

EI-1361

The Median County Environmental Action Association, Inc.

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January 9, 2005

Ms. Victoria Rutson,
Chief, SEA Section
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

received
1/11/05

Re: Subject Finance Docket 324 84 Southwest Gulf Railroad

Dear Ms. Rutson:

After reviewing the three volume DEIS and attending the public meeting held in Hondo, TX. on December 2, 2004, I am convinced the people in Medina County have not communicated with the STB. After submitting scoping comments, some of which the STB described as valid environmental concerns, we expected to have definitive answers to these comments and questions. What we obtained was disappointment and frustration. We hope the final EIS will be amended and address our concerns more definitively.

Our biggest disappointment concerns the STB's decision to not consider the quarry and railroad as connected action. STB need only ask Vulcan if the railroad would exist without the quarry. Vulcan knows, as does its board of directors and stockholders, Vulcan would not develop a quarry and haul aggregate ten miles to Union Pacific Railroad if it meant operating at a loss. It appears STB supports Vulcan's preposterous claim that it could operate an all-truck facility, which would take 90% of its output to a distant railroad. It does this without any supporting data or proof. No cost figures for the special loading and unloading facilities, special trucks required, no cost for fuel, insurance, driver's wages or road construction are given even though MCEAA has requested them. Yet, cost estimates are given for the railroad. Is this being fair? STB must see that the all-truck route is a ruse. SBC must consider our request to make the railroad and quarry connected actions.

On specific issues many of our questions are unanswered. Environmental issues concerning surface water and traffic issues as well as air pollution are unanswered and are dealt with phrases such as "will be managed by best management practices" or

“environmental impact is not significant.” Worse yet, STB appears to let Vulcan decide how these environmental impacts will be managed. We have received no data

concerning such important issues such as bridge designs, berm and culvert dimensions other than to say it would be adequate. We deserve and expect unbiased answers based on data that can be verified, not undocumented statements by SGR.

We have noted that Vulcan has voluntarily only submitted five paltry voluntary mitigation’s. While STB e submitted forty-seven valid mitigation proposals, there is no assurance Vulcan will accept these proposals. Worse yet, STB has qualified many of its’ mitigation statements with terms such as “reasonable” and “minimal”. We would like to note that STB has made a glaring omission . There is not one word in either of these sections concerning mitigation for the so-called no-build or all-truck route. Could the reason for this be that both STB and Vulcan know that this option is an absurd ruse? We have learned through bitter experience that Vulcan’s word cannot be trusted. It is a devious and powerful company that must be required to abide by a written agreement before a permit is given. If not required to do so, they will do anything possible to circumvent what is required all for the sake of gaining a larger profit. If STB doubts this, please review the previously submitted correspondence between TxDOT, Medina County Commisioners Court and SGR regarding grade separations over FM 2676 and CR 4516. STB must state firm mitigation requirements. MCEAA insists that STB require grade separation crossings for the above roads.

MCEAA requests further consideration is given to the alternate route of a variation to Medina Lake. We believe the Galveston-Houston-San Antonio route has not received proper consideration. SGR has done its best, for whatever reasons, to make this route appear unacceptable, thus misleading the STB. We would like to set the record straight. We believe the SGR statements concerning the cuts and fills required for this railroad are incorrect. We will submit data to support this argument. We also wish to point out that SGR has failed to provide data requested by the URS Corporation in regard to the cut and fills on this proposed or any alternative routes and the no build alternative. {See memorandum dated February 12, 2003—page G10, Vol 3 from the URS Corporation) Our accompanying maps and graphs show that this route would bypass the Cherry Creek and most of the Quihi Creek flood plains, which have to be traversed by the proposed and alternate #3. As previously noted, the G-H-SA route would have many advantages, which will be subsequently enumerated. These are as follows:

- #1. Removes flooding dangers in the Quihi and Cherry Creek Flood Plains,
- #2. Crosses fewer county roads—four instead of five to seven-
- #3 Crosses all roads at safer locations.
- #4. There would be less construction costs for bridges, culverts and berms
- #5. This alternative would bypass and thus sparing historic and archeological areas,.
- #6. It traverses property of five landowners known to favor the quarry.
- #7. Contrary to SGR’s claim, there would be less disruption of environmental features such as flood plains, wetlands and hydraulic features.
- #8. The upkeep costs, therefore, would be less on level plateau-type terrain than a railroad traversing flood plains.

