

#E1-1369

FD 34284

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS
SOUTHWEST GULF RAILROAD COMPANY
CONSTRUCTION AND OPERATION EXEMPTION

Medina County, Texas

Public Meeting I

2 December 2004

1 MS. GATES: All right. We're going to
2 get started. So thanks very much for taking your
3 seats.

4 Hello. On behalf of the Surface
5 Transportation Board Section of Environmental
6 Analysis I'd like to welcome you to today's public
7 meeting. We're here today to hear your comments on
8 the Draft Environmental Impact Statement for
9 Southwest Gulf Railroad's proposed rail line here in
10 Medina County. The goal of our meeting today is to
11 provide a safe and open environment so that all of
12 you can give -- can give us your comments as you
13 would like to do.

14 Let me tell you a little bit about
15 today's agenda. It's very simple. You've already
16 come and signed in. We're going to have a brief
17 presentation from the Surface Transportation Board on
18 the process that was used to develop the
19 environmental document, and then also we're going to
20 hear a little bit about some of the highlights of the
21 document itself.

22 First, I would like though to do some
23 brief introductions. I would like to introduce
24 Victoria Rutson who is Chief of the Surface
25 Transportation Board Section of Environmental

1 Analysis. Next to her is Rini Ghosh. Some of you
2 may already have met or spoken with her. She's
3 Attorney Advisor for this project from the Surface
4 Transportation Board. At the end is Jaya
5 Zyman-Ponebshek. Jaya is the Technical Manager for
6 development of the Draft Environmental Impact
7 Statement. She works for URS Corporation, which is
8 under the direction control and supervision of the
9 Surface Transportation Board in preparing this EIS.
10 And we also have Phil Ponebshek right here who is a
11 Technical Advisor who works for URS who's a technical
12 advisor in development of the EIS. And I am Nancy
13 Gates also with the URS, and I'm going to be your
14 moderator today.

15 So let's get started. Victoria.

16 MS. RUTSON: Thank you, Nancy. Can
17 every one hear me? Please raise your hand if you
18 can't. I know it's a bit dark right now. We will be
19 turning the lights back on so you'll be able to see
20 us. We're not hiding here in the dark. We just want
21 to make sure you can see the slides.

22 So welcome to the public meeting. We're
23 pleased that there's such a strong showing, although
24 we're not surprised. We understand that there is a
25 lot of feeling and commitment to voice concerns, so

1 we're very happy to be here to listen to you today.
2 Before we turn the microphones over to you, I'd like
3 to spend a few minutes telling you what the Surface
4 Transportation Board is.

5 The Surface Transportation Board is a
6 small agency of 140 people located in Washington,
7 D.C. The Board itself will be the decision maker on
8 Southwest Gulf's proposal. Southwest Gulf will be
9 referred to also as SGR in our presentation. The
10 Board consists of three members. It's a bipartisan
11 board. Which means we have a Republican Chairman, a
12 Democratic Vice Chairman and a Republican Board
13 Member. Those three board members will be deciding
14 whether to approve SGR's proposal, whether to deny
15 SGR's proposal, or whether to approve the proposal
16 but only with certain mitigating conditions.

17 Congress created the Surface
18 Transportation Board in 1996. And the function that
19 Congress has charged the Board with is economic
20 regulation of freight railroads.

21 Now, that doesn't mean a lot to most
22 people in our everyday lives. But railroads when
23 they choose to build a new rail line, when they want
24 to merge with other railroads or when they want to
25 abandon a stretch of line, in each of those

1 circumstances the railroad must get a permit from the
2 Surface Transportation Board. The Board is
3 organizationally housed as part of the Department of
4 Transportation but decisionally independent. Which
5 is a lot of gobbledygook that means the three members
6 of the board are the decision makers on rail
7 constructions, rail mergers and rail abandonment
8 cases. Now, not only does the Board need to look at
9 rail proposals on a merits stand point under Board's
10 governing statute, which is the Interstate Commerce
11 Act. Any time a railroad seeks to build a new line
12 or abandon an old line or merge with another carrier,
13 the board must also comply with another statute. And
14 that's the National Environmental Policy Act or NEPA.
15 And that's what my section is responsible for doing;
16 making sure that the Board understands completely the
17 environmental implications of a proposal before
18 issuing a final decision.

19 The Section of Environmental Analysis,
20 which is what I'm the Chief of is also known as
21 S.E.A. or SEA. So if you hear SEA or S.E.A. referred
22 to during our presentation, we're talking about the
23 Section of Environmental Analysis. We do the NEPA
24 analysis, National Environmental Policy Act and also
25 insure that the Board complies with the number of

1 other environmental statutes. And that includes the
2 National Historic Preservation Act, which we all
3 understand is a big concern in this case, also the
4 Clean Air Act, the Clean Water Act, the Endangered
5 Species Act and a number of other environmental
6 statutes and permits.

7 Our environmental rules for those of you
8 who are interested in doing legal research are in the
9 Code of Federal Regulations at 110549 CFR 1105. We
10 also have to comply with President's Council on
11 Environmental Quality Regulations. And those are
12 very important too. They dictate how to do an
13 Environmental Impact Statement.

14 What have we done so far to insure
15 National Environmental Policy Act compliance for this
16 process, the Southwest Gulf or SGR's proposal to
17 build the rail line? Well, back in June of 2003 we
18 had an open house meeting in which a number of you
19 might have met Rini and Nancy and Jaya. In that
20 meeting we heard comments about what the scope of the
21 environment analysis should be. Since then, we've
22 also talked to a number of federal, state and local
23 agencies and received a number of comments from the
24 public. We have now drafted an Environmental Impact
25 Statement or Draft EIS which we issued on November

1 5th, 2004.

2 We're in the public comment period.
3 This is our opportunity to listen to what you all
4 think of our draft EIS and the SGR's proposal. So
5 we're very anxious to -- to listen to you. And I
6 will quickly sum up.

7 What are the next steps in the proposal?
8 Well, we've done the Draft EIS. Now we need to get
9 your comments. All comments will be treated with
10 equal care and consideration, whether they be your
11 oral comments here today, written comments that you
12 may submit later by the January 10th deadline or
13 written comments that you drop off with us today, as
14 well as the transcripts. We do have a court reporter
15 here with us today carefully recording everything
16 that is said. So we'll go back to Washington,
17 carefully consider everything that you have said or
18 written to us and we'll prepare a final Environmental
19 Impact Statement. Then that document will contain
20 our final recommendations to those three decision
21 makers that I talked about earlier, the Board before
22 making any final decision on this proposal will look
23 at the Draft EIS, all the written and oral comments
24 received and the final EIS. Only then will the Board
25 issue a final decision after having taken a hard look

1 at the environmental implications of this proposal.
2 And the board will make one of three decisions: To
3 approve, to deny, or to approve but only with
4 conditions.

5 So with that, I'm going to turn the
6 microphone over to Rini Ghosh who will talk in more
7 detail about the environmental review for this
8 particular proceeding.

9 MS. GHOSH: Thank you, Vickie. Hi,
10 everyone. My name is Rini Ghosh and I'm Attorney
11 Advisor in the Section of Environmental Analysis at
12 the Surface Transportation Board.

13 I think I might have met some of you at
14 the open house last year that we had in Hondo. I'm
15 really glad to have the opportunity to be back here
16 again today. As Vickie said, we're here today to
17 listen to you. So, I don't want to take up too much
18 of your time but I do want to tell you a little bit
19 about our draft Environmental Impact Statement and
20 our study of cultural resources.

21 As most or all of you may know,
22 Southwest Gulf Railroad Company has proposed to
23 construct an approximately seven-mile rail line that
24 would connect Vulcan Construction Materials new
25 limestone quarry to the Union Pacific Company rail

1 line near Dunlay, Texas. They propose to move four
2 trains per day over this new rail line; two empty
3 trains going up to the proposed new quarry and two
4 loaded trains coming back down to the UP rail line.
5 They would also construct a loading track on the
6 quarry property that would connect to the new rail
7 line.

8 Based on all of the comments that you've
9 submitted to us we realize that this proposal is
10 highly controversial, which is why we decided to
11 prepare an Environmental Impact Statement type of
12 document to make sure that we were taking a really
13 hard look at all the environmental consequences to
14 give information to the Surface Transportation Board
15 before it makes its decision. We also wanted to give
16 you as much opportunity as we could to participate in
17 the environmental review process. Our draft
18 Environmental Impact Statement identifies and
19 evaluates potential environmental consequences from
20 the rail line construction proposal and sets forth
21 our preliminary analysis and our preliminary
22 conclusions as well as our preliminary
23 recommendations for mitigation. We also compare four
24 different potential rail alignments in this document
25 . We request your comments on every single aspect of

1 this document. While preparing the draft
2 Environmental Impact Statement we received many
3 comments regarding cultural resources in the area.
4 Our study of cultural resources sources is governed
5 by what is known as the Section 106 process of the
6 National Historic Preservation Act. This Section 106
7 process sets forth certain steps that Federal
8 agencies must take to examine impacts on cultural
9 resources before making a decision. These steps
10 include identifying appropriate consulting parties,
11 identifying cultural resources in the project area,
12 assessing impacts on cultural resources, and
13 developing appropriate mitigation measures. We began
14 the Section 106 process by consulting with the Texas
15 Historical Commission and identifying other
16 appropriate consulting parties. We then prepared a
17 preliminary cultural resources assessment report
18 which we submitted to the Texas Historical Commission
19 and other consulting parties for review and comment.
20 Based on all the comments we received we conducted
21 additional studies and research. And to date we have
22 identified thirty above-ground resources that could
23 potentially be affected by the proposed project as
24 well as one potential historic district. The entire
25 Quihi, Texas area is within a potential rural

1 historic landscape because the land use has remained
2 unchanged for a great number of years. This means
3 that the Quihi, Texas area is potentially eligible
4 for the National Register of Historic Places as a
5 historic district. Based on our research and the
6 recommendations of the Texas Historical Commission in
7 consultation with the Texas Historical Commission we
8 developed a document called a programmatic agreement
9 which sets forth the remaining steps for completion
10 of this Section 106 process. Our cultural resource
11 studies as well as a draft version of the
12 programmatic agreement are included in Appendix I of
13 the Draft Environmental Impact Statement for your
14 review and comment.

15 Now I'm going to give the microphone to
16 Jaya Zyman-Ponebshek, our Technical Project Manager,
17 to talk to you a little bit about some of the other
18 resource areas that we studied.

19 MS. ZYMAN-PONEBSHEK: Thank you very
20 much, Rini. For change of scenery I'm going to move
21 on this side.

22 Good afternoon everyone. My name is
23 Jaya Zyman-Ponebshek with URS Corporation. I've been
24 given the technical aspects of the Draft
25 Environmental Impact Statement. I'm here today to

1 summarize our study -- the results of our study and
2 primarily to seek comments on our results and our
3 conclusions because everything is preliminary at this
4 point. The study covers several resource areas as
5 listed in this screen. And I'll just give you a few
6 seconds to read it. As far as cultural resources
7 Rini already gave you an overview. So I'm going to
8 now concentrate on the other resource areas.

9 In general what we identified as far as
10 impacts is the following. Basically the impacts can
11 be boiled down to the following impacts: Traffic
12 delays at grade crossings, safety concerns, noise and
13 vibration, air and water contaminants, land use
14 changes, including clearing, fill placed in flood
15 plains or wetlands. And in the interest of time
16 rather than going through every single resource area
17 and taking all your comment period out of -- away
18 from you I'm just going to concentrate on those areas
19 where we have found impacts. Transportation and
20 traffic safety - the rail line could cause impacts to
21 local transportation and traffic safety when the rail
22 line crosses area roadways using at-grade crossings.
23 At this point, traffic delays and car-train accidents
24 have the potential to occur. Delays could result
25 from three reasons basically: While the crossings

1 are temporarily blocked during train -- during rail
2 construction. During normal operations when at-grade
3 crossings is closed for trains to pass, including the
4 time approaching the intersection and the time that
5 the train needs to clear the intersection. And then
6 thirdly, during track repair or if a train
7 malfunctions at that specific grade crossing.

8 In the draft EIS we have provided
9 preliminary recommended mitigations. And we welcome
10 your comments on both, the impacts and the
11 mitigations.

12 As far as water resources we analyze
13 impacts on surface water, ground water and wetlands.
14 Impacts to surface waters may result from
15 construction and operation. Basically either from
16 flood plains and stream stability or contamination.
17 As far as flood plains and stream stability SEA
18 consulted with the Army Corps of Engineers, the
19 Federal Emergency Management Agency and the Medina
20 County Floodplain Administrator regarding potential
21 impacts to flood plains and streams caused by the
22 proposed rail line. This impacts depending on final
23 crossing design may include localized increases to
24 the width of the flood plains and changes to stream
25 hydraulics. Cut and fill operations at stream

1 crossings could have impacts -- adverse impacts to
2 bank stability as well.

3 Once again we have provided
4 recommendation and mitigation for this resource area
5 and we welcome your comments. Now as far as ground
6 water the primary concern to ground water resources
7 is the possibility of contamination.

8 Oh, I'm sorry. Can you go back to
9 surface water I forgot to tell you about
10 contamination. Now contaminants could be released
11 during construction and operation and could adversely
12 impact surface water quality. SEA or S.E.A.
13 assessed the potential for impacts for range of
14 contaminants all the way from silt and debris to fuel
15 spills.

