



# Appendix A





## MEMORANDUM

**TO:** Mr. Andrew Chisholm  
Environmental Coordinator  
Brownwood District

**DATE:** March 13, 2009

**FROM:** Jenise K. Walton *Jenise K Walton*  
Lead Project Manager  
Environmental Affairs Division

**SUBJECT:** Blanket Categorical Exclusion  
Coleman County  
CSJ: 7107-09-001 & 70107-09-002

---

S. Orient RR Line: Rehabilitation between Coleman and Fort Stockton

ENV has reviewed the environmental document submitted by your memorandum dated March 10, 2009.

No further resource agency coordination is required. You may now proceed with to the next stage of project development.

bcc: JKW, Field Section A  
Reference: ENV850

**Federal Railroad Administration (FRA)  
CATEGORICAL EXCLUSION WORKSHEET**

The purpose of this worksheet is to assist Project sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for projects that may qualify as Categorical Exclusions. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement (EIS) or an environmental assessment (EA). Decisions to prepare EAs and EISs are made by FRA.

*Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the Categorical Exclusion recommendation for NEPA requirements to be met.*

The Project sponsor is responsible for providing FRA with a sufficient level of documentation and analysis to help inform FRA's determination that a Categorical Exclusion is the appropriate NEPA class of action. Documentation and analysis may include background research, results of record searches, field investigations, field surveys, and any past planning or studies.

Instructions for completing this worksheet are available on the FRA website at: <http://www.fra.dot.gov/eLib/Details/L02708>. Please complete this worksheet using compatible word processing software and submit and transmit the completed form in MS Word electronic format.

*The following documents must be submitted along with this worksheet:*

1. Include maps or diagram of the Project area that identifies locations of critical resource areas, wetlands, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences.
2. Include maps or diagrams of the proposed modifications to existing railways, roadways, and parking facilities.
3. Copies of all agency correspondence particularly with permitting agencies.
4. Representative photographs of the Project area.

**I. PROJECT DESCRIPTION**

<b>Project Sponsor</b> Texas Department of Transportation	<b>Date Submitted to FRA</b> June 3, 2013	<b>FRA Funding (TIGER, HSIPR, Rail Line Relocation, RRIF, etc.) or other FRA Action</b> TIGER
<b>Contact Person</b> Gil Wilson	<b>Phone</b> 512-486-5103	<b>E-mail address</b> Gil.Wilson@txdot.gov
<b>Proposed Project Title</b> South Orient Rehabilitation - Sulphur Junction to Fort Stockton		
<b>Location (Include Street Address, City or Township, County, and State)</b> 125 E. 11 <sup>th</sup> Street, Austin, Travis County, Texas		
<b>NEPA Contact</b> Andrew Chisholm	<b>Phone</b> 325-643-0442	<b>E-mail Address</b> Andrew.Chisholm@txdot.gov

**Description of Proposed Action (Project):** Fully describe the Project including specifics that may be of environmental concern such as: *widening an embankment to stabilize roadbed; repairing or replacing bridge pier foundations, extending culverts, including adding rip-rap in a waterway; earthwork and altering natural (existing) drainage patterns and creating a new water discharge; contaminated water needing treatment; building a new or adding on to a shop building; fueling or collection of fuel or oil and contaminated water; building or extending a siding; and building or adding on to a yard. Where applicable fully describe the operational characteristics of the facility to be improved by the proposed action and any anticipated operational changes that may result.*

This proposed project consists of 143,616 linear feet of rail replacement, 10,000 cross tie replacements, 192 linear feet of at-grade road crossing replacements, and 11,000 tons ballast installation and regulating within the 13.6 mile project limits. Various designated areas are located within the ROW for temporary storage of equipment and materials during the repairs/replacements.

