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April 17, 2007

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Attention: Ms. Diana F. Wood, Project Manager
RE: Finance Docket No. 34284

Ms. Wood,

I would like to comment, in writing, to your letter of April 9, 2007 and the attached letter from Steptoe & Johnson, dated April 5, 2007, regarding the mitigation proposals made by the representatives of Southwest Gulf Railroad (SGR) at the meeting on March 26, 2007. It is my understanding that Vulcan Construction Materials and their subsidiary SGR are continuing to pursue the original proposed route through the Quihi Rural Historic District (QRHD). And, in spite of the conclusions and recommendations made by the Surface Transportation Board (STB) and the Board's Section of Environmental Analysis (SEA) in their Supplemental Draft Environmental Impact Statement (SDEIS) issued in December 8, 2006, Vulcan and the SGR continue to insist that the original Proposed Route should be approved, apparently only because of the additional cost. From my reading it appears the SEA has concluded in its report "that the Eastern Alternatives are environmentally preferable to the Proposed Route or any of the alternatives."¹ Therefore, I cannot understand why these meeting and any negotiations or mitigations are necessary; the original Proposed Route is definitely unacceptable.

The representatives of the SGR makes several offers of mitigation in their letter and I have to question several of their offers. They offer to procure the services of consultants to assist in the preservation of the QRHD, but it must be understood that these services would not be necessary if there were there was no railroad in the QRHD. The SGR also emphasizes the importance of cost in the construction of one route versus another, but they do not stress the "cost" of the permanent loss or destruction of a historic heritage and culture which cannot be replaced, and the "cost" to hundreds of families whose lives will be adversely impacted by their project. No amount of money or mitigation can recoup that "cost."

Then SGR offers to establish a conservation easement along the portion of property that it or its affiliates own and encourages the other landowners to do the same, thereby preventing any further commercial development along the rail route. This presents a major quandary, the SGR has applied for a permit from the government to operate a "public railroad" for the "public benefit," and they have indicated that they will use the power of land condemnation provided to public railroads to acquire land for the "public benefit." But, then they propose to establish a conservation easement along the

¹ SDEIS, Dec. 8, 2006, Page ES-12

route, which, according to their letter would result in “no rail-served business could locate along the SGR line within the QRHD.”² This is NOT a “public railroad” and it definitely will not service the “public benefit.” They should NOT be allowed to acquire private land using eminent domain when there is NO “public benefit.” Vulcan never intended to have a “public railroad”, it is for their own private use and will profit only them. They are therefore making a mockery of our laws and the regulatory process of the STB and the SEA.

They also state that they will avoid the historic stone wall as well as any other elements contributing to the QRHD. Well it is apparent that SGR and Vulcan were oblivious to the majority of the historic sites in Quihi when they produced the original Draft Environmental Impact Statement (DEIS) in November 2004, and that was one of the reasons that the additional SDEIS was necessary. Why should we believe that the SGR and Vulcan have identified all historic sites at this point? Quihi is peppered with historic and multiple pre-historic sites which are still being identified. In my opinion, avoiding specific sites is not enough, they should avoid the entire area, and they need to stay far away from Quihi and from the QRHD.

The SGR also offers to move the Proposed Route and not bisect the Gerdes farm, a heritage property. They state the rail line will now be routed along the nearest fence line; this should really improve the quality of life for a farm family that has held the same property in the same family for over one hundred years. Having a garish train run along the edge instead of through the middle will NOT make the Gerdes family more comfortable, it is still intrusive and degrades the quality of their lives and their farm. SGR then offers to screen the rail line with natural vegetation and make it, the rail line, as unobtrusive as possible. It appears that they have now admitted that the railroad is invasive, obtrusive, and unsightly and requires screening to make it more palatable to the community. There is natural vegetation there now and a railroad will be obtrusive no matter what they used to try to hide it.

Finally, on a personal note, the letter writer states that “... the Proposed Route [is] preferable, including intrusions onto the properties of fewer private landowners and less impact to irrigated fields.”³ Well, they apparently don’t have any problems impacting my irrigated fields. I have an Edwards Well and an extensive irrigation system and I irrigate my hay fields and pecan orchards. My hay fields are cut and baled sometimes as many as three times per year. The hay fields are the sole support of my farming operation; I use the hay to feed my cattle. I find it hard to understand why someone’s irrigated fields are more important than mine, and why the SGR uses the avoidance of one irrigated field as justification for their Proposed Route, but considers it okay to destroy my irrigation system and fields.

In summary, I object strongly to the Proposed Route or any other route that bisects the QRHD because it will have a definite negative impact on the Quihi Rural Historic District. The SEA should NOT designate the Proposed Route as a preferable

² Steptoe & Johnson letter, April 5, 2007, Page 3

³ Steptoe & Johnson letter, April 5, 2007, Page 4

alternative, and if a rail line is to be constructed anywhere near Quihi it should be as far away from any historic sites as possible. I cannot in good faith endorse or support any of the Eastern Alternatives, as I am personally against any commercial development within, over, or through the Edwards Aquifer Recharge Zone. In addition, I restate my opposition to Vulcan's proposed route which is within, over, and through this very special, historic, and unique rural community of Quihi. The mission statement or motto adopted by the Quihi and New Fountain Historical Association is "We have no future without a past." Please help us preserve our past for the sake of all those who will come after us and need it for their future. Thank you for giving me the opportunity to express my concerns and submit my comments.

Sincerely,

Cynthia Lindsey, Section 106 Consulting Party
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