16 During construction of the rail line and
17 during future repair activities ground clearing and
18 heavy equipment would cause a potential for silt and
19 debris runoff to enter surface waters during a major
20 rainfall event. The release of petroleum products
21 from construction equipment or locomotive fuel spills
22 could also impact water quality.

23 Now, I'm ready to go back to ground
24 water. The primary concern to ground water resources
25 is the possibility of contamination. And as I just

1 noted construction and operation could potentially
2 result in runoff of contaminants.

3 Local streams provide recharge for the
4 Leona Gravel Aquifer and the northern most one-half
5 mile of the proposed rail line crosses streams in the
6 recharge zone of the Edwards Aquifer as you all know.

7 The contaminants of concern would be
8 similar to those for surface water, including silt
9 and debris from construction or line repair and
10 locomotive fuels. Contamination of the rail line
11 could end up in the water which recharges this
12 aquifers.

13 And once again we welcome your comments
14 on both the mitigation and the results of this study
15 presented in the draft EIS.

16 Now as far as wetlands. There is little
17 natural opportunity for significant wetland resources
18 to form in Medina County. According to the National
19 Wetland Inventory Elm Creek and portions of Cherry
20 Creek and Quihi Creek form Riparian Wetlands. And
21 all of the local creeks have small pools classified
22 as Palustrine Wetlands. These classifications only
23 deal with the type of vegetation supported by the
24 feature. And I'm not going to get into the details
25 on that right now. There is a potential for

1 permanent loss of wetland functions where the rail
2 line crosses these creeks and places fill or
3 structures within the creeks. When such placement is
4 necessary authorization from the U.S. Corps of
5 Engineers would be required under Section 404 of the
6 Clean Water Act. Corps authorization is also needed
7 where there would be temporary impacts to streams
8 from access roads needed to transport the equipment
9 and personnel during construction. During rail
10 operations wetland resources could also be affected
11 due to contaminated runoff following an incident that
12 results in a diesel fuel spill. And again, we
13 welcome your comments.

14 Biological resources - The railroad
15 would require a construction right-of-way where all
16 vegetation would be temporarily cleared and then a
17 narrower strip where vegetation would be permanently
18 cleared where the rail bed would be. Since this
19 vegetation represents wildlife habitat any clearing
20 of these vegetation represents loss of this habitat
21 and impacts to biological resources, whether it's
22 temporary or permanent.

23 Construction, maintenance and operation
24 of the rail line could pose a more direct risk to
25 biological resources as there is a potential for

1 collisions between the train and wildlife. And also
2 mechanical mowing and shredding along the
3 right-of-way could harm smaller animals.

4 And then once again, we welcome your
5 comments. I'm not going to say that anymore.

6 Okay. Land use - As every one here
7 knows the permanent rail line right-of-way will
8 require acquisition of land for the construction and
9 permanent right-of-way and would have impacts to
10 property adjacent to the right-of-way. Most of the
11 right-of-way for the proposed route would be located
12 along or near fence lines. However, some properties
13 would be severed.

14 Given current land use SEA preliminarily
15 concludes -- again S.E.A. preliminarily concludes
16 that the proposed alignment would cause a reduction
17 in the amount of land including prime farmland
18 available for agricultural. Adverse impacts on land
19 use could not be fully mitigated.

20 Noise - The proposed action resulting
21 both construction and operation related noise
22 impacts. Construction of the rail line would proceed
23 at about 140 to 150 feet per day along the corridor
24 creating a temporary noise impact to nearby
25 residences.

1 During operation noise would result from
2 the operation of the train on the line as well as
3 from the sounding of horns prior to entering any
4 upgrade crossing. S.E.A. performed an analysis on
5 operation on noise caused by engine noise and the
6 wheel/rail interaction and determined that operations
7 over Alternative 1 would result in greater noise
8 impact than any of the other alternatives.

9 As far as horn noise the maximum sound
10 level from the horn would have an adverse effect on
11 residences closest to the grade crossings.

12 And then finally I'll discuss the
13 vibration impacts. Vibration impacts result both
14 during construction and operation of the rail line.
15 Because of the nature of activities, different
16 activities would cause vibrational impacts at
17 different distances from the rail line. Of primary
18 concern are vibrational impacts to sensitive
19 structures such as historic structures and wells or
20 any other fragile structure. For example, most
21 construction activities would create a vibration
22 impact to structures within 25 feet of the activity.
23 Structures that are further than that probably
24 wouldn't be affected at all. But for pile driving
25 adverse vibration activities -- I'm sorry. For pile

1 driving adverse vibration impacts could occur to
2 extremely fragile historic structures up to 200 feet
3 away. S.E.A.'s preliminarily -- preliminary studies
4 indicate that vibration impacts from operation of the
5 rail line would not impact sensitive structures more
6 than 45 feet from the tracks.

7 And again, these numbers are
8 conservative numbers. To get a more detailed number
9 that would be probably less conservative of the real
10 you would need to do an actual vibration by vibration
11 study accounting for the soil conditions between the
12 source and the receptor.

13 And then now I'll turn this over back to
14 Nancy so we can begin the comment session.

15 MS. GATES: Now, we're ready to begin
16 the most important part of the meeting which is the
17 comment period. And to insure that we have and we
18 maintain a safe and comfortable environment in which
19 everybody gets a fair chance to submit and give their
20 comments we have established a few ground rules. If
21 you picked up the fact sheet when you came in you
22 probably saw those ground rules. But I wanted to
23 briefly go over them. First of all, you received --
24 When you signed up to speak you -- we had you sign in
25 on numbered cards. And we will call your name in the

1 order in which you signed in. When you hear your
2 name called, you should approach one of the two aisle
3 microphones on either side. And if you are unable to
4 go to the microphone, that's okay. We will bring a
5 microphone to your seat. Just raise your hand when
6 we call your name. If there are any Spanish speakers
7 in the audience who would like to help with
8 translation, Jaya is bilingual in Spanish and English
9 and she's available to help you if you need that
10 assistance. You each have three minutes to speak.
11 And the reason for this is because we want to give as
12 many people an opportunity to speak as we possibly
13 can. To help you figure out where you are in your
14 three minutes, our timer will hold this up when you
15 have 30 seconds left so that you know it's time to
16 start wrapping up. And then when your time is up,
17 you'll see this. This is just to give you some
18 assistance so you don't have to be looking at your
19 watch. If you wish to make a comment but you do not
20 want to speak yourself you may fill out a comment
21 card and we will read the comment for you. That's
22 not a problem. Or you may submit a written comment.
23 We want to have a chance for all speakers who've
24 signed up to speak one time. And then if we go
25 through the whole sequence and you would like to

1 speak again, you may speak again. But we want to
2 give everybody a chance to speak at least once before
3 we take people for the second time.

4 And finally we are recording this
5 meeting. We have a court reporter and we are also
6 audio taping it. And so we ask your courtesy when
7 other people are speaking to try not to talk, and
8 that way we can record the most accurate words
9 possible and make sure we get into our record.

10 And finally, I overlooked introducing s
11 somebody at the beginning of the meeting. Gabriel
12 Lozano from Congressman Henry Bonilla's office is
13 with us today. And we say welcome to you, Gabriel.

14 So let's go ahead and get started. Any
15 questions?

16 (No questions).

17 Okay. I'm going to turn of my -- Okay.
18 Thank you for your patience.

19 First of all our first speaker is David
20 Barton.

21 MR. BARTON: I'm David Barton. I'm an
22 attorney representing the Medina County Environmental
23 Action Association. My interest is that after you
24 listen to the comments today you will see the
25 necessity to do the right thing. Is it worth to do

1 otherwise. The right thing is significantly
2 different than what is presented in the DEIS which
3 seems to ignore the most obvious fact that but for
4 the quarry the rail would not exist. The lack of
5 depth of the DEIS is both appalling and
6 disappointing. It merely reflects Vulcan Materials
7 submissions. And that is just the beginning of the
8 road. Vulcan Materials is the driving force behind
9 the activity that brings us here today. A private
10 company with apparent plans to operate a rock quarry
11 and create a private rail company which would not
12 exist without the quarry and which has no purpose but
13 to support the quarry. Yet the small private
14 railroad which is so interdependent on the quarry
15 with no reasonably foreseeable purpose to serve
16 anyone else attempts to be anointed as a sovereign
17 with the ability to condemn and confiscate property
18 for its private purposes under the guise of a common
19 carrier. A common carrier for what? Nothing but a
20 privately held rock quarry. It is clear this is
21 marched by Vulcan to get common carrier status. It's
22 being done purely to thwart the will of the majority
23 of the local community. It didn't start this process
24 until it became clear it would be unable to purchase or
25 lease the land it needed. STB should separate itself

1 from this charade. But it has not at this stage.
2 The DEIS fails in not addressing important water shed
3 issues but chooses to evaluate trucking issues for a
4 non-existent quarry while not addressing the direct
5 impact of businesses building along the rail route.
6 That is not the right thing. The rail is totally
7 interdependent with the quarry with no separate
8 utility. It should be classified as a connected
9 action within that meaning of the need for the CEQ
10 regs and case president. The area where the rail
11 will traverse is already a flood hazard. The rail
12 will increase that hazard. The D -- DEIS does not
13 even address the impact OF the diversion of two water
14 sheds which run into the quarry will have on the
15 flooding problems created by the rail. That is not
16 the right thing. Is it worth it to ignore these
17 issues. Who will enforce the mitigation factors
18 mentioned in the DEIS? Not the STB. No, it will be
19 the people in the community who will have to come
20 forward to go to court to address the issues the STB
21 would not take care of before it issued a permit or
22 just bend over and take it. That is not the right
23 thing. If the rail is designed to be a common
24 carrier to encourage growth then there is no doubt
25 the quarry is part of that growth corridor and must

1 be stayed. Area growth is not addressed. Failure to
2 do so makes STB's decision arbitrary and capricious.
3 Did you forget that -- Is it worth it to take a
4 chance on the consequences of your actions? Do the
5 right thing. Vulcan has dug its hole before it has
6 dug its quarry and it is response -- it is the
7 responsibility of the STB to fill the hole rather
8 than facilitate its existence. It is most compelling
9 that the DEIS ignores the obvious fact that there
10 would be no rail if there was no quarry. And that
11 makes the quarry and the rail connected actions.
12 Please review the briefings I have submitted
13 previously and will present with -- in the future and
14 do the right thing. Finally, remember is it worth it
15 to ignore the conclusions I reached in the
16 submissions I've made? Thank you.

17 MS. GATES: Thank you, Mr. Barton.

18 Dr. Bob Fitzgerald.

19 MR. FITZGERALD: I want to thank the
20 MCAA before I begin for this opportunity to express
21 the opinions and impressions that we have by the DIS.
22 "We" being Medina County Environmental action
23 association. That is a grass roots organization that
24 most of you know composes of about 150 families and
25 350 some odd members. So thank you for this

1 opportunity.

2 I would like to address the connected
3 action issue. It seems that STB's primary reason
4 not recognizing the quarry as a connected action is
5 based on the supreme court's decision and the public
6 citizen's case. First, we believe the STB has not
7 carefully considered the detailed information
8 submitted concerning significant environmental
9 impacts. Second, we see little or no evidence in the
10 DEIS that the STB has made available relevant
11 information to the larger audience. And I presume
12 that means to other agencies involved in the
13 permitting process where they have to issue permits.
14 No -- no evidence in the DEIS of that. But yet these
15 are the two points that you have based the decision
16 not to recognize the quarry as a connected action.
17 Conversely STB has relied only on information given
18 by Vulcan and has not carefully considered data
19 submitted to it during the scoping comments and other
20 pertinent correspondence. In judging the quarry and
21 the railroad are not connection actions STB has
22 failed to look closely at the history of both the
23 quarry and the railroad. From the very beginning,
24 Vulcan planned the quarry and the railroad together,
25 researched both at the same time, informed the public

1 about both projects at the same time and even told
2 the public "if we don't get the railroad, we won't
3 open the quarry." If this were not true, why
4 wouldn't Vulcan obtain appropriate permits, open a
5 quarry, operate it with trucks in a local area just
6 as it has done in many other of its quarried, if not
7 all. Then it could use justification of the demand
8 in Houston and the Southeast Gulf Coast is
9 justification to seek a permit. We all know Vulcan
10 has not done this. Vulcan gambled that there would
11 be no opposition to its connected projects. That no
12 one would object. Vulcan has lost. Vulcan has put
13 the STB in an awkward position. STB is left with the
14 task to justify Vulcan's bad decision. STB is trying
15 to save Vulcan by allowing Vulcan to evade doing what
16 is required by law by stating the quarry is a
17 cumulative effect and not a connected one. STB makes
18 a poor excuse that other agencies have the
19 responsibility to evaluate the environmental impact
20 of the quarry. STB has no jurisdiction over this
21 quarry or its environmental impacts. MCAA, Inc.
22 relies -- replies that Vulcan is failing to do its
23 job. It should know better.

24 I will continue this at the end of the
25 other discussions. Thank you.

1 MS. GATES: Thank you, Dr. Fitzgerald.
2 Lynn Kitchen.

3 MR. KITCHEN: Thank you. As you may
4 know, I serve as the technical advisor for MCEAA.
5 And it's been an honor and privilege to work with
6 this group. It's a group of real folks, farmers,
7 ranchers, businessman, wives, children. They're all
8 concerned about this project's impact on their
9 property rights, environment and the health and
10 welfare of the community. These folks are good folks
11 with real concerns about this project.

