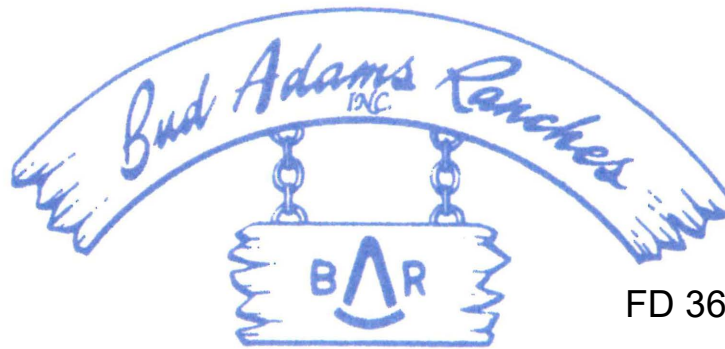


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Please accept the following comments on behalf of William R. Scofield, President of Bud Adams Ranches, Inc.

Comments submitted:

Comment 1: The location for the Dallas terminal and segment #1 of the High-Speed Rail (HSR) route chosen was selected early by Texas Central Rail (TCR) and Federal Railroad Administration (FRA). No alternatives to segment 1 were ever considered. Route 1 has material adverse impacts on both the Le May and Le Forge neighborhoods. In addition, segment 5 of the route will also materially impact minorities. Segments 1 and 5 are the only two segments included in every route alternative considered by FRA (See attachment 1 from the Final Environmental Impact Statement (FEIS)). A significant investor in TCR owns the property selected for the Dallas terminus.

Comment 2: FRA never held any listening sessions or any meetings in any of the rural minority communities prior to the preparation of the Draft Environmental Impact Statement (DEIS). FRA meetings were restricted to the urban areas of Dallas, Harris, and Ellis counties. These counties also have the highest per capita incomes of the ten counties impacted by the HSR. The FRA recognizes that minorities in Waller County could be significantly impacted by TCR. The FEIS is silent as to why meetings were never hosted by FRA, until a few months prior to their release of the FEIS, in Waller County. The FEIS does not contain any analysis of the impacts on the minority residents of Waller County (See attachment 2 from the FEIS). The FRA apparently has no concept of adequately communicating with citizens in the eight rural counties impacted by the HSR. Section 3.18.3.6 clearly states "in lieu of hosting sessions FRA posted the meeting materials from the first round of listening sessions to the project website. The FRA is so detached from reality in these rural communities they apparently do not realize most areas of these rural counties has no adequate internet service and even if they did most of the poor people in these communities have no internet access. Sadly the fact these rural

citizens lack any internet service was highlighted by the Covid 19 shutdown when local educators learned they had no way to deliver schooling to a large majority of the children in these counties.

Comment 3: Only after the preparation of the DEIS (Draft Environmental Impact Statement), and announcement of the final HSR route did FRA host some additional meetings for minority residents of Dallas (3), Harris (1), and Waller County (1). FRA seems to have willfully discouraged attendance at these “community meetings,” as three of the five meetings occurred near the Thanksgiving holiday period in 2018 and 2019 when citizens obviously give priority to family functions and travel. In fact, the final EIS discloses that two meetings were held during Thanksgiving week in November 2019 and that the only meeting ever held in Waller County was the Tuesday before Thanksgiving 2019! The final EIS mentions the Waller County meeting had only eleven people sign-in of a total county population of over 55,000 citizens. Note these meetings were held after the filing of the DEIS, in December of 2017, and were convened too late to have any impact on the final EIS scheduled for release in March 2020. (See attachment 3 from the FEIS).

Comment 4: The FRA’s FEIS claims to have considered Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” However, a close reading of the final FEIS indicates that FRA failed to devote the required attention and serious studies required by E.O. 12898. The final EIS contains dismissive or insulting references such as “It may be possible to relocate residents of Le May and Le Forge neighborhood,” or “Although ample replacement housing is available within 3 miles of the neighborhood, it may not be accessible to all residents of Le May and Le Forge.” These types of statements are completely unacceptable in a FEIS and indicate how egregiously FRA may have shirked its federal responsibility to provide for Social Justice protections under E.O. 12898. It appears the FRA may have ignored several social justice issues hoping no one would notice these issues were never properly addressed. Additionally, our nation’s focus on social justice issues, raised by this proposed HSR project, has changed dramatically since 2016, when the work was completed by FRA was included DEIS. (See Attachment 3 from final EIS).

