety of the general public, by the STB, the railroads, and shippers. The United Transportation Union newsletters seem to be aware that public safety extremely important, but few others, and the STB never mentions it in any meaningful way. We hear nothing but lies from SJR partner companies, which can be easily refuted, yet they look us straight in the eye and tell us the same story again. The STB appears to be an organization that rubber-stamps anything the railroad companies want. This is noticed by elected officials in Washington, and will eventually be the demise of the STB. I found a great deal of research material that tells me senior elected officials are tiring of the rail and hazardous material tragedies occurring in their home districts, and they are tiring of being unable to provide solutions for their constituents.

I can assure you, the community members in southeast Houston, who have uncovered this Pandora's box of impossible to believe conditions and back-door relationships, will not sleep until it changes. The STB must never again approve any requested project, before first, thoroughly investigating whether the requesting parties are taking care of their existing businesses in a manner that is conducive to safe, positive conditions on all fronts...worker, management, shipper, and community members.

Sincerely,

Mary K. Vargo

CONCLUSIONS

THE RESULT OF RESEARCH PRESENTED IN EARLIER COMMENTS AND INFORMATION IN THIS BOOK

If railroads want less government oversight and less community opposition, they must prove that they not only comply with existing laws and regulations, but must also prove they are diligent and aggressive in a zero tolerance policy regarding:

- Accidents
- Injuries
- Safe workplace
    - Do root cause analyses of all accidents, regardless of severity
    - Treat worker injuries appropriately, providing and insisting on medical care for injuries
    - No tolerance of abusive tactics toward any employee, particularly an injured employee
    - Regular, documented safety training of all employees
    - Regular, documented safety meetings of all employees
    - Investing in and implementing state-of-the-art equipment and track integrity testing equipment
    - Higher standards for maintenance procedures
    - Appropriate numbers of workers on trains
    - Eliminating overwork and unscheduled work conditions that cause debilitating fatigue and catastrophic accidents
    - Eliminating any condition that could cause or be associated with an accident, whether employee, equipment, rail car, track, or roadbed
- Improved maintenance and scrutiny of potential problems with
    - Track
    - Roadbed
    - Crossing equipment
    - All types of train cars
        - locomotives
        - chemical tank cars
        - anything that rolls on or affects those crossing the tracks
- Particular attention should be paid to providing safe conditions for populated areas and communities through which trains travel, addressing issues that may be safe in rural areas, but unsafe in densely populated areas.

Research (in this book and in my earlier comments) indicates that railroad companies have proven they are *not* diligent in these areas and, in fact, they too often ignore/oppose such suggestions. When railroads do agree to implement changes, it is often just words, and implementation continues to be resisted. At the same time, they continue to live in denial, confidently assuring the public that they are good corporate citizens. Offering to train community members in HazMat response (as noted on the BNSF website), is *not* a description of a good corporate citizen. Eliminating the *need* for such training, by routing such materials *around* densely populated areas *and* implementing the above stated safe policies throughout the company, is the description of a good corporate citizen.

Research has eliminated comfort level with welded track, after finding that plugs, used to replace worn or damaged track, have been found to have metallurgical flaws, which have caused accidents.

Research has eliminated the comfort level associated with hearing SJR trains will operate at reduced speeds. Most accidents take place at reduced speeds and in densely populated areas. A train pulling thousands of tons of rolling steel and hazardous chemicals does not need speed, to become lethal, should a track failure occur, collision with another train or vehicle, brake failure, tank car seal failure, or (*and this is my favorite*) the excuse of *the accident isn't our fault; the rail roadbed washed out when it rained last week* (this took place just outside Houston some months ago). Is that supposed to make the victims feel better? Does this excuse make it

acceptable? Regardless of speed, accidents are occurring too often, and even at slow speeds, it takes over a mile for a train to stop.

The railroad worker's workplace is a rolling workplace. It is a huge, powerful, piece of dangerous machinery, even without hazardous loads. When combined with hazardous materials, the train becomes a rolling bomb. Railroad workers know the dangers involved in such transport, but the general public assumes that railroad companies and the chemical companies responsible for making and loading the hazardous chemicals, are above reproach in their sense of responsibility and safety to the community. This huge, powerful, dangerous rolling workplace encroaches into the lives of millions of people, as it travels through densely populated areas 24/7.

People who work with dangerous equipment and chemicals are, or should be, aware and trained in proper handling, and they also knowingly take a certain amount of risk in choosing those careers. The general public, on the other hand, has even less control than the victimized railroad workers who are subjected to unsafe conditions. The general public, first, has no concept of the dangers rolling only feet from their doorsteps every day, and further has no concept of the arrogant and unforgivable attitude that has become the norm, with rail companies and many hazardous chemical manufacturers. Sadly, many of those who have chosen careers in these industries, have developed the ability to ignore and even deny the existence of such dangerous conditions, as they have risen through the ranks, away from working in the trenches, into upper management. Some may have entered the industry at the top level, and may have never developed the proper respect for the unsafe conditions created by anything less than zealous commitment to safety in everything the company touches, and the need to limit the public's risk during transport.

