

**Public Comments – Docket
No. FD 36652**

**COMMENTS ON THE GREEN EAGLE RAILROAD
APPLICATION**

**THE dIP COMPANY
EAGLE PASS
MAVERICK COUNTY, TEXAS**

Submitted To:

**Andrea Poole
Surface Transportation Board, c/o VBH Division
Attention: Environmental Filing,
Docket No. FD 36652
1001 G Street NW, Suite 1125
Washington, DC 20001
888.319.2337
Contact@GreenEagleRREIS.com**

Prepared For:

**The dIP Company
PO Box 1187
Eagle Pass, Texas 788534
512.731.0857**



April 28, 2024

dIP COMPANY

EAGLE PASS, TEXAS

April 28, 2024

Andrea Poole
Surface Transportation Board c/o VHB
Attention: Environmental Filing, Docket No FD 36652
1001 G Street NW. Suite 1125
Washington, DC 20001

RE: Public Comments of dIP Company – EIS Docket No. FD 36652

Dear Ms. Poole:

I am transmitting this letter on behalf of the dIP Company, which owns land adjacent to the proposed construction of new railroad lines and secure Right-of-Way for the Green Eagle Railroad, EIS Docket No. FD 36652. Transmitted herewith is a document containing our comments regarding the Puerto Verde Holdings Petition for Exemption for project prior approval requirements pursuant to 49 U.S.C. §10901.

We would like to thank Mr. Ruben Garibay and Puerto Verde Holdings LLC for their time and effort in responding to our requests for information on the Green Eagle Railroad project. We believe they are interested in using the National Environmental Policy Act provisions for Public Notice and the EIS process to improve the Green Eagle Railroad proposal for international rail transportation efficiency and to minimize adverse impacts to Eagle Pass citizens and neighborhoods. If you have any questions regarding this submittal, please do not hesitate to contact me. Thank you for your effort in this matter.

Sincerely,



Susie R Truxillo
President

cc: Crawford Rhodes, Esq
Jeremiah Gates Rhodes, dIP Company

Attachment: Comments of dIP Company – EIS Docket No. FD 36652

dIP Company
PO Box 1187
Eagle Pass TX 78853
(512) 731-0857
susietruxillo@gmail.com

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1.0 SUMMARY

The dIP Ranch is a 1255-acre contiguous tract located adjacent to the proposed Puerto Verde Green Eagle Rail development and existing Union Pacific and Burlington Northern Santa Fe Railroad right-of-way. The dIP Ranch has been a family-owned ranching property since the 1930's, when Dr. Ellis F. Gates purchased it. The grandson of Dr. Gates, Jeremiah Gates Rhodes, has continued operation of the cattle ranching business and has maintained a personal residence at the dIP Ranch since about 1970.

The Gates family has utilized an at-grade rail crossing at the east end of Dr. Gates Road for necessary access for hauling cattle and supplies to and from the dIP Ranch since the ranch began operations. This rail crossing is the only access to the property which is adequate for the trucks that haul cattle and feed to and from the dIP Ranch.

Due to rapid encroachment of land development around the dIP Ranch, the Gates family has been conducting master planning for developments and associated infrastructure on the ranch. The family has consulted with City of Eagle Pass Planning Department personnel and has utilized numerous published municipal and roadway planning documents from City of Eagle Pass, Maverick County and the Texas Department of Transportation (TXDOT). Roadway plans for the dIP Ranch have been developed to comport with preexisting roadway plans prepared by the City of Eagle Pass and by TXDOT. These plans include rail crossings on east and west flowing thoroughfares between North Veteran's Blvd, Highway 277 and the future rail crossing at North 480 Loop.

The Puerto Verde Holdings application (Application, Oct 17, 2023, pg 4) includes a proposal to erect a "Secure Rail Corridor" spanning rail operations in Mexico, the Rio Grande River and in Maverick County. The Application describes the secure rail corridor as a "fully fenced, video monitored, and patrolled space between switchyards in Mexico and the United States". The Verified Statement of Ruben Garibay (December 14, 2024, pg 7) describes the Secure Rail Corridor differently as ending at the eastern terminus of the Green Eagle Railroad.

