



U.S. Department
of Transportation
**Federal Railroad
Administration**

Dallas to Houston High-Speed Rail Environmental Impact Statement

Scoping Report

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URS

Prepared for Federal Railroad Administration
By URS Corporation

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ACRONYM/ABBREVIATION LIST

Draft EIS	Draft Environmental Impact Statement
DHS	U.S. Department of Homeland Security
DOPAA	Description of Proposed Actions and Alternatives
EIS	Environmental Impact Statement
EMF	Electromagnetic fields
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
Final EIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
HSR	High-speed rail
LEDPA	Least Environmentally Damaging Practicable Alternative
NEPA	National Environmental Policy Act
STB	Surface Transportation Board
TCEQ	Texas Commission on Environmental Quality
TCR	Texas Central Railway
THC	Texas Historical Commission
TPWD	Texas Parks and Wildlife Department
TSA	Transportation Security Administration
TxDOT	Texas Department of Transportation
USACE	U.S. Army Corps of Engineers
USCG	U.S. Coast Guard
USFS	U.S. Forest Service
USFWS	U.S. Fish and Wildlife Service

INTRODUCTION

The Federal Railroad Administration (FRA) initiated a National Environmental Policy Act (NEPA) evaluation of Texas Central Railway, LLC's (TCR or the Proponent) proposal to operate a high-speed passenger railroad between Dallas and Houston, Texas (Project). As required by NEPA, FRA is preparing an Environmental Impact Statement (EIS) to accomplish this evaluation.

As a federal agency, FRA has the authority to regulate the safety of railroads, including the Project, and must make specific safety determinations regarding the Project before it can be implemented. Current FRA regulations do not address equipment requirements for train speeds above 150 miles per hour. For this Project, FRA may issue a Rule of Particular Applicability (regulations that apply to a specific railroad or a specific type of operation) regarding TCR's high-speed rail (HSR) proposal, a series of waivers, or another action that will ensure the Project is operated safely. This constitutes a federal action and triggers the environmental review under NEPA. At this time, no federal funds are being sought for this Project.

FRA, TCR, and the Texas Department of Transportation (TxDOT) have entered into a Memorandum of Understanding (MOU) to develop and complete a project-level EIS for the Project. This MOU stipulates the responsibilities of all parties, including a third-party contractor (URS) to complete the EIS. TCR will provide engineering and technical information about the proposed system for FRA and URS to evaluate. TxDOT will provide technical assistance to FRA in completing the NEPA process.

The U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE, Fort Worth and Galveston Districts), the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the U.S. Environmental Protection Agency (EPA) have agreed to be cooperating agencies for the environmental review of this Project.

Overview of Public and Agency Scoping

The purpose of this Scoping Summary Report is to summarize the public and agency scoping process and the comments received during the public scoping period for the Project. This report provides background information on the Project, a description of the public and agency scoping activities, and a summary of the public and agency comments received during the Project scoping period, which extended from June 25, 2014, to January 9, 2015. The duration of the comment period significantly exceeded the required comment period timeframe to assure that interested parties and the public would have ample time and opportunity to express their concerns and opinions for the record.

This report summarizes the approximately 4,400 scoping comments that were received at 12 public scoping meetings, two agency coordination meetings, and through the Project website, the Project and FRA email addresses, and the U.S. mail.

All comments were reviewed and are summarized by category in this report. In addition, an appendix to this report provides documentation of scoping activities and individual comments. FRA, the lead agency for the environmental review process, is considering all of the comments contained in this scoping report in preparing the EIS for the Project. This scoping report describes how environmental comments will be addressed in the Draft EIS.

Project Setting

TCR proposes construction and operation of a private, for-profit, high-speed passenger rail system connecting Dallas and Houston using the N700-I Tokaido Shinkansen HSR technology. The Project encompasses an approximately 240-mile-long corridor between the two cities. The HSR system requires a completely grade-separated and dedicated right-of-way that is approximately 80 to 100 feet wide. It requires a “closed” system, meaning that the train will run on dedicated HSR tracks for passenger rail service only and cannot travel on other rail lines.

The terrain between Dallas and Houston, two of the state’s economic hubs, is relatively flat and rural, and is predominately used for farming and ranching. Land uses vary along the corridor and include residential, commercial, government/institutional, transportation, industrial, and agricultural.

Proposed Project Corridors

As part of its initial planning effort, TCR evaluated four HSR corridor alternatives. Three of the corridor alternatives were previously identified in the Texas Rail Plan (2010) as potential routes for passenger rail development. The fourth corridor alternative, identified by TCR, primarily follows existing high-voltage transmission line easements between the Burlington Northern Santa Fe (BNSF) and Union Pacific Railroad (UPRR) freight lines.

During this initial planning effort, TCR proposed to parallel existing transportation corridors and electric utility easements as much as possible to minimize impacts to private property. TCR’S objectives used in developing the corridor alternatives were to:

- Minimize risks to safe HSR operations
- Maximize co-location opportunities with transportation and utility infrastructure
- Minimize relocation of any existing roadways or freight railroad tracks
- Optimize the alignment to allow for the desired maximum operating speed and operational efficiency
- Minimize the number of times the HSR tracks must cross existing freight tracks or major roadways
- Minimize expected impacts of construction to traffic and freight operations
- Minimize expected right-of-way and construction costs associated with heavy infrastructure requirements
- Minimize expected environmental impacts and constructability concerns

The two densely developed urban zones are separated by a rural section through east-central Texas. Considerations for these disparate areas include:

Urban Areas – Urban areas contain concentrated populations that may be adversely impacted during both construction and operations. Following existing transportation corridors could minimize some of these impacts, but some development in the more urban areas of Dallas and Houston lies adjacent to freight lines and interstate frontage roads.

Rural Areas – In rural areas, corridor alternatives could avoid local towns and cities, where practicable, to minimize impacts to communities and limit the number of private property owners affected by the Project.

As a result of its screening process, TCR also determined that, although the Project is feasible and economically viable from Dallas to Houston, extending the HSR system from Dallas to Fort Worth was not viable. Therefore, TxDOT is leading an effort to develop an environmental study and is working cooperatively with FRA to examine a proposal to provide higher-speed intercity passenger rail service between Dallas and Fort Worth, which is its own unique project separate from the Dallas to Houston HSR Project.

Based on the four primary corridor alternatives, a total of nine variations were evaluated: BNSF Option 1, BNSF Option 2, BNSF Option 3, BNSF Option 4, I-45, I-45 with Hardy, Utility Corridor, Utility Corridor with I-45, and UPRR (**Figure 1**). All nine variations of the corridor alternatives were screened by TCR based on HSR design requirements, engineering and constructability challenges, and potential environmental constraints. These early planning efforts resulted in TCR recommending FRA perform further alternatives screening of two corridor alternatives (BNSF Option 1 and Utility). These two corridor alternatives were presented to agencies and the public for input during the NEPA scoping process.

For all the corridor alternatives, TCR proposes two terminal stations: one in Dallas and one in Houston. A third, intermediate stop in the vicinity of Bryan/College Station, is also under consideration.

FRA reviewed TCR's screening criteria, recommended additional high-level environmental and safety screening criteria, and deemed it reasonable to initiate the NEPA scoping process. At the Public Scoping Meetings, FRA summarized TCR's early planning efforts and described the two corridor alternatives TCR is proposing to evaluate in more detail. Further engineering and constructability review of these corridor alternatives by TCR will result in identification of a number of alternative alignments that will be recommended to FRA for detailed evaluation in the Draft EIS. These alternative alignments will be compared against the No-Build Alternative, which assumes no change in the current environment.

