

Medina County Judge
James E. Barden

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#E1-2561
R2

October 13, 2006

Ms. Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, D.C. 20402-0001

*Received
10/16/06*

Re: STB Finance Docket 34284

Dear Ms. Rutson:

Medina County has been negotiating with the Vulcan Materials representatives and the proposed owners of the applicant railroad company on the above project. While no firm agreement has been reached which addresses all of our concerns, both sides are approaching the issues in a good faith and reasonable manner. Some of the delay in reaching conclusions can be placed on this office which has a staff of one.

The County's concerns continue to remain the safety of our citizens on roadways, particularly at any crossings by the rail line which is, of course, your agency's focus. We are seeking state-of-the-art crossings at a minimum to be installed and maintained at no cost to Medina County. While it is highly desirable to have grade separated crossings where any rail line crosses the state highway (FM 2676), the county recognizes that is the domain of Texas Department of Transportation.

The second major area of concern is with potential flooding that can be exacerbated by the existence of rail crossings unless those are designed with the most open flow area as possible. We want to see open span-type crossings over both the Cherry Creek and the Quihi Creek. Part of the holdup in this area of the negotiation is the absence of certainty on the yet to be approved route by your agency. In that regard I urge that if and when a route is chosen the parties be given some additional time to conclude negotiations before a final permit is issued. This will allow us to bring some certainty to the mitigation discussions.

We also have some concerns with a possible crossing over Elm Creek and its floodplain at the Southeast corner of the proposed Quarry property. As yet, however, we cannot determine with certainty what effect flooding in that location will have outside of the quarry property. I understand that Vulcan has completed some flood modeling in this crossing area. Any existing flood modeling results should be reviewed, expanded upon if appropriate, and incorporated into the environmental impact statement as appropriate.

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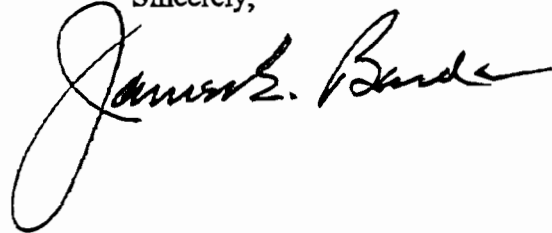
Finally, I refer you to my enclosed earlier letters addressing these and other concerns (dated June 1, 2004 and January 7, 2005) and asked that they be reviewed and incorporated herein.

My principal reason in addressing this to you now is to let you know that we are talking with the proposed rail owners and have made some progress. I don't know what your timetable may be, but I am hopeful that we can conclude some agreement on the mitigation items before any permit for a rail line is finally issued.

We are also addressing other issues such as road safety and maintenance which will be affected by increased quarry truck traffic. While we understand that is not your direct concern, it is a part of the overall package we hope to include in any agreement with the quarry owners and railroad owners. We request the opportunity to complete negotiations on this overall package, including the road improvements, prior to the issuance of any license by your agency. This can occur at any given time after you indicate that a preferred rout has been selected, such as through the upcoming supplemental draft environmental impact statement.

Thank you for the care you have shown in reviewing this entire matter. We ask for your consideration of our concerns on the safety and flooding issues as well as the process surrounding your final decision.

Sincerely,

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

JEB/jaa