**Purpose and Need of Proposed Action (Project).**

The purpose of the proposed project is to improve the infrastructure to accommodate freight railtraffic more efficiently, improve vehicular safety, and to foster economic development in the area. The project is needed since the existing condition of the infrastructure does not meet current Federal Railroad Administration Class I and II safety standards. As a result train speed is limited to ten (10) miles per hour. This speed limit prevents the railroad from being competitive with other modes of transportation and other rail lines in the region. Existing and potential shippers on the rail line must be provided with competitive service in order for freight operations to continue or increase. The South Orient is railroad line located generally parallel to U.S. 67 in the region and the only railroad line providing service to existing shippers located in the communities of Ballinger, Rowena, Miles, San Angelo, Mertzon, Barnhart, Big Lake, Rankin, McCamey, and Fort Stockton. The rehabilitation of the South Orient will allow for increasing train speeds to 25 mph providing more efficient operations on the rail line and enabling improved service to existing customers, as well as fostering economic development opportunities in the region. This will prevent the diversion of existing freight from the rail line to the highways which could occur due to infrastructure deterioration and reduced or termination of rail service if the line is not upgraded.

**II. NEPA CLASS OF ACTION**

*Please check the category or categories that the Project best fits. If no category applies, contact FRA as an EA or EIS may need to be prepared.*

- Changes in plans for a Project for which an environmental document has been prepared, where the changes would not alter the environmental impacts of the action. (*Describe the full consequences of the changes only in part III*)
- Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. (*"Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs*)
- Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure.
- Operating assistance to a railroad to continue existing service or to increase service to meet

demand, where the assistance will not result in a change in the effect on the environment.

- Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities.
- Minor rail line additions *including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards*, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities.
- Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties.
- Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density characteristics of the existing rail line.
- Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, *including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks.*
- Alterations to existing facilities, locomotives, stations and rail cars in order to make them accessible for the elderly and persons with disabilities, *such as modifying doorways, adding or modifying lifts, constructing access ramps and railings, modifying restrooms, and constructing accessible platforms.*
- Bridge rehabilitation, reconstruction or replacement, the rehabilitation or maintenance of the rail elements of docks or piers for the purposes of intermodal transfers, and the construction of bridges, culverts, or grade separation projects, predominantly within existing right-of-way, that do not involve extensive in-water construction activities, *such as projects replacing bridge components including stringers, caps, piles, or decks, the construction of roadway overpasses to replace at-grade crossings, construction or reconstruction of approaches and/or embankments to bridges, or construction or replacement of short span bridges.*
- Acquisition (including purchase or lease), rehabilitation, or maintenance of vehicles or equipment that does not cause a substantial increase in the use of infrastructure within the existing right-of-way or other previously disturbed locations, *including locomotives, passenger coaches, freight cars, trainsets, and construction, maintenance or inspection equipment.*
- Installation, repair and replacement of equipment and small structures designed to promote transportation safety, security, accessibility, communication or operational efficiency that take place predominantly within the existing right-of-way and do not result in a major change in traffic density on the existing rail line or facility, *such as the installation, repair or replacement of surface treatments or pavement markings, small passenger shelters, passenger amenities, benches, signage, sidewalks or trails, equipment enclosures, and fencing, railroad warning devices, train control systems, signalization, electric traction equipment and structures, electronics, photonics, and communications systems and equipment, equipment mounts, towers and structures, information processing equipment, and security equipment, including surveillance and detection cameras.*
- Environmental restoration, remediation and pollution prevention activities in or proximate to existing and former railroad track, infrastructure, stations and facilities conducted in conformance with applicable laws, regulations and permit requirements, *including activities such as noise mitigation, landscaping, natural resource management activities, replacement or improvement to*

*storm water oil/water separators, installation of pollution containment systems, slope stabilization, and contaminated soil removal or remediation activities.*

- Assembly or construction of facilities or stations that are consistent with existing land use and zoning requirements, do not result in a major change in traffic density on existing rail or highway facilities and result in approximately less than ten acres of surface disturbance, *such as storage and maintenance facilities, freight or passenger loading and unloading facilities or stations, parking facilities, passenger platforms, canopies, shelters, pedestrian overpasses or underpasses, paving, or landscaping.*
- Track and track structure maintenance and improvements when carried out predominantly within the existing right-of-way that do not cause a substantial increase in rail traffic beyond existing or historic levels, *such as stabilizing embankments, installing or reinstalling track, re-grading, replacing rail, ties, slabs and ballast, installing, maintaining, or restoring drainage ditches, cleaning ballast, constructing minor curve realignments, improving or replacing interlockings, and the installation or maintenance of ancillary equipment.*

**III. PROJECT INFORMATION**

Potential impacts from both construction and changes to operations (where applicable) should be analyzed and identified for each resource type below. Where appropriate, the Project sponsor may commit to mitigation measures to avoid, reduce, or minimize impacts, including the use of Best Management Practices (BMP). Mitigation measures necessary to comply with other laws or regulations (e.g. Clean Water Act Section 404) should also be identified and the impacts from mitigation considered.

