

29801

SERVICE DATE - NOVEMBER 24, 1998

SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 33556

CANADIAN NATIONAL RAILWAY COMPANY, GRAND TRUNK CORPORATION, AND
GRAND TRUNK WESTERN RAILROAD INCORPORATED

-- CONTROL --

ILLINOIS CENTRAL CORPORATION, ILLINOIS CENTRAL RAILROAD
COMPANY, CHICAGO, CENTRAL & PACIFIC RAILROAD COMPANY, AND CEDAR
RIVER RAILROAD COMPANY

Decision No. 23

Dated: November 23, 1998

NOTICE TO THE PARTIES:

On November 9, 1998, the Surface Transportation Board (Board) served the Draft Environmental Assessment (Draft EA), prepared by the Board's Section of Environmental Analysis (SEA), regarding potential environmental effects of the proposed acquisition of Illinois Central Corporation by Canadian National Railway Company. The purpose of this notice is to provide you with an Errata to the Draft EA.

The Draft EA reflects SEA's independent analysis of a number of environmental issue areas and incorporates input from Federal, state, and local agencies. Included in the Draft EA are SEA's preliminary recommendations for mitigating any potential environmental impacts. The Draft EA also includes the Safety Integration Plan prepared by CN and IC which explains how they will safely integrate their separate operations. SEA is seeking public comment on the Draft EA, which it will consider in preparing a Final EA. Public comments are due by December 11, 1998.

SEA prepared the enclosed Errata for the Draft EA to clarify some of the information contained in the document. This Errata is intended to ensure that all information is presented clearly and does not change or alter SEA's analysis, results, or preliminary mitigation recommendations. These corrections do not affect the integrity of the information contained in the Draft EA, the procedural schedule, or the review and comment period for the Draft EA.

For further information on the proposed CN/IC acquisition, interested parties may call SEA's toll-free Environmental Hotline at 1-888-869-1997 (TDD for the hearing impaired: (202) 565-1695), or access SEA's website for the proposed CN/IC acquisition at <http://www.cnicacquisition.com>. For additional information regarding environmental issues or the

environmental review process, you may contact SEA's Project Manager for the proposed CN/IC acquisition, Michael Dalton, at (202)565-1530.

Vernon A. Williams
Secretary

**PROPOSED CN/IC ACQUISITION
 FINANCE DOCKET NO. 33556
 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT
 DECISION NO. 23**

Introduction

The Surface Transportation Board’s (Board) Section of Environmental Analysis (SEA) prepared this Errata following issuance of the *Draft Environmental Assessment (Draft EA) on the Proposed Acquisition of Illinois Central Corporation (IC) by Canadian National Railway Company (CN)*, which was served on November 9, 1998.

During printing of the Draft EA, the Board granted Burlington Northern Santa Fe (BNSF) a 48-hour extension for submitting an Inconsistent or Responsive (IR) Application pending its settlement negotiations with the Applicants. Because BNSF and the Applicants entered into a Settlement Agreement, BNSF did not submit an IR Application. We have made updates to Chapter 3, “Project Description,” and Appendix R, “List of Inconsistent and Responsive Applications: Verified Statements,” to reflect this as detailed in the table that follows.

SEA also notes several minor corrections and clarifications to the Draft EA, which are listed in the table. Please note the following:

- Information is organized by Chapter.
- Paragraph numbers refer to full paragraphs on each page.
- Text that contains strikeouts (i.e., ~~crossed out~~) should be deleted from the Draft EA.
- Text that appears in bolded italics (i.e., *italics*) should be inserted into the Draft EA.

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
Chapter 2: Overview of Public Participation		
2-4	1	Delete the word “disproportionately” so the sentence reads as follows: Upon publishing the Draft EA, SEA notified the following 13 communities with environmental justice populations that could experience disproportionately high and adverse environmental impacts as a result of the proposed CN/IC Acquisition.
2-5	1	Change last sentence of the paragraph to read as follows: Appendix T also contains copies of correspondence SEA sent to <i>received from</i> appropriate public agencies regarding the proposed CN/IC Acquisition.