The added length (estimated 2 ½ miles) of such an alternative should not disqualify it particularly if its advantages outweigh the other routes. Likewise, this route should not be disqualified because of any agreements between quarry owners, their heirs or employees' and Vulcan providing that their land should not be traversed by a railroad. And owners of the quarry site should not be permitted to make an agreement with Vulcan prohibiting a railroad being placed on their property, thus requiring Vulcan to route the railroad on other people's land who do not want such a nuisance. We believe it is STB's duty to ascertain if such an agreement exists and consider it before making a final decision to disqualify the variation of the G-H-SA railroad. MCEAA requests careful review of the maps, graphs and data of this alternative and compare them to the proposed and all alternate routes. We believe the advantages of this route will be recognized and will cause less adverse environmental impacts than the SGR routes.

Before concluding, there are other matters we wish to bring to STB's attention, which have only recently transpired. These include:

#1. SGR's statements concerning the management of its' proposed rail line by the Union Pacific and

#2. The impact of an additional 1000 railroad cars a week traversing San Antonio's congested rail traffic in route to Houston's congested rail traffic.

Both of these issues need careful consideration and evaluation by STB and bring up many additional questions. MCEAA believes that further explanation and information concerning SGR's decision should be made available to the public. Is SGR incapable of managing the railroad? Is it able to get personnel to manage the railroad? Why does it wish to turn it over to a railroad that is already admittedly understaffed, over-burdened and years behind in getting necessary construction of new track and up-grading of current lines? Is this what STB condones? Why would a newly created railroad which presents itself as a common carrier with eminent domain power to condemn land and thus build a railroad, then seek to have another railroad company, which had previously been unwilling to build the railroad, assume management of this railroad? The answer to MCEAA is obvious. This is the only way this railroad can be built. MCEAA repeats its belief that a private company should not be allowed to masquerade as a common carrier railroad, and be allowed to condemn property to build a railroad if it only transports its only product.

As STB should be aware rail traffic in the San Antonio area has been the site of six train accidents in the last half of 2004, with five deaths and untold property damage. Vulcan's desire to send an additional five million tons of aggregate per year through the San Antonio area will further tax this already over-burdened Union Pacific system. The details of this additional railroad traffic will be given separate discussion. I mention it here only to emphasize our concern about the environmental impact this project will have.

Simple questions on environmental impact:

#1. Transportation and Safety Section A, page ES10 (Section 1, Vol. 1) STB, without justification, comment, or consideration of all of the previously submitted testimony and reasons why grade separations are needed on county and state roads states that at grade road crossings for its' preferred and three alternate routes with their appropriate warning devices which gives the impression that this type of crossing is appropriate. What does it take to make the STB understand that county and state government officials want the safest road-railroad crossings? **This means grade separations.** Vulcan has agreed to install these crossings when told to do so. There must be a requirement in the mitigation section for grade separation crossings. If not done initially, it will not be accomplished and lives will be lost because of STB's failure to protect the human environment as has been repeatedly requested by the public and local government officials.

#2. Section P-Socio-Economics ES-17. We ask the STB, what is their basis for concluding that there would be no significant socioeconomic impacts as a result of the proposed action or no-action alternative? Doesn't STB realize that these actions will potentially change Medina County from an agricultural-residential to a commercial-industrial economy, with total disruption of people's property, vocation and livelihood? How will people accommodate this? What are the impacts? No answers have been provided.

#3. Section Q, Page ES 17—Cumulative Impacts. STB has gone to great lengths to deny the quarry as a connected action to the railroad designating it as a cumulative impact to the railroad, yet this section ignores the quarry all together. STB should either acknowledge the quarry is a connected action or else fully define the environmental impacts of this cumulative effect. STB has allowed SGR to hold itself out as a common carrier, while at the same time it allows SGR to say it is unlikely to have any other enterprises ship goods on this line. SGR has a duty and responsibility to either define the environmental impact or other businesses or else deny common carrier status to SGR. Which will they choose?

