



U.S. Department
of Transportation

**Federal Railroad
Administration**

AUG 05 2015

1200 New Jersey Avenue, SE
Washington, DC 20590

Mr. Richard H. Finley
President
Finley Group, Inc.
P. O. Box 611147
Birmingham, AL 35261

Dear Mr. Finley:

Thank you for taking the time to meet with the Federal Railroad Administration (FRA) regarding the I-20 High-Speed Rail Corridor Project, proposing a public private partnership to develop high speed rail between Atlanta and Dallas. As you are aware, FRA staff has been working with partners in the region, including Georgia Department of Transportation, Alabama Department of Transportation, Texas Department of Transportation, and the Southern High Speed Rail Commission with the goal of advancing high performance rail.

The proposal you outlined would provide an exciting transportation option for those traveling through the Gulf and Heartland regions. As you're aware, FRA is engaged in multiple high speed rail studies in Texas, including the Texas Central Railway's Dallas – Houston High Speed Rail Proposal, and also in Georgia through Atlanta – Charlotte Corridor Investment Plan. However, no cross-region study has been undertaken that would identify how the major destinations of the Dallas/Fort worth and Atlanta metropolitan areas could be connected while providing appropriate services to communities along a potential route.

At this time, FRA has limited, existing funding allocation through the FY2006 R&D Rail Corridor Planning program for *Gulf Coast HSR Corridor Planning and Highway-Rail Crossing Safety*. The amount available under this allocation is \$2.475 million, and requires a 50% match.

For FRA to make a specific decision whether or not a particular study is a permissible use of the allocated funding, FRA would need a specific draft scope, schedule and budget outlining the project intent and objectives, perceived benefits, general schedule and identifying all sources of the necessary matching funds and total project cost.

In addition, as you may know, any time a Federal Agency takes an action, such as funding or approving a new rail system, the requirements of the National Environmental Policy Act (NEPA) of 1970, as amended, must be met prior to the Agency taking the particular action. This process assesses the project impacts on the environment, and includes meeting the requirements for related regulations such as historic preservation and environmental justice.

FRA has the option to conduct the NEPA process in two stages if deemed appropriate for the study— a Tier I Environmental Impact Statement (EIS) document that typically makes service and corridor determination, and then one or multiple Tier II EISs (or Environmental Assessments) that determine impacts for particular alignments within the corridor. If FRA determines Tiering is not appropriate, then all NEPA decisions are made in a single environmental document. FRA will make the determination whether or not to use Tiering as it considers the appropriate class of action based on the project proposal as presented by the public and/or private sponsors.

For projects proposed by a private entity, without a public partner, FRA's practice is to engage an independent, third party NEPA contractor, to complete the NEPA documentation on behalf of the private entity. In this scenario, the private entity would fund the cost of the third party contractor, but the contractor would act under the sole direction of the FRA, to avoid the appearance of private interests influencing the NEPA process. Obtaining permits, such as from the U.S. Army Corp of Engineers, would be the responsibility of the private entity.

I hope this explains FRA's process for conducting NEPA with projects, including those proposed by private entities. Some current NEPA examples of partnerships with private entities include the All Aboard Florida rail project, which is near completion of the NEPA process (<http://www.fra.dot.gov/Page/P0672>) and the Central Texas High Speed Rail Corridor project, currently underway (<http://www.fra.dot.gov/Page/P0700>).

If you have further questions, please contact Catherine Dobbs, at catherine.dobbs@dot.gov. We thank you for your interest in helping expand our nation's passenger rail network, and your continued support of passenger rail through these states.

Sincerely,



Paul Nissenbaum
Associate Administrator,
Railroad Policy and Development