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
2-5	5	<p>Change section number 1.5 to 1.4 so that the sentence reads as follows:</p> <p>Complete instructions on how to submit comments to SEA regarding the proposed CN/IC Acquisition are contained in Chapter 1, "Introduction and Background," Section 1.5 1.4, "How to Submit Environmental Comments."</p>
Chapter 3: Project Description		
3-1	2	<p>Change the fifth sentence to read as follows:</p> <p>Within the U.S., CN's rail system operates in eight states, and IC's rail system operates in nine ten states.</p>
3-3	1	<p>Change the first sentence to read as follows:</p> <p>The current IC rail network consists of approximately 3,370 route miles of track in nine ten states running north-south between Chicago, Illinois and the Gulf of Mexico and east-west from Chicago toward Nebraska and Minnesota.</p>
3-3	3	<p>Change the first sentence to read as follows:</p> <p>Amtrak operates on approximately 1,190 1,160 miles of CN/IC rail lines in eight states—Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, New York, and Tennessee.</p>
3-14	2	<p>In Section 3.4.2, change the fourth sentence and the associated footnote as follows:</p> <p><i>As of October 27, 1998, the Board had received three two IR Applications relating to the proposed CN/IC Acquisition, and granted BNSF a 48-hour extension for filing its IR Application pending settlement negotiations with the Applicants. Because BNSF entered into a Settlement Agreement with the Applicants, they did not submit an IR Application.</i>¹¹</p> <p>¹¹ Initially, two three other railroads (CSX, BNSF, and Norfolk Southern) filed summary descriptions. On October 27, 1998, NS instead filed a request for conditions, which is described in Table 3-6, "Summary of Requests for Conditions." NS has subsequently withdrawn this filing. CSX withdrew its IR Application in light of a settlement agreement with CN. However, CSX, BNSF, and NS did not submit IR Applications in light of Settlement Agreements reached with the Applicants. The forms of the trackage rights agreements are currently unknown, but SEA will analyze them in the Final EA if they meet any Board thresholds for environmental review.</p>
3-14	3	<p>In Section 3.4.2, change the third and fourth sentences of the second paragraph of as follows:</p> <p>All three Both IR Applicants filed Verified Statements, and SEA used these Verified Statements to analyze the potential environmental effects of the IR Applications. The three Both Verified Statements are included in Appendix R, "List of Inconsistent and Responsive Applications: Verified Statements."</p>

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
3-15	Table 3-5	BNSF did not submit an IR Application. Delete the first row of this table to remove information associated with BNSF.
3-19	Top, partial	Change the second sentence to read as follows: Pursuant to the Revised Procedural Schedule published <i>served</i> in the Board's Decision No. 11, responses to the IR Applications and CRCs are not due from the Applicants until December 11, 1998.
3-20	2	Change the seventh (last) sentence to read as follow: (For more information on cumulative effects, please refer to Section 6.1 <i>Chapter 6</i> , "Environmental Consequences—Cumulative Effects.")
3-20	3	Change the fourth sentence to read: (For more information on cumulative effects, please refer to Section 6.1 <i>Chapter 6</i> , "Environmental Consequences—Cumulative Effects.")
Chapter 4: Environmental Consequences—Operational Changes		
4-15	1	Change sixth sentence to read as follows: The total number of Key Routes after the proposed CN/IC Acquisition would be 87 78 .
4-17	2	Under "SEA's Conclusions," insert a new sentence at the beginning of the paragraph and modify what will become the second sentence as follows: <i>SEA recommends that the Applicants comply system-wide with current AAR "key train" guidelines and any subsequent revisions. In addition, SEA recommends the following mitigation measures for the four new Key Routes and the 10 Major Key Routes.</i> Delete the first conclusion as follows, and renumber subsequent conclusions: 1. Comply with the current AAR "key train" guidelines and any subsequent revisions on all Key Routes and Major Key Routes.
4-26	2	Modify the first two sentences to read as follows: In most cases, the release interval per mile increases <i>decreases</i> as a result of the CN/IC Acquisition. In very few cases, the release interval per mile decreases <i>increases</i> .
4-29	Table 4-8	For rail line segment ID number 1170 in Michigan, change the location name in the "And" column from Diann to <i>Dianniory</i> .
4-29	Table 4-8	Change the segment ID number of the fourth rail line segment in Michigan from 1100 to 1158. (This rail line segment runs between FN Tower and Monroe.)