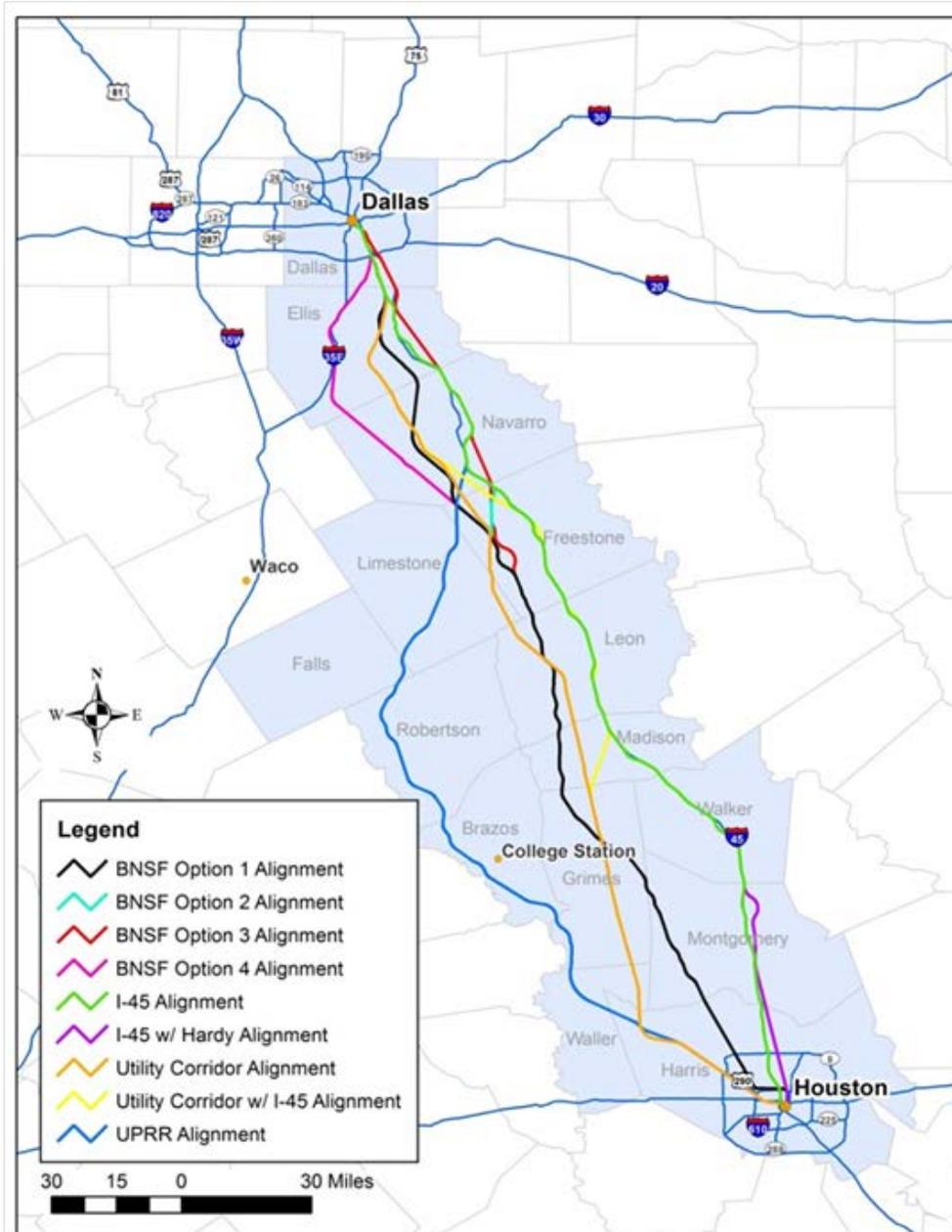


Figure 1. Map of Project Area with Proposed Corridor Alternatives

SCOPING PROCESS

Under NEPA, FRA initiated scoping as the first step in the public involvement process for this Project. The overall purpose of scoping is to define and narrow the scope of issues to be analyzed in the EIS. Scoping involves gathering input from the public, communities, concerned organizations, and local, state and federal agencies, which will be considered and documented in the EIS. The result of this phase is a Scoping Summary Report, which documents and explains how the comments that were received will be addressed in the Draft EIS. It also serves as the work plan for the EIS.

The major goals of the scoping process include the following:

- Determine the scope of work necessary to examine and evaluate significant issues in the EIS
- Define the Purpose and Need for the project
- Establish the alternatives to be evaluated in the EIS that FRA is preparing
- Identify issues that must be studied
- Define the responsibilities of the lead and cooperating agencies in carrying out the NEPA process
- Identify other pertinent environmental review and consultation requirements so that they may be undertaken at the same time as, or integrated with, the EIS
- Outline a schedule for preparation of the EIS

The scoping process not only alerts FRA, but also TCR, to areas of concern and controversy early in the process. As a result, it offers more opportunities for TCR to consider and explore means to address these concerns through subsequent planning and design. From an environmental perspective, this can result in a project with fewer environmental impacts. Public and agency involvement will also continue throughout the EIS process.

EIS Project Development Process

An EIS is a full disclosure document that details the process through which the Project was developed, includes consideration of a reasonable range of alternatives, analyzes the potential impacts resulting from the alternatives, and demonstrates compliance with other applicable environmental laws and executive orders. The EIS process is completed in the following steps: Notice of Intent (NOI), Draft EIS, Final EIS, and Record of Decision (ROD).

Upon completion of the scoping period for this Project, FRA will undertake an analysis of environmental impacts and related resources for the alternative alignments and the No Build Alternative, which will be developed and published in the Draft EIS. The Draft EIS will provide a detailed description of the proposal, the purpose and need, project alternatives, and the affected environment, and it will present an analysis of the anticipated beneficial and adverse social and environmental effects of the alternatives. At the Draft EIS stage, the results of the detailed impact studies are compared to each other and to the No Build Alternative. The Draft EIS, therefore, provides the necessary information for the next step in project decision-making, namely identifying a preferred alternative. For this Project, FRA anticipates identification of a preferred alternative in the Draft EIS pursuant to Moving Ahead for Progress in the 21st Century Act (MAP-21) Section 1319 (*Accelerated Decisionmaking in Environmental Reviews*).

Once compiled, the Draft EIS document will be filed with the EPA for publication of a Notice of Availability (NOA) in the *Federal Register* and distribution of copies to federal, state, and local agencies, private organizations, and members of the public. A 45-day comment period will follow, during which time any party may submit comments. After approximately 30 days of public review, a public hearing will be scheduled, at which time comments may be delivered orally or submitted in writing. It is anticipated that the Draft EIS will be published in late 2015 or early 2016.

After the Draft EIS comment period, FRA will consider and respond to all environmental comments as part of the Final EIS. The Final EIS will include factual corrections made to the Draft EIS and other changes that may be necessary to resolve controversy. The NEPA process will conclude with issuance of a ROD that will identify a recommended alternative and, if required, any mitigation strategies to offset significant impacts.

Draft Environmental Impact Statement Scoping Activities

Initiation of Scoping

The scoping process for the Project began when the NOI was published in the *Federal Register* on June 25, 2014. In addition to announcing the beginning of a 90-day scoping period (subsequently extended to January 9, 2015), the NOI provided a brief background on the Project, explained the contents of the EIS, including the planned analyses, and identified contact information. A copy of the NOI is included in Appendix A. Notification of the extended scoping period was made through email blast to the project mailing list, letters to elected officials (as part of the new meeting invitation), an FRA media advisory, and a notice on the project website (Appendix B).