**A. Affected Environment:** *Briefly describe the ecosystems and environmental conditions in the area affected by the Project (defined as broadly as necessary to evaluate potential impacts and address Project area habitats).*

The work will be entirely on existing railroad tracks on existing track bed on existing right-of-way. The majority of the work will be performed using on-track construction equipment. The work will not affect any ecosystems or impact any environmental conditions beyond the established track and right-of-way, which have been in use for railroad operations for approximately 100 years.

**B. Location & Land Use:** *Briefly describe the existing land use of the Project site and surrounding properties and resources and identify and discuss any potential inconsistencies the Project might have with local land use plans and policies.*

The project is located within Pecos County. Lands surrounding the project area are mainly used for farming and ranching with a few manufacturing and residential areas within Fort Stockton city limits. The project area is primarily rural with creek drainages and rangeland. The dominant vegetation types surrounding the project area are Crops, Creosote - Tarbush Shrub, and Mesquite Juniper Brush. The soils within the project areas vary and include: Lozier, Balmorhea, Reeves, Reakor, Hoban, Iraan, and Reagan-Hodgins. Many of these are clay loams.

**C. Cultural Resources:** *Is the Project of the type where there is no potential to affect historic properties? Check yes or no depending on whether resources have been identified in the immediate vicinity of the Project (Area of Potential Effect)*

- Yes, explain how Project has no potential to affect historic properties. (Continue to D)*

The State Historic Preservation Officer concurred TxDOT's finding that the proposed project would not affect archeological historic properties on September 8, 2011.

No, there *is* potential to affect historic properties. Describe identification procedures to determine the existence of cultural resources in the Project area.

*Describe any resource(s) identified in the project area and then describe any potential effect of the Project on the resource(s).*

*Has consultation with the State Historic Preservation Office occurred?*

No, contact FRA

Yes, describe and attach relevant correspondence

Texas Historical Commission (THC) concurred with the archeological findings on September 8, 2011.

*What resources of interest to Federally-recognized Native American Tribes are known to be present in the Project area?*

None.

**D. Parks and Recreational Facilities:** *Are there any publicly owned park, wildlife and waterfowl refuge, or recreational area of national, state, or local significance within or directly adjacent to the Project area?*

No, include a short statement describe efforts to identify parks and recreational facilities in the Project area.

The proposed project would not require the use of, nor substantially impair the purposes of any publicly owned land from a public park, recreational area, wildlife and waterfowl refuge lands or historic sites of national, state, or local significance; therefore, a 4(f) statement is not required.

Yes, include a detailed description of the property, including map or drawing, describe the recreational uses of the property, any unique characteristics of the property, any consultations with the entity with legal jurisdiction over the property, and the potential impact on the property.

**E. Transportation:** *Would the Project have any effect (beneficial or adverse) on transportation including but not limited to other railway operations, road traffic, or increase the demand for parking?*

No, explain why the Project would have no effect (beneficial or adverse) on transportation

Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad and highway operations. Also, summarize any consultation that has occurred with other railroads or highway authorities whose operations this Project will impact.

The project will rehabilitate the track and improve operations, allowing the diversion of some truck freight to rail. The project

will return the track to historic capacity levels and provide benefits to highway operations by reducing truck volumes on the regional highways.

**F. Noise and Vibration:** *Are there any sensitive receptors in the Project area?*

No, describe why there are no sensitive receptors (residences, parks, schools, hospitals, public gathering spaces) in or near the Project area. (Continue to G)

There are no sensitive receptors in the project area. Most of the project is located in rural areas outside city limits. The portion of the project that is within the city of Fort Stockton, Texas, is not adjacent or near any parks, schools, hospitals, or other public gathering place.

Yes, will the Project change the noise and/or vibration exposure of the sensitive receptors when applying the screening distances for noise and vibration assessment found in FRA and Federal Transit Administration's noise impacts assessment guidance manuals? Such changes in exposure might include changes in noise emissions and/or events, or changes in vibration emissions and/or events.

