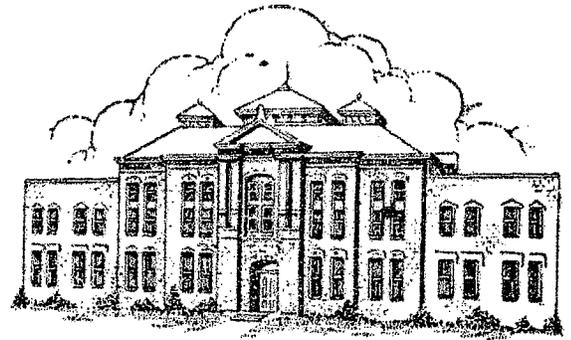


**Medina County Judge
James E. Barden**

1100 16th Street
Room 101
Hondo, Texas 78861

(830) 741-6021 Fax (830) 741-6025



ET-1352

January 7, 2005

Surface Transportation Board
Case Control Unit
Washington, DC 20423

Attn: Rini Ghosh

Re: STB Docket No. FD34284

*Received
1/12/05*

Since the beginning of this proceeding, Medina County has expressed two principal concerns:

- Safety of road crossings by the railroad
- Protection of water flow in a flood-prone area

To an extent, the Section on Environmental Analysis (SEA) report addresses these concerns. The primary purpose of these comments is to ask that the recommendations, if adopted, be strengthened to allow local government some leverage as we seek to negotiate agreements with the railroad. It has been my unfortunate experience while Mayor to seek some safety agreements from the railroad, which passed through our town and be told that the railroad didn't have to deal with local government because it was answerable only at the federal level. Even our much larger neighbor (San Antonio) is finding out how little local government can do to protect citizens from an existing railroad. Thus, I'd like to see some help up front from the federal regulators

In the area of safe crossings of existing public roads (see SEA's Recommended Mitigation, p. 5.3) the recommendation #3 under Transportation and Traffic Safety calls for the railroad to consult with the State of Texas (TXDOT) "prior to beginning construction" regarding the crossing of FM 2676 and "shall adhere" to reasonable recommendations of TXDOT. No similar language appears regarding any of the crossings of County Roads. I urge that similar language as used for the state road crossings also be used for the crossing of county roads. Medina County is included in the recommended mitigation for warning devices at crossings but there is nothing that mentions the crossing itself.

Closely related to the above comments is the No. 8 Recommended Mitigation of SEA, which calls for developing a plan to address post construction maintenance and repair of grade crossing warning devices and crossings themselves. I urge that it be made expressly clear that the primary responsibility for any such maintenance and repair of crossings of existing roads lies

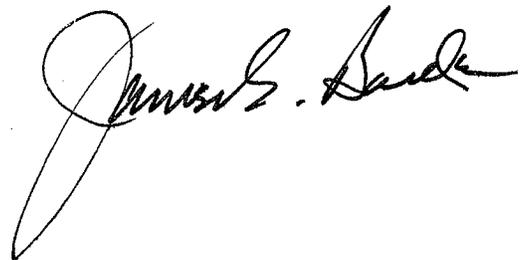
with the railroad and not with the County or State. That understanding should be the beginning point for any joint development of any such plan.

On the subject of creek and other water flow crossings, it has been emphasized on prior occasions that the area to be traversed by the proposed railroad is subject to flash- or sudden flooding. Any impediment to the natural flow of such heavy run off is of great concern. SEA's Recommended Mitigation No. 30 (p. 5-7 of the report) calls for Engineering "across creek channel" to minimize impacts to wetlands and aquatic resources. I urge the Board to go a step or two further and include "and other water flow or flood prone areas" in addition to creek channels. Also the design should minimize impacts not only to "wetlands and aquatic resources" but also to "homes, buildings and agricultural resources" (e.g. crops, orchards, etc).

Finally, a word about the impact on the historical preservation issue. The County is concerned with preserving of its heritage. To that end it appoints members of the Medina County historical Commission which is charged with helping to preserve what is important to our citizens now and to future generations. With the possible exception of a reference to "Cultural Resources" (p. 5-9), the Recommended Mitigations do not appear to address this significant area of concern. I urge the Board to require, as a minimum that the proposed railroad consult with our Historical Commission in order to avoid adverse impacts on structures and areas of significant historical value.

Your consideration of the above concerns and suggestions is appreciated. As stated the outset, it is important that we address and button down as much as possible at these early stages because experience has shown us that once railroads are sanctioned to operate there is no leverage on the part of local government to correct problems or adjust concerns that may arise from its operation. This last point is prompted by the possibility suggested in footnote 4 of the Executive Summary that "an existing carrier, such as (Union Pacific)" may be operating the proposed line.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Baird". The signature is written in a cursive style with a large, looping initial "J".

JEB/jaa