Agency Scoping

Agency scoping began in June 2014, when FRA sent letters directly to representatives at federal and state agencies, and Tribal Governments, inviting them to participate in the scoping process for the Project. The list of invitees for the agency scoping meeting, held on June 25, 2014, included the following:

Federal

- U.S. Environmental Protection Agency (EPA)
- U.S. Army Corps of Engineers, Fort Worth and Galveston Districts (USACE)
- U.S. Fish and Wildlife Service (USFWS)
- Federal Aviation Administration (FAA)
- Federal Highway Administration (FHWA)
- Federal Transit Administration (FTA)
- Surface Transportation Board (STB)
- U.S. Department of Homeland Security (DHS)
- U.S. Forest Service (USFS)
- Federal Emergency Management Administration (FEMA)
- U.S. Coast Guard (USCG)
- U.S. Department of Housing and Urban Development (HUD)

State

- Texas Parks and Wildlife Department (TPWD)
- Texas Commission on Environmental Quality (TCEQ)
- Texas Historical Commission (THC)

Tribes

- Wichita and Affiliated Tribes

FRA invited agencies and tribes to attend the meeting and submit written comments on the Project's potential significant impacts or issues to be studied in the Draft EIS, as well as considerations for mitigation measures. The agencies were also asked to notify FRA of applicable permits and environmental review requirements of the agency and the scope and content of the environmental information germane to the agencies' statutory responsibilities in connection with the Project. Agency comments and questions are summarized below, followed by a response from FRA.

FHWA: FHWA ask if any federal funding, such as Transportation Infrastructure Finance and Innovation Act (TIFIA), was being requested by TCR? Is eminent domain required for any right-of-way acquisition?

Response: TCR proposes to import the Japanese N700-I Shinkansen high-speed passenger rail system. It is proposed as a completely isolated service between Dallas and Houston, as opposed to interoperable service using approved U.S. HSR technology. TCR and its affiliates have proposed to finance the Project using private funding sources and have not requested grants or loans from the U.S. Department of Transportation or any of its modal agencies.

Condemnation authority lies with the State of Texas and is governed by the laws of Texas. Texas law allows for the condemnation of private property under certain circumstances, which can include railroad projects, including privately owned railroads if there is a public use. Additionally, TCR may petition the Surface Transportation Board to take jurisdiction of the Project and allow the use of eminent domain under federal law.

EPA: EPA indicated that they need a schedule of the NEPA process, and that as time goes on, there needs to be an opportunity for agencies to be briefed on alternatives. They would like access to TCR staff for discussions. Because of the press of daily business, EPA cannot get on-site to every project, but EPA does have concerns about permits, environmental justice, and other potential impacts.

Response: FRA will provide all cooperating agencies with the working schedule for the EIS and its updates. FRA intends to place this Project on the Federal Infrastructure Projects Permitting Dashboard (Dashboard, located at <https://dotpermitsdev.prod.acquia-sites.com/agencies>) as part of its commitment to efficient project delivery. All federal agencies participating in the Project will be accountable for meeting the schedule on the Dashboard. FRA will include TCR in future agency meetings and workshops because TCR will be the applicant for all federal permits. The Draft EIS will assess the potential impacts to environmental justice communities, as well as describe all required permits and approvals.

TPWD: TPWD expressed concerns that state parks might be located in the Project area, along with potential impacts to wildlife crossings because of fencing, and the concerns of hunters (related to fencing – closed corridor). In addition, TPWD is also concerned about sensitive species.

Response: The Draft EIS will include assessment of impacts to state parks and wildlife migration. Impacts to hunters from fencing to create a closed corridor will be discussed as part of recreation. Portions of the HSR corridor may be located on an elevated structure, as opposed to at-grade, to allow for movement of people, vehicles, wildlife, and hunters from one side of the HSR corridor to the other, and to minimize the division of land.

TxDOT: Does the Shinkansen system generate noise levels similar to other high-speed train systems in the FRA model? Will the speeds be slower in the urban areas?

Response: FRA uses the FRA Noise Manual to assess noise and vibration levels for train systems at speeds of 125 miles per hour or higher. The requirements are inclusive, meaning that stations and urban areas where the train may travel at much slower speeds are also included in the

assessment per the FRA Noise Manual. The speed of the train is determined by the curvature of the alignment. Some sharp curves and the potential for shared right-of-way in Dallas and Houston are expected to require lower operating speeds in these areas.

EPA: What is the train's capacity? How many passengers are expected per day?

Response: The Project proposes to operate HSR service from 5:30 a.m. to 11:30 p.m., with a train in each direction up to every 30 minutes during peak periods; off-peak service will be dependent on ridership demand. A maximum of 450 passengers could be accommodated per train. **TCR's estimated ridership is 12,000 passengers per day.**

USFWS: Ten endangered species are potentially located within the vicinity of the corridor alternatives. Candidate species may be added between completion of the NEPA process and the start of project construction, requiring additional biological surveys after the issuance of a ROD, especially if a number of years go by before construction starts. Impacts to wildlife movement corridors will be a major area of concern. There may be state parks within or close to the alternative corridors.

Response: This information will be used in working with USFWS to establish the methodologies for the evaluation of threatened and endangered species, natural ecological systems, and wildlife migration for the Draft EIS.

TPWD: Has FRA contacted the USACE? Wetland impacts will be of particular concern in Montgomery County.

Response: The USACE was invited to this agency scoping meeting and future meetings are planned because the USACE Fort Worth and Galveston Districts agreed to be cooperating agencies for the NEPA process. FRA will work with the USACE to assess impacts to wetlands and waters of the U.S. FRA anticipates that the Project will require Clean Water Act Section 404 permits issued by both the Fort Worth and Galveston Districts of USACE for impacts to wetlands and waters of the U.S.

Agency Scoping Workshops

The agencies that agreed to participate in the Dallas to Houston HSR Project EIS were also invited to an agency scoping workshop on October 8, 2014. At the conclusion of a presentation about the Project, the agencies had an opportunity to comment and provide input. A summary of the comments is provided below, followed by a response from FRA.

USCG: Will a permit for a new bridge be required for this Project?

Response: Based on the corridor alternatives, one new bridge crossing the Trinity River is expected to be necessary. Research will be conducted to determine if other navigable waters are crossed, and the information will be documented in the Draft EIS. Additional information will be shared with the USCG when alternative alignments have been identified to determine permit requirements should a new bridge crossing be necessary.

USACE Galveston District: A specific purpose and need in the Draft EIS addressing jurisdictional waters will be required by the USACE in order for the USACE to use FRA's EIS to issue permits.

Response: FRA intends to include the USACE purpose and need addressing jurisdictional waters as part of the EIS. FRA will provide the draft purpose and need statement to the USACE for input.

USACE Fort Worth District: When will more detail on the Description of Proposed Action and Alternatives (DOPAA) be provided? Due to Clean Water Act Section 404(b)(1) criteria, the USACE will need to review cost and apply their agency's criteria in order to make recommendations on the alternatives. The Fort Worth District requests that FRA provide more information and schedule a meeting with the District to facilitate further discussions.

Response: Scoping is a critical step in the NEPA process and it must be completed before the Project Purpose and Need statement can be finalized. The Purpose and Need statement forms the basis of the FRA screening process to develop a range of reasonable alternatives. As part of FRA's alternatives screening process, FRA will conduct agency consultation and coordination on potential alignment alternatives to be studied in the EIS.

USACE (both districts): The USACE commented that the alternatives analysis must meet the requirements of Section 404(b)(1) of the Clean Water Act, which requires the review of alternatives to determine the least environmentally damaging practicable alternative (LEDPA). Additional items that should be considered by FRA in the alternatives screening process include:

- When reviewing alternatives, FRA needs to ensure that alternatives meet the USACE's purpose to comply with permit requirements
- Consider utilizing an appendix in the EIS to address USACE documentation requirements
- USACE may conclude that their LEDPA is not the same as the preferred alternative identified in the EIS
- Consider "Practicable" – see case law, Section 404(b)(1) guidelines, and the Trinity Parkway EIS
- Cost is defined differently by the USACE; cost is not used in the Section 404(b)(1) determination

The USACE also commented that they will provide additional guidance as the NEPA process for the Project progresses. Both districts commented that they are eager to provide input early in the process. The Galveston District will provide the Section 404(b)(1) guidelines to FRA.

