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April 11, 2025

Mr. Adam Assenza
Office of Environmental Assessment, Project Manager
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

**Re: Docket No. FD 36815, Texas Materials Group, Inc. – Comment Opposing
Proposed Line of Railroad in Burnet and Lampasas Counties, Texas.**

Dear Mr. Assenza and Members of the Surface Transportation Board,

I am writing on behalf of Joe and Cindy Abel, owners of the M.D. Abel Co. Ranch located in Burnet County, Texas. The Abels are staunchly opposed to the proposed railroad line that would have potentially drastic impacts to the Abel's primary and permanent residence a mere **587 feet** from the proposed railroad line.¹ The most pressing concern is Texas Materials' false claim that it owns right-of-way across the Abels' private property. Construction under current plans requires Texas Materials to egregiously trespass across the Abel Ranch, in addition to completely altering the Abels' livelihood. The Abels submit the following comments opposing the railroad line and respectfully request the Surface Transportation Board ("STB") deny approval.

Abel Ranch

The Abels have owned and operated approximately 712 acres of the Abel Ranch since 1982. The Abels expanded the Abel Ranch in 2012 by acquiring an additional approximately 313 contiguous acres. The Abel Ranch is situated just off U.S. Highway 281, approximately midway between the cities of Lampasas and Burnet, Texas. This region is part of the Central Texas Hill Country and is characterized by gently rolling hills, native vegetation, and a mix of ranchland and moderately developed rural areas. Based on the map submitted by Texas Materials, the proposed railroad line would likely cut the Abels off from accessing certain portions of the Abel Ranch and adversely affect the grazing areas, sensitive environmental and cultural elements. The Abels' serious concerns about the railroad line are compounded by Texas Materials' misrepresentations of property ownership and that the project will have minimal environmental impacts.

The Abels Purchased the Right of Way Decades Ago

On October 24, 2024, Texas Materials submitted a *Request for Waiver of Six-Month Pre-filing Notice Requirement* ("Waiver Request"). The Waiver Request states that the right-of-way for the proposed railroad line was "acquired by a third-party that sold the right-of-way to Texas Materials in 2024." Texas Materials is also identified as the right-of-way owner on the Updated

¹ Exhibit A – Map Depicting Proposed Railway

Proposed Rail Line Location Map attached to the OEA March 14, 2025 Preliminary Consultation Update. After a closer review, that map shows a portion of the “existing right-of-way” crossing the Abel Ranch. Texas Materials, however, does *not* own the right-of-way crossing the Abel Ranch.

The Abels acquired approximately 1.3 miles of the right-of-way that crosses the Abel Ranch in 1983—more than **40 years** before Texas Materials claims it acquired the same property. Nearby landowners have indicated they, too, purchased portions of the right-of-way that Texas Materials claims it now owns. Unless and until Texas Materials can demonstrate its title to the right-of-way is unbroken, the STB should rescind the waiver and halt with any further consideration of the new railroad line. Any environmental review initiated on the misrepresentation that Texas Materials owns a clear right-of-way is premature and deficient.

Project Introduces an Incompatible large-scale Industrial Operation

Texas Materials misrepresents their proposed railroad line as a small or limited-scope project, trivializing the construction as merely reestablishing an old railroad line. The former railway infrastructure, however, was abandoned in **1951** and is completely gone. The Abels understand that the last train to use the railroad was in 1945. The right-of-way has long since reestablished its natural ecology with dense, mature vegetation and undisturbed terrain. Constructing and ongoing maintenance of a functional rail line at this location would introduce a major industrial footprint to an otherwise rural and modestly developed area.

The operation of a freight railroad line carrying aggregate through this region would fundamentally alter the character and livability—not only to adjacent landowners like the Abels, but also to surrounding communities. Trains transporting rock and other construction materials will generate substantial noise, dust, and vibration, all of which will disrupt nearby landowners, livestock, wildlife, and the general environment. These nuisance conditions would commence with construction and sustain through operation of the high-frequency industrial operation. The sound of engines, horns, and railcars, especially during early morning or nighttime hours, would destroy the quiet, rural setting that families and ranchers have enjoyed for generations. Dust kicked up by aggregate handling and transport could coat nearby residences and pose health concerns for residents, animals, and crops.

Simply put, the presence of a heavy industrial freight line through this region is incompatible with existing local and regional land use and would create unwelcome nuisances to those who live, work, and raise families in the area.²

Environmental and Water Concerns

The proposed project would inflict significant environmental harm across a region known for its natural beauty. One of the most concerning impacts is the potential disruption to the

² 49 C.F.R. § 1105.7(e)(3).

Balcones Canyonlands National Wildlife Refuge, a 27,500-acre federally protected habitat located within the project's broader ecological zone.

In addition to wildlife concerns, the Lampasas Water Committee ("Water Committee") expressed serious reservations about the project's impact on local water resources, particularly the Lampasas River, Sulphur Creek, and surrounding springs and aquifers. As noted in the Water Committee's March 26, 2025 letter, this region contains a fragile and interconnected water system, including shallow aquifers highly susceptible to contamination from surface disruption.³ Construction activity involving heavy equipment, and the movement of aggregate could introduce sediment, oil, chemicals, and other pollutants into the watershed. The risk of long-term water degradation threatens not only drinking water sources but also the viability of livestock operations, irrigation, and native vegetation throughout the region.