There are numerous other problems with the way the FRA failed to abide by its Social Justice obligations and requirements.

FRA made no effort to engage with some of the minority communities severely impacted by TCR’s proposed and massively intrusive HSR project. FRA failed to engage with governments in eight of the ten counties through which the proposed HSR project is designed to pass. The failures by FRA listed above are but a small sample of the social justice omissions that will be raised in open federal court, where a federal judge will decide if the final EIS meets required Social Justice standards. Eight Texas counties are a party to a federal lawsuit, filed on April 14 in the United States District Court in Waco Texas.

The approach to addressing social justice issues created by a major infrastructural project like this proposed HSR project has changed dramatically since 2016, prior to which most of the work was completed on TCR's draft EIS. FRA made no significant effort to engage with minority populations severely impacted by TCR's proposed and TCR's massively intrusive HSR project. FRA and TCR refused to engage in discussions with local municipal and county governments in eight of the ten counties through which the proposed HSR project is designed to pass.

Regrettably, neither TCR nor the FRA has ever thought it useful to update these critical socio-economic concerns in the five years since TCR's proposal was researched for Social Justice issues in 2016. The FRA received numerous public comments about the consequences for the majority-minority communities in the neighborhoods of South Dallas and those in Waller County. The FRA knew that minority communities and Texas counties would be cut off from future projected economic growth, cut off from police and emergency services, and face other serious repercussions and yet FRA refused to delay the issuance of their FEIS. FRA's actions stand in direct opposition to the social justice values and goals consistently expressed by the Biden administration.

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All Parties of Record

visual and traffic impacts from lighting and screening. Temporary aesthetic impacts due to construction would be common to all communities throughout the Project and would not represent a disproportionately high and adverse visual impact to minority and/or low-income block groups.

Five neighborhoods or communities identified in minority and/or low-income block groups would be potentially impacted by the Project: Downtown Dallas, Le May and Le Forge Neighborhood, Hash Road and Nail Drive, Plantation Forest and the Houston Terminal Station Option area (including Spring Branch Super Neighborhood). Two other communities not identified in minority and/or low-income block groups are discussed in Section 3.14, **Affected Environment and Environmental Consequences, Socioeconomics and Community Facilities**. All identified locations would be on Segment 1 and Segment 5, common to all Build Alternatives. After implementation of the mitigation measures discussed in Section 3.18.6, **Environmental Justice, Avoidance, Minimization and Mitigation**, there would be no notable disproportionately high and adverse impacts to minority and/or low-income populations as a result of the Build Alternatives and Houston Terminal Station Options.

ES.9.18 Cultural Resources

Discussed in Section 3.19, **Affected Environment and Environmental Consequences, Cultural Resources**, as defined by NEPA, cultural resources is an inclusive term that encompasses a broad range of resources consisting of physical evidence of past human activity. The term includes any prehistoric or historic structures, buildings, objects, sites, districts (a collection of related structures, buildings, objects and/or sites), landscapes, natural features, traditional cultural properties (TCPs) and cemeteries.

Not all resources that are cultural are considered significant under applicable cultural resources laws. Cultural resources must meet specific criteria and possess sufficient historic integrity to qualify the resource as a *historic property*, as defined by the National Historic Preservation Act (NHPA). NHPA is the cornerstone of federal historic preservation law. Section 106 of NHPA and its implementing regulations,³⁴ require that prior to issuing federal funding, partial funding, permitting, licensing, approval or taking other action, federal agencies must take into account the effects of their undertakings on historic properties and provide the Advisory Council of Historic Preservation (ACHP) an opportunity to comment on the undertaking.³⁵ In the State of Texas, cultural resources may also merit designation as a Recorded Texas Historic Landmark and may also be designated as a State Antiquities Landmark.

In addition to historic properties considered under Section 106, the Project has the potential to affect cemeteries. Cemeteries, which are not usually considered for listing in the NRHP, are protected under provisions of the Texas Health and Safety Code in Chapters 711-715 (Title 13, Section 2, Chapter 22 of the TAC) and in Section 28.03(f) of the Penal Code of Texas. The Health and Safety Code prohibits use of cemetery property for non-cemetery purposes. As determined in consultation between FRA and the Texas Historical Commission (THC), the State Historic Preservation Office for the State of Texas, cemeteries considered to be exposed to potential adverse impacts under NEPA, regardless of any designation or NRHP eligibility determination under Section 106, are those wholly or partially within the LOD or those with boundaries within 150 feet of the LOD.