USACE asked what the schedule is for submitting the Section 404 permit application. The notice associated with this permit will be timed to occur concurrently with the release of the Draft EIS. In order to accomplish this, the draft permit application should be submitted to the USACE well in advance of the public release of the Draft EIS. The permit application should be based on the preferred alternative, which should be consistent with the LEDPA.

Response: FRA would like to have additional meetings with the USACE to discuss the Section 404 permit application process. It is anticipated that FRA will request the ability to integrate the NEPA process with the Section 404 and Section 408 permit processes and develop an EIS that the USACE can also use for the issuance of Clean Water Act permits.

TPWD: TPWD requested that the environmental methodology for the Draft EIS consider the following:

- For the threatened and endangered species assessment, incorporate the Texas Conservation Plan
- During the biological assessment, determine if alternatives cross conservation areas
- Protect the environment as much as possible

Response: These suggestions are being taken into account during the development of the Draft EIS methodologies.

THC: How much background work has been done to date?

Response: All background research conducted to date by TCR during its initial screening analysis is reflected on environmental constraint maps presented to the public and the agencies during the public scoping period. For cultural resources, this data includes cemeteries, historic markers, and previous archaeological historic surveys, national register districts, and Texas Historic Sites Atlas within and immediately adjacent to the corridor alternatives. Additional background research will be conducted prior to the start of fieldwork, which will not occur until alternative alignments have been identified.

TxDOT: Section 106 needs to be included in the public involvement effort associated with the development of the Draft EIS.

Response: FRA intends to initiate Section 106 consultation and continue consultation throughout the NEPA process in order to avoid known historic resources and develop resource specific mitigation measures that can be included in the Draft EIS.

FHWA: Will only two corridor alternatives be presented to the public at the upcoming scoping meetings?

Response: At the public scoping meetings, FRA will present all proposed corridor alternatives considered to date, describe TCR's early planning efforts, and discuss in more detail the two proposed corridor alternatives that will be evaluated further.

Various Agencies: How was the corridor screening process conducted?

Response: FRA reviewed TCR's screening criteria, recommended additional high-level environmental and safety screening criteria, and deemed it reasonable to initiate the scoping process.

Various Agencies: What level of detail will be presented in the Draft EIS?

Response: The Draft EIS will meet the requirements for an EIS as laid out in FRA's NEPA regulations. All build alternatives in the Draft EIS will be evaluated to the same level of detail and compared to the No Build Alternative.

FTA: Will the public scoping meeting presentation include a discussion of the two terminus stations?

Response: The public scoping meetings will present the information that is available regarding terminus stations in Dallas and Houston. At this time, broad areas of study are under consideration in the vicinity of Dallas and Houston, including downtown station locations. Specific station locations have not been identified at this stage in the NEPA process. As currently proposed, the Project includes a potential intermediate station to serve Bryan/College Station in the vicinity of Shiro in Grimes County. Similar to the process for the corridor alternatives, further screening will be conducted following the public scoping period to identify alternative station locations for evaluation in the Draft EIS.

TxDOT: Please consider having an information display board and station on Section 106. TxDOT commented that it would be useful to use the public involvement approach of the Harbor Bridge Project, which integrated Section 106 with public involvement outreach. Finally, please consider providing Section 106 information to the Project website.

Response: As requested by TxDOT and in accordance with Section 106 of the National Historic Preservation Act, the public scoping meetings will be used to satisfy Section 106 public outreach. The public scoping meeting presentation will describe the integration of the NEPA process and Section 106. During the open house portion of the public scoping meetings, a station will explain the Section 106 process and how it applies to the Project.

USFWS: It appears that TCR has been working with species surveys. Would it be possible to obtain this data?

Response: Desktop research was conducted by TCR’s consultants in support of the alternatives screening process. Background research and site surveys will not be conducted by FRA for use in the Draft EIS until alternative alignments have been identified, and this information will be documented in the Draft EIS.

Public Scoping

The public scoping period formally opened on June 25, 2014. FRA held 12 scoping meetings in late 2014, and the scoping period closed on January 9, 2015. The number of public meetings and the length of the scoping comment period far exceeded applicable requirements and typical meetings and scoping time frames.

Public Scoping Meeting Locations/Dates and Attendance

A first round of public scoping meetings was held in October 2014. In response to public input, a second round of public scoping meetings was held in December 2014. Meeting dates/times, locations, and attendance numbers are summarized in Table 1.

Table 1. Scoping Meeting Dates and Locations

Date	Venue	Number in Attendance	Number of Speakers
Tuesday, Oct 21, 2014 4:30 – 8 p.m.	Dallas Infomart 1950 N. Stemmons Fwy Dallas, TX	Elected: 6 News Media: 1 Public: 116	11

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Date	Venue	Number in Attendance	Number of Speakers
Wednesday, Oct 22, 2014 4:30 – 8 p.m.	IOOF Event Center 601 N 45 th St. Corsicana, TX	Elected: 2 News media: 0 Public: 76	5
Thursday, Oct 23, 2014 4:30 – 8 p.m.	Teague Community Center 511 Main St. Teague, TX	Elected: 5 News media: 0 Public: 141	21
Monday, Oct 27, 2014 4:30 – 8 p.m.	Brazos Center 3232 Briarcrest Dr. Bryan, TX	Elected: 12 News media: 2 Public: 130	8
Tuesday, Oct 28, 2014 4:30 – 8 p.m.	Veterans Conference Center 455 SH75N Huntsville, TX	Elected: 20 News media: 0 Public: 157	24
Wednesday, Oct 29, 2014 4:30 – 8 p.m.	NRG Center/Second Floor 1 Reliant Parkway Houston, TX	Elected: 12 News media: 1 Public: 178	26
Monday, Dec 1, 2014 4:30 – 8 p.m.	Jewett Civic Center 111 North Robinson Jewett, TX	Elected: 11 News Media: 5 Public: 141	19
Monday, Dec 1, 2014 4:30 – 8 p.m.	Waxahachie Civic Center 2000 Civic Center Lane Waxahachie, TX	Elected: 13 News media: 0 Public: 124	13
Tuesday, Dec 2, 2014 4:30 – 8 p.m.	Waller High School Auditorium 20950 Fields Store Rd Waller, TX	Elected: 15 Media: 2 Public: 173	20
Tuesday, Dec 2, 2014 4:30 – 8 p.m.	Truman Kimbro Convention Center 111 West Trinity Madisonville, TX	Elected: 4 News Media: 1 Public: 61	5
Wednesday, Dec 3, 2014 4:30 – 8 p.m.	Lone Star College - Tomball Beckendorf Conference Center 30555 Tomball Parkway Tomball, TX	Elected: 6 News Media: 3 Public: 140	16
Thursday, Dec 4, 2014 4:30 – 8 p.m.	Grimes County Expo Center 5220 F.M. 3455 Navasota, TX 77868	Elected: 12 News Media: 3 Public: 370	44
TOTAL	Public and Elected	1,943	212

Public Scoping Publicity and Notification

Public notification of the scoping meetings included the following methods:

- Newspaper ads
- Direct mailers (postcards) for the October meetings only
- Website notices

- Email blast to mailing list
- Emails and letters to elected officials

A newspaper display ad (in English and Spanish) announcing the October 2014 scoping meetings was placed in 14 newspapers in or near the towns and cities where meetings were scheduled to be held. A copy of each ad is located in Appendix C.1. A similar display ad for the December 2014 scoping meetings ran in 28 newspapers throughout the Project area. Table 2 provides the names and run dates of all these publications.