Texas Materials' Wavier Request mischaracterizes the project area as arid. The Abels agree with the Water Committee's characterization of Lampasas and Burnet Counties as rich in surface and subsurface water, with a landscape shaped by spring-fed creeks, seasonal streams, and shallow aquifers. Properties along the proposed rail route, including the Abel Ranch, contain numerous active springs, tanks, and waterways, all of which contribute to the region and support both agriculture and native ecosystems. Characterizing the area as arid minimizes the real and present risk of water contamination and disruption that this rail project would impose. The proposed project would undermine the substantial ongoing efforts of the Texas Legislature to secure a sustainable water supply for the future of Texas. This is not a dry, barren area—it is a water-fed landscape, and must be evaluated as such in the STB's environmental review.

Adverse Economic Impact to Ranches

Cattle ranching is a significant economic enterprise in Lampasas and Burnet Counties. The Abel Ranch provides grazing for between 50-100 head of cattle. The proposed rail line would diminish the value of the property and jeopardize the long-term ability to sustain herd size. This negative impact extends to other ranchers in the region, many of whom rely on uninterrupted access to large tracts of land to support livestock operations that contribute to the local economy. Livestock ranching in this area supports numerous industries and provides significant tax revenues. Introducing a project such as this threatens to undercut a stable and generationally rooted industry.

Historical Structures

The Abel Ranch has several historic structures. The map attached to this letter as Exhibit A shows the "Roper's House" roughly 228 feet from the proposed railroad line. The Ropers House is believed to have been constructed in the early 1900s. There is a second house on the Abel Ranch believed to be constructed in 1890. These homes are of architectural and cultural significance and represent early settlement in this part of Burnet County. Further these homes may qualify for historic recognition. Given the proximity of the proposed railroad line to these structures, the Abels

³ Letter from Lampasas Water Committee to Surface Transportation Board (Mar. 26, 2025) (on file with STB, Docket No. FD-36815).

request the STB and its third-party affiliates consult with the Texas Historical Commission to determine the historical significance of these properties and ensure compliance with Section 106 of the National Historic Preservation Act.⁴ Proper evaluation and documentation is critical to preserve the region's heritage.⁵

Golden Cheek Warbler

The proposed rail project poses serious impacts to the endangered golden-cheeked warbler and its habitat.⁶ This bird nests exclusively in Central Texas—including Lampasas and Burnet Counties—and depends on mature Ashe juniper–oak woodlands for breeding.⁷ Construction activities, increased noise, and habitat disruption caused by the railroad line could directly threaten breeding success and reduce the availability of suitable habitat.⁸ The Abels strongly encourage the STB to consult with the U.S. Fish and Wildlife Service and the Texas Parks and Wildlife Service to conduct a detailed assessment of the area to ensure compliance with federal protections for this species.

Fire Hazard

This project also poses an increased risk of wildfire in a region already prone to seasonal drought. The introduction of active rail operations—including sparks from railcars, brake systems, and maintenance equipment, as well as potential fuel or chemical spills—significantly elevates the fire hazard in and around the project area. The proposed rail line would pass directly through rangeland and heavily vegetated areas, including portions of the Abel Ranch that are currently untouched and covered in dry grasses and brush. These are ideal conditions for fast-moving wildfires, especially during the hot Texas summer months. For ranchers and rural landowners, a single fire event can destroy not only grazing land and fencing, but livestock and homes like the Abels that is extremely close to the proposed railroad line. The Abels respectfully request the STB to fully consider fire implications of the project and deny the approval unless a comprehensive fire mitigation and response plan.

Archeologic Artifacts and Historical Structures

The Abels also wish to draw the Board's attention to historic and cultural resources that may be impacted by the proposed project. The Abel Ranch is home to the Tumlinson Cemetery, a known historic gravesite containing graves dating back to 1905. The Abels understand that the

⁴ National Historic Preservation Act, 54 U.S.C. § 306108 (2014).

⁵ *Sunflower State Industrial Railway LLC— Surface Transportation Board Decision on Petition for Declaratory Order*, STB Finance Docket No. 36734, at 3n. (Jan. 16, 2024) (stating When construction authority is required under § 10901, the Board must consider, among other things, the potential environmental and historic impacts of the construction and operation of a proposed rail line, pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 to 4370m-11, Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108, the Board's environmental rules at 49 C.F.R. part 1105, and related environmental laws.).

⁶ U.S. Fish and Wildlife Service (USFWS) – Golden-cheeked Warbler Species Profile <https://www.fws.gov/species/golden-cheeked-warbler-dendroica-chrysoparia> (last visited April 1, 2025).

⁷ *Id.*

⁸ *Id.*

property was once owned by T.C. Tumlinson who was a Civil War veteran and the first person buried in the cemetery. This cemetery is an important part of the region's heritage, and its location must be carefully considered during any site planning or construction-related activity. The Abels respectfully request the Board ensures that this cemetery is clearly identified, appropriately buffered, and protected through coordination with appropriate state agencies.

Conclusion

The Abels respectfully submit this letter to request the Surface Transportation Board to:

- reconsider its approval of Texas Materials' waiver of the six-month pre-filing notice requirement due to the deficient scope of environmental impacts included in the waiver request; and
- deny Texas Materials' request to construct and operate the railroad line due to the lack of property rights to construct or operate the project without committing egregious trespass;

If Texas Materials, however, demonstrates it possesses the necessary property rights, then the Abels respectfully request the STB to:

- (1) coordinate with all relevant agencies to conduct a robust regulatory and environmental review; and
- (2) conduct an evidentiary hearing on this matter to ensure that numerous unresolved factual and legal issues are adequately considered.

Respectfully submitted,

/s/ Adam M. Friedman

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Exhibit A