Different interpretations of the extent of the proposed Secure Rail Corridor will lead to dramatically different impacts to roadway planning and development in northeastern Eagle Pass. If the GER Secure Rail Corridor terminates prior to the interchange between the GER and the UP-BNSF railway, cross rail access options for eastern extensions of Dr. Gates Rd. and Thompson Rd. would be preserved and approval of the Application would not be against City and TXDOT roadway planning or dIP Ranch interests. If the GER Secure Rail Corridor extends to rail yards at Clark's Park or Ryan's Ruins Yard, a barrier to roadway access would be imposed along the entire existing railway alignment. The GER application should include concrete strategy and commitment to include at least one grade separated rail crossing in the rail alignment between North Veterans Blvd. and the future TXDOT flyover crossing on the north 480 Loop.

Issues associated with water resources, environmental justice and geology and soils are included in these comments to identify and characterize risks of impact that the proposed project will impose such that attention is given to managing and attenuating these risks in the EIS scoping process.

2.0 INTRODUCTION

This document is intended to respond to an invitation for public comments from the Surface Transportation Board (STB) regarding the Puerto Verde Holdings, LLC application for construction of a new Green Eagle Railroad line in northeast Eagle Pass. The proposed new rail line consists of 1.335 lineal miles of rail line and right of way proceeding easterly along Seco Creek from the confluence of the Rio Grande River to an interchange with the existing Union Pacific and Burlington Northern and Santa Fe railroad right of way. The STB invitation for comments is made in accordance with National Environmental Policy Act (NEPA) requirements for scoping and preparation of an Environmental Impact Statement (EIS) for the proposed Puerto Verde project.

Comments presented in this document focus on areas of impact analyses identified in a Notice of Intent (NOI) to Prepare an EIS (March 29, 2024); notice of initiation of the scoping process; request for comments on scope of the EIS and notice of public scoping meetings. Potential impact areas identified in the NOI that can be analyzed in the Draft EIS include:

- Transportation
- Air quality and climate change
- Noise and vibration
- Biological resources
- Water resources
- Visual resources
- Cultural resources
- Land use
- Geology and soils
- Energy resources
- Socioeconomics
- Environmental justice
- Cumulative impacts
- Transboundary impacts, as appropriate

This submittal includes comments primarily focused on potential impacts of the proposed railway action to roadway and transportation planning for dIP Company land, but also includes comments on potential impacts to the Community in the areas of water resources, geology and soils and environmental justice.

3.0 APPLICATION STRUCTURE

The Puerto Verde Application to construct the Green Eagle Railroad line in Eagle Pass is a package consisting of a Presidential Permit Application submitted to the U.S Department of State, a Petition for exemption from prior approval requirements of 49 U.S.C. §10901 and the Verified Statement of Mr. Ruben Garibay. Each of these documents contains a discussion of conceptual plans for construction and operation of the proposed Green Eagle Railroad (GER).

4.0 TRANSPORTATION

Descriptions of the extent of the proposed Secure Rail Corridor (SRC) presented in components of the Puerto Verde LLC application for the new GER conflict. The Oct 17, 2023 application and the Dec 14 2023 Petition for Exemption indicate that the SRC will span from the Ferromex railyard west of the river to rail switchyard at Clarks Park and/or Ryan's Ruin. Mr. Ruben Garibay's Dec 14, 2023 Verified Statement indicates that the SRC will terminate on the GER prior to the interchange with the existing UP-BNSF rail line. From the standpoint of cross rail access and roadway planning for areas east of the existing rail line and within the future State Road 480 Loop, implementing these two scenarios would have dramatically different outcomes. One will turn these planned cross rail thoroughfares into dead ends; the other will leave open the option for future at-grade rail crossings for east-west thoroughfares. The more extensive Secure Rail Corridor would create a permanent barrier to development of cross-rail thoroughfares, except for "grade separated crossings", or flyovers.