If the Project is anticipated to change the noise or vibration exposure of sensitive receptors, complete and attach a General Noise and/or Vibration Assessment. Describe the results of the Assessment and any mitigation that will address potential impacts.

**G. Air Quality:** *Is the Project located in a Non-Attainment or Maintenance area?*

No, identify any air emissions increases or benefits that the project will create.  
(Continue to H)

The project is NOT within an air quality non-attainment or maintenance area. The project will increase traffic on the rail line but will also divert traffic from local and regional roadways, having a beneficial impact on air quality.

Yes, for which of the following pollutants:

- Carbon Monoxide (CO)     Ozone (O<sub>3</sub>), volatile organic compounds or Nitrous Oxides (NO<sub>x</sub>)
- Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)

*Will the Project, both during construction and operation, result in new emissions of criteria pollutants including Carbon Monoxide (CO), Ozone (O<sub>3</sub>), volatile organic compounds, or Nitrous Oxides NO<sub>x</sub>, Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>)?*

No     Yes, Attach an emissions analysis for General Conformity regarding CO, O<sub>3</sub>, PM<sub>10</sub>, and NO<sub>x</sub>.

*Based on the emissions analysis, will the Project increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

No     Yes, Describe any substantial impacts from the Project.

**H. Hazardous Materials:** *Does the Project involve the use or handling of hazardous materials?*

No (continue to I)

Yes, describe the use and measures that will mitigate any potential for release and contamination.

**I. Hazardous Waste:** *Is the Project site in a developed area or was previously developed or used for industrial or agricultural production,*

No, describe the steps taken to determine that hazardous materials are not present on the Project site. (Continue to J)

The project consists of track and rail rehabilitation work on existing railroad right-of-way. The project does not require any excavation below existing track ballast levels and therefore is unlikely to uncover any unknown hazardous materials. This activity is in very rural areas with no potential hazmat generators within 2 miles.

Yes. *If yes, is it likely that hazardous materials will be encountered by undertaking the Project? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

Yes, complete a Phase I site assessment and attach.

No, explain why it is unlikely that hazardous materials will be encountered.

*If a Phase I survey was completed, is a Phase II site assessment recommended?*

No, explain why a Phase II site assessment is not recommended.

Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the Project.

**J. Property Acquisition:** *Is property acquisition needed for the Project?*

No (continue to K)

Yes, indicate how much property and whether the acquisition will result in relocation of businesses or individuals. **Note:** *acquiring property prior to completing the NEPA process and receiving written FRA concurrence in the NEPA recommendation may jeopardize Federal financial participation in the Project.*

**K. Community Impacts and Environmental Justice:** *Is the Project likely to result in impacts to adjacent communities? Impacts might be both beneficial (e.g. economic benefits) or adverse (e.g. reduction in community cohesion).*

No, describe the steps taken to determine whether the Project might result in impacts to adjacent communities. (Continue to L)

The project is in primarily rural areas and will not cause any negative impacts to environmental justice issues. The rail improvements will foster economic development activities which will have a positive impact on the city of Fort Stockton and Pecos County, which is an Economically Distressed Area.

Yes, characterize the socio-economic profile of the affected community, including the presence of minority or low-income populations.

Describe any potential adverse effects to communities, including noise, visual and barrier effects. Indicate whether the Project will have a disproportionately high and adverse effect on minority or low-income populations. Describe outreach efforts targeted specifically at minority or low-income populations.

**L. Impacts On Wetlands:** *Does the Project temporarily or permanently impact wetlands or require alterations to streams or waterways?*

No, describe the steps taken to determine that the Project is not likely to temporarily or permanently impact wetlands or require alterations to streams or waterways.

All appropriate measures would be taken to minimize effects to local groundwater. Impacts to groundwater or wetlands are not anticipated to result from routine maintenance replacement of selected railroad

ties, rail, and ballast.

Yes, show wetlands and waters on the site map and classification. Describe the Project's potential impact to on-site and adjacent wetlands and waters and attach any correspondence with the US Army Corps of Engineers.

