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Agency: Federal Railroad Administration (FRA)
Parent Agency: United States Department of Transportation (DOT)

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RE: Draft Environmental Impact Statement; Dallas to Houston High-Speed Rail Project

The Texas and Southwestern Cattle Raisers Association (TSCRA) appreciates the opportunity to comment on the Draft Environmental Impact Statement (Draft EIS), regarding the Dallas to Houston High-Speed Rail Project.

TSCRA is a 141-year-old trade association and is the largest and oldest livestock organization based in Texas. TSCRA has more than 17,500 beef cattle operations, ranching families and businesses as members. These members represent approximately 55,000 individuals directly involved in ranching and beef production who manage four million head of cattle on 76 million acres of range and pasture land primarily in Texas, Oklahoma and throughout the Southwest.

With extensive experience in other transportation corridor matters, TSCRA believes the Dallas to Houston High-Speed Rail will have significant environmental impact, to include detrimental effects on cattle, other livestock, agricultural operations and farmers and ranchers on the path of the proposed rail line. A number of significant issues are not adequately addressed in the Draft EIS, and TSCRA seeks to ensure these issues, questions and concerns are thoroughly addressed prior to FRA adoption of a final EIS.

The Draft EIS, on page 28 within the Executive Summary, indicates that the project "would not result in a significant impact or loss to crop yields, livestock numbers or the state agricultural economy." TSCRA strongly disagrees with this conclusion provided for within the Draft EIS. In fact, agricultural operations, especially those related to the raising of cattle, will be disproportionally impacted by the project. How, specifically, did FRA devise their conclusion? Further, can FRA provide the evidence on which their statement of no significant impact is based?

Section 3.13 of the Draft EIS indicates the total market value of agriculture as being more than $25 billion dollars. While this may be an accurate reflection of cash receipts for agricultural commodities, such as livestock, it does not include the significant upstream and downstream components of the industry, which has an annual economic impact of more than $100 billion dollars in Texas. TSCRA poses the question of the

Draft EIS: What is the full economic impact of the project on the agriculture sector, not limited to cash receipts?

Texas has also experienced a decline in agricultural lands as those lands are converted to non-agricultural use. The proposed rail line will continue to exacerbate the troubling trend. While the Draft EIS appears to account for the actual acreage that will be taken for the berm, tracks, stations and other physical components of the rail line, it does not seem to account for the loss of agricultural lands due to hardship placed on the current and future owners of traversed, adjacent and nearby property. Was any analysis conducted of agricultural land loss due indirect factors such as landowner impact? If not, TSCRA requests that a full analysis of potential agricultural land loss be conducted prior to any further consideration. Additionally, has any analysis been conducted of land loss for specific tracts within the study area due to effective usability of those tracts of land? If not, TSCRA requests that the effect of the project on individual land tracts be included in the EIS.

As described in Figure 2-26 of the Draft EIS, 10 counties have the potential to be traversed by the proposed project. These include Dallas, Ellis, Navarro, Freestone, Limestone, Leon, Madison, Grimes, Waller and Harris counties. All of these counties have significant agricultural operations, including cattle. As the Draft EIS states, livestock contribute significantly, often predominantly, to the viability of rural economies. While the study uses 2012 Agricultural Census data, more recent 2017 USDA County Estimates indicate that the 10-county study area is home to more than 582,000 head of cattle. While not a large percentage of the states' total, the more than half-a-million head of cattle in the study area represent the livelihoods of the men and women who raise those animals for a living. It is also an important economic driver for rural communities. The Draft EIS indicates that the project would not have a significant impact on agriculture, however it fails to consider the microeconomic level of impact on individual producers, animals and communities in the affected project area. TSCRA requests that FRA fully substantiate the assertion that the project "would not result in a significant impact or lost to crop yields, livestock numbers or the state agricultural economy," by conducting further microeconomic analysis on the impact to affected producers and rural communities.

Related to land use, landowner hardship and agriculture productivity is also the issue of noise and vibration arising from the construction and operation of the Dallas to Houston High-Speed Rail Line.

A memo published by the High-Speed Rail Authority in California indicated that a train going 106 MPH would create 71 decibels 150 feet from the track and a train going 220 MPH would create 83 decibels 150 feet from the track. According to Table 3.4-12, FRA's analysis of noise impact often occurred at distances in excess of 200 feet from the nearest rail, giving an incomplete analysis of the impacts on animals and their caretakers when closer to the track. It is reasonable to presume that both animals and their human caretakers would regularly be in closer proximity to the tracks. According to the National Institute of Health's National Institute on Deafness and Other

Communication Disorders, noise-induced hearing loss can occur in humans from long or repeated exposure to sounds at or above 85 decibels. A rancher working or tending cattle near the tracks may regularly be exposed to such noise levels. Was any data collected by FRA that assesses the impact potential for humans in such proximity to the rail line as a course of their day-to-day employment? If not, TSCRA requests that FRA conduct a full assessment of potential human harm from noise exposure at distances closer to the rail line than previously evaluated.

Like humans, cattle are also affected physiologically and psychologically by what they hear. According to a 2006 Beef magazine article by Dr. Jon Watts, Ph.D, "recent research suggests environmental sound has considerable influence on the behavior and physiological response of beef cattle. And that has important implications for handling and managing them." Cattle are, in fact, able to hear a much wider range of sound frequencies than humans, 16 to 40,000 Hz in cattle, compared to 12,000 to 15,000 Hz in humans. The Draft EIS in its current form does not provide adequate analysis of the noise frequency and level to which livestock will be regularly exposed. Table 3.4-4, and the document on which it is based, FRA, "High-Speed Ground Transportation Noise and Vibration Impact Assessment," Final Report DOT/FRA/ORD-12/15, September 2012, appears to arbitrarily set a noise exposure limit for livestock and wildlife despite the report's own assertion in Section A.5.1 that "for animals, the effects are not easily determined."