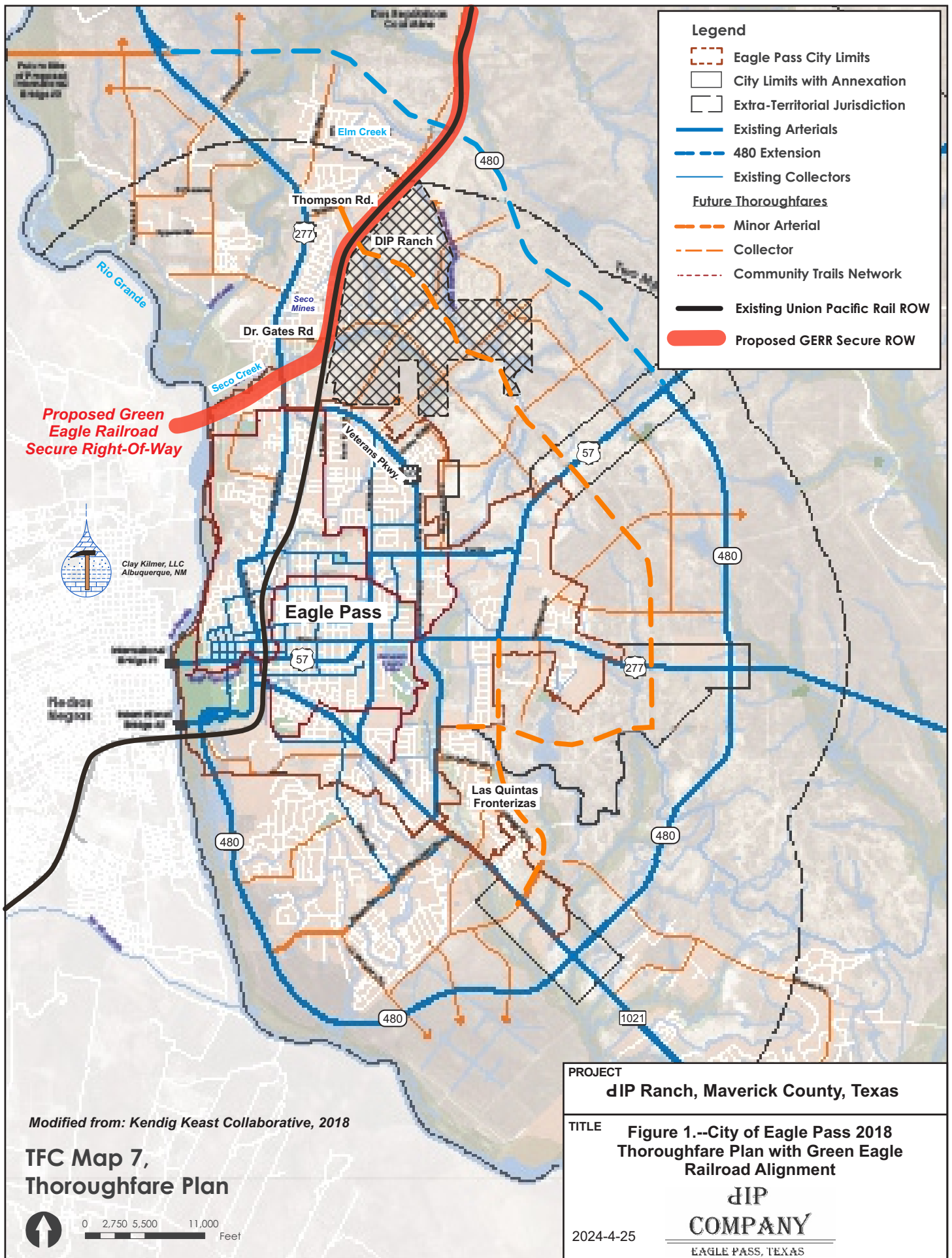
The proposed Puerto Verde project Secure Rail Corridor conflicts with numerous diligent Eagle Pass City, TXDOT and other roadway plans that have been in development at least since 2018. The City of Eagle Pass prepared roadway plans pursuant to a comprehensive city plan (Kendig Keast Collaborative, 2018). A map showing the City's 2018 thoroughfare plan, the TXDOT North 480 Loop alignment and the proposed Puerto Verde Secure Rail Corridor is presented in **Figure 1**. The City has followed on to the 2018 thoroughfare plan with another draft roadway plan (Ardurra Group, March 2024). Details of this 2024 plan, along with locations of Puerto Verde planned facilities and SRC are shown in **Figure 2**. The dIP Ranch also developed roadway plans in 2023 in collaboration with City planners. Details of the dIP roadway plan and the proposed Puerto Verde secure rail corridor are shown in **Figure 3**.