Table 2. Newspapers in Which Scoping Meeting Ads Were Run

Newspaper	First Publishing Date	Second Publishing Date
October Meetings		
Houston Chronicle	Oct 7	Oct 28
La Voz	Oct 12	Oct 26
Corsicana Daily Sun	Oct 7	Oct 21
The Eagle	Oct 7	No second run
The Huntsville Item	Oct 7	Oct 27
The Dallas Morning News	Oct 8	No second run
Al Dia	Oct 8	No second run
The Conroe Courier	Oct 7	Oct 27
Waxahachie Daily Light	Oct 8	Oct 21
The Teague Chronicle	Oct 9	Oct 23
The Buffalo Press	Oct 6	Oct 20
The Madisonville Meteor	Oct 8	Oct 22
Navasota Examiner	Oct 8	Oct 27
Ennis Daily News	Oct 7	Oct 21
December Meetings		
The Houston Chronicle	Nov 18	No second run for round 2 ads
La Voz de Houston	Nov 23	No second run for round 2 ads
Corsicana Daily Sun	Nov 18	No second run for round 2 ads
The Eagle	Nov 19	No second run for round 2 ads
The Huntsville Item	Nov 17	No second run for round 2 ads
The Dallas Morning News	Nov 17	No second run for round 2 ads
Al Dia	Nov 19	No second run for round 2 ads
The Conroe Courier	Nov 19	No second run for round 2 ads
Waxahachie Daily Light	Nov 18	No second run for round 2 ads
The Teague Chronicle	Nov 27	No second run for round 2 ads
The Buffalo Press	Nov 18	No second run for round 2 ads
The Madisonville Meteor	Nov 19	No second run for round 2 ads
Navasota Examiner	Nov 19	No second run for round 2 ads
Ennis Daily News	Nov 18	No second run for round 2 ads
Normangee Star	Nov 19	No second run for round 2 ads
Jewett Messenger	Nov 19	No second run for round 2 ads
Centerville News	Nov 19	No second run for round 2 ads
Buffalo Express	Nov 17	No second run for round 2 ads
The Freestone County Times	Nov 19	No second run for round 2 ads

Newspaper	First Publishing Date	Second Publishing Date
Fairfield Recorder	Nov 27	No second run for round 2 ads
Groesbeck Journal	Nov 19	No second run for round 2 ads
Mexia News	Nov 20	No second run for round 2 ads
Montgomery County News	Nov 19	No second run for round 2 ads
Waller County News-Citizen	Nov 20	No second run for round 2 ads
The Waller Times	Nov 19	No second run for round 2 ads
Times Tribune	Nov 20	No second run for round 2 ads
Hot Line	Nov 19	No second run for round 2 ads
Katy Times	Nov 20	No second run for round 2 ads

For the October scoping meetings, TxDOT sent postcards (in Spanish and English) announcing the first round of scoping meetings to residents in proximity to the meeting locations. Table 3 contains a summary of the number of postcards sent for each scoping meeting location. A copy of the postcard is provided in Appendix C.2.

Table 3. Postcards Mailed For October Scoping Meetings

Targeted Area for Postcard	Number of Postcards Sent
Dallas	1,451
Corsicana	5,722
Teague	1,681
Bryan	15,029
Huntsville	6,709
Houston	2,200

The scoping meetings were advertised on the FRA project website, www.fra.dot.gov/Page/P0700, and FRA’s consultant’s project website, www.dallashoustonhsr.com (see Appendix C.3), approximately two weeks before each set of meetings. A project mailing list was created during the first round of scoping meetings and an email blast was sent to this mailing list (as of that date) on Friday, November 21, announcing the second round of public scoping meetings.

Elected and local officials were contacted via telephone on Tuesday, October 14, 2014, to notify them about the meetings and confirm their contact information. Approximately 85 percent of their offices were reached. The scoping meeting invitation was mailed on Wednesday, October 15, 2014, to approximately 500 elected and local officials. The scoping meeting invitation was also emailed to these same individuals on Thursday, October 16, 2014. Copies of the invitation letter are provided in Appendix C.2.

For the second round of public scoping meetings (December 2014), approximately 560 letters were mailed to elected officials (state, county, and local elected and government officials) on Friday, November 21, 2014, and an email with the invitation was also sent on November 21, 2014.

In addition, 109 letters were mailed to tribal representatives and historic preservation and related organizations as part of Section 106 public involvement. The letters were sent prior to both series of meetings and were consistent with the dates noted above.

Public Scoping Meeting Format

All of the 3.5-hour scoping meetings were structured as informal open houses followed by a formal presentation and a public comment period. Meeting participants had an opportunity to learn from project team members about the Project and the NEPA environmental review process, and to provide oral and written comments. Attendees were greeted by agency and consultant staff and received a Project newsletter, comment form, and speaker card at the sign-in table. They were also asked to sign-up for the EIS mailing list.

During the open house portion of the meeting, project team members encouraged participants to visit a series of information stations containing 16 exhibit boards where they could ask questions about the NEPA process, the EIS format and contents, purpose and need for the Project, public involvement activities, the Section 106 process, and the corridor alternatives, as well as review maps of these corridor alternatives. In addition, TCR had a station where meeting participants could learn more about the proposed technology and planned operations. Copies of the meeting presentation, exhibits, and handouts are included in Appendices D.1 – D.3, respectively. Sign-in sheets are found in Appendix D.4.

Individuals who wished to speak during the public comment portion of the scoping meeting were asked to fill out a speaker card and wait their turn to step up to the microphone. Speakers were asked to limit their comments to three minutes (speakers were limited to two minutes at the Navasota meeting because of the large number of public speaker requests) to allow all speakers an opportunity to comment during the time reserved for the meeting. At the October meetings, speaker comments were recorded on video; a court reporter transcribed oral comments at the December meetings. All speakers were also encouraged to provide written comments to ensure that all their comments were captured as part of the scoping process.

Public Scoping Summary of Issues

Public Scoping Comment Summary

The following section summarizes the comments received throughout the public scoping period (June 25, 2014 through January 9, 2015). FRA received 4,383 comments from 1,467 commenters. Comments were received via letters, comment cards, email, the project website, and the public scoping meetings. Many of the commenters requested information about the potential impacts of the Project. All of the comments have been captured in the matrix found in Appendix E.

It should be noted that specific studies that would address these questions have not yet been completed; however, they will be part of the Draft EIS. Once completed, these assessments will identify impacts along the alternative alignments included for detailed study in the Draft EIS. Where possible, impacts will be avoided. In cases where the impact cannot be avoided, appropriate mitigation will be required and integrated into the Project design.

Comment Response Methodology

FRA developed a methodology to categorize the comments into common themes that align with the resource areas that will be included in the Draft EIS. As illustrated in Table 4, more than 1,467 people submitted comments during the formal scoping period. Some comments simply stated opposition to or support for the Project, while others requested additional information or inclusion of specific analyses to be documented in the Draft EIS. If an individual expressed a single statement, it was accounted for in

one category. For example, if an individual noted concerns for their property value, this is included under economic impact/property value.

Many individuals commented on multiple topics. In these instances, their statements are included in multiple categories. For example, if an individual requested additional information regarding noise and vibration impacts, as well as expressed concern about future access to their property, these comments are included under noise/vibration and access, respectively. This approach allowed FRA to properly account for the number and type of comments received from all individuals.

In addition to categorizing the comments, FRA attempted to document the number of individuals who made the same or similar comments to show the magnitude of concern about specific issues.

Comment Summary

Table 4 summarizes the type and number of comments received during the scoping period. A small number of the comments received were categorized as “not germane to the NEPA process.” This category includes comments expressing general support or opposition without a specific reason, and thus, these comments are not included in this summary. While all categories of comments will be addressed in the Draft EIS, some categories (including indirect and cumulative impacts and categories for which ten or fewer comments were received) were not responded to directly, but rather combined with other response categories.