#4 Section A, Page ES11—Traffic Safety. In regards to local traffic impact, the two major arteries that would be crossed by a proposed railroad FM 2576 and CR 4516—General Woll's Road—the statement is made that proposed construction would take twelve months, but the traffic impact would not be significant, however, no alternative routes through these areas exist and none has been designated. How will traffic continue to flow during any construction period? No coordination with local officials has been done which is also a stated requirement. STB has already been advised that at grade crossings at these locations are unsafe even with warning devises, because of the type of traffic which include heavy gravel trucks, farm machinery, fertilizer and diesel trucks. The safest type of crossing, i.e. grade separation, should be required by STB in the mitigation section. Page 4-108 the southern half of the rail loop within the quarry exists in the flood plains of the Pole Cat and Elm Creeks with an elevation difference of thirty feet below the northern loop. The statement is made that there are potentially no

significant adverse cumulative effects to the surface water in this region caused by the southern rail loop. We believe this statement is untrue. Other questions and comments concerning railroad location, construction and operation follow. On page 2-6, vol 1 SGR anticipates entering into an agreement with the Union Pacific regarding the connection with the UP line, the details would be determined at a later date. This statement needs thorough investigation by STB. It opens the door to numerous questions, particularly in light of Union Pacific's present operating difficulties. Questions follow:

1. What is the current and future availability of shipping of Vulcan's products ?
2. How long will the loaded rail cars stand idle?
3. How many cars will accumulate before shipment? Maximum number?
4. Where will these unattended, loaded cars be parked?
5. How will air pollution from dust be controlled in this area?

These questions and their environmental impacts must be answered in the final EIS. To MCEAA's observation the absence of these questions and answers from the DEIS show Vulcan's lack of preparation.

SGR states its' trains would have the capacity of traveling 40 MPH presumably while unloaded) but will operate at 12 to 25 MPH for the foreseeable future. These statements raise the following questions:

Barring a runaway accident, why does SGR make statements that track design (curves) must be for speeds of 40 MPH? Is it so that it can use this argument to try and mislead STB concerning the design of the variation of the G-H-SA route? If the SGR can use speeds of 12 MPH going up one-degree grades shouldn't this same speed be used around curves? Please answer these questions in the final EIS.

On page 2-10, Vol 1, SGR attempts to mislead the STB by stating that the G-H-SA line is several miles east of the quarry site. However, a variation of the G-H-SA route could be designed so that it would only be 2.2 miles after crossing FM 2676 in a north-south orientation. SGR continues to attempt to mislead STB by stating that there is a steep fall at the northern end of the G-H-SA route which is true according to their designs, however, a variation of the G-H-SA route could be designed so that a steep decline would not be necessary.

SGR continues its tirade with weak suppositions and statements that it appears the Medina Dam route was intended to haul lighter trains and to be used for only a short time. These statements are easily challenged. One needs only to look at the massive loads of heavy construction material hauled over the upper two-thirds of this line, up much steeper grades with much less powerful steam engines as compared with the powerful diesel engines of today. Pictorial proof of this is available in a book entitled "Ripples from Medina Lake" written by Rev. Cyril Matthew Kuehne, S.M. Additionally, how does SGR know how long the SGR would have lasted? It can only guess. STB must not base its decisions on SGR's guesswork. SGR is left with one last point, a variation of the G-H-SA railroad would be longer., why will SGR not realize it is also

better and more environmentally sound? We have previously stated the reasons and hope to have dispelled and unproven SGR's untrue statements. Now STB must decide. MCEAA again urges the STB to make an on-sight evaluation of this alternative and compare it with all SGR's suggested routes. In this way, STB can see for them which is best. We are assured that SGR does not want this, but we believe one look is worth ten thousand words.

In conclusion, the STB has been given ample comments and information to correct errors and omission appearing in the Draft EIS. We hope that the information supplied will help to set the record straight. STB should not need to be reminded of its' responsibility to protect all phases of the environment which includes the people effected by the SGR. MCEAA and Medina County await your decision. Thank you for your time.

Sincerely,

Dr. Bob Fitzgerald, President

CC: U.S. Congressman Henry Bonilla
Senator John Cornyn
Senator Kay Bailey Hutchinson
Texas Senator Frank Madla
Texas Representative Tracy King

MCEAA, Inc., for your Home, Health, and Heritage

Oversized map too large to scan.
Please contact the Section of Environmental Analysis to view a copy.