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT								
Page	Paragraph	Clarification						
4-38	1	Change last sentence to read as follows: Attachment C-8 C-9 , "Collision Estimates for Rail Line Segments with Passenger Trains and an Increase of at Least One Freight Train per Day," presents the results of these analyses.						
4-57	Table 4-16	The highway/rail at-grade crossing at Harlem Avenue in Berwyn, Illinois is listed twice under Cook County. Delete the second entry.						
4-70	Table 4-19	Under the column labeled "Rail Line Segment Description," change the first rail line segment so that it reads: Between Chicago Yards Harvey, IL and Chicago Yards Homewood, IL .						
4-73	Table 4-20	Under the column labeled "Rail Line Segment Description," change the first rail line segment so that it reads: Between Chicago Yards Harvey, IL and Chicago Yards Homewood, IL .						
4-74	Table 4-20	Update the following Post-Acquisition Train Traffic data for the last rail line segment, which is between Milwaukee Jct, MI and Vinewood, MI: <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Freight Trains</u></th> <th style="text-align: center;"><u>Total Trains</u></th> <th style="text-align: center;"><u>Change in Freight Train Traffic</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">27.3 23.3</td> <td style="text-align: center;">31.3 27.3</td> <td style="text-align: center;">5.9 1.9</td> </tr> </tbody> </table>	<u>Freight Trains</u>	<u>Total Trains</u>	<u>Change in Freight Train Traffic</u>	27.3 23.3	31.3 27.3	5.9 1.9
<u>Freight Trains</u>	<u>Total Trains</u>	<u>Change in Freight Train Traffic</u>						
27.3 23.3	31.3 27.3	5.9 1.9						
4-91	1	Change the sixth and seventh sentences to read as follows: Of the 156 counties affected by the proposed CN/IC Acquisition, 144 139 are currently in attainment <i>or maintenance</i> status, and the other 15 17 are in various classifications of nonattainment status for one or more of the criteria pollutants. Of these 15 17 counties, three are in areas where proposed CN/IC activities would meet or exceed Board thresholds for air quality analysis (two in Illinois and one in Michigan).						
4-107	1	Change fourth sentence to read as follows: Since surface-level ozone formation is primarily caused by emissions from vehicles and industrial sources, the Applicants assumed that most of the NO _x emissions in Champaign County are from sources in Champaign-Urbana; therefore, cumulative effects would most likely occur where the Applicants' operations coincide with these urban areas of the county.						
4-113	1	Change the second sentence (parenthetical sentence) to read as follows: (For more details regarding these community characteristics, see Attachment G-1 G-2 , "Noise Assessment Summaries" of Appendix G, "Noise Analysis Methods and Results.")						
4-127	Table 4-45	Expand title of Table 4-45 to read as follows: Potential Significant Environmental Impacts of the CN/IC Acquisition <i>in Environmental Justice Communities</i> .						

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
Chapter 5: Environmental Consequences—Construction Projects		
5-13	Second bullet	Change the first sentence as follows: Turks Motor Express, 3333 South Cicero Avenue, appears is listed as a leaking underground storage tank (LUST) site with contamination from diesel fuel and waste oils.
Chapter 6: Environmental Consequences—Cumulative Effects		
6-8	1	Change the first bullet item to read as follows: Air quality in three two Illinois counties (Will , Cook and Champaign counties).
6-9	1	Change the second sentence to read as follows: The CN/IC Applicants estimate that train traffic on the four segments, which run between Homewood, a suburb of Chicago, and Gilman, Illinois, would increase by five to seven trains per day over a base of 12 to 19 trains per day.
6-11	2	Add the following communities in Illinois to the bulleted list: <ul style="list-style-type: none"> • <i>Matoon.</i> • <i>Onarga.</i> • <i>Otto.</i>
Chapter 8: SEA's Preliminary Recommended Mitigation Measures		
8-4	Table 8-1	Add the following states to this table: <i>Nebraska, Vermont, and New York. In addition, SEA is recommending mitigation conditions 1, 12, 13 and 14 for these states.</i>
8-7	2	Change first sentence under Condition 8 to read as follows: Applicants shall provide Operation Respond software and any necessary training at the local emergency response center serving minority or low-income populations adjacent to or in the immediate vicinity of Applicants' rail line segment(s) in the communities listed in Condition No. 8 7 .
8-8	top, partial paragraph	Change to read as follows: ...the emergency response organizations for each of the communities listed in Condition No. 8 7 .
8-8	1	Change the first sentence under Condition 10 to read as follows: For all proposed CN/IC Acquisition-related constructions, Applicants shall employ the Best Management Practices presented in Exhibit Attachment 8-A , "Best Management Practices for Construction Activities."