12 I'm here today to talk to you about the
13 philosophy behind NEPA and not really the technical
14 issues. I'll be addressing those in a nice long
15 document for y'all later that will be in written
16 format.

17 First, I want you to know that I've been
18 involved in various NEPA related projects from
19 permits to EI -- EA's to EIS's for over 14 years,
20 taught courses on NEPA at UTSA. One of the most
21 important aspects of NEPA that I've always emphasized
22 to my students in my courses was public involvement.
23 I'm a staunch supporter of the scoping process and
24 involving the public in this process putting the
25 opposition on the team that develops, designs. And

1 the DEIS is very important and allows you to develop
2 a plan that works. You need to show the public the
3 respect they deserve. I'm telling you this to ask
4 you for your consideration for the people here.
5 Treat the public with respect you treat Vulcan.
6 That's all I ask.

7 With all due respect you have not
8 started out well. You blatantly ignore and disregard
9 comments and concerns expressed during scoping. We
10 -- I would beg to differ that you didn't listen to
11 those comments. You only had them written to you.
12 You did not allow public meetings or workshops during
13 the time of scoping, which is a common thing used in
14 most of the scoping processes. You allowed comments
15 but basically gave them lip service with standard
16 replies and impersonal letters. Most of the comments
17 were addressed poorly in the Draft EIS as if to state
18 that the public's opinion will not impact this
19 decision. NEPA was based on disclosure of public
20 information to the public and yet you have not been
21 helpful in providing information to these citizens.
22 You hide behind the bureaucracy of the Freedom of
23 Information Act to prevent these citizens from
24 obtaining information in a timely manner. I'm asking
25 you to listen to the comments today and carefully

1 read the written comments. These are from concerned
2 citizens who have properties and families at stake.
3 Please take them serious. Write individual personal
4 letters back to the commenters showing them respect.
5 The EIS has many flaws and has shown a blatant
6 disregard for the public. Overall the EIS is based
7 only on general information on the project area
8 although it alludes to field studies no actual data
9 is furnished. It is only summarized as field studies
10 were conducted and indicate that. The lack of detail
11 and analysis is obvious and demonstrates SEA and
12 SCG's, whatever, lack of respect for the community.
13 Right now you can turn this all around. You can
14 represent the public good and not Vulcan. It's time
15 to step up to the table and act the part. Thank you.

16 MS. GATES: Thank you, Mr. Kitchen.
17 Necey Schulte.

18 MS. SCHULTE: I'm Necey Schulte
19 president of the Quihi, New Fountain Historical
20 Society. I'm the fourth generation of Quihi land
21 owners. I was born and raised in Quihi and have
22 property there.

23 I'm directing my comments and questions
24 to you through my Congressman Henry Bonilla. And I
25 request that you please respond to my comments and

1 questions back through him.

2 The Quihi area is an irrigated -- excuse
3 me an important part of the history, the earlier
4 settlers of Texas and much it in tact -- still in
5 tact. We have identified over 65 important sites and
6 have submitted that in the data to Texas Historical
7 Commission. We are in the process of attending state
8 and Federal designation for the Quihi area as an
9 official historical district. The proposed and
10 alternative railroad line routes submitted by Vulcan,
11 Southwest Gulf Railroad all across through the heart
12 of the historical district and divides the district.

13 Also flooding is a severe problem of all
14 the submitted crossings at the intersection of County
15 Road 365 and County Road 4512 at the old Henry
16 Schweers' house. This is at the lowest part of the
17 route. It is under water every time we get a few
18 inches of rain. Cars can't go through there. We
19 have already had six inches of rain this year. The
20 last two being November 17th and November 22nd. I
21 believe there are pictures in the next room of the
22 flooding at this area -- at this location. The
23 railroad crossing at this point at County Road 365
24 will certainly worsen the situation. The draft EIS
25 does not study this. You must study this fully in

1 the final EIS.

2 In my letter to you dated November 1st,
3 2004 I pointed out that having all of Vulcan's rail
4 activity the rail activity of other industries they
5 hope to bring into Quihi will ruin the historical
6 appearance and culture landscape of Quihi. The
7 visual impact of those hundreds of uncovered ganola
8 -- ganolo (sic) train cars every day of dusty crushed
9 limestone crossing through the heart of this historic
10 district for fifty years will certainly destroys --
11 destroy the historic nature of this area.

12 You mention that Vulcan's railroad will
13 plant grass along the side of the rails so the rail
14 would not be visible. But how are you going to
15 disguise the view of 400 train cars crossing through
16 the area many times during the day, plus all the
17 trains from other businesses.

18 Also you have not done a good study on
19 the dust, noise and vibration impacts. It is the
20 good study -- If a good study were done, it would
21 clear that these problems are unsolvable. The only
22 solution is to find a route -- to find a route out of
23 the floodplain and out of the district. We
24 understand that Vulcan has given the Willie Schweers
25 historic home on County Road 365 to the Schweers

1 Foundation. Why has Vulcan not given the adjacent --
2 adjacent Henry Schweers' home to them? It is the
3 original home of this family and is even older. It
4 is very near the proposed route. Does Vulcan intend
5 to sacrifice this structure?

6 As an added note, the proposed quarry is
7 very much a connected part of this project. The
8 railroad would not even be built if there was not to
9 be a quarry. The impacts of both the railroad and
10 quarry should be studied fully as a connected area.

11 I wanted to comment also on the pictures
12 of the area on Appendix "A" of Volume II. Much of
13 them are captioned with the incorrect location. This
14 is a very interest -- very misleading.

15 MS. GATES: Thank you. Your three
16 minutes are up. Can you -- You can speak again
17 later. Okay?

18 MS. SCHULTE: Thank you.

19 MS. GATES: Okay. Thank you so much.
20 Mr. Morris Baxter.

21 MR. BAXTER: Good afternoon. My wife
22 and I have several concerns about this project, but
23 since we only have three minutes I'll just have to
24 address a few.

25 We live three miles from the proposed

1 quarry and a half -- one and a half miles from the
2 nearest proposed rail line. We're greatly concerned
3 about traffic safety. Vulcan has stated they will
4 employ about 125 people and 100 vehicles a day will
5 commute to work -- to and from work. That's based on
6 the STB summary. We've got increased traffic already
7 out here. And another 100 vehicles a day I'm
8 concerned about the school bus runs. There's at
9 least Hondo bus runs on 2676 and one from Medina
10 Valley on 2676, plus several Medina Valley runs on FM
11 471. And the railroad of course is another problem
12 if that crosses several of those runs.

13 A few years ago our closest neighbor a
14 family of four was wiped out by a gravel truck on
15 2676 a half mile from their home. And I'm really
16 concerned about this kind of safety. As I understand
17 it, I don't know about Vulcan's own drivers, but
18 contracted drivers they usually get paid by the load
19 or the mile and not by the hour. And that's a --
20 that's bad safety practice.

21 Mayor Hancock from Castroville has come
22 out in favor of the quarry and the rail line. A
23 little over 100 years ago the City of Castroville
24 didn't want any part of the Southern Pacific
25 Railroad. That's why it goes around to the south

1 today. And I would imagine if this rail line --
2 proposed rail line was proposed through Castroville
3 they would be fighting it. I really don't know why
4 they're approving this project. Do they think it's
5 going to be an economic boom to the -- this area, to
6 the cities? The only people that I see it's going to
7 be an economic boom or -- is Vulcan and a few land
8 owners. And based on the -- the local prison's
9 workforce as far as what -- where their people live
10 about half of them live in Medina County and half
11 out. And they're -- half of the Medina -- half of
12 the Vulcan employees are not going to pay a lot of
13 taxes. Neither is Vulcan based on what their FM 1283
14 operation paid in 2002. They paid \$1557 in county
15 and 3792 in Medina Valley ISD taxes based on a
16 valuation of 244,000. They say their taxes are going
17 to be 600,000 in their proposed operation. That
18 would equate to \$28,000,000 in taxable value at least
19 in 2003. And it takes \$6700 a year to educate a
20 child at Hondo and Medina Valley. So their taxes are
21 not going to pay for their education and service such
22 as police, fire, EMS protection, and pay for the road
23 upkeep after the trucks destroy the roads. We've
24 lived here 18 years and we have great neighbors,
25 quiet living, beautiful surroundings. And this area

1 is given back to us more than we've -- we've put back
2 into the area.

3 All Vulcan will do is give us a big
4 eyesore, degrade our standard of living, put us at
5 risk for all kinds of health and traffic hazards and
6 destroy our way of life.

7 Thank you.

8 MS. GATES: Thank you Mr. Baxter.

9 Robert Dyle.

10 MR. DYLE: I don't live anywhere over
11 near Quihi, but I do have an interest in it. I'm a
12 native American. And when I came -- when I -- my
13 people came over here we didn't have all this
14 destruction, contamination or anything else. Now why
15 in the heck can't you people learn how to live with
16 nature and get your -- and let the politicians up in
17 Washington get their hands out of the pockets of the
18 big pe -- the big industrial's people? Now once you
19 get that done, then maybe we can get along with
20 everything. But as far as I'm concerned, this nation
21 is going to hell in a hand basket. Pardon my French.
22 But that's just exactly the way I feel.

23 Thank you.

24 MS. GATES: Thank you, Mr. Dyle.

25 Steve Lapp.

1 MR. LAPP: My name is Steve Lapp. I
2 live on 106 acres in Quihi. The southern boundary is
3 the Quihi Creek. I read all three bound volumes of
4 the EIS and I also was appalled at the quality of the
5 report. One main objection is that throughout the
6 report you have compared the environmental impact
7 that the railroad would have compared to some
8 possible future situation where there was massive
9 trucking. That trucking does not exist today. And
10 it seems -- I've never heard of an impact report that
11 voices what might happen in the future. I think that
12 the impact report needs to be revised at the least to
13 determine the impact on the status quo, not on some
14 future condition that might exist.

15 And as far as mitigating circumstances
16 their -- Vulcan has a national reputation of not
17 keeping its promises, not keeping its mitigation
18 agreements. You certainly need to consider that if
19 you're going to include mitigation as part of your
20 process of granting the railway. They will get away
21 with everything they can. This is a fight on a
22 national level of the people in communities all over
23 America versus this corporation which does not meet
24 its community responsibilities.

25 Just yesterday the Daily Times of

1 Maribel, Tennessee printed an article December 1st,
2 2004 "Residence voice opposition to Vulcan. Cracked
3 windows, heavy trucking, cracked foundations such
4 were the grievances aired against Vulcan Tuesday at a
5 community meeting called by three city neighborhood
6 associations in the vicinity of the Duncan Road
7 Quarry. The Mayor --" quote -- "No single operation
8 inside this city of Maribel creates the problems and
9 complaints that the quarry does. The city has taken
10 steps to control dust and noise generated by quarry
11 traffic but is largely ham strung in its regulatory
12 approach by state laws Swann said. And now it faces
13 a lawsuit filed by Vulcan recently moved to Federal
14 court that would essentially allow Vulcan to expand
15 its operations in coming years." And quote the mayor
16 again: "We are aggressive -- aggressively defending
17 this lawsuit. The suit alleges violations of the
18 14th and 15th Amendments and seeks to overturn the
19 current zoning of the property and alleges that
20 Vulcan is entitled to a quarry of the entire property
21 it originally leased in 1957." Basically anything
22 that happens now will affect the future of this
23 community for hundreds of years into the future.
24 This was from a lease back in 1957, and Vulcan unlike
25 the rest of us will not ever die. They will probably

1 last for a long time past the lifetimes of everyone
2 here. So it will be our grandchildren, our great
3 grandchildren that'll still be suffering from Vulcan.

4 MS. GATES: Thank you, Mr. Lapp.

5 Thomas Hester.

6 MR. HESTER: Yes, my name is Tom Hester.
7 I'm a professional archeologist and I -- my comments
8 are much more extensive than three minutes. And I'll
9 submit those in writing.

10 I find a lot of problems in the draft
11 EIS involving statements made about cultural
12 resources and statements made about what will be done
13 to examine these. As I understand it from the slides
14 and handouts in the draft EIS the URS Corporation
15 which has a contractual agreement with STB claims to
16 have completed impact studies on historic sites
17 within the rail corridors. I can't see how this
18 could be true. Their preliminary cultural resources
19 report was a joke. They either wasted the money or
20 they didn't get enough money from the STB to do a
21 decent level. I mean it's called reconnaissance.
22 I've been doing archeology for 40 years. I've never
23 seen anybody claim to have done reconnaissance and
24 come up with such a mess.

25 They recently sat for two or three days

1 in the middle of a rainstorm Dr. Cassidy URS who has
2 the courtesy to call me and other people that know
3 something about the archeology and the history. His
4 report is much better. It has some technical errors
5 that I will correct. And he is to be commended for
6 recommending that Vulcan build none of the proposed
7 rail routes and that they re-examine the old
8 Dunlay/Medina Lake route.