Table 4. Public Scoping Comment Summary

Comment Topic	Number of Comments
Alternatives	551
Economic Impact/Property Value	518
Land Use/Community Impact	501
Noise and Vibration Impacts	403
Eminent Domain/Acquisitions and Displacements	263
Public Involvement	229
Safety and Security	226
Project Costs/Project Viability	222
Natural Resources Impacts	203
Visual and Aesthetic Impacts	155
Cultural, Historic and Archeological Resources	129
Transportation	116
Access	112
TCR	96
Traffic	96
Indirect and Cumulative Impacts	73
Water Resources Impacts	70
Not Germane to NEPA	72
Purpose and Need	68
NEPA Process	64
Air Quality Impacts	52

Comment Topic	Number of Comments
Operations	49
Energy	29
Health Effects	23
Other	22
Utilities	11
Environmental Justice	8
EMF	7
Engineering/Technical	6
Construction	4
Soils and Geology	4
Hazardous Materials	3
Public Parkland	2
Climate Change	1
TOTAL	4,383

The following section addresses the public scoping comments and is organized by the common themes or resource areas. A detailed matrix of every comment received is located in Appendix E.

Comments on Proposed Purpose and Need

Sixty-eight comments were received on the topic of Purpose and Need. The general theme of these comments questioned the justification for the Project, including the following sentiments:

- HSR only benefits urban areas to the detriment of rural areas
- Data on projected ridership and future traffic projections seems inaccurate
- HSR is not competitive with air travel between Houston and Dallas
- Support of the draft proposed Purpose and Need and the development of the Project citing anticipated decreases in traffic congestion and changes in airline operations to focus on long-haul flights

Response:

The Purpose and Need provides the foundation for the reasonable range of alternatives that will be evaluated in the Draft EIS. FRA presented a draft proposed Purpose and Need statement during the public scoping meetings, which included an explanation of TCR’s business case for proposing the Project. This includes an economically viable Project, operating direct service between Dallas and Houston in a 90-minute travel time, and using a proprietary Shinkansen N700-I technology.

The Purpose and Need statement for the Draft EIS will not only include TCR’s business purpose, but also a federal regulatory purpose and need to meet FRA’s and other cooperating agencies’ regulatory criteria. The Draft EIS Purpose and Need will be developed based on comments received from affected agencies and the public during the scoping period. This will provide the foundation for the definition of alternatives to be evaluated in the Draft EIS.

Population and traffic forecasts are publicly available and developed by the Office of the State Demographer (Texas) and TxDOT, respectively. FRA is not responsible for verifying TCR’s ridership forecasts.

The benefits and impacts to both urban and rural areas will be addressed throughout the Draft EIS and summarized in the Executive Summary chapter of the Draft EIS.

Comments on Potential Impacts

Noise and Vibration

Comments on noise and vibration were one of the top concerns of the community, totaling 403 comments. The general themes of the comments are as follows:

- Noise associated with HSR (especially on an elevated track) will disturb residential neighborhoods (including schools/impacts to education and focus, churches, recreational facilities)/overall decibel levels
- Noise pollution will lead to reduced property values
- Vibrations will damage nearby structures and homes, reducing property values
- Vibration impacts to wildlife
- Constant noise and vibration has adverse health effects – sleep deprivation, depression, cardiac issues, etc.

Response:

The noise assessment that will be prepared as part of the Draft EIS will take into account the existing noise levels, the sensitivity of the nearby land uses (residences, churches, schools, etc.), and project operations, such as the number and speed of trains, elevated tracks and other information. This will be used to determine any potential impacts from the Project, and appropriate mitigation, where required, to reduce noise impacts. Noise pollution and land use issues (e.g., property values) will be assessed and discussed in the Noise and Vibration section of the Draft EIS.

In accordance with the FRA procedure for assessing noise impacts, the noise assessment to be used in preparing the Draft EIS uses the Ldn, the day-night equivalent sound level, as the metric to assess impact. The Ldn takes into account the total noise in a 24-hour period, including how loud each event is, how many events, and the duration of the events, and includes a penalty for nighttime noise, to account for increased sensitivity to noise at night. The Ldn metric is used to correlate human response to noise in their environment. Additionally, the FRA noise impact criteria take into account both the absolute noise level and the changes in noise level due to the introduction of the Project.

The vibration assessment will take into account the sensitivity of the land use (residences, churches, schools, etc.), project operations, such as the number and speed of trains, and specific information regarding vehicle vibration and ground response. This will be used to determine any potential impacts from the Project and appropriate mitigation, where required, to reduce noise impacts. The analysis will calculate vibration levels and potential effects to nearby properties. Vibration impacts on wildlife will be assessed and will be included in the Noise and Vibration section of the Draft EIS.

Transportation and Traffic

Numerous commenters voiced concerns about how the Project will interact with other modes of transportation or how it will affect traffic congestion. The general themes of these comments include the following:

- Project will create additional congestion in northwestern Houston
- Project should be linked to existing light rail, airports, etc., for maximum connectivity

Response:

In the Draft EIS, traffic and transportation impacts to the corridor for each of the alternative alignments will be analyzed using traffic modeling and projected increases in population and employment in the project areas, including northwestern Houston. Access to communities through which the alignment may be proposed is a related issue that will be studied, as well as connectivity with existing modes of transportation (as projected by local planning organizations and municipalities), as discussed in more detail below.

The Draft EIS will also address existing transportation plans in the project area to determine the potential impact of HSR on existing and planned transportation facilities.

Access

Many of those who submitted scoping comments expressed concerns about potential access issues associated with the Project. The general themes of the 112 comments received on this topic are as follows:

- How will property owners access property divided by proposed HSR alternative alignments?
- How will TCR handle crossings of the rail line (e.g., new crossings to replace existing ones)?
- Impact of HSR on emergency service access
- How will wildlife move across the rail line?
- How will TCR crossings impact neighborhood access and traffic congestion (see transportation and traffic above)?

Response:

The Project is proposed to operate as a closed system, which means that no vehicular traffic or wildlife will be able cross the tracks at grade, and it will not require signalization (e.g., horns, bells, gongs, lights). This will involve elevated sections of rail that will allow continuous access and construction of new crossings over or under the rail line to maintain access from one side to another. **As part of the Draft EIS, an analysis will be conducted to identify existing county roads, streets and arterial roadways that will be temporarily or permanently closed due to construction and/or operation of the alternative alignments.** If any roadways are identified to be permanently closed, additional access services and other needs pertinent to the area will be assessed and either integrated into the design of the Project or minimized through mitigation measures.

Access for individual landowners whose property is bisected by the Project will be assessed on a case-by-case basis as part of the Draft EIS. Mitigation measures and project design features will be used to minimize impacts. Access for identified wildlife corridors will also be assessed and will be discussed in the Threatened and Endangered Species and Natural Ecological Systems sections of the Draft EIS. **Impacts of road closures on emergency services will be assessed and discussed in the Public Safety section of the Draft EIS.**

Visual and Aesthetic

One hundred fifty-five comments expressed concerns about the visual and aesthetic impacts of HSR in their neighborhood or community. Both rural and urban residents expressed the types of comments shown below:

- Where elevated, the train may rise above homes and businesses, leading to invasion of privacy, visual “pollution” and reduced property values
- In rural areas, the train will create an eyesore in the natural environment

Response:

A visual inventory will be completed during the preparation of the Draft EIS to identify Texas Scenic and Historic Byways, scenic vistas, historic sites, and any other key viewpoints along the alternative alignments, including but not limited to residential areas or farmsteads, areas of scenic beauty, parks and recreational areas, historic and/or culturally significant features, entry to urban areas, water bodies, and public facilities.

The overall degree or severity of impact will be based on the amount of change in the existing visual and aesthetic resources. Additionally, the existing visual quality of the landscape unit will be considered in conjunction with the frequency and duration of an interrupted view. Specific impact mechanisms may vary between urban or rural landscapes. For example, in rural environments, impacts may result from potential changes in scenic quality or landscape character attributes. By contrast, impacts to an urban landscape may result from the introduction of new views of the rail line or station platforms and resulting line-of-sight. Mitigation measures will be required, as applicable, to reduce significant impacts.