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
Appendix B: Rail Line Segments		
	General	SEA notes that because of the rounding protocol for the spreadsheets used to track segment, rail yard and intermodal facility information, some of the increases in the master tables may differ slightly from increases presented in the main body of the document. These differences are minor (a total difference of one or less) and do not affect the analytical results.
B-1-2	Attachment B-1	In the table, rail line segment 305 from Gilman, IL to Champaign, IL should be identified as a New Major Key Route. An "X" should appear in the column for New Major Key Route.
Appendix C: Safety Analysis Methods and Results		
C-17	3	The third and fourth sentences should read as follows: SEA tallied the number of <i>loaded cars derailed in</i> accidents meeting these criteria for each year between 1995 and 1997. Then, SEA divided the annual total number of <i>loaded cars derailed of accidents</i> for each railroad by the number of switching events.
C-19	2	The first and third terms in the formula should be defined as follows: $A_{\text{pass-coll}} = \text{The pre- or post-Acquisition annual passenger train-freight train collisions on a rail line segment.}$ $C_{r_{pc}} = \text{The national passenger train-freight train collision rate per passenger train-mile (0.039 collisions per million commuter and inter-city passenger train miles for pre-Acquisition operating conditions).}$
C-19	4	First sentence should read as follows: SEA used the above formula for <i>both pre- and post-Acquisition</i> operating conditions.
C-19	4	Delete the following sentence: For post Acquisition operating conditions, SEA calculated collision accident rate as follows⁷: Delete the following formula: $\text{CollisionAccidentRateAfterTrafficChange} = \frac{(CR_{pc}) \times (\text{post-AcquisitionNumberofFreightTrainsperDay})}{(\text{pre-AcquisitionNumberofFreightTrainsperDay})}$
C-20	Not applicable	Add text to the second bullet as follows: <ul style="list-style-type: none"> The average distance from nearest passenger rail to nearest freight rail is 23 feet on the mainline and 9 feet at train stations. <i>The distance from the nearest freight rail to the edge of the platform at passenger stations is 17 feet.</i>