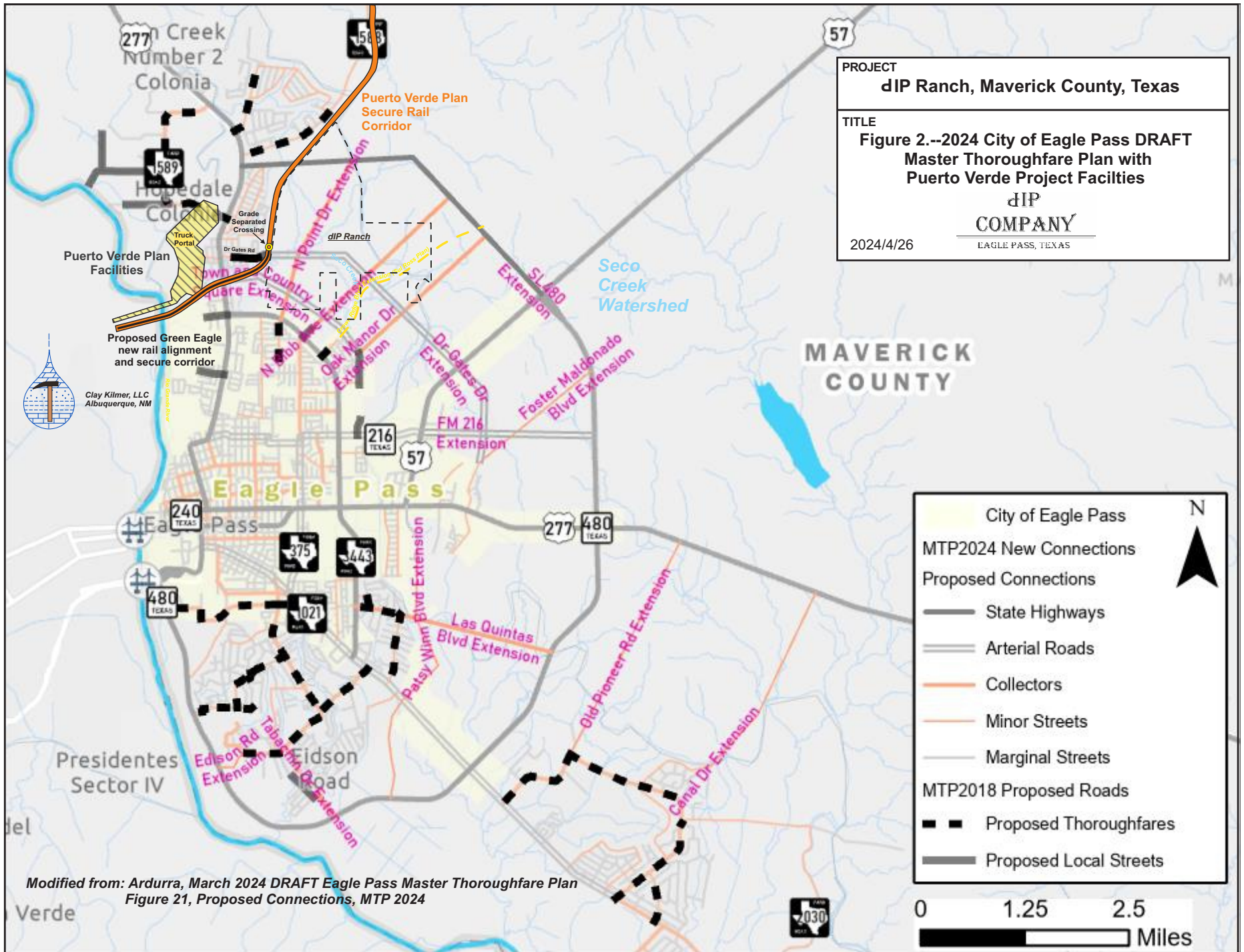
The Puerto Verde Application does not describe how the proposed Secure Rail Corridor would interact with the existing non-secure UP-BNSF rail line. If the more extensive SRC is built, it is unclear how UP-BNSF rail traffic would enter and exit the SRC.

If the Puerto Verde plan is entirely successful, rail traffic along the existing UP-BNSF rail line that runs under the flyover on North Veterans Blvd will decline to zero, rendering that infrastructure no longer useful.

If approved, the Puerto Verde proposal will incur roadway development costs without clear estimates of the magnitude of those costs, or of how they would be budgeted or of when the necessary infrastructure would be built. The Verified Statement of Ruben Garibay (Dec 14, 2023, Exhibit A, Map 1, pg 36) includes a map showing proposed grade separated rail crossings at the intersection of US 277 and Barrera St. and at the eastern terminus of Dr. Gates Road.

The flyover at North Veterans Blvd is a large project covering an area of approximately 11 acres and costing several tens of millions of dollars. The Puerto Verde proposed flyover projects would require condemnation of significant land areas and would trigger their own NEPA compliance and EIS requirements. The Puerto Verde GER plans should include details of how proposed flyovers would be built and paid for.