9 It's a -- It seems to be implied in the
10 draft EIS, as vague as these sections are, that there
11 are very few archeological and historic sites other
12 than those that have been photographed and mislabeled
13 in the draft EIS and so forth. But from doing very
14 limited work in the area this past summer on a
15 private research project of my own and with the
16 people working with me just within a couple of days
17 and no funding they recorded ten archeological sites
18 along Elm Creek and other areas. Some of these
19 within -- And that's just going to these sites
20 because the landowner told them the sites were there.
21 URS didn't even ask landowners, except Dr. Cassidy
22 did, if there were sites around. And there's a
23 massive stone wall reported by Dr. Cassidy that's
24 being mapped on the Lindsey property and which will
25 be included in the National Register of Historic

1 Places designation for the Schuele/Saathoff houses
2 and their property.

3 In the towns along Highway 90 the towns
4 grew up with the railroad in the 19th century except
5 Castroville which got them to go in through southern
6 Bexar County. However a 21st century limestone
7 hauling railroad to be put through the middle of this
8 major historical site further contributes to the
9 destruction of the Texas historic landscape. While
10 Union Pacific trains continue to derail in Bexar
11 County, you don't see the rail lines running through
12 the historic districts of San Antonio or Castroville.
13 The --

14 Also I'll have a number of comments on
15 the draft programmatic agreement. This looks like an
16 after-the-permit exercise that leaves out many
17 critical aspects of cultural resource studies. And I
18 can't believe that my colleagues at the Texas
19 Historical Commission actually entered into this
20 program -- programmatic agreement in good faith.
21 Their deputy director will be here tonight. Maybe
22 somebody can ask him what they think they're doing.

23 MS. GATES: Thank you.

24 Tom Walpole.

25 MR. WALPOLE: My name is Tom Walpole. I

1 live in Quihi on 2676 at Elm Creek. This locates me
2 2.5 miles south of the quarry and approximately 1,000
3 feet west of the SGR rail line.

4 The railroad and quarry must be studied
5 as a connected action. Without the quarry the
6 railroad serves no purpose. When are the
7 environmental impacts of the quarry going to be
8 studied? The draft EIS has provided no details that
9 suggest the actions are not connected. A majority of
10 the EIS is spent on remarks of how trucking aggregate
11 would be more of an impact than transporting it by
12 rail. This is more a Vulcan sword rattling, a series
13 threat to Medina County considering the conditions of
14 our roads. No mention of the improvements required
15 to accommodate 1700 truck trips have been made.
16 Aggregate will still be hauled locally. Even with a
17 rail line, there will still be approximately 125
18 trucks per day on our roads. If trucking was a
19 viable option, Vulcan would be trucking gravel now.

20 In Hondo the newspaper -- In the Hondo
21 newspaper on 19 February 2004 Tom Ramsdale was quoted
22 as saying, "I should also state this project does not
23 yet have the approval of Vulcan's Board of
24 Directors." This reinforces my belief that Vulcan's
25 position is no railroad, no quarry.

1 In the earlier stages of Vulcan's
2 railroad planning it appeared that they did not
3 realize they were planning a railroad through a
4 floodplain. If the railroad is built to provide
5 their proposed one percent maximum grade incline the
6 line will turn out to be made of almost continuous
7 berms and trestles. Approved agencies should make
8 more realistic studies before awarding approval of
9 the railroad construction.

10 I have several structures on my
11 property. There location has been dictated by past
12 fluids, flood history and neighbors input on how high
13 the water has been in their lifetime and of their a
14 ancestor's lifetime. None of these buildings were
15 flooded in the 500 year flood of 1997. If the
16 floodplain Elm Creek changes due to quarry and
17 rail-line activities it will be disastrous for all of
18 Quihi. So far no real flood studies have been
19 completed for the EIS, only remarks like "best
20 engineering prac -- practices in the design of stream
21 crossings will be made to avoid increasing floodplain
22 width." The flooding on Elm Creek has been so
23 frequent in past few years that TxDOT has not
24 bothered to remove the flood barriers from both sides
25 of 2676 bridge crossing. Medina County is worth it?

1 MS. GATES: Thank you.

2 Archie Gerds.

3 MR. GERDS: I am Archie Gerds. My land
4 is being divided into by the rail line being Dunlay
5 and the quarry site. This land has been in my family
6 since 1891. Will I be compensated for the loss of
7 deer, hog and other game hunting? This is a big
8 economic factor for Medina and -- County and myself.
9 All my improvements are on the west side of the
10 range. Will Vulcan pay for the water well, pens,
11 barns and utilities? Will Vulcan keep up easements,
12 fences, and keep noxious weeds out? Will Vulcan be
13 responsible for the cleanup of derailments and/or
14 chemical spills? Also, will I be compensated for the
15 devaluation of my property and when flood -- due to
16 -- when flood damages due to trestles or bridges near
17 -- over Quihi and Elm Creek? Who will pay for this?
18 Who will pay for the wrecker -- for the fore sale of
19 livestock? Before -- My water hole is the only
20 source of water I have in this one pasture. It is
21 spring fed and has never gone dry. Indian scouts
22 watered their horses here in the early days. If it
23 goes dry will Vulcan build me a new well?

24 MS. GATES: Thank you.

25 Carl Kelley.

1 MR. KELLEY: My name is Carl Kelley. I
2 live about one mile west of downtown Quihi.

3 I'd like to address just a couple of
4 factors, noise and safety and water.

5 First of all, I'd like to comment that
6 you folks as you well know have an awesome
7 responsibility because you're going -- if you approve
8 this, you're going to approve the ability for these
9 people to exercise eminent domain over priv --
10 private property. I hope you're taking that as
11 seriously as we are.

12 Noise - Where I live the noise from the
13 horns on UP now really -- in the right kind of
14 weather, and it happens fairly often, it's almost
15 like those guys are in your bedroom. And as I
16 counted this up here the proposed route I would hear
17 horns about 28 times a day. The others go from 32 to
18 20 to 24 times a day assuming that they have to hit
19 the horn every time they cross a crossing. And
20 that's based on the crossings that you've given.
21 That's really going to be a noisy problem even down
22 where I live. The other thing about noise is -- I
23 didn't see anything and maybe there's something
24 there, about the side track marshalling area
25 whichever route you take down by UP. I think

1 especially an alternating one and two that the noise
2 back this way is -- is really going to verbate (sic)
3 reverberate in the -- in the area down there. I wish
4 that you would do some sampling or some modeling or
5 something. You need to really look at that.

6 With regard to safety, it's already been
7 mentioned and it should be mentioned over and over
8 again. The railroad crossings are always a risk.
9 You know that. And I believe that the statistics
10 quoted in the study kind of compared national
11 statistics to what's going on here. I think you'll
12 find that Texas statistics are a whole lot worse as
13 far as railroad accidents at crossings. You need to
14 look at that. We've had -- Thank God not too many
15 lately. But in the past we've had some bad ones.

16 Water and flood control - As a guy who
17 as gone through a flood and had his house washed out,
18 not here but in another area, any time that I see
19 something about flood and water my -- my antenna go
20 up. And the STR commits to mitigation prior to
21 construction with regard to how -- how things would
22 be constructed to try to control the flood control
23 business. But I think -- I can't emphasize enough
24 not before construction do you need to get the -- the
25 factors on this straight, but before approval you

1 need to do that before the STB approves this thing.
2 Let us see what's going to happen before you -- it's
3 approved. If it -- if it goes against what we would
4 like, you know at least we will have had that.

5 And finally, I have to say that this
6 railroad's commitment to hold itself out as a common
7 carrier really is curious to me. I can't imagine
8 even in fifty years how -- what would come about to
9 cause them to be needed as a common carrier in that
10 area.

11 Thank you.

12 MS. GATES: Thank you, Mr. Kelley.

13 Darrell Brownlow.

14 MR. BROWNLOW: My name is Darrell
15 Brownlow. I'm a technical advisor for Vulcan
16 Materials Company and Southwest Gulf Railroad.

17 Vulcan Materials Company and Southwest
18 Gulf Railroad thanks the SEA for it's hard work in
19 preparing a very comprehensive and objective Draft
20 Environmental Impact Statement that addresses each of
21 the matters relevant to the environmental review of
22 the proposed project.

23 While Southwest Gulf Railroad is likely
24 to offer the SEA some more detailed comments in
25 writing on the proposed mitigation measures before

1 January the 10th, in general we concur with SEA's
2 assessment of the impacts of the proposed rail line.
3 The Draft Environmental Impact Statement finds that
4 with the proposed mitigations the line could be built
5 along the preferred route or two other alternative
6 routes. Southwest Gulf Railroad will of course await
7 the outcome of the environmental review and the
8 entire STB process. Assuming there is no change in
9 this result, Southwest Gulf Railroad continues to
10 believe that its preferred route is the best
11 alternative. In addition to SEA's generally positive
12 conclusions about the preferred route, it is also the
13 shortest route and impacts the fewest landowners.
14 Southwest Gulf Railroad believes that the mitigation
15 proposed by the SEA is generally acceptable.
16 Although it will offer some comments on certain
17 mitigations measures.

18 The SEA has done a good thorough job in
19 taking into account the views of the people and
20 groups in the area of the proposed line. Southwest
21 Gulf Railroad believes that the proposed mitigation
22 measures should address the cause of those concerns.
23 As directed by the proposed mitigation measures
24 Southwest Gulf Railroad intends to work with the
25 appropriate local, state and federal agencies to

1 insure that the public interest is protected on
2 matters such as flooding concerns, traffic safety and
3 cultural resources among other issues identified in
4 the Draft Environmental Impact Statement. Southwest
5 Gulf Railroad and Vulcan continue to stand ready to
6 consult with persons or groups interested in
7 constructive dialogue on the rail line as the process
8 moves forward.

9 Thank you.

10 MS. GATES: Thank you, Mr. Brownlow.
11 Scott Conrad.

12 MR. CONRAD: I'm Scott Conrad. And my
13 wife and I have property probably less than a mile
14 west of the proposed quarry site. And I just want to
15 go on the record as being totally opposed to Vulcan
16 Materials proposed quarry and railroad. I want
17 everybody to know that in my mind not to consider the
18 quarry and the railroad a connected action just
19 absolute nonsense.

20 I have many concerns. But my main
21 concerns have to do with air quality and water
22 problems that could arise from this operation.

23 On the air problems - Due to all the
24 unpaved roads in this part of Medina County we have
25 just about all the dust we can tolerate. In this

1 normally starts about two or three days after any
2 rain we happen to receive stops.

3 My property being located about
4 three-quarters of a mile to the west and slightly
5 north of the quarry and rail site the prevailing
6 southeast breezes should supply me with more dust
7 than we should have to live with. My long horn
8 cattle and the rest of God's creatures that live in
9 this area shouldn't need any calcium supplements.
10 Perhaps we should consider this to be an economic
11 plus.

12 The second, on the water problems: To
13 the small livestock operation, which is what I have,
14 along with the most of my neighbors, water is our
15 prime concern. We are totally dependent on the water
16 we can pump from our wells. In our area of Medina
17 County there's no rural water system. We are located
18 on the Edwards Aquifer recharge zone. It is almost
19 impossible to contain water in anything other than a
20 sealed vessel. If our wells are damaged by continual
21 blasting or our water polluted by chemicals or fuels
22 we're out of business. We got to have water and it's
23 got to be pure.

24 Some of my neighbors located south of
25 the quarry would even have more problems to consider

1 as there is a good chance that their property could
2 be divided by a rail line. And they've got no easy
3 task of moving livestock and water in them in a
4 divided pasture.

5 Seems that the only folks without these
6 problems or concern are those that are connected with
7 Vulcan. It seems to me that as good industrial
8 neighbor Vulcan should agree to do a professional
9 environmental impact study at the quarry site. Right
10 now Vulcan's good neighbor policy has struck out in
11 this area. I have a feeling that Vulcan is going to
12 get away by screwing up an environmentally sensitive
13 area beyond repair without this study.

14 Thank you.

15 MS. GATES: Thank you, Mr. Conrad.

16 Dianne Pipes.

17 MS. PIPES: Hi. I'm Dianne. I'm here
18 to -- on behalf of my father Clovis Boehm and myself.
19 My father who is one of the landowners is also a
20 life-time resident of the area. Let me reassure you
21 that his -- that the well being of this community is
22 a very important matter for him and for our family.

23 To demonstrate his sincerity for the
24 community let me just tell you a little bit about --
25 a little bit about him and what he's done for the

1 community. He has served on many boards throughout
2 his years, boards that include preserving historical
3 structures in the community. He served as a
4 volunteer firefighter. He has served on committees
5 that have helped rebuild flooded areas. He has even
6 just last weekend cooked turkey dinner for families
7 that were in need. His -- his sincerity -- his
8 commitment to the community is sincere.

9 When Vulcan initially contacted my
10 parents about mining rock on their ranch, they didn't
11 just say yes. Instead they asked a lot of questions.
12 They wanted to know about the company. They wanted
13 to know about what this kind of project could do for
14 this community. And let me tell you what they have
15 learned. They were very impressed to hear everywhere
16 Vulcan resides the company and their employees are
17 engaged in those communities supporting local
18 projects and initiatives. Even though the quarry is
19 not yet in operation Medina County has already
20 benefitted from their civic mindedness and
21 generosity. In addition they have supported doing
22 the necessary environmental study -- studies because
23 they care about preserving the nature of the history
24 and quality of life here. He still lives here.
25 Unfortunately my mother recently passed away.

