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Dear Agency Consulting Parties:

Re: U.S. Surface Transportation Board Finance Docket No. 34384
Southwest Gulf Railroad – Construction and Operation – Medina County, TX
NHPA Section 106 Consultation

A matter has come up that demands your immediate attention with respect to the above-captioned consultation.

You may recall at the conference call on March 26th that one of our client's members, Medina County Environmental Action Association President Dr. Bob Fitzgerald, raised the issue of a proposed power line that would be constructed within the rail easement to provide electricity to the Vulcan Quarry.

Upon raising the issue, Dr. Fitzgerald received in response the now-familiar contempt and character attack stereotypical of initiatives that have entered the “bunker mentality” death spiral. Counsel for the applicant all but referred to the man as a complete nutcase for suggesting that a power line to the quarry would be built within the rail easement.

Come to find out, the Medina Electric Co-Operative (MECO) has been in talks with Vulcan since December of 2006 for just such a power line. Vulcan and MECO have met three times, this past December, January, and February to plan for the line. A fourth meeting was to occur this past Wednesday, April 4, but was cancelled.

During these meetings, running the power line to the quarry through the rail easement has been the focus. Indeed, where else would it be built? MECO has told Vulcan that the final rail alignment would need to be known because the plan was to run the power line through the rail easement. In addition, MECO would need to locate a substation along CR 4516, and the location of this substation would vary depending on which rail alignment was chosen.

The lines would be built above ground, on utility poles of unknown height. Clearly the line and the substation would have an additional aesthetic effect on the historic district which has not been taken into account. In addition to further evidence of bad faith on the part of the applicant, this new information is additional justification for declaring the quarry and railroad connected actions.

The above information was provided by Mike Wade, Project Engineer, MECO (800-381-3334) in response to queries from our client, MCEAA. We would encourage the lead agency to contact him directly. Mr. Wade has no interest in Vulcan’s rail line or quarry project or in the MCEAA and was merely responding to the questions he was asked, which were whether any quarry power line proposal in fact existed and if so, what work had been done to date and what its status was.

Very Truly Yours,

THE GARDNER LAW FIRM
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David F. Barton

COUNSEL FOR PARTY
MEDINA COUNTY ENVIRONMENTAL
ACTION ASSOCIATION