

The Medina County Environmental Action Association, Inc.

202 CR 450, HONDO, TX 78861

www.dontmesswithquihi.com

Phone 830-741-5040

Fax 830-426-2060

March, 31, 2005

Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Re: Finance Docket 34284
Proposed Vulcan Materials/Southwest Gulf Railroad Rail Line
Medina County Texas

Dear Ms. Rutson:

In light of the March 22, 2005 letter from Vulcan/SGR to SEA (EI-1431), MCEAA makes the following observation for the record: MCEAA has never argued that the quarry must be considered a connected action if it is permitted by the state and opened, or if the applicant makes a clear commitment to those ends, before an environmental impact statement is issued. The quarry was not permitted by the state and opened before the Draft EIS was issued, nor had the applicant even applied for a single state permit. That the Draft EIS failed to consider the quarry a connected action was therefore error. However, much of the March 22, 2005 letter assumes a position that MCEAA has not taken, and is inconsequential as a result. When the agency responds to comments in the Final EIS, it should note the applicant's change of position, rather than spuriously dismiss the applicability of the connected action regulation as the applicant has (MCEAA notes that for a third time, the applicant has failed to apply the independent utility test TO THE RAIL LINE.

Sincerely,

Dr. Robert T. Fitzgerald, President
MCEAA, Inc.

CC:
Mr. Roger Nober, Chairman, Surface Transportation Board
U.S.Representative Henry Bonilla
U.S.Senator John Cornyn

U.S.Senator Kay Bailey Hutchison
Texas Senator Frank Madla
Texas Representative Tracy King
Mr. Larry Oaks, Texas Historical Commission
Ms. Hope Andrade, Texas Department of Transportation
Dawn Whitehead, U. S. Fish and Wildlife Service
David Barton, The Gardner Law Firm
Dr. Lynn Kitchen, Adams Environmental, Inc.

MCEAA, Inc., for your Home, Health, and Heritage