Regrettably, greed has replaced integrity and moral values, and has achieved the position of being *just the way things are done.* Excuses and blame are plentiful, with regard to accidents, maintaining rights-of-way, and the safety of workers and the public. Railroad and chemical company managers have repeated their mantra so often, that it must be assumed they believe their rhetoric, that they area doing a great job, the public and workers are not at risk, and if they spend more money on areas of safety, maintenance, and upgrades, they will be out of business. That is a line that is wearing thin.

Every owner or senior manager of every company shares the responsibility of *taking care of business.* This means not biting off more than they can chew. They should not expand beyond their ability to physically maintain their equipment, regardless of location, and maintain an unbendable ethic of safety and integrity.

When railroads fail to adhere to such basic principals of ethical business practices, the entire nation suffers, and those who live in densely populated areas, crisscrossed with train tracks, suffer most. Visual blight abounds, with railroads condescendingly acting as though the public is asking for favors, when rights-of-way are not mowed and become dumping grounds (for railroad maintenance crews, as well as the general public). Trains continually block intersections for hours, often barricading people into neighborhoods, yet repeated assurances that *calling the 800 number* will solve the problem, have become a joke. It's clear that this is just a way to temporarily pacify the victims. Railroad companies complain that the public is at fault for highway/grade-crossing accidents, which is true in many cases, but in many cases it is not true. Why, then, would railroad companies want to bring *more* trains through densely populated urban neighborhoods, when they know they are bringing assurances of increased danger, accidents, and loss of life? One would think the railroads would be looking at ways to work together to go around such densely populated areas.

With current regulations directed toward railroad companies and hazardous materials shippers being ignored on a daily basis, the public can only be assured of greater danger, if regulations are geared toward more *self-policing* or *industry oversight.* Clearly, the railroads and hazardous chemical shippers have created conditions that beg for *more* regulation and scrutiny. This policy of doing anything they can get away with, has gone too far.

MEADOWCREEK VILLAGE CIVIC CLUB
P. O. Box 87606
Houston, Texas 77287
(713) 944-9244

FD 34079
D0626

February 21, 2003



Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Dear Ms. White,

After reading the Draft Environmental Impact Statement for the San Jacinto Rail project, I was greatly disappointed. There are several issues that were brought up during the scoping process that were given little to no attention in the DEIS. There are also several problems in the information you do present.

Rail Traffic
The number of trains you show using the GH&H line is low. My own personal experience tells me there are more than 3.4 trains a day. This is backed up by Texas A&M University's *Texas Transportation Institute* in a recent study that was presented to Congressman Gene Green this month. They have counted an average of 7 trains per day on the GH&H line. Even your Final Scope document (#32892) shows no fewer than 4 UP trains per day and up to 9 during 5 days of counting. Adding the projected Bayport Loop project (2) and the Shoal Point project (4) gives an estimated cumulative total of 13 trains per day on the GH& H line. This seems very close to your stated capacity of the GH&H line of 15-16 trains per day. If either project exceeds its projections, the capacity will be reached. Then what? A second, parallel line would be even more unacceptable to the communities along this route.

Pipelines
Your pipeline safety argument is based on current standards of pipeline and rail construction. If you were familiar at all with Houston, you would know that a pipeline map of the area would look like a lace doily. Most of these pipelines were installed decades ago and are not constructed or buried according to current standards. There are several pipelines running through the proposed construction route. There are also several that run parallel to the GH&H line. Recent documents obtained by the Galveston Bay Conservation and Preservation Association (copies enclosed in this package) show that pipelines are a major concern for the rail industry. They also show that the safety of the

interaction of pipelines and rail cannot be assumed. According to BNSF, "We cannot predict the magnitude or direction of a derailed car, consequently any buried utility line on railroad right-of-way can be subjected to forces that we just can't quantify."

Land Use
Your statement that "Construction of the Build Alternatives would not lead to increased pressure to develop the land along the alignment for industrial use." is incorrect. The very lack of zoning that you cite as a reason for this assertion is precisely the reason that this land would be *more likely* to become industrial property. In Clear Lake City, for example, the areas adjacent to the GH&H line were some of the last to be developed, because people do not generally want to live next to a railroad track. In most cases these are commercial areas, with some multi-family residential mixed-in. The only reason these areas are commercial rather than industrial is the large volume of traffic on Highway 3. Traffic equals customers. In the case of the rail build route, the traffic along Genoa-Red Bluff does not warrant commercial development, and a rail line would make the area unpalatable to potential residents, leaving the area for industrial use.

Hazardous Materials
Most people would probably agree that rail is one of the safest ways to carry cargo, and that the accident rate is low compared to other modes of transportation. On the other hand, accidents do happen, as we have recently seen in Tamaroa, Illinois. Using your methodology for assessing the risk of this project, it would come up negligible no matter where you put it, because the total accident rates per mile traveled by the railroads are very low. Of course, many of these miles are in open territory where the trains are not in populated areas and need not interact with other ground traffic, utility lines, or pipelines.