Potential impacts to cultural resources include multiple Study Areas and would be coordinated with the THC, the preservation agency for the State of Texas and FRA. The Study Area, or Area of Potential Effect (APE), for historic resources evaluated through this Project varies from 350 feet beyond the LOD, or Project footprint, of the Build Alternatives within an urban setting, to 700 feet beyond the LOD of the

³⁴ Protection of Historic Properties [36 C.F.R. 800].

³⁵ 54 U.S.C. 306108.

3.18.3.6 Outreach

The purpose of outreach is to bring awareness of the Project to communities or individuals, gather additional feedback on the potential impacts of the Project and identify appropriate mitigation.

FRA developed an outreach plan to connect with potentially impacted minority and low-income communities in Dallas, Harris, and Waller Counties.¹² FRA scheduled and hosted listening sessions in coordination with pre-existing community meetings where possible in order to better engage individuals potentially impacted by the Project.

FRA held an initial round of listening sessions prior to the release of the Draft EIS, including:

- July 28, 2016, at St. Philip's School and Community Center in Dallas County. FRA attended the July session of a monthly meeting with parents and other community leaders. Approximately half of the attendees were familiar with the Project.
- August 3, 2016, at First Metropolitan Church in Harris County. This was a specially arranged meeting through a local pastor. The majority of the attendees were familiar with the Project.
- August 4, 2016, at the Ennis Housing Authority in Ellis County. This was a specially arranged meeting through the Housing Authority. The majority of the attendees were from outside of the community and were familiar with the Project.
- August 17, 2016, at the Northwest Houston Police Department Substation in Harris County. This was a recurring monthly meeting, hosted in Spanish, for community members. A very small portion of the attendees were familiar with the Project. Translation services were provided for this meeting.

The above listening sessions were held in the communities at familiar locations and at convenient times for local residents. FRA worked with local community leaders in Dallas, Ellis and Harris Counties to identify appropriate venues and then subsequently invite the minority and/or low-income populations served by and/or living near those venues. Meeting displays featured a timeline, a list of the subjects covered in the EIS, maps and other boards to describe the Project and Build Alternatives. Information materials were available in Spanish and English, the identified languages of the minority and/or low-income populations. FRA made translation services available upon request or if needed, as determined by the meeting attendees. At each listening session, a short presentation was given and participants were invited to ask questions.

FRA did not host listening sessions in Freestone, Leon or Grimes Counties due to the rural nature of these counties, which includes large minority and/or low-income block groups, but less defined communities. In lieu of listening sessions, FRA developed a fact sheet, found in **Appendix C, Public and Agency Involvement Correspondence**, with frequently asked questions about the Project. **Table 9-7 in Chapter 9.0, Public and Agency Involvement Correspondence**, lists the service agencies, including food banks, in Freestone and Leon Counties, FRA sent the fact sheet to, with a request to make it available to the populations they serve. FRA did not identify any service agencies in Grimes County, and therefore, mailed the fact sheet to property owners within minority and/or low-income block groups.

FRA did not host listening sessions or conduct specific outreach in Navarro, Limestone or Madison Counties during development of the Draft EIS because at this stage of the Project FRA did not identify minority and/or low-income block groups or communities that were intersected by the Study Area in

¹² No minority and/or low-income communities were identified within the Study Area of other counties.

those counties. Therefore, in lieu of hosting listening sessions FRA posted the meeting materials from the first round of listening session to the Project website.¹³

Following the release of the Draft EIS, FRA conducted a second round of listening sessions for minority and/or low-income communities identified in the Study Area. The primary purpose of the second round of listening sessions was to inform and discuss direct impacts to specific communities and explore potential mitigation measures. FRA sent mailers and surveys, printed in English, to the Hash Road and Nail Drive community in southern Dallas County and to a group of homes near Joseph and Hegar Roads in Waller County where residential homes would be impacted. FRA also conducted additional outreach at the following locations. A brief description of the additional meetings is provided.

