

#E1-626
RYS

Tuesday, February 24, 2004

VIA FAX: 202/565-9000 and Certified Mail

Ms. Rini Ghosh
Surface Transportation Board
Case Control Unit
1925 K Street, N.W.
Washington, DC 20423-0001

Received
2/24/04**RE: STB Finance Docket No. 34284**

Dear Ms. Ghosh:

In response to the Notice of Intent to Prepare an Environmental Impact Statement (EIS), I am submitting the following to be considered in the formal scoping process.

I believe under the National Environment Policy Act's (NEPA) implementing regulations, two concurrent proposals with cumulative significant impacts must be evaluated in the same EIS. Clearly, the Southwest Gulf Railroad (SGR) is a wholly owned subsidiary of Vulcan Materials, born of a need to carry mined aggregate from the proposed quarry. This proposed quarry in northern Medina County does not exist. The rail road will not be built if the quarry is not built. Therefore, these are connected actions that under NEPA must be evaluated in the same EIS. Every impact from both projects must be disclosed in a single document. This study should include direct impacts and alternatives to both projects, including no quarry and no rail line at all.

Vulcan Materials and SGR have stated that if no railroad is built this aggregate must travel by truck to the railroad loading facility. This would result in an estimated 800 to 900 trucks daily moving the mined aggregate. I believe this statement to be a veiled threat to scare the residents of Medina County to favor the railroad. The EIS should require Vulcan Materials/SGR to produce an economic study showing the transportation of aggregate by truck. This process would include loading, transporting, unloading and reloading the aggregate onto railcars. This economic feasibility study must surely have been completed before such a statement can be made to the STB. Anything less would have been a violation of their responsibility to their stockholders. It should be no problem for Vulcan/SGR to produce evidence of the economic viability of this option and include it in the EIS.

Additionally, the following points should be addressed in the EIS:

Socio economic changes; we need to know the economic value of the incomes lost from hunting leases, residential development not built, homes remaining unsold near the quarry/railroad. The only properties and homes sold lately in the neighborhood where I live are a result of the purchasers never hearing of this

Ms. Rini Ghosh
Tuesday, February 24, 2004
Page 2

proposed quarry/railroad. Indeed if my wife and I had known of a proposed quarry/railroad before we bought the property we built our home on, we would have gone elsewhere.

As has happened in other places, wells and septic tanks have been damaged by blasting in quarries. The EIS should study the present condition of the surrounding wells in a two mile radius for documentation should our wells be damaged.

The EIS should study a requirement to monitor nitrates from blasting in surrounding wells by an independent third party and should study the policies of the quarry operator to clean up these pollutants once found in these wells.

The EIS should contain a study of the migration of birds to and from Mexico and how Vulcan/SGR will maintain the proposed quarry in compliance with the Migratory Birds Treaty Act.

A full flood analysis should be completed on all proposed and alternative routes of the railroad and quarry site.

The EIS should include a study of the effects of truck traffic on our unimproved county roads, including the increased costs of maintaining all roads by the county and state.

The EIS should include a study on the safety issues related to grade separation versus grade level crossings at FM 2676 and CR 4516. Texas has the most deaths occurring at railroad crossings of any state in the nation. As I understand, correcting this problem has become a priority with the Texas Department of Transportation. What better time to insure the safety of the citizens of Texas than to put grade separation crossings at these two crossings. Vulcan Materials has agreed to bear the cost of these crossings if required. There would be no expense born by the taxpayers of Texas for this increased safety. Indeed, with this arrangement it seems negligent for the Texas Department of Transportation to do otherwise. If Vulcan Materials/SGR truly cares about safety issues they should be glad for the opportunity to show what good corporate neighbors they are.

An in depth analysis of the fuel storage area on the quarry site must be completed to resolve the dispute arising from Vulcan's claim it is not over the Edwards Aquifer Recharge Zone. Maps from the Edwards Aquifer Association show that this is may not be true.

Vulcan/SGR hold themselves out to be a common carrier for the expressed purpose of thwarting the will of landowners and homesteaders to maintain the

Ms. Rini Ghosh
Tuesday, February 24, 2004
Page 3

aesthetics and rural environment. Covenants have been formed with much forethought and expense for this purpose. The EIS should include a study on the effect that additional industry which may, or most likely may not, locate along this rail line have on the aesthetics of this cherished land.

The EIS should study the potential impact that blasting may have on the nearby Medina Lake Dam. The Medina Lake Dam received national attention during flooding in July, 2002. At that time there was expressed concern by governmental officials about the structural integrity of the dam. They warned of possible catastrophic failure and ordered the evacuation of all residents below the dam, including portions of the town of Castroville. Fault lines along the Balcones Escarpment run from southwest to the northeast, coincidentally, the same direction as the proposed quarry site to the Medina Dam.

The EIS should include a study of the effects of railcars loaded with crushed aggregate on the air from the proposed quarry site to its destination. Bexar County, Texas already is struggling to maintain clean air standards. The study should specifically address the effects on the air quality as the railcars pass through Bexar County indeed along the entire route to its destination in Houston/Galveston, Texas. The EIS should include a study on the capacity of the Union Pacific lines to carry limestone into the already crowded rail traffic in the Houston/Galveston area.

Vulcan/SGR claims to be a "good neighbor" and absurdly uses as evidence the fact that \$300,000 homes co-exist in harmony with a quarry in San Antonio, Texas. The EIS should include a study on the effects to the real property values surrounding the quarry/railroad. Vulcan/SGR shows no shame in stating out property will go up when the quarry/railroad opens. They should be required to produce evidence of such irresponsible claims.

According to the National Environmental Journal, Vulcan Materials has been the seventh worst emitter of toxic chemicals in the United States, based on air, water, land, underground, public sewage, and off-site releases. As a resident of Medina County, Texas I come to the STB with no authority to regulate Vulcan/SGR. The trust of the citizens of Medina County is placed in the hands of the STB. Therefore it is your responsibility to study all combined effects of these connected actions for all proposed and alternates to include the no railroad/no quarry option. Indeed it is your legal requirement as set forth by the National Environmental Protection Act.

Ms. Rini Ghosh
Tuesday, February 24, 2004
Page 4

Thank you for allowing me to comment on the scope of the Environmental Impact Statement.

Respectfully Submitted



Brad Regnier
Board of Directors
Medina County Environment Action Association

Cc: U.S. Senator John Cornyn
U.S. Representative Henry Bonilla
Texas Senator Frank Madla
Texas Representative Timeteo Garza
Medina County Judge Jim Barden
Medina County Commissioner Royce Hartman, Precinct 1
Dr. Robert Fitzgerald, MCEAA President