*Is a Section 404 Permit necessary?*

Yes, attach all permit related documentation

No

**M. Floodplain Impacts:** *Is the Project located within the 100-year floodplain or are regulated floodways affected?*

No

Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any and how the Project will comply with Executive Order 11988. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

**N. Water Quality:** *Are protected waters of special quality or concern, or protected drinking water resources present at or directly adjacent to the Project site?*

No, describe the steps taken to identify *protected waters of special quality or concern, or protected drinking water resources present at or directly adjacent to the Project site.*

No work is being performed that will impact protected waters. TxDOT Best Management Practices will be incorporated where necessary, including appropriate sediment and erosion control measures to prevent any sediment laden run-off from entering adjacent streams or other water bodies.

Yes, describe water resource and the potential for impact from the Project, and any coordination with regulatory entities.

**O. Navigable Waterways:** *Does the Project cross or have effect on a navigable waterway?*

No (continue to P)

Yes, describe potential for impact and any coordination with US Coast Guard.

**P. Coastal Zones:** *Is the Project in a designated coastal zone?*

No (continue to Q)

Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

**Q. Prime and Unique Farmlands:** *Does the Project impact any prime or unique farmlands?*

- No, describe the steps taken to identify *impacts to prime or unique farmlands*.
- Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

**R. Critical Habitat and Endangered Species:** *Are there any designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered species) within or directly adjacent to the Project site?*

- No, describe the steps taken to identify critical habitat within or directly adjacent to the Project site.
- Yes, describe them and the potential for impact.

*Are any Threatened or endangered species located in or adjacent to the site?*

- No, describe the steps taken to identify the presence of endangered species directly adjacent to the Project site.

The right-of-way consists of the rail bed and track with a mowed and maintained clear zone up to the ditch line. Vegetation within the right-of-way in the clear zone can be characterized as primary growth, consisting primarily of weedy herbs and grasses. A mix of native and introduced grasses, herbs and shrubs grow in various stages of succession between the ditch line and the fence line. Woody fence line vegetation, when present, is dominated by trees and shrubs and includes mesquite, hackberry, acacia, four wing saltbush, tarbush, and creosote bush, cacti and yucca. The vegetation in the railroad right-of-way is regularly maintained. Vegetation maintenance consists of regular removal of woody vegetation seedlings and saplings that volunteer along the right-of-way as well as regular weed and grass removal. The track itself is regularly maintained and mostly devoid of vegetation. The proposed project will have no effect on any state or federally listed species or designated critical habitat, or on any species of concern. The proposed project will have no effect on any state or federally listed species or designated critical habitat, or on any species of concern.

- Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected. If required prepare a biological assessment and attach it and any applicable agency correspondence.

**S. Public Safety:** *Will the Project result in any public safety impacts?*

- No, describe method used to determine whether the Project results in any safety or security impacts

The rehabilitation of existing railroad track on existing railroad right-of-way does not impact public safety.

- Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the Project during and after its construction.

- T. Cumulative Impacts:** A “cumulative impact” is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or resulting from smaller actions that individually have no significant impact. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

Are cumulative impacts likely?  No  Yes, describe the impacts:

- U. Indirect Impacts:** “Indirect impacts” are those that are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Are Indirect impacts likely?  No  Yes, describe the impacts:

- V. Mitigation:** Describe all mitigation measure commitments which address identified impacts that have been incorporated into the Project, if any.

None

- W. Public Notification:** Briefly describe any public outreach efforts undertaken on behalf of the Project, if any. Indicate opportunities the public has had to comment on the Project (e.g., Board meetings, open houses, special hearings).

None

Has the Project generated any public discussion or concern, even though it may be limited to a relatively small subset of the community? Indicate any concerns expressed by agencies or the public regarding the Project.

None

- X. Related Federal, State, or Local Actions:** Does the Project require any additional actions (e.g., permits) by other Agencies? Attach copies of relevant correspondence. It is not necessary to attach voluminous permit applications if a single cover Agency transmittal will indicate that a permit has been granted. Permitting issues should be described in the relevant resource discussion above.

**Section 106** Historic Properties

**Section 401/404 of the Clean Water Act;** Wetlands and Water Quality

**Section 402 of the Clean Water Act**

**USCG 404** Navigable Waterways

**Migratory Bird Treaty Act**

- Endangered Species Act** *Threatened and Endangered Biological Resources*
- Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- Safe Drinking Water Act**
- Section 6(f) Land and Conservation Act**
- Other State or Local Requirements** (Describe)

None