What you need to look at is the relative increase in risk and the type of cargo to be added. The addition of more trains along the GH&H line will increase the risk of an accident and possible chemical release to the surrounding communities, and this increase is not "negligible". In addition, ethylene oxide and propylene oxide are far more dangerous than most of the cargo currently traveling the line. These substances should not be carried through neighborhoods when safer alternative routes exist.

Population
The DEIS completely misrepresents the population density and the ethnicity of the areas that are affected by the San Jacinto Rail project. It is clear from the data you present that the total population is under counted and the ethnic makeup is misrepresented. If the STB made a fair analysis of the project, they would determine that over 21,000 persons live within ¼ mile of the proposed rail line between SH 225 and Ellington Field. Of these, 72% are Hispanic. There are more than 30 schools near the proposed route.

The Interstate Commerce Commission, the predecessor to the STB, denied a permit application for public safety reasons for a rail line outside Cincinnati, Ohio, where approximate 1000 people lived within 1000 feet of the proposed rail line, and the cargo to be carried was much less hazardous.

Although summarily dismissed in the DEIS, the only viable alternative is the "No Build" alternative. The Surface Transportation Board has the legal authority to require Union Pacific and BNSF to arrange for joint use of the line currently leading into Bayport, and if they cannot agree, to impose a solution. As you have seen from the vast amount of public opposition to any of the build alternatives, including the formal opposition you have received from every municipal government along the proposed build route, this is the only option that would be in the public interest.

We hope that you will modify the Environmental Impact Statement to reflect the true nature of this project and its impact on the surrounding communities, and that you will recommend the "No Build" alternative.

Sincerely

Gregory Brown
Meadowcreek Village Civic Club, Inc.

FD 34079
D0627

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

Beverly Beck
Lake Haven apartments # 604
1057 FM 1266
Kemah texas 77565

to the Surface transportation Board
I am interested in the trains
Fore Galveston texas and
League city and I hope in
the Future there will be
one.

FD 34079
D0628

Elizabeth Bloomer
18707 Egret Bay Blvd
Apt 713
Houston, Texas 77058
January 13, 2003

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

Surface Transportation Board
ATTN: Dana White, Section of Environmental Analysis
Re: Environmental Filing FD No. 34079
1925 K St. NW
Washington D.C. 20423-0001

Dear Sir or Madam,

I am writing to state that I am adamantly opposed to the San Jacinto Rail Line that is currently being proposed in Houston, Texas. As a resident in the Clear Lake area, I see the additional train traffic, and the pollution it inherently brings, as a further detriment to an area which is already struggling environmentally.

While I understand that there are two sides to every story, I believe that quality of life for the residents of Clear Lake is more important than the profitability that the railroads believe the extra line will bring. We already struggle with our proximity to the chemical and petroleum plants of Texas City and Pasadena, as well as the current Port of Houston. Please, don't add this to our list of woes.

Sincerely,

Elizabeth Bloomer

Elizabeth Bloomer

DEADLINE FEB. 21, 2003

FAX 1-866-293-4979

SURFACE TRANSPORTATION BOARD
Section of Environmental Analysis

FD 34079
D0629

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

Construction and Operation of a Rail Line from the Bayport Loop, Harris County, Texas Draft Environmental Impact Statement

COMMENT SHEET

Name: Rossana Daumas

Address: 1546 Lawson St.
Houston Tx.
77023

Phone: 713-928-5716

Comments may be submitted today or mailed to:

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Please provide any comments on the Bayport Loop Draft EIS.

I live in the East End area in Houston, Texas. I am writing to express my opposition to to the proposed project of the construction and opbration of a Rail Line from the Bayport Loop.

Presently, there is (already) a high volume of rail traffic in the East End. Since I bought my house 4 years ago I sleep with ear plugs every night. With Spring approaching (in addition) enjoying my work in the garden in company of many singing birds becomes less possible due to the continuous horns at various intersections blown by rail traffic. Some of the excessive blowing, I am sure, is due to the irresponsible drivers who attempt to Run the red light to beat the railroad traffic. And too often, railroad cars have stopped, blocking the intersections and making traffic have to circle around for miles to get to their destination. As I said these situation are already happening now. (own)

Adding additive traffic (rail) would be unbearable. Not just because it would create additional noise and inconvenient but because of the possible danger that would cause to this mostly Latino community, which I have witness do NOT Speak out for their rights and needs. There are many children in large families here, any possible accident having chemicals passing thru here poses chance of spillage. As it is, this area needs basic repairs and development. Adding rail traffic discourages new business in area, making this area undesirable. Please, say NO TO Draft EIS in East End Houston. Thank you.

