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April 3, 2025

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36815, Texas Materials Group, Inc.: Formal Opposition to Proposed Texas Material's Rail Line in Burnet and Lampasas Counties, Texas

Dear Members of the Surface Transportation Board:

Our client, Wayne Brown, owns property in Burnet County, Texas. The Brown Family spent fifty years assembling the ranch through hard work and dedication. On behalf of our client, we write to formally oppose Texas Materials' proposed rail line in Burnet and Lampasas Counties, Texas and to respectfully oppose the waiver request filed by Texas Materials seeking to reduce or eliminate the Six-Month Pre-filing Notice Requirement under 49 C.F.R. § 1105.10(a)(1).

The Brown Property

The Brown Property is located less than an hour from Austin in Burnet County, in the heart of the Texas Hill Country. Spanning approximately 720 acres, the Brown Property serves as the primary residence for Wayne and Mary Brown. The Brown Property has numerous sources of live water and natural wildlife abundance. The property is in excellent condition and has been extremely well maintained by Wayne Brown and his family over the past several decades.

The Brown Property – Live Water

Texas Materials submission to the Surface Transportation Board states that “the [Texas Materials rail line] project is located in an arid region of Texas that does not contain environmentally sensitive areas of note.” **This is false.** One of the interesting features of the

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Brown Property is the significant amount of live water features on the property. Listed below are various live water features on the Brown Property along with corresponding photos¹:

Mary's Creek



¹ All photos included in this Formal Opposition submission were taken by Wayne Brown on the Brown Property.

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Twin Creek



Mary's Pond



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Robinson Branch / North San Gabriel River



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Russell Branch / North San Gabriel River



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Russell Fork



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The Brown Property – Wildlife

There is also abundant wildlife on the Brown Property that will be impacted by the Texas Material's rail line project. Included below are photos of wildlife taken by Wayne Brown on the Brown property.



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Texas Materials' Proposed Rail Line Has Harmful, Negative Impact Across the Entire Brown Property

The Brown Property provides an undisturbed habitat for wildlife and natural fauna. The Ranch also contains various impressive environmental features, including multiple creeks, rolling topography, and natural springs. These areas support valuable natural resources and delicate ecosystems, making them particularly vulnerable to the impacts of the proposed rail line. One proposed Texas Materials route cuts through the central-east portion of the Ranch would disrupt these critical habitats. The Texas Materials project also creates ongoing security concerns, threatening the well-being of the live water, wildlife, animals and significantly undermining the nature of the Brown Property.

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Texas Materials Sought No Community Input and Has Made Incorrect Assertions

In addition to the environmental and security concerns, neither our client nor the local community were consulted at all during the decision-making process regarding the proposed route(s). Texas Materials attempted to quickly push the passage of the rail line through without seeking any input or feedback from the community. This is unacceptable. This rail line will significantly and negatively impact multiple properties in the area, including wildlife habitats, private ranches, and residential communities. The lack of transparency and public engagement in determining the route raises serious concerns about the fairness of the process.

Texas Materials' assertion of "approximately 20 miles of original right-of-way (ROW)" being already owned by Texas Materials is factually incorrect. In reality, only 9 miles of the project utilize existing Texas Materials Group ROW. The remaining 17.9 miles—approximately two-thirds of the proposed route—consist of privately owned land that would require acquisition through eminent domain. This directly undermines any claim that the project's impact on private property owners will be minimal. The majority of the proposed alignment would necessitate the taking of private land, resulting in the displacement of families, the significant devaluation of private property, and an infringement on constitutionally protected property rights.

Texas Materials also failed to consider less impactful routes. The company's current proposal runs directly through the heart of many properties, bisecting them and causing significant damage, rather than aligning the rail line along property boundaries or exploring alternative, less disruptive paths. Additionally, the proposal fails to identify several homesites that the route would run adjacent to or directly impact, potentially displacing families in the process.

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Texas Materials appears to be rushing the approval process for its rail line, cutting corners that raise serious concerns about transparency and due diligence. Another clear example is its claim of having completed a Phase I Environmental Site Assessment, despite never setting foot on the affected properties, or calling the owners of the properties to provide access or the history of properties. Without physically inspecting the land, Texas Materials cannot accurately assess the environmental conditions or understand the unique characteristics of these properties. This approach not only undermines the credibility of their environmental review but also puts local ecosystems and landowners at unnecessary risk. Texas Materials has also over-estimated the number of trucks that the rail line would remove from local roadways.

Texas Materials' mischaracterization of the project is predicated on inaccurate assumptions that materially understate the extent of land takings required and the number of property owners adversely affected. Given these significant discrepancies, the project warrants re-evaluation based on accurate, transparent, and complete property impact data. Allowing the project to advance based on flawed information misinforms the public and compromises the integrity of the review process. It appears that Texas Materials is attempting to rush through the process to avoid community feedback and a true assessment of its project's environmental impact.

Texas Materials' Request for Six-Month Waiver Should be Denied

Texas Materials' request for a six-month waiver is inappropriate and contrary to the public interest because the proposed rail line runs through multiple environmentally sensitive areas, including wetlands, wildlife habitat, protected streams, parks, and historic sites. This corridor serves as critical habitat for the golden-cheeked warbler and other protected wildlife. Areas

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impacted by Texas' Materials' project are integral to the community's environmental preservation efforts. Additionally, the rail line would increase pollution in environmentally sensitive zones, and near residential homesites.

The Six-Month Pre-filing Notice Requirement is essential to provide local governments, environmental agencies, and community stakeholders adequate time assess the environmental impacts, and explore alternative routes. Granting the waiver would unfairly deprive the public of this necessary review period and options that could mitigate harm to both the environment and the community.

Summary of Opposition to Texas Materials' Rail Line

Given these substantial concerns, we respectfully request that the Surface Transportation Board reject the current proposed routes and require a more thorough evaluation of alternative pathways that minimize the impact on private landowners and the environment. In addition, we respectfully urge the Board to deny the waiver request and require full compliance with the six-month notice period so that the parties may engage in a more meaningful dialogue with affected landowners and the local community before moving forward with any final approvals.

We appreciate your time and consideration of these critical issues. Please keep our firm informed of any public hearings or additional opportunities to provide input. Please do not hesitate to reach out if you have any additional question or need additional information.

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Sincerely,



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