In cattle, intermittent sounds can be particularly stressful, especially if they are sudden and at a loud volume. A train passing every 30 minutes could have a significant impact on cattle by way of added stress and changed routine. It may also inhibit, due to noise stress, the grazing of otherwise viable pasture land. This is likely to reduce productivity in weight gain and will thus have a detrimental effect on the overall economic productivity of ranchers in the area impacted by high-speed rail noise. In fact, in a court decision that reached the Minnesota Supreme Court, Harlan Poppler, et al., Respondents, vs. Wright Hennepin Cooperative Electric Association, it was decided that such an impact on lost productivity due to nuisance and change of routine in livestock was grounds for the award of significant damages. Although the case centered around an electrical line that interfered with a dairy operation, the basis of the jury award, which was upheld by the court, centered around the nuisance and trespass created by the project, which would also potentially apply to the construction and operations of a high-speed rail line. TSCRA strongly encourages further study on the impact of noise and vibration to health and productivity specific to livestock operations in the study impact area.

TSCRA also raises significant concerns in the way landowners will be able to access, maintain and utilize their property after it is bifurcated by the Dallas to Houston High-Speed Rail Line. This is especially important for agricultural uses, as these landowners depend on their land for their livelihoods and that of their families. In the Draft EIS, FRA appears to simply accept the Texas Central Rail (TCR) scheme for allowing landowners to access portions of their property separated by the rail line without further analysis. While TCR makes assertions, it has no requirement nor oversight to ensure that it will

work with impacted landowners to provide whatever access to bifurcated property necessary. TSCRA urges FRA to conduct further analysis and implement strict oversight of TCR in these matters to ensure the present environment is maintained without detriment.

As a portion of their plan to avoid separating landowners from parts of their property, TCR has proposed the implementation of “animal crossings” within the raised-berm portion of the project. Their engineering drawings, presented in Appendix G, page 4539 of the Draft EIS, demonstrate that these “crossing plans” are little more than box culverts. In addition, the proposed dimensions of these culverts are not sufficient to allow for continued agricultural operations on the separated portion of property.

The animal crossing plans proposed by TCR, and blindly adopted within the Draft EIS, propose several types and sizes of culverts for different types of animals, separating large and small species. For small animals, the plans call for a six-and-a-half-foot square culvert with a ledge on which animals may cross. If a landowner does not have large animals, such as cattle, on the property at the time of construction, this effectively curtails the landowner’s ability to ever raise such large animals on the separated portion of the property, as the dimensions are not sufficient to allow for their easy passage. The size also does not allow for even a pickup truck, a vehicle that is essential to caring for all manner of livestock, to pass. The Ford F-250 is a prime example of a common vehicle used on cattle ranches. From the factory, it measures 80 inches wide by 82 inches tall. This is two inches wider and four inches taller than the proposed culvert.


Figure 1

The culvert design for large animals is larger at 23 feet wide by 11.5 feet tall. However, it too faces similar limitations. Ranchers frequently supplement cattle grazing with hay, and pastures are also regularly used to grow hay that is baled and stored for use during drought or winter. Both of these activities require the use of farm tractors. Large tractors often used in these jobs come dangerously close to the culvert height. A 2016 John Deere 8400 is almost 11 feet tall, while others easily eclipse its height, especially with implements attached. Even a simple hay cutter, an implement necessary in the hay bailing process poses a significant concern in relation to the proposed crossing dimensions. as the cutter far exceeds cab height when folded for transport, as shown in Figure 1. This size of culvert could also prevent the landowner or future landowners from repurposing their property from a livestock operation to a row-crop operation, which often requires even larger equipment.

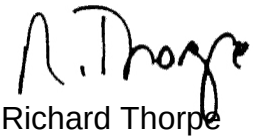
Finally, the Draft EIS does not adequately account for how these types of crossings will be maintained to avoid regular flooding and waterlogged soil within the crossing. These considerations are essential as a rain event may strand livestock on one side of the tracks without sufficient access to food, care or clean drinking water. Further, deep mud within a crossing may imperil the lives of cattle and other animals should they become stuck.

Regardless of the type of animal crossing employed, the Draft EIS is unclear as to how and when these types of crossings will be implemented and by what standards their use will be overseen to prevent irreparable damage to current and future land uses. TSCRA urges FRA to conduct a more thorough review of these animal crossing plans and provide specific recommendations to mitigate the impact on animal and human access to land separated by the rail line on a tract specific basis.

TSCRA greatly appreciates this opportunity to raise concerns and pose questions in regard to the Draft EIS for the Dallas to Houston High-Speed Rail Project. TSCRA maintains serious concerns about analysis within the Draft EIS in relation to the impact on livestock and agricultural economies, the potential for conversion of land to non-agricultural use, the physical and psychological hardships to be borne by individuals and livestock animals, including adverse health effects on both humans and animals as well as the impact on the livelihoods of these individuals, and excessive limitations that will be placed on current and future land use.

We ask that FRA thoroughly review our comments so the concerns of Texas ranchers and landowners who will be affected by the project may be fully addressed prior to any further considerations or findings. We look forward to a continued dialog to achieve additional clarity on our areas of concern. If you have any questions regarding these comments, please contact Jeremy Fuchs at 512-469-0171 or jfuchs@tscra.org.

Sincerely,



Richard Thorpe
President