R. Daumas
1546 Lawson St.
Houston, Tx
77023

HOUSTON TX
FEB 2003

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Dana White
Environmental Project Manager
Environmental Filing

FD 34079
D0630

Terry & Jim Wilder
4527 Cedar Ridge Trail
Houston, TX 77059

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

Dana White
Section of Environmental Analysis
Environmental Filing FD No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

January 23, 2003

Attention: Dana White

We are writing to express our views concerning the Draft Environmental Impact Statement and how the proposed San Jacinto Rail Line affects us. Our home is located on the eastern edge of Clear Lake City. One of the proposed lines comes within 5/8th mile of our home and Brookwood Elementary where our children attend school. This is a highly populated residential area. We have several concerns we wish to address.

Personal Safety - The chemicals that the rail line wants to transport are highly flammable and dangerous. Given the volernability of rail to intentional sabotage, eroding lines, and accidents, locating this near populated residential area is irresponsible and a grave threat to our safety and well being. Rail cars, no matter how well built and heavy, are subject to rupture and severe damage in the case of derailment. The weight of the cars impacting on each other can be catastrophic. The petrochemical employees and representatives who spoke at the recent meeting on January 14, 2003 at the Pasadena Convention Hall said no leaks requiring public aid had occurred since 1989. That is an unacceptable safety record. It is a relatively short period of time. Our family doesn't deserve to be endangered by companies who can't guarantee protection against death, damage, and illness in the event of a derailment, sabotage, or accident.

Property Values - The value of our home will be affected by the placement of the rail line and industrial projects connected to it. The decrease or stagnant value of our home is a sacrifice we should not bear to ensure profits for a group of corporations.

Loss of Wetlands - Development of a large tract of wetlands west of Armand Bayou and east of Ellington Field will impact our residential areas. The loss of pothole wetlands and additional commercial and industrial development will put us at an additional risk of drainage problems and runoff exposure to chemicals/ pollution. These areas are important to the local ecology and residents who live here.

Ellington Field - The safety and defense of the Houston area is dependent on Ellington Field and their ability to function. Location of the rail line puts our defenses at risk for terrorist attack. A small plane, damage to the rail line, or other unforeseen attack would jeopardize their ability to defend Houston. The President and several foreign dignitaries fly in and out of this location. The chemicals involved are extremely explosive and deadly.

Sonny Carter Facility – The NASA facility located on the south side of Ellington Field tests sensitive, expensive equipment in a large underwater tank and is vital to our Space Program. Vibration and exposure to the same threats as Ellington Field and the residential areas are considerable risks to its success and survival.

In closing, we would like to say that the representatives of the Petrochemical companies offered no guarantees to our property and safety. All the speakers for the proposed line were employed by or owners of a Petrochemical company. Some said they live in Clear Lake and Pasadena, but not a one of them said they lived within 1 mile of the proposed track. We are not willing to accept that 21,000 people should sacrifice themselves for the sake of their profits and job security.

Terry Wilder

GALVESTON BAY FOUNDATION

RECEIVED
FEB 28 2003
MAIL MANAGEMENT STB

February 21, 2003

FD 34079
D0631

Dana White
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Fax: (866) 293-4979

Re: Environmental Filing FD No. 34079

Dear Dana White:

The Galveston Bay Foundation has reviewed the Draft Environmental Impact Statement for Finance Docket No. 34079, titled "Construction and Operation of a Rail Line from the Bayport Loop in Harris County, Texas. The applicants, San Jacinto Rail Limited and the Burlington Northern and Santa Fe Railway Company, are proposing to construct and operate 12.8 miles of new rail line between the Bayport Industrial District (Bayport Loop) and the former Galveston, Houston, and Henderson Railroad (GH&H) line now owned by the Union Pacific Railroad Company (UP), near Ellington Field.

The Galveston Bay Foundation has the following comments regarding the Draft Environmental Impact Statement:

1. Sections 3.7.2.4, 4.7.5.1, and 4.8.2.1: These sections make reference to the planned right-of-way for the Proposed Action (Applicant's preferred alternative), Alternative 1C, and the Original Taylor Bayou Crossing bisecting a 52-acre mitigation site located near Ellington Field. This wetland restoration site was required by the USACE as compensation for impacts from an unrelated project. Section 4.7.5.1 indicates that "in the coastal prairie wetlands near Ellington Field, small berms would be constructed, where possible, on the outside of the proposed drainage ditches if an isolated wetland is bisected by or adjacent to the construction footprint." Section 4.8.2.1 indicates that the build alternatives would "fragment some of the bisected plant communities, and thereby affect some

17324-A HIGHWAY 3 • WEBSTER, TX 77598 • (281) 332-3381

berms" and "install pipe culverts through the railroad bed in order to minimize the potential impact on surface drainage patterns in the coastal prairie habitat near Ellington Field". Still, the Foundation remains concerned that insufficient analysis has been conducted to determine specifically how the hydrology on this site functions and what effects might actually be rendered by habitat fragmentation and noise/activity associated with the project. This habitat type increasingly scarce in this region. This site was intended to be restored and set aside as a purposely-contiguous property representing a "true gilgai, uplands/wetlands prairie complex" [USACE PN #21754(01)]. While at this time the Foundation prefers the applicant's proposed alternative over the others presented because of its minimized wetland and Texas prairie dawn impacts, we believe further study is in order to make an accurate analysis of site hydrology and cumulative impacts to this location.