Safety and Security

Comments and/or requests for additional information on safety and security were expressed by 226 commenters. The general themes of these comments are as follows:

- How fast will the train operate through residential areas? How will TCR respond to accidents on the HSR?
- How will emergency responders access injured people if their current access is removed (current access roads are closed) (see Access above)?
- What is the security protocol for boarding the train itself (screenings, bag checks, etc.)? What will prevent terrorists from boarding?
- How will the system deter or prohibit wildlife or people from accessing the tracks and potentially being struck by the train?
- What happens if existing freight operations derail onto the HSR system/tracks?

Response:

FRA's approach to ensure that the HSR system is operated safely may include issuance of a Rule of Particular Applicability (regulations that apply to a specific railroad or a specific type of operation), a series of waivers, or another action.

As a closed system, the train will operate within a fenced corridor that will prohibit people and animals from accessing the tracks. The speed profile of the Project will be included in the Description of the Alternatives chapter of the Draft EIS. The Draft EIS will evaluate potential conflicts that could occur due to the derailment of freight vehicles as part of the Public Safety section of the Draft EIS. Mitigation measures may require a negotiated distance from the centerline of the freight rail tracks to the centerline of the HSR tracks to minimize the potential for conflicts. If the requirement was less than that desired distance, crash walls may be used as mitigation measures.

Passenger train security screening in the U.S. is the responsibility of the Transportation Security Administration (TSA). Passenger safety is the responsibility of the operator and can be accomplished by using sworn officers hired by the operator or through the metropolitan jurisdictions. The safety features of the Project will be discussed in the Public Safety section of the Draft EIS.

Utilities/Energy

A relatively small number of individuals (11) questioned the source of the electricity needed to power the HSR as follows:

- What is the source of electricity for HSR? How will this affect other demand for electricity?
- What is the fuel source mix? What is the estimated fuel economy? Will TCR use clean energy sources?
- How will this affect other local utilities?

Response:

The Draft EIS will identify existing utilities (water, sewer and storm sewer, natural gas, fiber optic and telephone and overhead electric) that could be affected by construction and operation of the Project. Affected utilities may need to be relocated as part of the alternative alignments and potential temporary disruption of utility service to communities may occur, all of which will be evaluated as part of the Energy and Other Natural Resources sections of the Draft EIS.

The Project will operate with electricity from the existing grid from available generation sources. The power system for the HSR and the required facilities to electrify the alignment will be described in the Draft EIS. Current and projected electrical demand will be evaluated to determine if any required upgrades to the existing infrastructure will be required or if additional energy sources will have to be procured. Energy sources will be evaluated as part of the Project design.

Human Health Effects

Twenty-three comments expressed concerns about the possible negative health impacts of the HSR on children and those who are medically vulnerable. However, all of these comments fell into other categories (as shown below) where they will be addressed more fully.

- Concerns about children's health impacts from noise (see Noise and Vibration above)
- Concerns about persistent exposure to low frequency vibrations causing depression and cardiac issues (see Noise and Vibration above)
- Concerns about noise causing sleep deprivation and high blood pressure (see Noise and Vibration above)
- Impact of Electromagnetic Fields (EMF) on nearby residents

Response:

The impact criteria that will be used to complete the noise and vibration assessments take into account issues such as sleep and speech interference (see Noise and Vibration above for more information). An electromagnetic field assessment will identify areas of significant EMF and any potential adverse health effects as part of the Public Health section of the Draft EIS.

Cultural, Historic, and Archaeological Resources

One hundred twenty-nine comments stated that the HSR will have a negative impact on historic properties and/or cultural resources. The general theme of these comments is as follows:

- HSR will be detrimental to historic neighborhoods and properties (particularly in the Houston area)
- Consider the Historical First Ward in Houston
- Registered or nominated properties (cemeteries, towns, etc.) along the route will be negatively impacted

Response:

The assessment of impacts to cultural, historic and archaeological resources will comply with NEPA and the National Historic Preservation Act. Prior to the preparation of the Draft EIS, outreach to and consultation with Tribal governments will be used to determine if there are areas of Native American cultural sensitivity that should be avoided through Project design or if adverse effects can be mitigated. Preparation of the Draft EIS will include identification of historic properties (districts, sites, highways, structures or objects listed on or eligible for listing on the National Register of Historic Places) and potential impacts on them through research and outreach to local historical societies, the Texas Historical Commission, and the State Historic Preservation Officer. FRA will coordinate with the Advisory Council on Historic Preservation, Texas Historical Commission, State Historical Preservation Office, and the Section 106 consulting parties to resolve adverse effects with appropriate avoidance, minimization, or mitigation measures. Direct impacts may include acquisition and displacement, and indirect impacts may include noise and vibration or visual and aesthetics.

Natural Resources

Two hundred three comments expressed concern about the impact of HSR construction and operation on natural resources. The general theme of these comments is as follows:

- Construction or operation of HSR will negatively impact wildlife in rural areas, especially threatened and endangered species
- Concerns about the health impacts to wildlife
- Construction of HSR will negatively impact wetlands, floodplains, other bodies of water including drinking water sources, and potentially create flooding events
- Construction of HSR will negatively impact native vegetation

Response:

A detailed evaluation will be conducted of the Project's effects on threatened or endangered species, critical habitat and wetlands, floodplains and other bodies of water within the project area. This evaluation will include coordination with the USACE, USFWS and TPWD, which have jurisdiction over these areas. Where adverse impacts are identified and cannot be avoided, mitigation will be identified.

Input on potential impacts to wetlands, bottomlands, waterways and watersheds is greatly appreciated and will be taken into account in the process of evaluating the build alternative alignments.

Comments on the NEPA Process

Some of the comments (64) addressed the NEPA process. The general themes of these comments are as follows:

- Frustration with lack of Project definition and potential impacts (e.g., details on routing, noise levels, air emissions, etc.)
- Screening process regarding the original nine variations of the corridor alternatives
- Steps of the environmental evaluation process
- Clarifying the role of FRA and TxDOT

Response:

As explained in the Project Background section, TCR identified potential HSR corridor alternatives following existing transportation and infrastructure easements and then conducted its initial corridor-level screening analysis. TCR recommended to FRA further evaluation of two potential HSR corridor alternatives, which were presented during the scoping meetings for public review and comment.

Scoping is the first opportunity for the public to comment on the Project under NEPA and marks the start of the environmental review process.

FRA's federal action is to exercise its regulatory authority to ensure the safety of the HSR technology being proposed for use in the Project, which does not currently operate in the U.S. Although TCR has been working on the Project for several years, the environmental evaluation began with the NOI in the *Federal Register*. As part of the NEPA process, a Draft EIS will be prepared that will identify the alternative alignments and evaluate the impacts of the alternative alignments in comparison to the No Build Alternative. Project alternatives and design features will be used to avoid impacts or mitigation measures will be required to minimize significant impacts.

TxDOT's primary role on this project is to provide technical assistance to FRA in the preparation of the Draft EIS.

The next step in the NEPA process is to prepare the Project's Purpose and Need statement, which will guide the identification of a range of reasonable alternative alignments. FRA will screen alternative alignments proposed by TCR to determine if they meet the Project's Purpose and Need. FRA will also undertake coordination and consultation with federal and state agencies, local government and Metropolitan Planning Organizations (MPO), Tribal governments, and the Section 106 consulting parties prior to identifying the alternative alignments to be evaluated in the Draft EIS.

The No Build Alternative and the build alternative alignments will then be evaluated in accordance with the requirements of NEPA. This evaluation will be documented in the form of a Draft EIS.

Economic Impact/Loss of Property Value

The second highest number of comments received (518) voiced concerns about the Project's effect on economic conditions in their communities, as well as on property values. The general themes of these comments are as follows:

- Property values will fall as a result of rail bisecting rural properties
- Property values will fall as a result of the noise and visual impacts (elevated structures) in urban areas
- Project will create economic hardship for those whose livelihoods or financial resources might be negatively affected by the HSR

Response:

The economic impact of the Project is an important part of analysis in the Socioeconomic and Indirect and Cumulative Impacts sections of the Draft EIS. Input on potential impacts during the scoping process will be identified as areas of particular concern as these analyses get underway.

