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EI-20951

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March 13, 2015

By UPS overnight mail

Ms. Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

Re: Finance Docket No. 35874, *Lone Star Railroad, Inc. and Southern Switching Company -- Track Construction and Operation Exemption -- in Howard County, TX*

Dear Ms. Rutson:

Petitioners Lone Star Railroad, Inc. (LSR) and Southern Switching Company (SSC) hereby respectfully request that in regard to the track construction proposal in the above proceeding, the Board waive the provision at 49 C.F.R. § 1105.6(a) that an Environmental Impact Statement (EIS) will normally be prepared for such a proposal. In accordance with 49 C.F.R. § 1105.6(d), LSR and SSC here seek to demonstrate, by means of supporting information set out below, that an Environmental Assessment (EA), rather than an EIS, will be sufficient because the particular proposal is not likely to have a significant environmental impact.

JUSTIFICATION FOR WAIVER

The proposed track construction is relatively short (no more than 3.18 miles). The track to be constructed would enable rail service to be provided at a new industrial park in a remote location in West Texas. The closest municipality to the proposed track construction is Big Spring, TX a mile or so to the west. Big Spring has a population of approximately 25,000. The proposed track construction would not cross any body of water. It would not cross any public road. It would not cross the tracks of another railroad. As a result of a recent on-site visit by Mr. Ken Blodgett, OEA is in a position to know first-hand that the proposal should not be environmentally or historically significant. Additional information about the proposed track construction is contained in a Petition for Exemption of the proposed track construction and operation filed by LSR and SSC on February 25, 2015 (*see especially the Verified Statement of Matthew Cundiff and his Appendix MC-1*).

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In view of those characteristics, the proposed track construction is unlikely to have a significant environmental effect on the subject matter covered by the Board's environmental and historic regulations at 49 C.F.R. § 1105.7 and 1105.8. The limited track construction in a remote area is likely to have little or no effect on environmental considerations such as air, noise, safety and the like. That is particularly the case as to the environmental regulations at 49 C.F.R. § 1105.7(e)(11) that are directly applicable to track construction. For example, the proposed track construction is unlikely to have a significant effect on essential public services, public roads, and adjoining properties because the track would not traverse Big Spring, TX or any other concentrated population center. *See* 49 C.F.R. § 1105.7(e)(11)(vi).

In light of the foregoing, LSR and SSC submit that the environmental and historic effects of the proposed track construction can be adequately evaluated by means of an EA.

WHEREFORE, the Board should waive compliance by LSR and SSC with 49 C.F.R. § 1105.6(a) that normally requires an EIS for track constructions.

Respectfully submitted,



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