2. Sections 4.8.3 and 6.3, Table 4.7-3: These sections make reference to potential impacts and subsequent mitigation for impacts to EFH. Potential impacts from the Proposed Action, Alternative 1C, 2B, and 2D to EFH would occur at the site of the proposed bridge crossing of Taylor Bayou. However, there appears to be some discrepancy within different subsections of the DEIS as to specifically what the total impacts to tidally influenced wetland (EFH) would be. Section 4.8.3.1 indicates these alternatives would impact 0.11-acre of tidal emergent wetland, and 0.14-acre of tidal shrub wetland, totaling 0.25-acre. Section 6.3 and table 4.7.3 indicate total impacts to EFH would be 0.36-acre. These discrepancies should be addressed in the FEIS. Further, Section 6.3 indicates that the applicant proposes to mitigate for impacts to this resource at roughly a 1:1 ratio. Any impacts to EFH should be mitigated for at least at a 2:1 ratio.

3. Sections 4.7.4.1 and 4.7.5.1: These sections make reference to surface water and wetland impacts along a tidal portion of Armand Bayou west of Red Bluff Road for all of the proposed project alternatives. The Foundation appreciates the applicant's attempts to compensate for wetland function loss that would be associated with the proposed project by incorporating linear storm water detention berms and locating the bridge adjacent to an existing pipeline and transmission line. However, the Foundation also believe that further study may be in order to verify that the detention basins will in fact adequately replace any lost wetland function and provide sufficient non-point runoff pollutant attenuation for the bayou. Additionally, USACE permit application 22823 (posted 07 February 2003), required for CWA Section 404 certification for this project, notes a

proposed 0.35-acre detention basin west of Armand Bayou and Big Island Slough, near the proposed bridge referenced above. Evidence of this detention area and its associated impacts to existing bottomland hardwood habitat are not evident in the DEIS. This discrepancy should be addressed in the FEIS.

Thank you for the opportunity to comment. Please feel free to contact us should you have any questions regarding the content of this letter.

Sincerely,

Jim Dobberstine
WPR Program Manager

Alisha Goldberg
Assistant Director

RECEIVED
MAR 3 2003
MAIL MANAGEMENT STB

2515 Apache Brook Ct,
Houston
Tx. 77062

2/18/03

FD 34079
D0632

Dear Mr White

Any husband + I strongly object to the location + construction of the proposed San Jacinto Rail Project which would run just north of our home + area schools.

Besides petro-chemical products this train will carry (1) Ethylene Oxide + (2) Propylene Oxide, over underground pipelines.

An accident waiting to happen!

Sincerely
Barney + Joan Radcliffe

FD 34079
D0633

RECEIVED
MAR 3 2003
MAIL MANAGEMENT STB

The Office of the Secretary
Case Control Unit
STB Finance Docket No. 34079
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001
Attn: Dana White

Re: San Jacinto Rail Line

I want to join residents in opposition to the project of expanding the rail line along Old Galveston Road.

My home is only one block from the Old Galveston road rail line (the corner of Brockton and Shady Park). We do not need this extra traffic blocking major roads that cross the rail line.

My husband and I purchased our home in 1952 and we do not need this extra noise and polution in our neighborhood.

PLEASE HELP!

Mary L. Gilbert
8544 Brockton
Houston, Texas 77017-2404

FD 34079
D0634

RECEIVED
SURFACE TRANSPORTATION
BOARD

2003 FEB 25 A 9:04

OFFICE OF CHAIRMAN
NOBER

2-6-03
Mr. Roger Nober
Chairman
Surface Transportation Board

Dear Mr. Nober;

I'm writing you in an effort to let you know how I believe the proposed San Jacinto Rail will impact myself and the community that I live in and also what conditions are like here, at the present time, due to heavy rail traffic.

It's 9:20 pm here in Houston. I can hear the low drone of a train whistle as I write this. There are trains criss-crossing my neighborhood from all directions. It's not just my neighborhood, but this entire area known as the East End. They run day and night, 24 hours, as I'm sure you're aware. We usually don't even notice them. Yes, we don't have a nice, orderly look to our streets because of the tracks and yards but that's not a big deal. The big deal is loss of sleep. I wear earplugs at night, and have had an ear infection because of them, but they are necessary if I'm to function at work and keep my job. The trains roll by at all hours, most noticeably at 3 am and 5 am. My 16 year old daughter, who just became a member of the the National Honor Society, comes home from school and sleeps due to lack of sound sleep at night. People put up with it because they feel powerless to do anything. Mostly Hispanics and many from Mexico, they are passive when it comes to civic involvement. But that's not because they don't care or have opinions. Those who I have spoken to at the civic club meetings and in the neighborhood agree unanimously that they do not want another train track running who knows how many more trains through this area. There is no doubt in my mind that, if a survey were taken of all potentially affected residents, that more than 90% would be opposed to the new line. Isn't that what those "town hall meetings" were for? So knowing in your heart that the people don't want it, why will it be constructed? The existing UP line sounds like the answer, since it's already there and is not as close to our houses and schools. The nature of the chemicals is another factor. It's like our neighborhood is a dumping ground because of lack of our residents making enough noise to stop it.