- **October 23, 2018, at St. Philip's Center in Dallas County for 'National Night Out.'** AECOM as representatives of FRA had a table featuring information and providing surveys on the Project and EIS process. Attendees ranged from residents who lived in nearby neighborhoods to residents that lived 5 to 10 miles away.
- **November 8, 2018, at Cummings Recreation Center** for the Le May and Le Forge Neighborhood in Dallas County. Residents and property owners in the Le May and Le Forge neighborhood were notified of a listening session for their neighborhood via letter through direct mail from FRA. This was a standalone event for affected residents (including renters) and owners. AECOM, as representatives of FRA, gave an approximately 15-minute presentation describing the Project, and responded to and asked questions of the attendees. Spanish translation assistance was provided.
- **November 29, 2018, at Trini Mendenhall Community Center** during the scheduled Spring Branch East Neighborhood Meeting in Harris County. Most attendees lived or worked in nearby neighborhoods and a couple owned businesses in the area.
- **November 21, 2019, listening session at Ferris ISD Administration's Training Center** for residents of the Hash Road and Nail Drive community. Property owners were notified of the listening session via direct mail. Approximately 14 people registered their attendance.
- **November 19, 2019, at the Field Store Community Center in Waller County** for residents of the Plantation Forest community. Property owners were notified of the listening session via direct mail. Approximately 11 people registered their attendance.

Additional information for listening sessions can be found in **Appendix C, Public and Agency Involvement Correspondence**.

3.18.4 Affected Environment

This section describes minority and/or low-income and non-minority and/or low-income block groups intersected by the Study Area of the Project. Block groups identified as minority and/or low-income have been identified to meet thresholds outlined in **Section 3.18.3.3, Criteria for Identifying Minority and/or Low-Income Block Groups and Communities**.

Tables within this section summarize each county's total population and the percentage of the population that is minority and/or low-income. Minority populations are further distinguished between minority (all races other than white) and those of Hispanic origin, therefore. Initially introduced in **Section 3.14, Socioeconomics and Community Facilities**, **Table 3.18-1** shows demographic characteristics by county.

¹³ Originally posted to the Project website: <https://www.fra.dot.gov/Page/P0700>, which has since been redirected to <https://railroads.fra.dot.gov/current-environmental-reviews/dallas-houston-high-speed-rail/documents-maps-images>.

ATTACHMENT #3

comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act for all real property acquired for the Project; additional information can be found in **Section 3.13, Land Use**.

Segment 1

Downtown Dallas

The area around the station site is currently transitioning from mostly older or abandoned industrial structures to new and/or redeveloped recreational, commercial and mixed-use development. New restaurants and movie theatres have recently opened. This area also includes the Jack Evans Police Headquarters. Residential uses would be a quarter-mile from the station location and separated by the UPRR ROW. Residential uses include multi-family apartment complexes, low-density townhomes and single-family homes. The introduction of a newly constructed station in an area currently undergoing a transition would not impact community character as adjacent uses are already commercial and mixed-use. The Dallas Terminal Station would not bisect any neighborhoods or impact community cohesion. The addition of the station and the overall transportation amenities would be compatible with the existing roadway and highway network, large artistic bridges and overall development within the downtown area.

Le May and Le Forge Neighborhood

Within Dallas County, one neighborhood of 34 homes on 40 lots located between Illinois Avenue and Loop 12 would be directly affected by the Project. This neighborhood is also discussed in **Section 3.18.5.3.6, Environmental Justice, Aesthetics and Scenic Resources**. Two streets, Le May and Le Forge Avenues, create a horseshoe-shaped neighborhood that is completely isolated from the rest of the Cedar Crest community and is bounded by two transportation corridors – IH-45 on the east and UPRR on the west. Located to the west of UPRR, the Cedar Crest community is a City of Dallas neighborhood that consists of more than 500 homes primarily located between IH-35E and IH-45. Segment 1 of the Build Alternatives would parallel UPRR and pass on viaduct to the east of the greater Cedar Crest community and cut through the western edge of the Le May and Le Forge neighborhood, permanently displacing a minimum of 14 homes in this low-income, minority area. Due to this neighborhood's isolation, the character of the larger Cedar Crest community would not be adversely impacted by this displacement; however, the cohesive character of the Le May and Le Forge neighborhood would be impacted. Only 20 homes would remain, and a portion of Le May and Le Forge Avenues would be adjacent to the viaduct infrastructure. In order to mitigate community cohesion impacts to the Le May and Le Forge neighborhood, TCRR is required to relocate the entire neighborhood as described in **Section 3.18.6.1, Environmental Justice, Mitigation Measures, EJ-MM#1: Le May and Le Forge Neighborhood Mitigation**. It may be possible to relocate residents of the Le May and Le Forge neighborhood within the Cedar Crest community. If the Le May and Le Forge residents were relocated to Cedar Crest they would represent less than 10 percent of the Cedar Crest community.

