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VIA E-MAIL

Ms. Diana Wood
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

**Re: STB Finance Docket No. 34284, Southwest Gulf Railroad Company:
Status Report and Request for Termination of Programmatic Agreement**

Dear Ms. Wood:

This is to advise you that the Southwest Gulf Railroad ("SGR") line of railroad track that is the subject of this proceeding has now been fully constructed. Operations on the line commenced on October 4, 2019. The construction of the line was undertaken in compliance with the mitigation conditions set forth in the Board's December 18, 2008 decision, and its operation and maintenance will likewise be undertaken consistent with applicable conditions. Further, for your information, the loading loop portion of the track has been leased by SGR to Vulcan Construction Material, LLC ("Vulcan"), a non-carrier, as of October 1, 2019. Vulcan will use the leased portion of the track solely for loading and unloading of the railcars that will traverse the SGR line and serve the Vulcan quarry adjacent to the rail line. Vulcan's lease of the loading track will be made subject to the applicable mitigation measures.

As you know, SGR executed a Programmatic Agreement ("PA") with the STB, the Texas State Historic Preservation Office ("SHPO") and the Advisory Council on Historic Preservation ("ACHP"). That PA was initially executed on December 18, 2015, and subsequently amended and re-executed on August 12, 2016. The terms of the PA have been fully satisfied by SGR. Required surveys have been undertaken, historic properties identified and evaluated, assessments made and reports submitted during the several year term of the PA, all consistent with its requirements. Further, SGR submitted a Resolution Plan under the terms of the PA.

As per the September 7, 2017 letter from Vicki Rutson of the STB to the ACHP, the Resolution Plan was approved. That letter reports as relevant as follows: "Under Section VI.A of the PA, in this letter, OEA has determined that SGR has adequately considered all comments in preparing its Final Resolution Plan. No additional information or additional revisions are necessary, and OEA is now

sending out the Final Resolution Plan in compliance the PA.” Various other reports were submitted and approved subsequent to approval of the Resolution Plan. As noted in the last status report submitted to the STB, SGR has completed the requirements of the Resolution Plan. With construction at an end, the possibility of unanticipated discoveries has also been removed.

Section XIII of the PA provides that any signatory to the PA may request termination of the PA by providing the other parties 30 days written notice. While that section of the PA further provides for consultation among the parties during the notice period, SGR submits that in light of the complete fulfilment of the terms of the PA as described above, termination should be permitted here without any formal consultation with other parties.

Accordingly, SGR requests that the Board provide written notice of SGR’s request for termination to the other signatory parties to the PA and that, upon the STB’s concurrence in this request for termination and receipt of the concurrence of the SHPO and the ACHP, if needed, that the PA be terminated.

We appreciate your assistance in the above and look forward to answering any questions that you might have.

Respectfully,

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long horizontal flourish extending to the right.

David H. Coburn

Cynthia Taub

Attorneys for Southwest Gulf Railroad