1 Understanding that the quarry is not a popular
2 project among a few, the benefits will -- really will
3 help many. Vulcan will bring new jobs to the county
4 and much needed revenue as well as improve roads and
5 increased land values.

6 Coexisting with the railroad I know is a
7 concern. I live -- For the past 15 years I live in
8 San Antonio. And I live near the Vulcan quarry on
9 Huebner Road. I have lived near that quarry for a
10 long time. The quarry borders the high school in
11 which my oldest son attended. My grand -- His
12 grandfather sat with him one day and said: "What are
13 the affects of the quarry?" And my son had no idea
14 there was a quarry next door. The -- the railroad
15 runs along some very expensive homes in that area. I
16 have many friends who live in those homes. They have
17 never complained about the things you're talking
18 about here. There's no flooding. There are no train
19 delays, no noise. They've never brought those things
20 up.

21 Truly know that the project will help
22 revitalize and bring greater prosperity to the county
23 while not jeopardizing the quality of life or the
24 cultural resources. Thank you.

25 MS. GATES: Thank you.

1 Joe Balzen.

2 MR. BALZEN: I'm Joe Balzen. I live on
3 the property that has been in my family since 1861
4 and is registered with the Texas Land Heritage
5 Program. My home was built in 1911 by my grandfather
6 and is located three-quarters of a mile from the
7 proposed quarry site and railroad. The rail line
8 will go across State Road 2676 and the County Road
9 353 which I have to travel to have access to my home.
10 If fire protection or EMS is needed, this could be a
11 serious problem. We are told there will be two
12 trains pulling a hundred cars a day going and
13 returning. And how do we know in the future there
14 will not be more trains each day?

15 Another big concern is my water well
16 which is 350 feet into the Edwards Aquifer. It is my
17 only source of water for my home and my livestock.
18 Yancey water supply doesn't reach that area. So this
19 is not an option. Is blasting at the quarry going to
20 damage my well? Where and how deep is Vulcan going
21 to drill their well? What will they -- What will
22 this do to the water table. In dry years this has
23 already been a problem. In the 50's our well had to
24 be drilled deeper. With the -- with the water Vulcan
25 will use this will be a serious problem.

1 Flooding is another big issue. With
2 heavy rains we are water bound by the Quihi and Elm
3 Creek. With construction of the railroad trestles
4 and berms this is going to cause a much larger
5 problem.

6 The railroad and the quarry must be a
7 connected action. With the quarry there would be no
8 need for a railroad. There must be a complete
9 environmental study done on the 1700 acre quarry site
10 and the railroad right-of-way. And this has not been
11 done.

12 Thank you.

13 MS. GATES: Thank you, Mr. Balzen.

14 Robin Portenier.

15 MS. PORTENIER: I am Robin Portenier and
16 I live with my husband and nine month daughter less
17 than 100 yards from the proposed quarry and according
18 to the detail on the map the rock crusher.

19 I have a few comments regarding the
20 draft EIS, but first let's call it what it is. This
21 agency is enabling a private company to destroy
22 people's property, destroy people's quality of life
23 and turning a blind eye to the schemes of Vulcan
24 Materials. The draft EIS states it contains an
25 appropriate analysis of the combined affects of the

1 quarry and the rail line. This is simply not true.
2 With regards to noise the study does not even mention
3 the impacts of the quarry. Needless to say, having a
4 rock crusher 100 yards from your front door will have
5 a major noise impact. Also the study states the
6 railroad would not trigger thresholds for analysis.
7 This must be reinvestigated. Today we hear and feel
8 the Union Pacific Railroad going around Dunlay hill
9 approximately seven miles away. That being the case,
10 this railroad will have a significant noise impact.

11 The second issue I'll address is
12 vibration. SEA states the railroad would not cause
13 significant impacts to sensitive structures. You are
14 telling us that the blasting, rock crushing and rail
15 traffic will not cause significant damage to our
16 sensitive structures, homes and private wells? It is
17 unacceptable for STB to leave this out of the study.

18 The next issue is water resources. The
19 study states the railroad would have little or no
20 impact to the aquifer. Once again, there is no
21 mention of the impacts from the quarry on the
22 aquifer. The impacts from the quarry need be
23 included in the final environmental impact study. It
24 is imperative that we know what affects the quarry
25 will have on our private wells, especially being that

1 our well is our sole source of water. And to say the
2 quarry will have little or no impact is ludicrous.

3 The last issue named in the study that
4 needs to be addressed is land use, which is just a
5 pretty word synonymous for condemning and stealing
6 people's private property. The SEA's only recourse
7 for a private company sending a railroad down the
8 middle of 100 year old historical farm is to put up
9 native grass and shrubs and insure the land owner has
10 access to their separate property. How dare you.
11 I'm appalled and I'm outraged that this is even a
12 consideration. If Vulcan has to condemn and steal
13 citizen's private farmland against their will to make
14 a way for their own personal gain, then this project
15 should be stopped. The reality of Vulcan holding
16 themselves out as a common carrier is both a farce
17 and an insult to our intelligence. Who else in this
18 area is going to use a seven-mile track of railroad?
19 Nobody. This issue cannot be mitigated nor
20 corrected. I cannot help but wonder whose pockets
21 are being lined to do Vulcan's dirty work of
22 condemnation and right of easement.

23 In closing there is no question that if
24 this railroad and quarry come to pass there will be a
25 detrimental impact on the citizens, their children

1 and grandchildren of this quiet country community.

2 At that time who will be held accountable?

3 MS. GATES: Thank you.

4 (Clapping.)

5 MS. GATES: Joyce Landrum.

6 MS. LANDRUM: My name is Joyce Landrum.
7 I live on County Road 354 less than a mile from the
8 railroad that will serve Vulcan's quarry idea. I
9 belong to MCEAA. And it appears the data we
10 submitted was not considered. We're being told in
11 the environmental study that our well and water
12 issues are not significant and the dust, dirt and
13 noise would be minimal. The aquifer recharge zone is
14 directly in the path of Vulcan's operation. When we
15 expressed concerns we were told that this would be
16 taken care of after the permit is approved. This
17 will never happen as evidenced by other railroad
18 sites owned by Vulcan. We have copies of newspaper
19 clippings to show this in the back room. We do not
20 want well waters polluted. We do not want the air we
21 breath filled with dust. We do not want the quality
22 of life in Quihi lessened. It appears that Vulcan is
23 able to put together their own study of these
24 concerns that we have and show it to the section on
25 environmental analysis and have it presented as true.

1 This materials industry wants a quarry in Quihi and
2 needs a railroad. So they use words like "minimum"
3 to serve this purpose. Their are farms and ranches
4 in the seven-mile area that this industry would
5 condemn by eminent domain. Many are listed in the
6 Texas Department of Agriculture Family Land Heritage
7 Program as being in continuous agricultural
8 operations by the same family for 100 years or more.
9 Also there are some homes in the same site area that
10 are listed with the state historical commission. We
11 don't accept words like "minimal" and
12 "insignificant." We're talking about things as basic
13 as clean water and air.

14 I would ask Mrs. Rutson or Mrs. Ghosh or
15 anyone from the Surface Transportation Board if they
16 were offered a glass of cloudy tap water while in
17 Quihi would they be able to drink it. Thank you.

18 MS. GATES: Thank you, Ms. Landrum.

19 (Clapping.)

20 MS. GATES: Elizabeth Wood.

21 UNKNOWN PERSON: She will just write the
22 comments.

23 MS. GATES: Okay. Thank you.

24 Rusty Mangold.

25 MR. MANGOLD: Thank you. My name is

1 Russell Mangold. My wife, Verlin Weimers Mangold.
2 We are owners and stewards of the Wiemer Ranch that's
3 located on CR 455 -- 4512. This ranch will be
4 directly affected by the proposed route and also
5 alternate III of the STR railroad. You have forced
6 this community to pick this -- their poison. If you
7 are going to allow Vulcan to ruin this community like
8 they have San Antonio, Helotes then go the truck
9 route. We probably all agree that nobody wants 1700
10 trucks on any of our roads. But why have you so
11 quickly dismissed this possibility? According to a
12 letter from David H. Coalburn attorney for Southwest
13 Gulf Railroad Company to the Surface Transportation
14 Board dated May 4th, 2004 he stated and I quote,
15 "Vulcan has generally negotiated agreements with
16 local county governments to upgrade and to
17 participate in maintenance these county roads." If
18 Vulcan agrees to widen, pave, install traffic control
19 devices and continual maintenance of the roads, isn't
20 this better -- a better choice? At least the
21 families, communities and culture of Quihi are not
22 permanently scarred by a railroad and are left in
23 tact.

24 Under the trucking option in your
25 comparison of fact table 2.6-1 you mention in

1 worker's health and safety section that "peak
2 workforce would be larger." A large workforce usually
3 means more jobs. Is that such a bad thing? I do not
4 want the quarry. I do not want the railroad. And I
5 do not want 1700 trucks on the Quihi roads. But if
6 I'm forced to choose, I choose the trucks. This
7 would also eliminate Vulcan's use and abuse of an
8 antiquated law of eminent domain for their personal
9 gain. And I thank you.

10 MS. GATES: Thank you.

11 Mary Walpole.

12 MS. WALPOLE: I am Mary Walpole. My
13 husband and I live on FM 2676 at Elm Creek. We will
14 be very affected by rail road routes Alternate I, II
15 and III.

16 The issue that I wish to focus on and
17 have answered in the final EIS is the grade crossing
18 separation needed on FM 2676. I have here in my
19 hands letters that you included in the EIS regarding
20 this subject. I will only read a sentence or two
21 from each letter.

22 Number one, Carl Friezenhahn TxDOT
23 February 10th, 2000. Tommy Ramsdale President of
24 Vulcan Materials was there. "They agreed that a
25 grade separation needs to be constructed where the

1 spur crosses 2676 and they understand that the costs
2 would be theirs."

3 Two, James Barton, Medina County Judge
4 April 24th, 2003. "Several years ago when this
5 project was first announced the proposed quarry
6 owners represented to precinct commissioner that
7 there would be elevated road or railroad crossings on
8 FM 2676 and CR 4516. I urge courteous, serious
9 consideration of having elevated road crossings at
10 these two major arteries in Medina County."

11 Three, James Randall, TxDOT April 30,
12 2003. "We are requesting that STB require SGR to
13 construct a grade separation at FM 27 -- 2676 to
14 eliminate all highway rail grade crossing conflicts.

15 Four, James Hardin, Medina County Judge
16 December 17, 2003. "The owners of the proposed
17 railroad acknowledge the need for a grade separation
18 crossing at this location in early discussions with a
19 local TxDOT engineer and some community leaders and
20 elected officials. If they are now proposing
21 otherwise, it is essential to understand what has
22 changed. I believe that a grade separation crossing
23 at this location is a must for the best interest of
24 the citizens of Medina County and the traveling
25 public."

1 These letters clearly state that Vulcan
2 plan to put in a grade separation crossing and our
3 county officials want it for the safety the
4 community. Then things changed and we heard that
5 Vulcan on December 18, 2003 wanted to have TxDOT
6 authorize at grade level crossings.

7 In February 19, 2004 Hondo Anvil. "Tom
8 Ramsdale replied that Carl Friezenhahn was mistaken
9 and so was Commissioner Hartman. Apparently Judge
10 Barden's two letters of are no consequence. Did
11 Vulcan come to the Medina County in 2000 planning to
12 do the right thing for the community and now has
13 started to cut corners? How many other shortcuts are
14 they planning to take to get this project going?

15 Thank you.

16 MS. GATES: Thank you.

17 Cricket Mangold.

18 MS. MANGOLD: Hi. My name Verlin
19 Weimers Mangold. My land is on the path of the
20 railroad. The graves on 4512 are my relatives, the
21 Schweers, Schuele are my history. My family saved
22 and scraped by to purchase the land near the quarry.
23 My grandmother and great aunt were born in the
24 Edson/Offinger house. The great aunt told me of
25 Indians still in the area when they were young. The

1 Indians have occupied this land for over 15,000
2 years. My brother-in-law found proof of this on our
3 ranch. Dr. Tom Hester and his anthropologist
4 verified that this year. We know Indians have been
5 in the Quihi area a long time. You want to run a
6 noisy train over the land Indians have lived and
7 played on?

8 We are selling our San Antonio home of
9 25 years. Train noises, dog noises, traffic noises
10 are all chasing us to Hondo and Colorado. We would
11 like to build on the ranch on a high hill, but you
12 will run a train to disturb us. Again, do you think
13 it's right for a private company to take our land for
14 profit for stockholders. They already destroyed our
15 hill country in San Antonio, the Medina Lake area,
16 New Braunfels, now Knippa and Quihi. Isn't this
17 being mean to our beautiful area.

