

HEI-3160
JTW

September 12, 2007

Anthony Weiblen
2918 Darlington Drive
Highland Village, TX 75077

Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

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

Dear Ms. Wood:

This is in response to Southwest Gulf Railroad's (SGR) letter dated September 5, 2007 regarding the Weiblen Modification. The Weiblen Family disagrees with SGR's request to soften the position of the 5A mitigation measure by using the wording of "to the extent feasible." The Weiblen Family requests the word "ensure" remain in the mitigation measure and include stronger language in this measure requiring SGR to work with landowners to protect their property and business, which they have worked years to build and protect.

The Weiblen Family met with SGR on August 17, 2007 to review the Weiblen Modification. In this meeting, the Weiblen Family offered SGR access to their property allowing them to perform any necessary engineering analysis to prove the Weiblen Modification was an acceptable refinement to the eastern route. SGR chose to perform desktop studies to assess the Weiblen Modification.

Upon completion of SGR's assessment of the Weiblen Modification, SGR met with the Weiblen Family on September 7, 2007 and stated that they could work with the Weiblen Modification.

The Weiblen Family then received SGR's letter to the Section of Environmental Analysis (SEA) of the Surface Transportation Board (STB) on September 10, 2007. In this letter, SGR states "SGR has not identified any fatal flaws with the Weiblen Modification," but "SGR has not undertaken an intensive engineering analysis of the proposed Weiblen Modification to make a definitive judgment in that regard." In the same letter, SGR is requesting softer language in the 5A mitigation measure, which was created to help protect the private property and business owners, by replacing the word "ensure" with "to the extent feasible."

The Weiblen Family disagrees with the change to the 5A mitigation measure and requests that the SEA add stronger language to the mitigation measure requiring SGR work with the private property and business owners since they have not definitively stated that the Weiblen Modification is an acceptable alternative.

The Weiblen Family again offers SGR access to their property to perform an intensive engineering analysis to determine if the Weiblen Modification is acceptable. If you have any questions, please contact me at 972-897-8640.

Sincerely,

Anthony Weiblen

Cc:

Tom Ransdell

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