Eminent Domain

Many of the comments (268) directly addressed the issue of eminent domain.

- Why should a private company have the power of eminent domain?
- The government does not have a right to take our property away
- How can a "foreign" government take away our land?

Response:

Condemnation authority lies with the State of Texas and is governed by the laws of Texas. Texas law allows for the condemnation of private property under certain circumstances, which can include railroad projects, even privately owned railroads if there is a public use. FRA does not have the ability to condemn properties using eminent domain. Furthermore, FRA does not have the authority to bestow the power of eminent domain on TCR. TCR may petition the Surface Transportation Board to take jurisdiction of the Project and allow the use of eminent domain under federal law. No foreign government has the ability to use eminent domain in the U.S. The effects of the Project on property ownership will be addressed in the Socioeconomic section of the Draft EIS.

Land Use/Community Impact

Many commenters (501) expressed concerns about the impact of HSR on existing land uses. The general themes of these comments are as follows:

- HSR is going to be detrimental to wildlife because it will be cutting off their migratory trails through the countryside (see Natural Resources above)
- HSR will interfere with current land use in rural areas (farmland, hunting, and logging)
- HSR will detract from the residential atmosphere of urban neighborhoods that are currently undergoing revitalization

Response:

Each of the existing and future land uses in the rail corridor will be identified based on information available from local and/or regional planning documents, geographic information system (GIS) data, aerial photography interpretation, and/or windshield surveys. Land uses for the counties and cities will be generalized into the predominant categories so that the land use can be presented consistently. In addition, this analysis will evaluate the compatibility of the rail corridor on (1) the potential sensitivity of various land uses (e.g., single-family residences and schools) to the changes that likely would result from project implementation; and (2) the potential impact of these changes on the pattern and intensity of existing and planned land uses. This information will all be presented in the Land Use and Socioeconomic sections of the Draft EIS.

Comments on Proposed Corridor Alternatives and Station Areas

The highest number of comments received (551) addressed the corridor alternatives. Besides support for a No Build Alternative, comments on corridor alternatives included impacts on Houston neighborhoods, disruption of rural quality of life, and opinions about station locations. Specific comments were:

- Why has the number of proposed alternatives been reduced to two without public input? (see NEPA Process)
- Houston station should not be in the downtown area, it should be outside I-610
- HSR should run from airport to airport for maximum connectivity
- No BNSF Option 1 through northwestern Houston neighborhoods including Garden Oaks (Houston) and Oak Forest
- Why are there no stops (except for Shiro) between Houston and Dallas?
- Why not consider I-45 through the rural areas?

Response:

As part of its initial planning effort, TCR evaluated four HSR corridor alternatives. Three of the corridor alternatives were previously identified in the Texas Rail Plan (2010) as potential routes for passenger rail development. The fourth corridor alternative, identified by TCR, primarily follows existing high-voltage transmission line easements between the BNSF and UPRR freight lines. Based on the four primary corridor alternatives, a total of nine variations were evaluated: BNSF Option 1, BNSF Option 2, BNSF Option 3, BNSF Option 4, I-45, I-45 with Hardy, Utility Corridor, Utility Corridor with I-45, and UPRR (Figure 1). All nine variations of the corridor alternatives were screened by TCR based on HSR design requirements, engineering and constructability challenges, and potential environmental constraints. These early planning efforts resulted in TCR recommended to FRA further alternatives screening of two corridor alternatives (BNSF Option 1 and Utility). These two corridor alternatives were presented to agencies and the public for input during the scoping process.

The next step in the NEPA process is to prepare the Project's Purpose and Need statement. The Purpose and Need statement forms the basis of the FRA screening process to develop a range of reasonable alternative alignments. As part of FRA's alternatives screening process, FRA will consult with federal and state agencies, local government and MPOs, federal tribes, and the Section 106 consulting parties prior to identifying the alternative alignments to be evaluated in the Draft EIS.

FRA then will conduct an analysis of the environmental impacts and related resources for the alternative alignments and the No Build Alternative for inclusion in the Draft EIS. The Draft EIS will provide a detailed description of the proposal, the purpose and need, project alternatives, and the affected environment, and it will present an analysis of the anticipated beneficial and adverse social and environmental impacts of the alternatives. The results of the detailed impact studies will be compared to each other and to the No Build Alternative. This Draft EIS information will be used by FRA and the cooperating federal agencies to identify a preferred alternative, which will be included in the Draft EIS.

Comments on Public Involvement

Numerous comments (229) expressed concerns about the adequacy of the public involvement process associated with the formal public scoping period. The themes of these comments are as follows:

- Property owner notification was inadequate (wanted individual property owner notification for scoping meetings)
- Scoping process should have included scoping meetings in additional locations
- Website does not provide a detailed map

Response:

NEPA requirements for scoping are general and do not specify how scoping meetings are to be set up and publicized. They require only an NOI to be published in the *Federal Register*, a scoping comment period, and a public scoping meeting. All of FRA's public involvement activities for public scoping complied with requirements established by the Council on Environmental Quality, NEPA, and FRA regulations. Details on FRA's public involvement activities may be found above in the section titled "Public Scoping." In developing a plan for scoping meetings, FRA wanted to cover a large number of the counties between Dallas to Houston that may be affected by the nine variations of the corridor alternatives that were initially considered for the Project. As a result, FRA hosted an unprecedented 12 public scoping meetings, in addition to online meeting materials. Locations and facilities were also determined by the availability of appropriately sized facilities.

Future NEPA public meetings will be targeted to those areas that will be affected by the Project. Individual property owners directly affected by the Project will be notified by FRA of the Draft EIS public hearings. All public involvement opportunities will also be announced through FRA's Project website www.fra.dot.gov/Page/P0700.

Additional Comments Not Germane to the NEPA Process

In addition to the Project specific comments mentioned above, FRA received numerous comments on the Project's viability and questions about TCR. These comments are not germane to the NEPA process and will not be addressed as part of the Draft EIS; however, to facilitate transparency, FRA provided responses that best address the comments received.

Comments on Project Costs/Project Viability

A large number of comments (222) addressed Project costs and viability. Some general themes of these comments are shown below.

- TxDOT has already received funding for a study of HSR between Dallas and Houston; therefore, the Project will use public funds
- Project costs are not realistic and when this project fails, the public will have to pay for it through tax dollars

Response:

TxDOT received a \$15 million grant to study HSR between Dallas/Fort Worth and Houston. After the grant was announced, TxDOT and the FRA were contacted by TCR and TCR expressed their interest in developing an HSR system between Dallas and Houston. After several months of negotiation, all parties signed a MOU agreeing that TCR would pay for a consultant, identified and directed by FRA, to study the impacts of TCR's proposal. Under this MOU, FRA directly manages the third-party consultant and directs the NEPA process. The \$15 million grant award to TxDOT was subsequently amended by FRA and TxDOT, and will be used to fund a separate NEPA study to connect Dallas and Fort Worth. No funds under the amended award will be used to pay the third-party consultant working on the Dallas-Houston study.

FRA does not maintain financial information on TCR.

Comments on Project Proponent – TCR

Ninety-six comments addressed the Project Proponent, TCR. The general themes of these comments are shown below:

- TCR's website claims that TCR does not own, operate, nor will it maintain the railroad. Who will?
- Who are the project's investors?
- Why does TCR think people will ride on this train? **What ridership data is TCR using?**
- What will the project cost and who will get the profit?
- Will the counties through which the train passes receive any tax benefits?
- What kind of weather can the train withstand? What causes delays? Is the technology safe?

Response:

These comments are not directly applicable to the NEPA process and should be addressed directly to TCR on their website at <http://texascentral.com>. The “Answers to Your Questions” section of TCR’s website provides answers to most of the questions raised during public scoping.