18 MS. GATES: Thank you.

19 Ray Schoch.

20 MR. SCHOCH: I'm Ray Schoch. I'm fourth
21 generation direct descendant of Schweer and Deda
22 Balzen who came over in the 1850's. And the three
23 boys got their land grants along north side of Quihi
24 Creek. And the daughter married the Saathoffs on the
25 south side. All of those lots are connected. And I

1 was born in the area also so I don't consider myself
2 an Oshlander. I'm kin to probably those four
3 families. They had forty-eight grown children.
4 Through intermarriage I guess I'm kin to almost
5 everybody in this room. We don't all see eye to eye.
6 A few years ago we decided to look at our great,
7 great grandfather's home he built in which my
8 grandfather was born. And it is the Henry Schweers'
9 home. The picture was on the screen a while ago. By
10 the time we got around to trying to acquire that
11 Vulcan had purchased the two lots that William and
12 Henry had owned and the two houses. We made
13 arrangements to talk with Vulcan and offered to buy
14 that property with the out buildings and the home,
15 the two story. To our surprise, Vulcan said if we
16 would file a 501C3 organization and promised them to
17 make it a public available project that they would
18 donate it to us, both those homes, the Williams and
19 the Henry after the rail situation is settled. They
20 have already given us the William home because it has
21 no bearing on what they plan to do. They will do the
22 other regardless of outcome; give us the Henry home.
23 I have spent along -- the last ten days studying the
24 three volumes, 1100 pages of documents. And I think
25 y'all out to be commended for the tremendous amount

1 of work that you put into it and the recommendation
2 that you made. It looks to me like you did a good
3 job of it. Vulcan has been very generous to us.
4 They not only gave us the one house and the 2.7 acres
5 considering -- containing the out buildings therein
6 but also helped us form out 501C3 organization. They
7 cleared brush. They provided funds for our fencing.
8 And they even said they will give us a \$5,000
9 matching grant to help renovate whenever we raise our
10 \$5,000. Which I think is very commendable. When you
11 start studying the background of Vulcan, you find out
12 that fortunate has listed them as number nine in
13 social responsibility. And you don't get to do that
14 by being the type of horns and tail that you heard
15 from this other group. That compared with UPS,
16 Alcoa, McDonald's. They also rank number five in
17 financial strength. So if they decide to help you,
18 they have the strength to do that. They operate
19 almost 200 quarries throughout the United States.
20 And if you inquire with those communities they all
21 commend them for the types of projects that they
22 support in the area.

23 I will continue later. Thank you.

24 MS. GATES: Thank you.

25 Ken Persyn.

1 MR. PERSYN: My name is Ken Persyn. I'm
2 a 35 year resident of the Quihi Road area. I
3 currently live at -- one mile north of Dunlay on
4 4643. In regards -- I'm -- And by education I'm an
5 animal science -- animal scientist.

6 In reviewing the report I'd like to --
7 to say that I think it's vague, incomplete, basic --
8 and a basic rehash of proba -- probably other
9 documents that you had that you've used current --
10 previously in other -- other situations similar to
11 this.

12 I'd like to know how much ground work,
13 actual on the ground work has been done by biologists
14 on the ground in this particular area. Seems like --

15 Property rights - As a landowner not
16 immediately adjacent to the rail but within a -- I'd
17 say less than half a mile area being one mile north
18 of Dunlay I have a little experience with noise,
19 vibration of the existing rails that come through
20 that -- come through that particular area. These
21 proposed lines would be less than a half a mile from
22 my current residence and my property. I currently
23 are (sic) involved in the real estate business and
24 have been for about four years here in Medina County.
25 And I can testify and we can get many other experts

1 to testify that land along -- adjacent to the
2 railroad and are within close proximity to the
3 railroad is worth a whole heck of a lot less dollars
4 than land that is now under real strong demand,
5 especially in this immediate area. I have a list of
6 hundreds of people commuters from San Antonio ready,
7 willing and to buy and invest in property in this
8 Quihi from Highway 90 north to -- all the way to
9 Medina Lake area. They can't find that property.
10 These people that we've heard from have had in their
11 families for years. When it does come available, it
12 is sold and split up within a matter of days. It's a
13 highly sought, highly valuable commodity. The rail
14 line coming through this property is going to be
15 detrimental to the land values and the future land
16 value for their families, my children my
17 grandchildren, as well as theirs.

18 I think some strong consideration has to
19 be given to this. And I think in the State of Texas
20 you remove and take values and reduce quality of
21 life, which this will do, someone is liable. Someone
22 needs to pay. And I -- I would anticipate that when
23 this takes place if it's not going to be prevented
24 there's going to be large amounts of damages in
25 regards to the value of this property. Thank you.

1 MS. GATES: Thank you.

2 Erna Balzen. Not here. Oh.

3 MS. Balzen: I am -- I am Erna Balzen.

4 And I was born and raised in Quihi. I live about
5 three-fourths of a mile from the proposed quarry and
6 the railroad. I am very disturbed about what is
7 happening to Quihi. I am concerned about the
8 flooding caused by the railroad going across the
9 roads and the creeks damming up the flood water.
10 These flood waters carry with them all the dead
11 trees, limbs and brush from the pastures up the
12 river. There would -- This would catch and hang up
13 on the culverts, trestles and bridges and raised rail
14 -- rail beds and damn up the water and flood the
15 people above this point. Then when the cloth (sic)
16 brakes through and all the debris and the wall of
17 water will rush down the river and flood these
18 people. This is exactly what happened in 1997 on the
19 trestle bridge in the Union Pacific Line on the Hondo
20 Creek; brush and debris caught on the trestle --
21 trestle bridge and dammed up the water and people's
22 homes in Quihi flooded that had never flooded before.
23 Then the dammed up water broke loose and rushed down
24 stream and flooded people there. Culverts, trestles,
25 bridges and raised rail -- rail beds will cause

1 flooding. Your draft study did not do near enough
2 study on the flooding problem. And you didn't
3 research this very well. Also you need to study the
4 quarry and the -- The quarry is a connected action
5 with the railroad.

6 Thank you.

7 MS. GATES: Thank you.

8 James Barden.

9 MR. BARDEN: Thank you. I'm Jim Barden.
10 And Mary Walpole introduced me as Medina County Judge
11 already. For those of you on the panel who are not
12 familiar with Texas local government there are some
13 judicial duties, but most of my duties have to do
14 with administrative and executive duties on behalf of
15 the county. And that is the capacity in which I'm
16 appearing today.

17 First of all, thank you for the hearing
18 and for the work that you're undertaking in this
19 difficult area.

20 We have two principle concerns that I
21 want to express and that the county is consistently
22 expressed throughout. First one having to do with
23 safety of the crossings and the desire to have the
24 safest possible crossings and -- and warning systems
25 that we can get.

1 The second has to do with the floodplain
2 issues and specifically the crossing of the rail line
3 across the low areas and creeks in the -- in the
4 area. The concerns in the report on the safety
5 issues -- And I do intend, by the way, to submit
6 written comments in more detail. The concerns in the
7 report on the safety crossings, when you talk about
8 the crossing of the state road, Farm-to-Market 2676
9 there is language in there that says "that railroad
10 will adhere to this reasonable state requirements,"
11 but when it comes to talking about it crossing the
12 county roads the wording says that you will consult
13 and come up with agreements on who will maintain --
14 who will build the crossings that maintain them along
15 with the warning systems. I'm not sure the reasons
16 for the double standard there, but I will comment
17 more specific later on.

18 On the floodplain issue, I -- I don't
19 believe that the report has fully comprehended the
20 flood and the flash flood issues in the area. There
21 needs to be some way to keep any creek or flood area
22 as open as possible with any crossing. And we can
23 not allow an embankment or damn supporting a railroad
24 across these areas because of the -- because of the
25 flooding -- flooding issues.

1 And finally, a major concern was raised
2 as a result of footnote four in the executive summary
3 of the report about the possibility of Union Pacific
4 operating the railroad. Having experienced -- I had
5 some experience in dealing with Union Pacific as a
6 Mayor of the City of Hondo and been subject to some
7 of its corporate arrogance. I think it's incumbent
8 that all these concerns be nailed down and resolved
9 before Union Pacific gets into the picture.

10 Thank you very much for your time.

11 MS. GATES: Thank you.

12 Nora Winkler. Nora Winkler.

13 MS. WINKLER: Soouuk, soouuk. That's
14 one of the sounds I learned to imitate after I
15 learned to speak. I'm a landowner along Elm Creek.
16 It's been in my family for four generations. It
17 borders Archie Gerdez's property. And you heard him
18 say that it had been in his family since 1891.
19 Sometimes I call and my cattle hear me and they
20 answer and come running. Sometimes the wind is the
21 wrong direction and I call a little louder and they
22 come running. And some of my neighbors know that one
23 doesn't come running. That place -- I've lived many
24 places. I've spent a lot of time in my pickup truck
25 commuting since I was six. I've lived a lot of

1 places, but that's home. Quihi is home. It's in my
2 heart. And I think those of you who have heard most
3 of these people who have been third and fourth
4 generation citizens are the people who have come to
5 appreciate the quiet. Quihi means a lot. And I hope
6 you're listening to the views, all of them. Those
7 who have come running because it's in their heart.
8 And I believe there are a couple that are like my
9 bull BC who doesn't always hear me.

10 You heard concerns about flooding. And
11 I was at that home place in which the Elm Creek come
12 down one year. Four feet of water and then spreading
13 to where Archie sometimes drives through and
14 surrounding his house. Sometimes Archie's cattle
15 answer my call because he learned his call from his
16 mother as I learned that call from my mother. And
17 our mothers learned it from their fathers. And those
18 fathers learned it from one of those immigrants who
19 came in the 1850's. Quihi is in our heart. Okay.

20 I commuted for three decades along a
21 road where I knew it to slow down because deer
22 crossed. A decade later I was slowing down because I
23 wanted to watch the corn grow. And a decade later I
24 was slowing down because I had to watch for the
25 golfers going to a golf course.

1 We don't know what will come. There
2 will be changes. There are changes now. But the
3 impact of the railroad going to a quarry, an
4 unsightly quarry --

5 In 1970 when I moved there briefly one
6 of my mother's brothers came and he came -- drove up
7 through the dry creek bed of the Elm Creek and he --
8 he came with a grubbing hoe and a pair of gloves and
9 he said "you can't be serious." And I watched Archie
10 with a grubbing hoe. And I've used a grubbing hoe.
11 And I carry with me brush clippers. Yes, we're
12 serious. It's home.

13 MS. GATES: Thank you very much.

14 (Clapping.)

15 Carole Romano.

16 MS. ROMANO: Good afternoon. And thank
17 you for coming. I'm Carole Romano, President of the
18 Castroville Conservation Society. I've listened to
19 the comments on both sides. And we understand
20 precisely that the owners have every right to sell
21 their property. It is hoped that those who buy that
22 property will take into consideration the incredible
23 rich history of Medina County and the irreplaceable
24 Quihi and all the other wonderful historic homes. My
25 husband and I are out -- outsiders. We came here in

1 1990. We restored a home that had been forgotten.
2 And it was a beautiful piece of property in
3 Castroville. And fortunately neighbors welcomed us.
4 We've made our home there. We've been very happy.
5 And I had hoped in my lifetime as old as I am that
6 Medina County wouldn't change too much. And that was
7 too much to hope for. Perhaps it will change. If it
8 does, please listen to these people. And please
9 let's hope that Vulcan if the proposed quarry comes
10 in with the rail or truck lines it will greatly
11 change and impact Medina County's way of life,
12 changes forever, the landscape, the air quality and
13 the endanger -- endangers the irreplaceable Quihi
14 architecture, archeological and wildlife areas.
15 Again, please listen to the people.

16 Thank you.

17 MS. GATES: Thank you.

18 (Clapping.)

19 Jack Love.

20 MS. GATES: Jack Love.

21 MR. LOVE: I'm Jack Love. I live at
22 Medina Lake. I don't really know what I'm going to
23 say, but something will come out here. The cattle
24 lady is right. There's -- there's nothing like going
25 out there and --

1 Well, I'm a real estate broker. I'm
2 also the Mico fire chief. I got 100 square miles
3 I've worked for nothing. This is my 12th year. They
4 just done it for two more years. That's one of my
5 main concerns here because I don't see anybody else,
6 law enforcement, EMS, I don't see anybody speaking
7 out. I'm concerned about something happening on the
8 other side and we need to get together with the two
9 Swedish words "mutu le" and we can't do it. I want
10 fire protection addressed. Is it being addressed? I
11 think if I put everything in a question I think it's
12 like court that's -- that's the way we got it tricked
13 up here. Okay? Also -- Let's see.

14 Medina Lake damn. Okay. It's being
15 studied. TCEQ's got it all under study. And is
16 there a conflict of interest here with URS, world
17 renowned URS studying three ways of fixing Medina
18 Lake damn one going from one million to eight million
19 if they put concrete in front of it or drilling down
20 and putting cables so Medina Lake Damn doesn't turn
21 over.

22 And as real estate broker I can tell you
23 -- And I was the first one and the only one that
24 spoke at the Quihi Gun Club. Everybody else was
25 busy. Okay. And I said what I thought it would do

1 to land values. But they were out there buying the
2 right-of-ways for Vulcan. And will Vulcan contact me
3 up there in 1283 where your pit is and give me some
4 access to water? There's a question. I need some
5 water up there.

6 I don't want something to happen to
7 Medina Lake Damn because it's being studied like
8 that. It's got a fault under it. Mr. Rice -- I wish
9 George Rice would get up because he well knows it may
10 be four miles away from this flows -- this quarry but
11 it can affect it.

