

EJ-3337



U.S. Department
of Transportation

**Federal Railroad
Administration**

Region V

4100 International Plaza
Suite 450
Fort Worth, TX 76109 - 4820

December 3, 2007

Sandy Wesch-Schulze
Carter and Burgess, Inc.
7950 Elmbrook Drive
Dallas, TX 75247

Dear Ms. Wesch-Schulze:

I am writing in response to the November 8, 2007 letter from Victoria Ruston, Chief, Section of Environmental Analysis for the Surface Transportation Board, regarding Finance Docket No. 35061 - Liberty County Rural Rail Transportation District Number One.

The letter requested assistance from Federal Railroad Administration (FRA) in identifying potential resources within the project area that may be impacted, as well as any permits and approvals that might be required for construction of 32 miles of new rail line from the CMC yard in Dayton, TX to connect with the BNSF Railway line in Cleveland, TX. FRA will inspect the track and roadbed of any new line prior to the beginning of any new operation.

FRA does not have any requirements for permits or approvals prior to construction of a new line; however, we will inspect the track and roadbed prior to train operations over the line. FRA has forwarded a copy of the STB's letter to the Union Pacific Railroad (UP). We expect that UP will have their own comments on the impact this proposed line will have on their railroad especially on the need for two new railroad crossings across the Beaumont subdivision line and the Lafayette subdivision line through the Dayton area. In the interest of safety, FRA suggests that these crossings be grade-separated if possible.

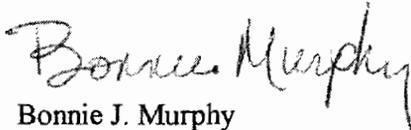
FRA is aware of rail congestion issues in the City of Houston which have been contributing to motor vehicle mobility issues resulting from the high incidence of blocked crossings. FRA has been working with the railroads and the City for the past four years, but continued block crossing incidents have generally been the result of heavy rail traffic. If the new rail line diverts 10-12 trains per day from the heavily populated Houston area, this would be an important and increasing benefit as rail traffic increases following opening of the new Bayport container terminal.

Since 2004, there have been six grade crossing collisions in Liberty County resulting in one fatality in 2007. The TX Department of Transportation (TxDot) has indicated to FRA that they will be submitting comments regarding the proposed rail line. One aspect of TxDot's comments will focus on the new at-grade crossings that will be created from this new line. FRA is concerned with improving grade crossing safety in TX and advocates for the consolidation of crossings. New at-grade crossings required by the building of this new rail line should be equipped with gates and flashing lights using the standards required by TxDot.

The FRA Train Horn Rule requires the sounding of the train horn at all public crossings. This requirement should be considered in evaluating the environmental impacts of this new rail line wherever new at-grade crossings will be constructed.

Thank you for the opportunity to comment on this new rail line. We will let you know if any additional information comes to our attention. If you have any additional questions please contact me at 817-862-2222.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie J. Murphy". The signature is written in black ink and is positioned above the typed name and title.

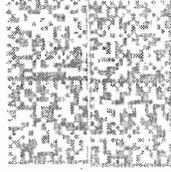
Bonnie J. Murphy
Regional Administrator

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