We're in the 21st century and I think the idea of new freight rail consruction through residential neighborhoods is barbaric. I understand that you are in a position to make the determination whether this proposed line is in the best interests of the US. I believe that you also want to have as much of a win-win situation for all parties involved as possible. Please oppose this and work towards a solution away from our living areas.

Simcerely,

Daniel Axton

Melissa Axton

FD 34079
D0635

GENE GREEN
29TH DISTRICT, TEXAS

2335 RAYBURN
WASHINGTON, DC 20515
(202) 225-1688

256 N. SAM HOUSTON PKWY. EAST
SUITE 29
HOUSTON, TEXAS 77060
(281) 999-5879

11811 I-10 EAST
SUITE 430
HOUSTON, TEXAS 77029
(713) 330-0761

WWW.HOUSE.GOV/GREEN

Congress of the United States
House of Representatives
Washington, DC 20515-4329

COMMITTEE ON ENERGY AND COMMERCE
- SUBCOMMITTEE ON TELECOMMUNICATIONS AND THE INTERNET
- SUBCOMMITTEE ON HEALTH
- SUBCOMMITTEE ON ENVIRONMENT AND HAZARDOUS MATERIALS

COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT
DEMOCRATIC DEPUTY WHIP
DEMOCRATIC STEERING COMMITTEE

February 19, 2003

The Honorable Roger Nober
Chairman
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20423-0001

RECEIVED
SURFACE TRANSPORTATION
BOARD

2003 MAR -5 P 12:45

OFFICE OF CHAIRMAN
NOBER

RE: STB Finance Docket No. 34079

Dear Chairman Nober:

On January 9, 2003, the *Houston Chronicle* published a story that clearly details the use of false data by the San Jacinto Limited project in filing their application. I brought this fact to the attention of the Surface Transportation Board (STB) in my statement during the public meeting on January 15, 2003.

According to the Houston Chronicle, "when the data used to map the route is corrected to reflect residents who identified themselves as Hispanics, which was not a main census category, the figures show that communities affected by the new trains are overwhelmingly Latino…By law and executive order, all federal agencies are required to assess whether a proposal's adverse effects fall disproportionately on minority communities."

I am very concerned that the STB is not considering the correct information in making its very important decision of allowing additional train traffic into this already congested area. To that end, I am submitting information from the United States Census Bureau that details the demographic characteristics of the East End area in Houston, Texas. I strongly urge the STB to review this information carefully.

I appreciate your consideration, and I look forward to hearing from you very soon. Please do not hesitate to contact me directly if you have any questions or need additional information.

Sincerely,

Gene Green
Member of Congress

FD 34079
D0636

THE SOUTHEAST NEIGHBORHOOD COALITION

Chairman – Mary K. Vargo
P. O. Box 263248 Houston, TX 77207 Ph: (713) 242-0115 Fax: (713) 641-1014 mkv1918@pdq.net

March 5, 2003

The Honorable Roger Nober
Chairman
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

RE: February 21, 2003 Letter from Congressman Gene Green to Chairman Nober
Regarding STB Finance Docket No. 34079 - San Jacinto Rail

Chairman Nober:

Congressman Green forwarded to me a copy of his above referenced transmittal to you, and included the TTI report which highlighted TTI's evaluation of Houston's East End rail traffic. Current rail traffic volumes, and the subsequent associated problems, have been the subject of considerable discussion during East End Rail Task Force meetings, given the threat of substantially increased traffic levels by the proposed San Jacinto Rail Project.

The Congressman made some excellent points in his letter, and noted that TTI found more trains traveling through the East End than stated in the DEIS, confirming what residents have long said, that the DEIS severely under-reported current volumes. While reviewing the TTI report and comparing it to the DEIS, I noted that the Federal Railroad Administration's Grade Crossing Database and Public Crossing Accident Prediction System was listed as a source document on Page 3-21 of the DEIS. My interest aroused, I checked the FRA report and was shocked to see that there is an even greater discrepancy between the DEIS and the FRA report, than between the DEIS and the TTI report. Further review also pointed out several other areas of discrepancy between the DEIS and the FRA document. How can the FRA be quoted as a source, while the numbers shown are not the numbers in the FRA's report? Attached is a table showing the troubling differences, which include rail traffic, train speed, and accident prediction. These are very significant issues, and using inaccurate numbers has a very broad impact on evaluation of many facets of the project.

