



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-3007

Office of Environmental Analysis

April 23, 2018

Peter Pfohl, Esq.
Slover & Loftus LLP
1224 Seventeenth St. N.W.
Washington, D.C. 20036

Re: FD 36186, Texas Railway Exchange LLC—Galveston County, Tex.; Waiver of
Six-Month Prefiling Notice

Dear Mr. Pfohl:

Pursuant to 49 CFR 1105.10(c), we are granting your request of April 18, 2018 for waiver of the six-month pre-filing notice generally required for construction projects under 49 CFR 1105.10 (a)(1). As discussed below, applicant Texas Railway Exchange (TREX) has explained, based on information known at this time, the anticipated environmental effects of the proposed action, and the timing of the proposed action, and that all or part of the six-month lead period is not appropriate in this proceeding.

The Surface Transportation Board's Office of Environmental Analysis (OEA) met and consulted with the representatives of TREX on April 12, 2018. TREX discussed with OEA its plan to construct and operate approximately 2600 feet of rail line in Galveston County, Texas. The new rail line would provide a direct connection between the Texas International Terminal in the City of Galveston and BN Railway Company. TREX also provided OEA with an overview of the project and supplied OEA with additional information regarding potential environmental consequences known to date. OEA explained to TREX details of the environmental review process. Finally, TREX told OEA that it intends to file a petition for exemption to construct and operate the proposed rail line with the Surface Transportation Board to initiate the formal proceeding with the agency.¹

¹ To build an extension of a rail line or to construct and operate a new rail line, a rail carrier must first apply to the STB for authority. Most carriers file, as an initial pleading, a Petition for Exemption under 49 U.S.C. 10502 from the formal application procedures of 49 U.S.C. 10901. The Petition for Exemption does not exempt rail applicants from any part of the required environmental review.

The information provided by TREX is sufficient for OEA to conclude that TREX has met the standards set forth in 49 CFR 1105.10(c) and is knowledgeable about the environmental review process. OEA grants your request to waive the six-month prefiling notice.

If we can be of further assistance, please contact me or Josh Wayland of my staff at (202) 245-0330.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson

Director

Office of Environmental Analysis