Explanation

-  Existing NP-BNSF Railroad
-  Puerto Verde Plan new rail
1.335 lineal miles
-  Puerto Verde Plan secure
railroad Right-of-Way
-  TXDOT SL 480 Extension ROW
-  Sul Ross State Univ plan Crown
Ridge Blvd extension
-  dIP Company master plan
primary roadways



Scale, miles



PROJECT
dIP Ranch, Maverick County, Texas

TITLE
Figure 3.--Eagle Pass, TXDOT, dIP Roadway
Plans with Puerto Verde Project
Facilities

dIP
COMPANY
EAGLE PASS, TEXAS

2024-4-14

5.0 WATER RESOURCES

The Puerto Verde Green Eagle Railroad project includes significant infrastructure development and operation in the Seco Creek watershed, which is tributary to the Rio Grande river, as well as new rail and vehicle crossings at the Rio Grande river. The proposed GER rail and corridor alignment lies within the FEMA 100-year floodplain (FEMA, 2024).

Locations of proposed Puerto Verde and GER facilities relative to Seco Creek and the Seco Creek Watershed are shown in **Figure 4**. The City of Eagle Pass obtains its water supply from the Rio Grande River at a point approximately 7900 feet downstream of the proposed Puerto Verde rail and commercial vehicle crossings. Existing rail and vehicle river crossings and associated infrastructure (and pollution risks) are located downstream from the City's water supply diversion point. The Puerto Verde proposal would place similar infrastructure and new pollution risks upstream of the City's water supply point.

Proposed rail line and secure corridor construction will disturb significant areas and will result in increased risk of elevated sediment load to Seco Creek and the Rio Grande. Stormwater planning, as well as operations, maintenance and contingency planning for the proposed Puerto Verde project in this environmentally sensitive location warrant a high level of diligence and scrutiny.

6.0 ENVIRONMENTAL JUSTICE

Environmental Justice is generally accepted to mean that government agencies, through permitting administration, will work to avoid allowing environmentally negative facilities or land uses to be placed disproportionately in disadvantaged neighborhoods or areas. The proposed alignment for the Puerto Verde GER railway passes through low-income neighborhoods (EPA, 2024). The eastern portion of the GER alignment has been the location of other environmentally negative facilities and activities as shown in **Figure 5** and described as follows:

- The Seco Mines neighborhood is located in an area where extensive coal mining occurred. The area has low-lying and hummocky terrain and is susceptible to flooding.
- City of Eagle Pass municipal landfill, operated from 1975-1989 on 52 acres adjacent to Seco Mines area, interred 100K cubic yards of municipal waste on the dIP Ranch east of the railroad.
- 2010 Union Pacific Railroad derailment at Seco Creek trestle (Rhodes, 2024). 14 rail cars of soy meal were lost in Seco Creek drainage. Soy meal was recovered and interred on the dIP Ranch.
- The existing UP-BNSF rail line is a negative environmental factor, lowering quality of life with noise, vibration, airborne particles and impedance to roadway travel.
- Adding an additional rail line to the Seco Mines neighborhood would undoubtedly be adverse to environmental justice.

7.0 GEOLOGY AND SOILS

The Green Eagle Railroad alignment transits formerly mined areas in the Seco Mines neighborhood (**Figure 5**). Underground mine works in this area (Rhodes, 2024) present land subsidence and instability risks to construction and long-term maintenance of rail bedding.



Explanation

-  Maverick County 2018 feasibility study (Kistner) Concepts 1 and 2 crossings and alignments.
-  Puerto Verde plan truck portal and secure rail corridor
-  Green Eagle Railroad proposed new rail alignment
-  TXDOT SL 480 Extension ROW
-  Sul Ross State Univ plan Crown Ridge Blvd extension