Given the substantially higher number of trains reported by the FRA, contrary to DEIS numbers, it should be noted, as we have said many times, that the assertion by SJR (and repeated in the DEIS) that there will be *only two trains per day* added to existing traffic, produces an inaccurate assessment of the number of trains that will travel on the line. SJR acknowledges that their claim of two trains per day takes into consideration only those trains leaving the Bayport Loop. On questioning, SJR further acknowledges that the trains will return. A train is a train, regardless of the direction it travels, and to eliminate one-half of the potential traffic count, because the DEIS only counts the trains going one way, is absurd. See attachment.

The same day Congressman Green's package arrived, I received a copy of the comments submitted to the STB by Kathryn Kusske, of Mayer Brown Rowe and Maw, a Washington law firm, apparently on behalf of SJR. It is troubling that the document is so focused on issues such as who has complained the

most, Clear Lake or East End, and is so concerned about East End residents' concerns about Environmental Justice issues. I would ignore this compilation of questionable information, but am disturbed about comments in her submittal that are dangerously close to implying that our low-income/minority population doesn't really matter, because they aren't near the actual construction site (regardless of their risk from the trains). The further implication is that since the minority/low income population already has train traffic, a few thousand more rail cars won't matter, even if many are filled with chemicals (known to be highly explosive, dangerous, and flammable). The *comment period* was supposed to provide the opportunity to *comment* on the **DEIS**, not Ms. Kusske's opinion of the worthiness of the Environmental Justice population. Ms. Kusske's compilation of information should be sifted thoroughly, and evaluated for pertinent, factual data, nothing more. It is important that the DEIS not be used to evaluate the factual nature of Ms. Kusske's comments, because they also are incorrect in many cases.

I realize the comment period has ended, but I hope you will accept my letter, given the very significant difference between DEIS stated number of trains per day, and the FRA numbers. It is one thing to disagree on interpretation of information, but when statistical data is discovered to be in error, according to a credible source (such as the FRA), surely there should be no deadline. The STB has a responsibility to the public to first and foremost, to use accurate, factual data for evaluating a project that will have an enormous impact on a densely populated area. By using incorrect data, the entire process is tainted.

Chairman Nober, I don't have a full understanding of how the STB provides oversight to the Section of Environmental Analysis (SEA), but something in the system has clearly failed. My research uncovered numerous speeches in Congress about the STB's poor record of objective and thorough analysis, which confirms what we found in this DEIS. The comments I submitted prior to the deadline include hundreds of records, that confirm the validity of concerns about public safety, if this project is permitted. Among them, is a BNSF internal document that clearly and in full color, shows BNSF's fears and knowledge of the hazards of pipelines, utilities, and railroads in the same corridor, which will be the case if SJR is permitted. My comments include many records of ethylene oxide accidents, one of the chemicals this rail will carry, which counters SJR's claims of inherent safety, hazards to which the DEIS seems oblivious. The DEIS says the public is not at risk from a hazmat incident, unless there is a leak, fire, or explosion. This is extremely inaccurate, as the records prove that evacuation occurs routinely, when there is the *potential* for a leak, fire, or explosion, all of which would be the case in any incident involving a hazmat rail car. Evacuation certainly should be considered a risk. How quickly could evacuation be completed on any one the many schools near the GH&H, and who would bear the cost and responsibility?

I assume comments submitted to the STB by the public are sent to the SEA for review, but I would like to send you a copy of my submittal. I believe if you review my comments, and compare with the DEIS, you will very quickly see that the community is correct in opposing this project, and that the DEIS is fatally flawed.

I like trains, and have friends who work for the railroad. My initial research was to find factual information to defeat those who oppose it. I was stunned by what I found, and in doing research for over a year on this project, I am more convinced every day that it will destroy the quality of life in our community. I do not even take into consideration the (very valid) complaints of inconvenience or blocked roads. My focus is the safety and welfare of the thousands of people I represent. I speak for a large population of elderly people who don't have a voice. I speak for thousands of immigrants, many of whom do not speak our language, and work several jobs, just to survive. They do not know the

dangers we will face. Many come from countries in which speaking out, regardless of the concern, puts one at risk. They do not understand that we do have rights, and that our government agencies are paid to protect the public.

If you will allow me, I will forward a copy of my comments for your review. They do not even begin to cover all the inaccuracies, because we simply did not have enough time. There is enough material, however, to give you a sense of the poor quality of the DEIS, with its incorrect data. Furthermore, there is a moral dilemma, when a government agency bows to the whims of a business entity, failing to respect the rights and demands of the affected taxpayers. The dilemma becomes an outrage, when the government agency not only bows to the whims of a business entity, but is unable to justify approval of the project, without the use of inaccurate data.

Please notify me by calling (713) 609-5941, and I will send my earlier submittal via courier. I do hope you share my concern about public safety, as well as the integrity of your organization, in its charge to ensure a complete, fair, and accurate assessment. I look forward to hearing from you or your Deputy.