12 Where my cows are on 471 down there near
13 Kenneth Haby and the other side Mabel Haby sold her
14 place. It now replaces a dirt pit. Kenneth Haby's
15 dry well dried up. Okay? And it ain't pretty. And
16 I --

17 And if the gravel trucks are a better
18 alternative huh-uh. I see it all the time, including
19 Monday, gravel truck versus SUV. State Highway 211
20 in front of Jerry Nichols' house. And when it was
21 over and I'm gone -- I heard them re-paging EMS
22 because that gravel truck driver was so traumatized
23 sitting in that DPS car with what happened that he
24 broke down and -- But I'm also saying that URS is
25 studying three things at once, this presentation --

1 Okay. I see you coming -- this presentation, the
2 Medina Lake damn stability, okay, and also the
3 septics up at Medina Lake polluting Medina Lake damn.
4 But till you throw that red thing at me gravel trucks
5 aren't good. You come out there at 4:30 and see what
6 starts happening at 1283 and 471. And I got pictures
7 of them. They just turn over. They do this. They
8 do that. And the worst thing any of us people we
9 don't want to go up there to a school bus that's been
10 hit by a damn train. Your heart will beat faster
11 when there's a school bus involved in something.

12 Thank you.

13 MS. GATES: Thank you.

14 (Clapping.)

15 MS. GATES: Lester Landrum.

16 MR. LANDRUM: Thank you. My name is
17 Lester Landrum. My wife and I have been Quihi
18 residents for the past 14 years and live in the home
19 we built at 776 County Road 354. It includes one
20 Edwards well. Our home is about six-tenths mile east
21 of the proposed rail and about 1.1 mile from the
22 proposed quarry. Our home is a registered heritage
23 land. It's been in the family for 124 years.

24 First, I'd like to ask for a 60 day
25 extension to the comment period. The three volumes

1 are long and hard to read, eligible on many pages and
2 the number of drafts distributed are not adequate. I
3 hope STB goal is to encourage public understanding
4 and participation.

5 The draft is riddled with data that is
6 not controlling to the problems and comments that
7 gloss over or ignore problems completely while other
8 minor comments repeated many times.

9 As you know November the 12th through
10 January 10th includes three holidays which causes
11 loss of comment time. To study and make rationale
12 comments will take added time. Surely 60 days is a
13 short time as compared to the decades of life by the
14 proposed railroad and quarry and the permanent
15 changes to Quihi.

16 As I look around the audience today I
17 see few if any that belief the planned quarry and
18 railroad are not connected with common action and
19 reaction. The quarry and railroad are connected by
20 our environment with sun, air, water and time. The
21 quarry and railroad will be connected with ownership,
22 product, money, management, profit and equipment.
23 The common carrier status with eminent domain seal
24 the connection with the rail and quarry . The whole
25 and complete project should be studied as one. I see

1 the study to also include the action an reaction with
2 the Union Pacific Rail to include safety, traffic and
3 the environment for our neighbors to the east.

4 Important questions: If other STR rail
5 customers are speculative, should Vulcan be a common
6 carrier? If other STR speculative, will they be
7 included in this study?

8 Floods has caused a greater loss of life
9 and property and have devastated more communities in
10 the United States than any other natural hazard. The
11 national weather bureau compiles information on the
12 most significant weather events of 1900 for our area.
13 Flash flooding is common in this area -- common in
14 this area with Texas -- and in Texas with rainfalls
15 from 15 to 30 inches in 2 to 24 hours and yet the
16 draft seems to postpone the real evaluation of this
17 area. Vulcan plans to the STB offers little planning
18 or protection to prevent more exposure to flooding in
19 our area. Vulcan operations just east and west of us
20 show the lack of flood concerns. Ridges, berms,
21 piles of rubble and evacuations do alter flood waters
22 and cause intense -- can intensify flooding. Our
23 concern is not a delay game but an ardent effort to
24 take the environment and our rights.

25 Thank you.

1 MS. GATES: Thank you.

2 Cynthia Lindsey.

3 MS. LINDSEY: Good afternoon. My name
4 is Cynthia Lindsey, and I live on County Road 4512.
5 The proposed route of Vulcan's railroad would divide
6 my property in half. I'm also the Treasurer of the
7 Quihi and New Fountain Historical Society and my -- I
8 and my family own land and live in Quihi.

9 My first comment is that it is terrible
10 that anyone has allowed Vulcan to call themselves a
11 public railroad or common carrier. On the first page
12 of your Draft Environmental Impact Statement even you
13 know that Vulcan Materials and Southwest Gulf
14 Railroad are the same entity. But my calling them a
15 railroad, a public utility this allows Vulcan the
16 right to condemn property for the public good. I
17 know and the people gathered here today know and I
18 believe you know that this railroad is not a public
19 utility or common carrier and there is no public
20 good, just the profits of Vulcan materials. By
21 allowing them the right to condemn property just to
22 make money for Vulcan and their shareholders is or
23 should be illegal.

24 My second comment is the mitigation
25 proposed for the cultural resources and the draft

1 EIS, which is not sufficient. You state that the
2 Programmatic Agreement will mitigate the potential
3 impacts. This Programmatic Agreement does nothing to
4 stop the railroad going through Quihi. All it does
5 is require Vulcan to document any historical,
6 cultural or archeological sites before they move or
7 destroy them. And finally just the thought of
8 allowing a railroad to run through Quihi and all it
9 stands for should be unthinkable. If you approve any
10 of these proposed railroad routes you will be
11 approving the destruction of not only the many
12 documented cultural and archeological sites in this
13 unique area, you will be approving the destruction of
14 this community, its history and the property and
15 families and lives of everyone who lives in Quihi.
16 Tell me, just how much profit does Vulcan have to
17 make to make it worth destroying our community and
18 the families that live here? What are all these
19 people worth to you?

20 (Clapping.)

21 MS. GATES: Thank you.

22 Max Walden.

23 MR. WALDEN: What I would like to do I
24 would like to show you where I live. By design I got
25 a number way down the road. Everybody has done just

1 a really good job of everything that I wanted to say.
2 I might add to the eminent domain situation and the
3 common carrier. There's about fifty miles of
4 railroad track between D'Hanis and San Antonio. How
5 many -- how many new plants have been put in there in
6 the last 100 years? Not many.

7 So if there was demand for railroad --
8 for plants and so forth why wouldn't they place their
9 plants out on Highway 90 where they would also have
10 good highway traffic? So, that's all I'm going to
11 say on there. But what I -- I think that would be
12 good to do in the future is to have something on the
13 board and you could show where people live.

14 Now you see where all these come to
15 right here, I live right there. (Indicating)
16 Everyone of these proposed routes goes within 300
17 yards of my property at a minimum. And you wonder
18 why I might be against it.

19 And the only aspect of this that I can
20 relate to the study or the report is the
21 socioeconomic impact.

22 None. I'll be 70 years old in February.
23 All of my assets are tied up in into my property. If
24 the railroad goes through, my assets will be cut in
25 half. Probably more. An sale of the property will

1 be prohibitive for years. That's all I've got to
2 say.

3 MS. GATES: Thank you.

4 (Clapping.)

5 George Rice you've indicated that you
6 want me to read your comments or -- Okay.

7 MR. RICE: No. I made a mistake.

8 MS. GATES: Okay. That's fine.

9 MR. RICE: Yes, I would like to thank
10 you for the opportunity to speak to you this
11 afternoon. I'm a ground water hydrologist and I'm a
12 member of the board of the Edwards Aquifer Authority.
13 Although I'm speaking only for myself.

14 Very briefly, this rail line will result
15 in the development of a quarry over the most
16 sensitive portion of the Edwards Aquifer, the
17 recharge zone. Therefore, I do not believe that this
18 EIS should be considered to be complete until it
19 contains a thorough evaluation of the affects of this
20 quarry on the Edwards Aquifer.

21 Thank you.

22 MS. GATES: Thank you.

23 (Clapping.)

24 MS. GATES: Raymond Hernandez.

25 MR. HERNANDEZ: Before I start my

1 comments I would like to know if the Comanche Nation
2 is present, the Catto Nation.

3 UNKNOWN SPEAKER: Right here. Blood
4 brothers.

5 MR. HERNANDEZ: No, but I mean I'm
6 talking about the Indian Nation that represents the
7 government.

8 UNKNOWN SPEAKER: You will not find any,
9 brother.

10 MR. HERNANDEZ: There's no Indian
11 Nations here.

12 UNKNOWN SPEAKER: Cherokee.

13 MR. HERNANDEZ: No, I'm talking about
14 tribal governments. Is a representative of
15 Councilman Bonilla here or Senator Bonilla? I want
16 you to take note that they're in vibration of the
17 Cultural Preservation Act of 1966.

18 In February I sent a letter to the STB
19 saying why were we not be being notified as Indian
20 Nations for consultation. When you start talking
21 about our Indian burial grounds I'm eighth generation
22 Texas Indian Cowipeko (sic) from the Missions of San
23 Antonio, descendants from the first people. Now I
24 stand here and I admit that I have many mixed blood
25 from the Mission Indians. I'm a descendant of

1 Concepcion Antonio Perez who was the adopted Comanche
2 child from Ignacio Perez the last Governor of Texas.

3 These are very serious things when you
4 come into a community and you basically destroy a
5 culture, not only an Indian culture but an old
6 culture -- a Texas culture. Our families intermixed
7 with a lot of these families to build the community
8 of which Texas has come about. I see that y'all have
9 notified a lot of Indian Nations for the record for a
10 consultation, tribes from Florida, Muskogee,
11 Oklahoma, but I don't see us Texas Indians here.
12 Now, we don't -- We're not wards of the Federal
13 Government, the Coweteka (sic) Taplan Nation but we
14 are recognized and have certain standings with the
15 Federal Government and are acknowledged as an Indian
16 tribe and have special privileges that inherent
17 rights as an Indian people. I don't see people from
18 the Catto Nation. That's Abarishanal (sic) Texas
19 Indians. They have very much rights to be out here
20 because these mounds might be their relatives. Now
21 this is Cowetekos (sic). We should be in
22 consultation because those Indian mounds I can assure
23 you that I'm almost 90 percent sure without even
24 going there that those Indian mounds go back 10,000,
25 6,000 5,000 years. We're the descendants by blood.

1 That seed that comes from them is in our bodies
2 regardless of the add mixture of our bloods. That
3 seed was planted long ago.

4 I want to say something to the community
5 here. This thing is going to happen, and you're not
6 stopping it. I've been in consultation since 1990.
7 It's just a procedure. They send low level
8 employees, the government to put these things
9 together. But you know who really reads them. It's
10 going to happen. There's too much money involved.
11 It's going to destroy your way of life. It's going
12 to destroy your communities. And all you can hope
13 for is to hold people accountable. Hold them
14 accountable for the destruction of your water. Hold
15 them accountable for the destruction of your way of
16 life. Make them pay. It costs to do business.

17 We as tax payers should not be held
18 responsible for supporting a public corporation with
19 our tax dollars and having a Federal agency of which
20 they're public servants, they're civil servants.
21 Those agencies are supposed to be representing the
22 people of the United States, the people of Texas.
23 It's not happening.

24 I'm a retired San Antonio police
25 officer. One of the things that broke my heart as a

1 policeman is when I saw certain individuals when they
2 -- men are crying. That probable clause was
3 established after the fact. Huh. After the fact of
4 the crime in order to justify -- to justify what they
5 had done. This is what this is a justification after
6 the fact.

7 MS. GATES: Thank you very much.

8 (Clapping.)

9 MR. HERNANDEZ: Hank you.

10 MS. GATES: Jack DeVault.

11 MR. DEVAULT: I came here today not
12 intending to speak, but I've been aroused. You
13 introduced yourselves nicely and we appreciate your
14 coming here even though it was at our expense, your
15 salaries and transportation and per diem is being
16 paid by us, the tax payers. Those people in
17 Washington who are going to make an unconstitutional
18 decision are paid by us and also probably supported
19 by bankers and stockholders in Boston, New York,
20 Atlanta. We are the peasantry and we're speaking.
21 I'm -- I'm a retired Air Force officer. I've only
22 lived in Medina County for four years. I love the
23 place. I'm in the vicinity of the proposed quarry.

24 It's not to the environment -- Although
25 I have many environmental objectives -- objections to

1 the quarry. It's not that to which I wish to address
2 my remarks because it's -- it's unbelievable that you
3 are here doing this and we are here doing this.
4 Because our constitution, which I've studied fairly
5 carefully, has a provision for the promotion of the
6 general wel -- welfare and it provides for an
7 executive legislative and a judicial branch of the
8 government.

9 The Surface Transportation Board is
10 placing themselves in a judicial position. Upon your
11 recommendation, they will make a decision which
12 affects local people here. That ain't the way the
13 constitution was designed to operate. The sovereign
14 people are supposed to be in charge of their areas.
15 And it was designed to keep control at the local
16 area. We just don't want to have our environment
17 sacrificed for the benefit of the officers of Vulcan
18 and the stockholders and the bankers in Boston, New
19 York and Atlanta.

20 (Clapping.)

21 MS. GATES: Thank you.

22 Okay. We've gone through our initial
23 list of people who signed up to speak. So if you
24 have already spoken -- Is there anybody else who
25 would like to speak who did not sign up? Okay.

1 Would you just approach the microphone and give us
2 your name and -- And if you don't mind if you would
3 spell your last name for the court reporter.