In 2018 the average total value for the single-family homes in the Le May and Le Forge neighborhood per Dallas Appraisal District was \$21,292.¹⁵ A search of available real estate in the 75216 zip-code, where the Le May and Le Forge neighborhood is located, showed 97 homes for sale, ranging from \$61,000 to \$269,000.¹⁶ Additionally, there are 16 vacant lots available from \$25,000 to \$52,000. Although ample replacement housing is available within 3 miles of the neighborhood, it may not be accessible to all residents of Le May and Le Forge. In addition, the available housing may not replicate

¹⁵ AECOM calculation based on 2018 Dallas County Appraisal District data.

¹⁶ Zillow, "Homes for Sale, Homes for Rent and Apartments for Rent Search," accessed February 2020, <http://www.zillow.com/>.

cohesion of this development as the lots to be acquired are undeveloped parcels, already separated from the neighborhood by overhead transmission lines.

Plantation Forest Development [Magnolia Place and Magnolia Plantation Subdivision]

The Plantation Forest Development is located along Plantation Drive, a north-south oriented street located in Waller County adjacent to the Saddle Creek Forest Development. The development is located within a low income or minority block group, and this community is also discussed in **Section 3.18, Environmental Justice**. The character in this area is a semi-rural single-family residential development with lots typically 1 acre in size. Plantation Forest runs parallel to the existing CenterPoint high-voltage transmission line and has 26 homes that range in value from \$46,000 to \$320,000. The same houses and lots noted for sale within the vicinity of the Saddle Creek Forest Development are also within a 3-mile radius of the Plantation Forest neighborhood. There are no homes listed for sale in the Plantation Forest Development and there are four undeveloped lots.¹⁹ Segment 5 would be constructed on embankment through the Plantation Forest Development. The Project would directly impact and displace 12 of the homes on the west side of Plantation Drive. The remaining 14 homes on the east side would not be directly impacted, but the community character and cohesion would be altered with the addition of the HSR system. Landowners who previously had views of other homes in this development would now see the HSR system. Approaching Riley Road, which intersects Plantation Drive, the Project would transition from embankment to viaduct. Appropriate screening would be necessary to mitigate visual impacts of the HSR system crossing on embankment through the neighborhood and on viaduct at the approach of Riley Road. TCRR shall mitigate potential aesthetic and visual impacts due to the rail's proximity to the neighborhood as outlined in **AS-MM#1: Visual Screening** and **AS-MM#2: Design Stations to Adapt to Local Context**. Visual and aesthetic mitigation measures can be found in **Section 3.10, Aesthetics and Scenic Resources**, and **Section 3.18 Environmental Justice**. According to the **Section 3.4, Noise and Vibration** analysis, moderate noise impacts would occur at homes that are not displaced by the LOD.

White Oak Falls Neighborhood

White Oak Falls is a neighborhood development located in Cypress, Texas, adjacent to Cy-Falls Senior High School. The community contains more than 700 homes. Approximately 66 homes, adjacent to the existing UPRR ROW, would be displaced by Segment 5. According to Harris County Appraisal District 2018 information, homes adjacent to the UPRR ROW range from approximately \$160,000 to \$220,000. The neighborhood is not located within a low income or minority identified block group. There are 284 homes for sale in a 3-mile radius of the neighborhood. These homes range in value from \$100,000 to \$700,000. Due to the location of these homes (along the perimeter) within the neighborhood, the displacement of these homes would not result in an adverse impact to the cohesion of the entire neighborhood. The remaining homes in the neighborhood would not be bisected by Segment 5. Homes that would remain on Kirkland Woods Drive, Twila Springs Drive and May Showers Circle, nearest to Segment 5, would experience moderate noise impacts as shown in **Section 3.4.5.2.4, Noise and Vibration, HSR Operational Noise Impacts**, and would not require noise mitigation measures. Visual and aesthetic impacts as a result of the Project would affect homes on the perimeter of the White Oak Falls neighborhood. The adjacent HSR system infrastructure would be elevated approximately 45 feet from ground level and highly visible. Currently, a vegetation barrier (i.e., row of dense shrubbery) screens and separates the homes from the existing UPRR ROW. TCRR shall mitigate visual impacts as outlined in **AS-MM#1: Visual Screening** and **AS-MM#2: Design Stations to Adapt to Local Context**. Additional

¹⁹ Ibid.