Sincerely,

Mary K Vargo

Mary K Vargo

Attachments
cc: The Honorable Gene Green
State Rep. Rick Noriega
City of Houston Mayor and Council Members

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



FD 34079
D0638

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 27, 2003

Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Attn: Ms. Dana White

Re: USACE Permit Application No. 22823

Dear Sir:

The applicants, San Jacinto Rail Limited (SJRL) and The Burlington Northern and Santa Fe Railway (BNSF), request authorization to construct approximately 12.8 miles of new rail line to serve the petro-chemical industries in the Bayport Industrial District (Bayport Loop). The Proposed Action includes rail operations to and from the new rail line near Ellington Field over trackage rights on Union Pacific Railroad Company's (UP's) GH&H line and UP's East Belt, Terminal, Lafayette, and Baytown Subdivisions to the storage yard operated by CMC Railroad at Dayton, approximately 30 miles east of Houston, Harris County, Texas. The Preferred Alignment would cross Horsepen Bayou, Armand Bayou, Spring Gully, and Big Island Slough, two unnamed tributaries to Armand Bayou, several unnamed drainage channels, Taylor Bayou, and man-made flood control channels. Each of the jurisdictional perennial streams would be crossed with a bridge to minimize impacts. The bridges over Horsepen Bayou, Armand Bayou, Big Island Slough, and Spring Gully would span each waterway. The bridge over Taylor Bayou would have piers/pilings in the waterway and impact approximately 1,444 cubic feet of streambed. An unnamed Harris County Flood Control District drainage channel inside the Bayport Loop would be crossed in three locations with turnout bridges and impact approximately 279 cubic feet of the channel. The preferred alignment will result in the fill of 0.03 acre of two intermittent unnamed tributaries to Armand Bayou. The preferred alignment would potentially impact approximately 2.70 acres of jurisdictional wetlands and 4.22 acres non-jurisdictional wetlands delineated in the proposed right-of-way. In addition, a 52-acre wetland mitigation site to the east of Ellington Field would be bisected. The conceptual mitigation plan consists of the preservation of approximately 24 acres of bottomland hardwood in the Armand Bayou watershed, including 1.5 acres of gilgai wetlands, and 24 acres coastal prairie habitat, including approximately 5 acres of non-jurisdictional isolated wetlands. The applicant also proposes to create approximately 0.32 acre of tidal marsh.

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In addition to the information contained in the Draft Environmental Impact Statement (DEIS), the following information is needed for review and certification of the proposed project. Responses to this letter may raise other questions that will need to be addressed before a water quality certification determination can be made.

1. The Texas Commission on Environmental Quality (TCEQ) recommends bridging of wetlands when practicable, specifically those located in Armand Bayou and Big Island Slough, to further minimize impacts.

2. Please indicate on diagrams dated December 2002 (submitted with the correspondence dated January 29, 2003), the acreage of wetland fill/excavation on sheets 7/22,8/22, 9/22, and 10/22.

3. Please describe in greater detail the proposed 3.8 acres detention mitigation area that will be planted with native hardwood species in Armand Bayou on sheet 6/22 on the diagram dated December 2002 (submitted with correspondence dated January 29, 2003). Specifically, what are the proposed elevations of the area and how will emergent wetland species be established.

4. In the DEIS, the proposed preferred alignment will bisect the 52-acre wetland mitigation site east of Ellington Field for impacts resulting from the construction of Space Center Boulevard. If the mitigation site cannot be avoided, the TCEQ recommends bridging it to minimize impacts.

5. In the DEIS, the applicants state on page 4-48 that some hydraulic dredging may be necessary to construct pier footings for the bridge crossing in Taylor Bayou. The TCEQ request that a 300 mg/l of Total Suspended Solids requirement for decant water from the disposal area to be stated in the Final Environmental Impact Statement (FEIS).

6. In the DEIS, under the subheading "Operation and Maintenance Impacts", the applicants state that indirect impacts due to shading may occur as a result of the construction of the bridges. Have these impacts been accounted for in the calculation of the total impacts of the project, specifically, for the tidal marshes within Taylor Bayou?

7. In the DEIS, page 5-7, under the subheading "Water Resources," the estimated impacts for the Bayport terminal should be verified and updated in the FEIS.

8. The TCEQ recommends rewording "SEA expects that surface water and wetlands impacts would be adequately mitigated by the relevant regulatory programs..." so that the statement

indicates that the applicants are responsible for mitigating impacts to surface water and wetlands as required by the regulatory programs.

9. Please describe the proposed monitoring plan and success criteria in greater detail.

10. Please specify a conservation easement or other restrictive covenant for the proposed mitigation site.

The TCEQ looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Ms. Lili Lytle of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Ms. Lili Lytle may also be contacted by phone at (512) 239-4596, or by e-mail at *llytle@tceq.state.tx.us*.

Sincerely,

Michael D. Cowan, Director
Water Quality Division
Texas Commission on Environmental Quality

MDC/LLL/emh

ccs: John Machol, U.S. Army Corps of Engineers, Regulatory Branch, CESWG-PE-R, P.O. Box 1229, Galveston, Texas, 77553-1229

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