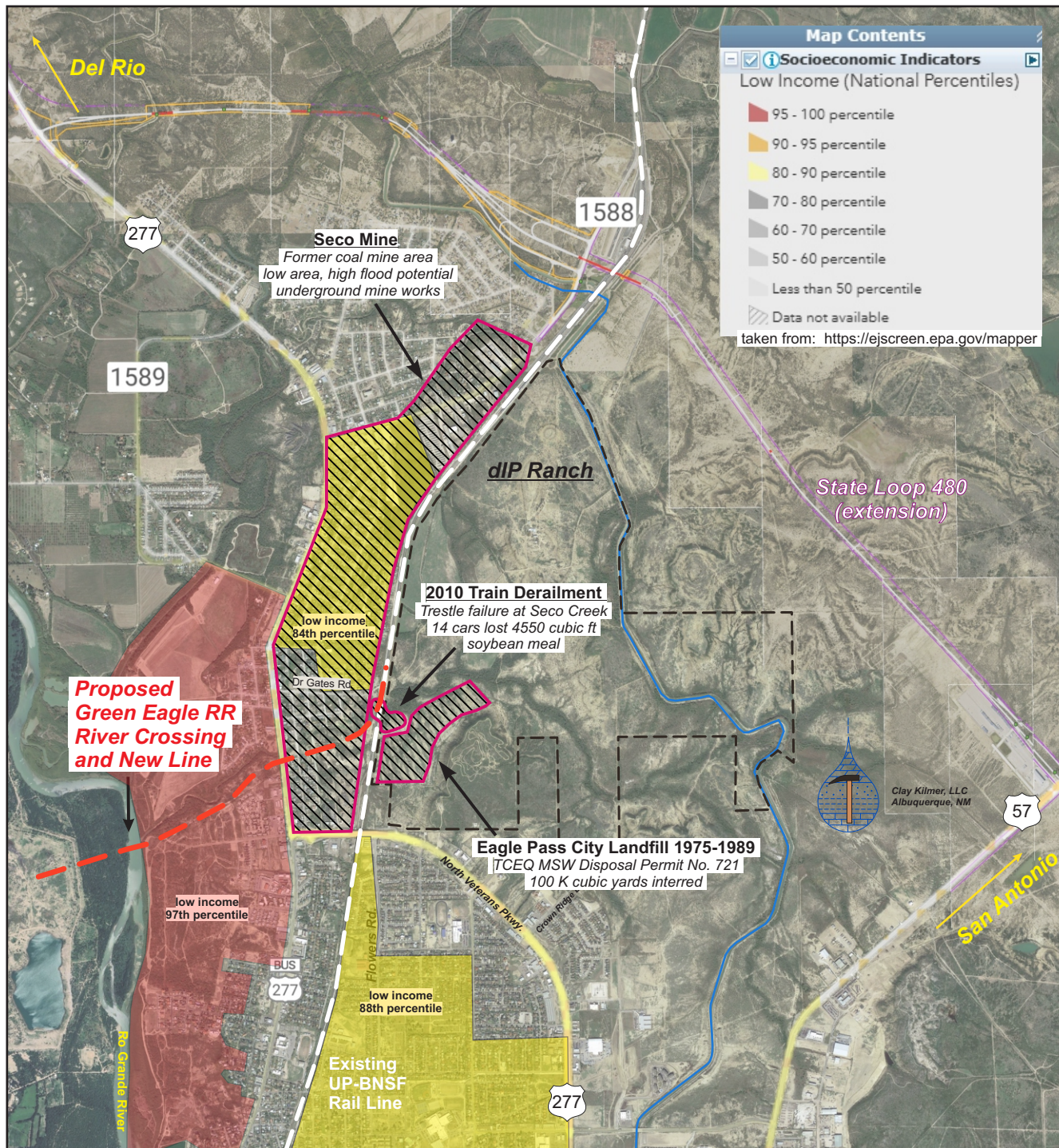


Scale, miles
0 0.5 1.0 1.5

PROJECT
dIP Ranch, Maverick County, Texas

TITLE **Figure 4.--Seco Creek Watershed,
NE Eagle Pass Rail and Road Plans
Puerto Verde Facilities**

2024-4-10
**dIP
COMPANY**
EAGLE PASS, TEXAS



Explanation

- Existing UP-BNSF Railroad
- Puerto Verde Plan new rail
1.335 lineal miles
- TXDOT SL 480 Extension ROW
- USEPA EJSCREEN mapper result
(low income, 80-90 percentile)
- USEPA EJSCREEN mapper result
(low income 90-100 percentile)
- Location of facility or incident of
adverse environmental impact

PROJECT
dIP Ranch, Maverick County, Texas

TITLE
Figure 5.--Puerto Verde Proposed
Green Eagle Railroad
Environmental Justice Analysis

