

ROBIN PORTENIER

331 COUNTY RD 252

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February 24, 2004

Surface Transportation Board  
Case Control Unit  
1925 K Street, NW  
Washington, D.C. 20423-0001

Attention: Rini Ghosh

Re: Finance Docket No. 34284

EI-1336

received  
1/11/05

Dear Rini Ghosh,

We are the Portenier family and reside approximately 100 yards from the Southwest Gulf Railroad Company's (SGR) loading area. We are wholly against SGR's attempt to construct a rail line between the proposed quarry and Union Pacific.

It is imperative that your agency comprehends the real effects of this railroad and does not enable SGR to destroy citizen's land and water supply to name a few of the many harmful effects that will occur.

SGR is owned by Vulcan Materials. The ONLY reason Vulcan created SGR and is requesting a common carrier status is to obtain a license to condemn citizen's property. Please understand this is the ONLY reason. This railroad does not fall within the same guidelines of past railroads where the railroad condemned property for the good of all. This 7-mile railroad Vulcan would like to build is solely for the good of Vulcan Materials. At first Vulcan attempted to buy land from the individual owners. When the owners did not wish to sell their land, Vulcan went after common carrier status to condemn the property they needed against the landowners' will. Vulcan masked their selfish deeds by saying, "the economy will boom and businesses will develop along the rail line." If this were true, businesses would have already built up around the existing Union Pacific line that transports to far more reaching areas than Vulcan's 7-mile track between their quarry and Union Pacific. Should your agency turn a blind eye to these schemes, rest assured you will be held accountable to a higher agency.

The Draft EIS is severely lacking in credible information and the mitigations that were listed are lazy.

The Final EIS need include a more detailed and thorough investigation on the following issues:

1. The Quarry – the sole reason for the Railroad is to transport material from the Quarry. They are connected! Without the quarry, there would be no railroad. The full effects of the quarry should be included in the Final EIS. The SEA stated that they are authorized to study the environmental impacts of the railroad only. Then why did the SEA study the effects of trucking the limestone? Vulcan stated early on that they did not want to transport via truck for economic reasons. It appears to the public that that the SEA is working for Vulcan (SGR)! The quarry and the Railroad are absolutely connected and therefore should be a part of this study.
2. Vibration – The study poorly comments on the effects of vibration to water wells and other sensitive structures. We need more conclusive information with more data. Also, the mitigation listed is a joke. Asking a company like Vulcan with a history of not following regulations to "monitor pile driving activities and make modifications" is not sufficient for the citizens whose sensitive structures

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will be affected.

3. Land Use – Should the SEA allow SGR to build this railroad, you will enable a company to steal citizen's property. For this reason alone, Vulcan should not be allowed to build its railroad. It is appalling to imagine that a government agency would even consider this! One senior land owner would lose a majority of his income from the loss of hunters being able to lease his land. The Draft EIS barely covers the effects and brushes over the mitigation by stating the land owner would be "ensured of access to their land severed by the railroad."

In closing, we are asking you to carefully consider the importance of this study. Take into full account the effects of the Railroad and quarry.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robin Portenier". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Robin Portenier

cc: US Congressman Henry Bonilla  
US Senator John Cornyn  
Texas Senator Frank Madla  
Texas Representative Timoteo Garza  
Medina County Judge Jim Barden  
Medina County Commissioner Royce Hartman