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January 9, 2008

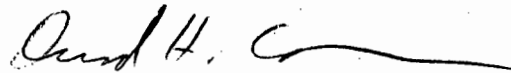
Ms. Diana Wood
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

**Re: STB Finance Docket No. 34284, Southwest Gulf Railroad Company –
Construction and Operation Exemption – Medina County, TX**

Dear Ms. Wood:

I have attached for your information a January 6, 2009 letter that has been written on behalf of Vulcan Materials, L.P. ("Vulcan") to the Branch Chief of the U.S. Fish and Wildlife Service office in Austin, TX summarizing certain commitments made by Vulcan relative to future surveys for the golden cheeked warbler at the site of the Vulcan quarry in Medina County, TX. As you know, that quarry is to be served by the Southwest Gulf Railroad line. As the letter indicates, these commitments were discussed with the USFWS at a December 18, 2008 meeting with Vulcan representatives. The purpose of the surveys described in the letter is to ensure that future expansion of the Vulcan quarry is not likely to result in the clearing of occupied golden cheeked warbler habitat. The commitments made by Vulcan, as reflected in the letter, are consistent with Vulcan's previous commitment to conduct additional surveys and consult with the USFWS as the quarry expands. That commitment is noted, for example, in the Board's Final Environmental Impact Statement ("FEIS") at p. 3-16 and in correspondence between SEA and USFWS during the course of the consultation between the agencies that occurred under Section 7 of the Endangered Species Act, including a May 12, 2005 letter from SEA to USFWS reproduced at page D-105 of the FEIS.

Respectfully,



David H. Coburn
Attorney for Southwest Gulf Railroad Company

cc: Ms. Victoria Rutson



January 6, 2009

Ms. Luella Roberts
Branch Chief
U.S. Fish and Wildlife Service
10711 Burnet Road, Suite 200
Austin, Texas 78758

Re: Vulcan Materials, L.P. Proposed Quarry in Medina County, Texas

Dear Ms. Roberts:

Thank you for meeting with us on December 18, 2008, regarding the above-referenced matter. As you know, we represent Vulcan Materials, L.P. ("Vulcan") in connection with its proposed quarry. As you may also be aware, the Surface Transportation Board ("STB") recently issued its approval of the construction and operation of a rail line to be constructed by Southwest Gulf Railroad Company. In advance of the STB's approval, the Service and STB concluded informal consultation under Section 7 of the ESA concerning the proposed rail line (and related loading, maintenance, and fueling facilities) and the first phase of the proposed quarry, which is proximate to the rail facilities. As you know, Vulcan advises that it will be at least ten years before the quarry is expanded beyond its first phase.

The purpose of our meeting on December 18th, in anticipation of the then pending final action by the STB, was to review the commitments that Vulcan has made for future surveys for the endangered golden cheeeked warbler. As we reviewed with you at the meeting, these commitments are reflected in the administrative record of the agencies and can be summarized as follows:

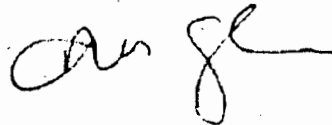
1. Screening Level Surveys. Periodically and until the quarry is fully developed, Vulcan will conduct screening-level surveys of all unaffected areas. Screening level surveys will include visual observation and habitat status and quality.
2. Presence/Absence Protocol Surveys. Vulcan will conduct at least three years of presence/absence protocol surveys in areas of potential habitat prior to clearing for future quarrying operations beyond those covered by the informal consultation. With respect to a given expansion area, Vulcan may, in its discretion, elect to complete three years of consecutive presence/absence protocol surveys in lieu of screening-level surveys.

3. Minimum Survey Effort. A minimum of three years of presence/absence surveys will be performed upon any area of potential habitat in future phases prior to clearing of that habitat.

4. Coordination with the Service. If any golden-cheeked warblers are identified utilizing areas planned for future quarrying activities, Vulcan will coordinate with the Service and, if necessary, seek incidental take authorization.

At our meeting, you agreed that implementation of the foregoing survey commitments should be sufficient to ensure that future phases of the quarry do not have a likelihood of resulting in the clearing of occupied habitat of the golden cheeked warbler. We very much appreciate this further coordination and would be happy to provide any additional information you may require.

Best regards,



Alan M. Glen

cc: Tom Hill (Vulcan)
Amy Tucker, Esq. (Vulcan)
Erik Remmert (Vulcan)
Tom Ransdell (Vulcan)
David H. Coburn, Esq. (Steptoe)
Rebecca Hays, Esq. (Smith|Robertson)