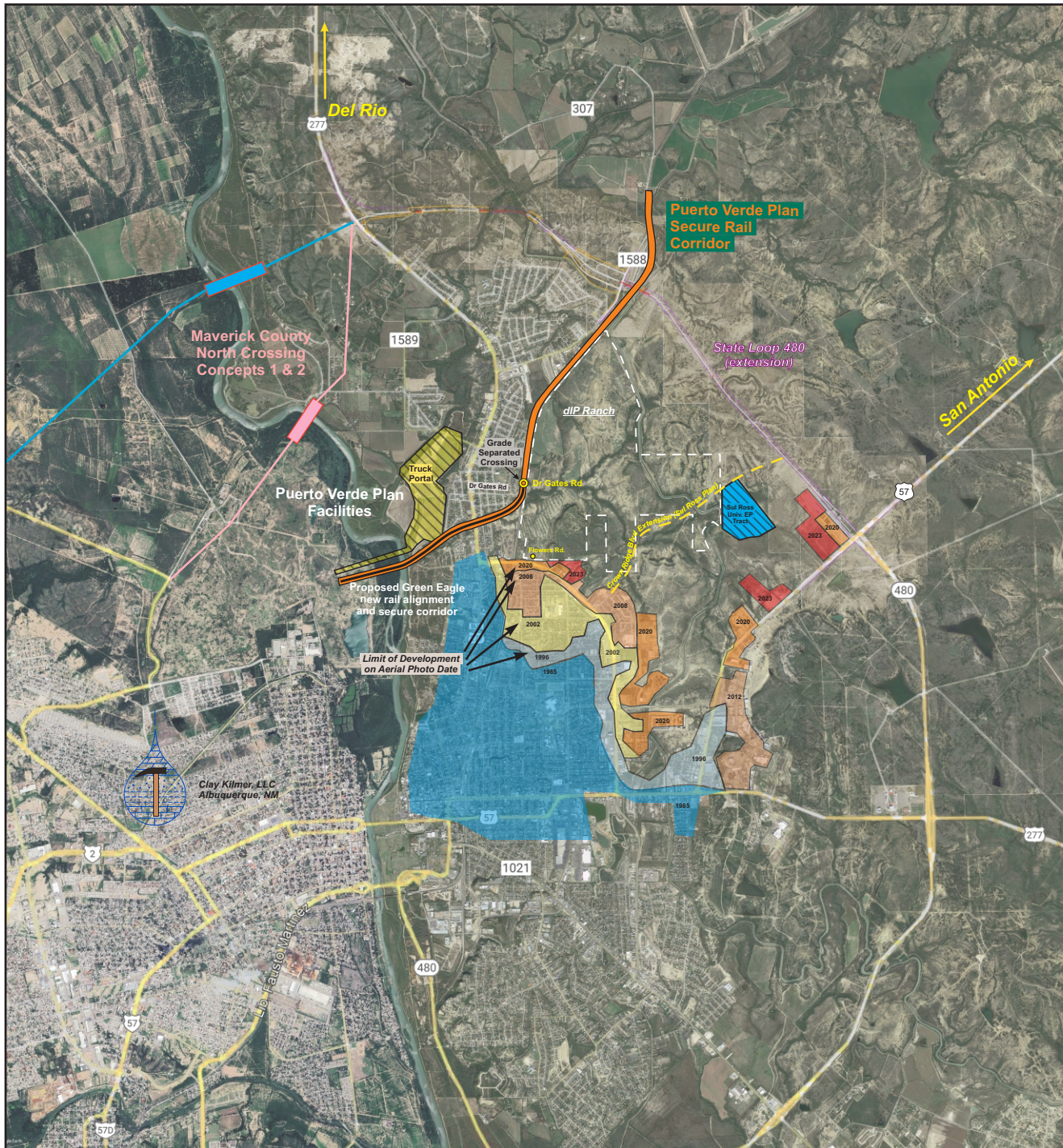
2024-4-18

dIP
COMPANY
EAGLE PASS, TEXAS

8.0 CUMULATIVE IMPACTS

The northeastern quadrant of Eagle Pass is rapidly developing. Strategic roadway planning for this area is embodied in the TXDOT State Loop 480 extension, which will connect US Highway 57 east to US Highway 277 north. The area within the SL 480 extension is expected to develop most rapidly and is a focus for City of Eagle Pass roadway planning. Land development progression in the northeastern quadrant of Eagle Pass is illustrated in **Figure 6** and shows rapid encroachment of development toward the north and east from Veteran's Parkway and US Highway 57. The map also shows the location of the Puerto Verde proposed Secure Rail Corridor.

Roadway planning for the rapidly developing northeastern region of Eagle Pass seeks more roadway access across the rail lines. If the secure rail corridor requested by Puerto Verde is erected, access between neighborhoods on each side of the rail lines will be limited to financially and environmentally substantial grade separated crossings. The Puerto Verde GER application should contain detailed plans for location, cost, timing and budgeting for grade separated crossovers envisioned in the Puerto Verde GER plans.