4 MS. MCKAY: Sure. My name is Joyce
5 McKay, M-C-K-A-Y. I live on County Road 454 which is
6 in the Alternate Route Number I. The route if it was
7 chosen would go right through my property probably
8 just a few feet from my front door. And I just have
9 a comment to one of the other comments that was made
10 by Mrs. Pipe, wherever she is. She chose to live by
11 that quarry in San Antonio. We're not choosing that.
12 If I knew there was going to be a quarry out here, we
13 would have never bought our property. We would have
14 moved somewhere else. So I would hope you would take
15 that into consideration. Those people that live in
16 that area -- That quarry has been there for a long
17 time. They chose to live there. It's not what we
18 want. Please give our thoughts some consideration
19 too.

20 Thank you.

21 (Clapping.)

22 MS. GATES: Thank you very much.

23 Would you like to speak.

24 MS. ABBOTT: My name is Mary Ann
25 Laughlin-Abbott. I have nothing prepared.

1 MS. GATES: Can you spell your last name
2 for us, please?

3 MS. ABBOTT: A-B-B-O-T-T.

4 MS. GATES: Okay. Thank you.

5 MS. ABBOTT: I have nothing prepared.

6 MS. GATES: That's okay.

7 MS. ABBOTT: But I wanted to speak if
8 anybody would listen. I'm a very proud descendant of
9 the Brooks and the Nye families who were prominent
10 here in -- in the Quihi area in the 1840's and since.
11 I was born in San Antonio, but I got back to Medina
12 County to home as soon as I could. We live about six
13 miles west of Quihi. Okay. You're thinking well gee
14 that's a long way to be from this site. But the
15 pollution in the air and one --

16 Another thing that bothers us of course
17 is our water. A few years ago I went into my
18 bathroom and there was my water in the lavatory and
19 the commode were red. And I thought my God something
20 has happened to our well. Of course my husband
21 wasn't home at the time. When he got home I hated to
22 bet he one to tell him that we had a problem with our
23 well, our only means of water. Well, he laughed. He
24 said that there had been a small earthquake in the
25 center of Mexico that affected our well in Medina

1 County, Texas with blasting and so on. Everybody who
2 has a well anywhere near this area is going to be
3 affected. Is Vulcan and any of the other
4 organizations are they going to build -- dig us new
5 wells? Are they going to repair our wells? Are they
6 going to pay our doctor's bills when we have to go to
7 doctors with health problems? Are they going to pay
8 for the people who are killed on the roads by these
9 drivers who cannot or do not seem to care where they
10 are going? Again, our major concern is the water.
11 I'm sorry to have rambled, but I did want to get up
12 here and say something that hopefully will bring a
13 few other thoughts to mind.

14 Thank you very much.

15 MS. GATES: Thank you.

16 (Clapping.)

17 MS. GATES: Is there anyone else who has
18 not spoken yet who would like to speak? Okay. Are
19 there people who have already spoken who would like
20 to speak again? Okay. Dr. Fitzgerald. And we'll go
21 by the same three limit -- three-minute limit again.

22 DR. FITZGERALD: Thank you. I believe I
23 was about at this point in my written comments here.
24 If I repeat myself, I'm sorry.

25 I believe I said STB makes a poor excuse

1 that other agencies have the responsibility to
2 evaluate the environmental impact of the quarry.
3 That the STB has no jurisdiction over the
4 environmental impact of the quarry. MCAA, Inc.
5 replies that STB is failing to do its job. It should
6 know better. STB is the lead agency and the buck
7 should stop here. Not with the TCEQ. Not with the
8 Fish and Wildlife Service. Not with the Corps of
9 Engineers. Not with FEMA. And not with the Texas
10 Historical Commission. Although all these agencies
11 are definitely involved in this. We realize the STB
12 wants to keep its -- wants to issue a permit to
13 Vulcan. It wants to keep its perfect record of never
14 having denied a permit in tact. But STB can't do
15 this without shirking its responsibility. Its weak
16 excuse that we determine that the quarry is a
17 cumulative effect -- it's a funny word for a quarry
18 to me "cumulative effect." And therefore we can let
19 Vulcan get by without doing an environmental impact
20 study is dead wrong, dead wrong. STB should realize
21 that it's treading on thin ice here. It's setting a
22 precedent that will have to be defended and it's
23 going to have to live with in the future. The SEA
24 Section is responsible for determining the impacts on
25 the environment. One must not forget that this

1 includes the people of Quihi who will be most closely
2 affected by this. People's lives as well as their
3 property, their heritage, the air they breathe, the
4 water they drink are but a few factors that are going
5 to be profoundly affected by this cumulative-effect
6 quarry. Which I think is a connected action to the
7 railroad. The people of Quihi and Medina County know
8 this. Our local, state and Federal officials know
9 this. And lastly, Tom, Vulcan knows this. We ask
10 STB to reconsider all of the facts, recognize the
11 quarry as a connected action so that a proper
12 environmental study could be done.

13 Thank you.

14 MS. GATES: Thank you.

15 (Clapping.)

16 MS. GATES: Is there anyone else who
17 wishes to speak again?

18 MR. LOVE: I'll just take a few minutes.
19 Jack Love, Mico, Texas.

20 Down there on 1283 and 471 about three
21 years ago now Vulcan waters where they enter the
22 highway. Two Sundays in a row they had like a vacuum
23 truck and they had it reversed and they were just
24 blowing dust till people were telling me there was a
25 fire. I got all the boat traffic and everything

1 going through there. So I stopped and I talked to
2 the guy. The next Sunday he did the same thing. You
3 know it supposed to be sucking but it was just
4 blowing. Somebody had -- You know you couldn't see
5 it. And sure this was just a worker or whatever but
6 if somebody died out there in the dust. You couldn't
7 drive through it. Okay? So, you know, mistakes are
8 made and stuff does happen. And I'm just after the
9 safety again. Because if we can't get -- You know
10 Hondo has got to come from me, to there, and we got
11 to go vice versa. And I just see life and dead
12 people all the time. Airline's over me like most
13 buzzards. And this public safety thing and the
14 access I'm emphasizing it one more time. I want it
15 addressed. An is it being addressed. There's the
16 question.

17 Thank you.

18 MS. GATES: Thank you very much.

19 Yes, sir. Oh, and can you give your
20 name again, please.

21 MR. DIA: I'm Bob Dia. I'm a Native
22 American just like the one in the other room. And
23 like I said a while ago, everybody is trying to get
24 to everybody. And I know Vulcan is trying to make --
25 have all these workers and everything else. I live

1 35 miles from Knippa. If the weather is right it
2 shakes the windows in my house when they dynamite.
3 Now, what good -- What kind of environment is that, I
4 ask you? The railroad is four miles away from me.
5 Every time a train goes through, it shakes the dishes
6 out of the cupboards. Now, what kind of impact is
7 that going to make on the rest of these people that
8 live up there right next to it? I hate to say it.
9 But y'all better get you heads out of the sand and do
10 something about it or otherwise this old country is
11 going to hell in a hand basket.

12 Thank you.

13 MS. GATES: Thank you very much.

14 (Clapping.)

15 MS. GATES: Anyone else wishing to speak
16 again that has spoken once? Okay. Oh.

17 MR. SCHOCH: My name is Don Schoch. I
18 would like to point out the fact that this is the
19 mightiest country in the whole world. And we didn't
20 get there by throwing stumbling blocks in the way of
21 our free private enterprise. We got there by
22 allowing roads to be built, bridges to be built,
23 railroads to be built, canals to be built and so on
24 and so on.

25 I think y'all have done a great job of

1 analyzing this situation. And you -- you've got the
2 experience of years and years behind you. I think
3 you did a good job. You can carry these things to
4 the point that we can handicap America. And I don't
5 like that.

6 People talked about not having other
7 people moving in, other businesses and so on. Well,
8 Indians can't -- I don't imagine they appreciated the
9 fact that the Mexicans came in here. And I don't
10 imagine the Mexicans liked the fact that the white
11 people came in here. And I don't imagine that people
12 here -- I would imagine that people here that don't
13 want other people coming in and improving and
14 building this community. I don't think that they're
15 looking at that the right way.

16 Vulcan Material is very good company and
17 they produce a very critical commodity, limestone.
18 It's needed throughout Texas. This quarry has
19 limestone that is high quality. Otherwise, they
20 could get it at other places. So when you find a
21 high quality material, you need to take advantage of
22 it. And that's what they're doing. That's all
23 they're doing is trying to take advantage of the fact
24 that there's a high quality limestone in that
25 particular place.

1 I don't think that the environmental --
2 You talk about the environment. We've covered about
3 ten different agencies that have studied this problem
4 from "A" to "Z". And the real problem here is that a
5 few people want to impede progress. And I think
6 that's -- to me that's the biggest problem that we're
7 facing. I live in New Braunfels. I live on the
8 river about two blocks from the railroad tracks and
9 I've never heard the train go by. I'm sure it did.
10 I wasn't aware of it.

11 (Laughing).

12 UNKNOWN PERSON: You need a hearing aid.

13 MR. SCHOCH: I live about -- I now live
14 about four miles from the railroad track and I can
15 hear the train. It depends on where you live just
16 how much noise you're going to get. But it's not all
17 that bad. We have a quarry that's about four miles
18 right across the valley from where I live and they
19 dynamite all the time. And I never hear it -- And I
20 never hear any vibration from it.

21 So I think this -- this quarry is in a
22 very remote area, more remote than you normally can
23 find. And I think that we're really making big
24 issues out of -- out of this. I think we only look
25 at the community. You should look at the fact that

1 the taxes that will be brought into this county is
2 very significant. People that have a lot of money
3 and they're situated very well, yeah they don't want
4 progress and they don't want businesses coming in.
5 But what about the young folks that need a job? They
6 would like to have it probably.

7 So I think that we're barking up the
8 wrong tree. The Indians would probably, like I said,
9 not have wanted all of us here. But we're here. And
10 the ones that are here want to take advantage and not
11 let any other people come in the area.

12 Thank you.

13 MS. GATES: Thank you.

14 Oh, sir. If you would state your name
15 please.

16 MR. CUMBERLAND: My name is Hal
17 Cumberland. And I'm not from this area. But I live
18 in San Antonio. And I live about three good big
19 blocks away from the railroad tracks. And every
20 morning they're hauling coal out to the places where
21 they makeup our electricity, the power plants and
22 they blow the damn whistle at every corner. They
23 have to getting through San Antonio. But they're
24 usually dragging about 100 cars. And as far as these
25 big trucks on the road when I travel, I'll tell you

1 what I just come back from Medina Lake today, and the
2 dust that they would create coming out of that quarry
3 they have up there by the lake is something else.
4 And if you want a filthy territory you get that
5 railroad through here and those gravel trucks.

6 Thank you.

7 MS. GATES: Thank you.

8 UNKNOWN PERSON: May I say something?

9 MS. GATES: Yes. Yes.

10 UNKNOWN PERSON: I just wanted to
11 comment also on the pictures of the area in Appendix
12 of "A" of -- Appendix "A" of Volume II. Most of them
13 are captured with an incorrect location. This is
14 very misleading. If this an example of the precision
15 with which you have done this study, you have failed
16 miserably. It is clear that Vulcan has no idea of
17 the history of this area, of its floodplain when they
18 started planning this project in 1999. The people of
19 Quihi and all who appreciate history should not have
20 to pay the price of Vulcan's lack of proper decision
21 making and wanting to have a quarry and railroad
22 here. Thank you for your time. Mrs. Schulte.

23 MS. GATES: Thank you. Okay. Has
24 everybody -- Oh, yes. Go ahead.

25 MS. LAUGHLIN: Thanks for hearing my

1 voice one more time. Mary Ann Laughlin Abbott. One
2 of the things that I forgot to mention earlier is
3 when we start hearing about the problems with Vulcan
4 trying to -- to move into the area my husband who is
5 very precise, immediately went to the internet,
6 printed out a volume of paperwork on Texas laws,
7 Federal laws pertaining to landownership, management,
8 who can take over and who cannot take over property.
9 He downloaded I guess it was about two inches worth
10 of material and left it at the Hondo Anvil Herald
11 office for an individual to pick up, someone who was
12 working with this group. Unfortunately I don't
13 remember their name now. But he did all the work.
14 If the people who picked that package up had a read
15 it -- had read it and gone through it, highlighted
16 what was needed, we wouldn't be having all of this
17 right now.

18 Thank you.

19 MS. GATES: Thank you.

20 (Clapping.)

21 MS. GATES: Okay. Okay. That concludes
22 our meeting. Thank you so much for coming and -- and
23 giving us your comments. If you have additional
24 written comments that you would like to drop off,
25 please do so.

1 And our next public meeting will begin
2 at 6 p.m. Thank you.

3
4
5
6
7
8
9 (Public meeting concluded.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 COUNTY OF MEDINA)

2 STATE OF TEXAS)

3 I, PATRICIA A. GADDIS, Certified
4 Shorthand Reporter, in and for the State of Texas, do
5 hereby certify that the foregoing pages represent a
6 true and correct transcription of the Surface
7 Transportation Board, Section of Environmental
8 Analysis, Southwest Gulf Railroad Company,
9 Construction and Operation Exemption, Public Meeting
10 held in Medina County, Hondo, Texas on December 2,
11 2004.

12 WITNESS my hand on this the 20th
13 day of December, 2004.

14

15

16

17

18

19

20

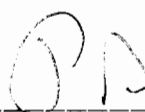
21

22

23

24

25



PATRICIA A. GADDIS
8548 Northview Pass
Fair Oaks Ranch, Texas 78015-4922
Certificate No. 2393
Expires 12-31-05