

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

Statement of Victoria Rutson, Chief, Section of Environmental Analysis

Good Morning Chairman Nober and Commissioner Morgan.

In this case, although the law permitted a less stringent environmental review because the project was not expected to result in potentially significant environmental impacts, SEA decided to prepare an Environmental Impact Statement (EIS) to evaluate fully any possible environmental impacts. SEA prepared the EIS in cooperation with three federal agencies.

The EIS process here took 17 months. During this time, SEA undertook an independent environmental analysis, conducted site visits, held scoping meetings in the project area to identify the potential environmental issues, issued a detailed Draft EIS for public review and comment, conducted additional public meetings in the Houston area, and issued a Final EIS responding to comments, making minor corrections to the Draft EIS, and setting forth SEA's final conclusions and recommendations.

Throughout the environmental review, SEA undertook a full and open public process to give interested agencies, organizations, and members of the general public the opportunity to learn about the project, define issues, and actively participate. For example, SEA accepted comments on its Draft EIS in writing, by mail or email, and orally at two public meetings held in the Houston area, and by phone. As a result, over 600 comments were submitted.

On May 2, 2003, SEA served the Final EIS on all parties of record and filed it with EPA. SEA also provided notification of the availability of the Final EIS in both English and Spanish to

approximately 1800 interested parties.

The Final EIS reaffirms the conclusions of the Draft EIS that the proposal would have only moderate impacts on surface water, wetlands, and plant communities and negligible-to-no impacts on all other environmental resource categories. The Final EIS reports that all of the alternative routes for the proposed line (the so-called “build alternatives”) are fully acceptable from an environmental standpoint and that no single route has emerged as markedly preferable. Indeed, most of the impacts associated with each of the “build alternatives” are similar.

Nevertheless, the regulations of the President’s Council on Environmental Quality that implement the National Environmental Policy Act require that a preferred route be designated. In light of concerns raised by the Federal Aviation Administration (one of the cooperating agencies), the Final EIS identifies Alternative 1C as the preferred route because it avoids potential impacts on aviation that FAA identified. But since none of the alternative routes would have significant environmental impacts, the Final EIS recommends that the Board approve all of the alternative routes, while identifying Alternative 1C as the preferred route.

The Final EIS also recommends 80 mitigation measures to address the moderate environmental impacts that SEA found and the concerns raised by the local community. 76 of these mitigation measures were suggested by the petitioners. The Final EIS adds four additional mitigation measures. They would require petitioners to: enter into an arrangement with the Port of Houston Authority to address a rail crossing at Port Road; provide a community liaison fluent in both Spanish and English; retain a third-party contractor to assist SEA, as needed, with certain environmental reporting by petitioners regarding the project; and offset adverse impacts to Essential Fish Habitat in Taylor Bayou.

We would be happy to answer any questions.