Limits of development, NE Eagle Pass 1985-2023



Maverick County 2018 feasibility study (Kistner) Concepts 1 and 2 crossings and alignments.



Puerto Verde plan truck portal and secure rail corridor



Green Eagle Railroad proposed new rail alignment



TXDOT SL 480 Extension ROW



Sul Ross State Univ plan Crown Ridge Blvd extension



Scale, miles
0 0.5 1.0 1.5

PROJECT

dIP Ranch, Maverick County, Texas

TITLE

Figure 6.--Eagle Pass Rail and Road Plans and Land Development Progression 1985-2023

**dIP
COMPANY**
EAGLE PASS, TEXAS

2024-1-12

9.0 REQUESTED PERMIT CONDITIONS

The dIP Company requests that a permit for construction of Puerto Verde Green Eagle Railroad and Secure Rail Corridor be issued with the following conditions:

Requirement to comport Puerto Verde GER rail and commercial vehicle thoroughfare plans with existing infrastructure and with thoroughfares plans developed by the City of Eagle Pass and TXDOT.

Require regular prescriptive collaboration with City of Eagle Pass roadway and infrastructure planning personnel to ensure that goals of comportment with existing infrastructure and plans are achieved.

Requirement to provide concrete location, scope, schedule, budget and funding mechanisms for design and construction of any infrastructure that is made necessary by implementation of the Puerto Verde Green Eagle Railroad project.

Requirement to preserve dIP Ranch secondary access through the railway trestle across Seco Creek at the completion of the proposed GER and UP-BNSF rail interchange.

10.0 REFERENCES

- Ardurra Group, Inc., March 2024, DRAFT Eagle Pass Master Thoroughfare Plan: Consultant report to the City of Eagle Pass
- FEMA, 2024, National Flood Hazard Layer Viewer, Maverick County, Flood Insurance Rate Map Panel 451of 875, [FEMA's National Flood Hazard Layer \(NFHL\) Viewer \(arcgis.com\)](#)
- Ruben Garibay, December 14, 2023, Verified Statement of Ruben Garibay, Green e/Eagle Railroad, LLC – Construction and Operation of a Line of Railroad in Maverick County, TX: Before the Surface Transportation Board, STB Docket No. FD 36652
- Google Earth Aerial Photos, 1986-2023, Historical progression of aerial photos of the NE Eagle Pass area
- Green Eagle Railroad, LLC, December 14, 2023, Petition for Exemption Under 49 U.S.C. §10502 From the Requirements of 49 U.S.C. §10901, Green Eagle Railroad, LLC – Construction and Operation of a Line of Railroad – In Maverick County, TX
- Jeremiah Gates Rhodes, 2024, Personal Communication, Account of Union Pacific train derailment and corrective actions in 2010
2024, personal communication, Account of coal mining operations in the Seco Mines area
- Kendig Keast Collaborative, 2018, Draft Eagle Pass Opportunity 2040 Comprehensive Plan - The Future City: Consultant report to the City of Eagle Pass
- Raba Kistner, December 2018, Draft Feasibility Study. Third Land Port of Entry, Maverick County Texas, RKEI Project No. ASF18-016-00: Consultant report to Maverick County
- Puerto Verde Holdings, LLC, October 17, 2023, Puerto Verde Global Trade Bridge Presidential Permit Application, Maverick County, Texas: Submitted to the United States Department of State, Pursuant to provisions of Executive Order 13867 of April 10, 2019
- TXDOT, Laredo District, October 13, 2022, Maverick County, Eagle Pass. 100% Schematic, SL 480 from US 57 to US 277 N, Packages 1 and 2
- USEPA, 2024, EPA Waters GeoViewer 2.0, Watershed report on the Seco Creek catchment, interactive map from EPA watershed mapping platform, [WATERS GeoViewer 2.0 \(arcgis.com\)](#)
- USEPA, 2024, EJScreen: Environmental Justice Screening and Mapping Tool: On-line interactive environmental justice mapping tool [EJScreen \(epa.gov\)](#)
- Surface Transportation Board, March 29, 2024, Notice of Intent, Green Eagle Railroad – Construction and Operation Exemption – Line of Railroad in Maverick County, Texas: Surface Transportation Board Decision, Docket FD 36652

Texas Environmental and Consumer Health Protection (now TCEQ), 1976, Letter to Eagle Pass issuing permit and conditions for a municipal solid waste landfill, Permit No 721