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C-21	Definition of "PROB"	Please modify the definition of "PROB" as follows: Probability of an accident occurring encroaching onto passenger service property (0.44 for mainlines; 0.68 near railroad station; 0.56 for platforms within train station).																												
C-6-2	Attachment C-6	For rail line segment 1095, change the percentage of "Pre-Acquisition Gross Tons" from 0% to -1% .																												
C-7-2	Attachment C-7	For rail line segment No. 1170, change the data in the column labeled "Operating Segment Destination" from Diann to Dianniory .																												
Appendix D: Transportation Analysis Methods and Results																														
D-1-1	Attachment D-1	<p>Please make the following corrections to the table presented as Attachment D-1:</p> <ol style="list-style-type: none"> Under the column labeled "Segment Description," change the data for the first rail line segment entry so that it reads: Between Chicago Yards Harvey, IL and Chicago Yards Homewood, IL. For each segment description listed below, replace the data in the last column "Change in Freight" as follows: <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Between</u></th> <th style="text-align: center;"><u>And</u></th> <th colspan="2" style="text-align: center;"><u>Change in Freight</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Homewood, IL</td> <td style="text-align: center;">Matteson (EJE)</td> <td style="text-align: center;">7.2</td> <td style="text-align: center;">5.1</td> </tr> <tr> <td style="text-align: center;">Otto, IL</td> <td style="text-align: center;">Gilman, IL</td> <td style="text-align: center;">5.7</td> <td style="text-align: center;">7.2</td> </tr> <tr> <td style="text-align: center;">Edgewood, IL</td> <td style="text-align: center;">Centralia, IL</td> <td style="text-align: center;">5.4</td> <td style="text-align: center;">3.7</td> </tr> <tr> <td style="text-align: center;">Centralia, IL</td> <td style="text-align: center;">Renlakmine, IL</td> <td style="text-align: center;">5.1</td> <td style="text-align: center;">3.7</td> </tr> <tr> <td style="text-align: center;">Fulton, KY</td> <td style="text-align: center;">Dyersburg, TN</td> <td style="text-align: center;">3.7</td> <td style="text-align: center;">5.4</td> </tr> <tr> <td style="text-align: center;">Dyersburg, TN</td> <td style="text-align: center;">Woodstock, TN</td> <td style="text-align: center;">3.7</td> <td style="text-align: center;">5.4</td> </tr> </tbody> </table>	<u>Between</u>	<u>And</u>	<u>Change in Freight</u>		Homewood, IL	Matteson (EJE)	7.2	5.1	Otto, IL	Gilman, IL	5.7	7.2	Edgewood, IL	Centralia, IL	5.4	3.7	Centralia, IL	Renlakmine, IL	5.1	3.7	Fulton, KY	Dyersburg, TN	3.7	5.4	Dyersburg, TN	Woodstock, TN	3.7	5.4
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D-3-1	Attachment D-3	Remove the table currently presented as Attachment D-3, and replace it with a copy of Table 4-17 "Roadways Used by Freight Trucks near the Moyers/Chicago Gateway Intermodal Terminal," from Chapter 4. Data from the City of Harvey Police Department concerning ADT volumes for 155 th Street, Commercial Avenue, South Park Avenue, Center Street, and 167 th Street were included in the Chapter 4 table, however, these data were not included in Attachment D-3.																												
Appendix F: Air Quality Analysis Methods and Results																														
F-14-3	Attachment F-14, Table 2	<p>Correct the following rail yards, replace the data in the column "Percent Increase in Total Yard Activity" as follows:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;"><u>Yard Name</u></th> <th colspan="2" style="text-align: center;"><u>Percent Increase in Total Yard Activity</u></th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Hawthorne, IL</td> <td style="text-align: center;">62</td> <td style="text-align: center;">58</td> </tr> <tr> <td style="text-align: center;">Port Huron, MI</td> <td style="text-align: center;">189</td> <td style="text-align: center;">200</td> </tr> <tr> <td style="text-align: center;">Edison, MI</td> <td style="text-align: center;">31</td> <td style="text-align: center;">38</td> </tr> </tbody> </table>	<u>Yard Name</u>	<u>Percent Increase in Total Yard Activity</u>		Hawthorne, IL	62	58	Port Huron, MI	189	200	Edison, MI	31	38																
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PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT		
Page	Paragraph	Clarification
Appendix L: Environmental Justice Analysis Methods and Results		
L-8	1	Change first sentence to read as follows: SEA performed these statistical tests using system-wide data from Census block group areas of potential effect for potential noise and hazardous materials transport impacts.
L-8 to L-9	5	Modify the first, third, and fourth sentences of the paragraph as follows: SEA determined whether mitigation measures identified for other human health or environmental issues, such as those for noise <i>hazardous materials transport</i> , are sufficient to eliminate or mitigate potential disproportionately high and adverse impacts on minority and low-income populations. Chapter 4, Environmental Consequences--Operational Changes," discusses these measures. Where SEA determined that measures identified for other issues <i>hazardous materials transport</i> would not be sufficient to eliminate or mitigate potential disproportionately high and adverse impacts on minority and low-income populations, SEA evaluated additional mitigation. SEA also considered the appropriateness of modifying mitigation measures identified for other hazardous materials transport issues to meet the specific needs of a disproportionately affected minority and low-income population.
Appendix R: List of Inconsistent and Responsive Applications: Verified Statements		
R-1	2	Modify the paragraph as follows: In its Decision No. 6, the Board required that PORs intending to file IR Applications submit descriptions of those Applications by August 31, 1998, prior to the September 21, 1998, IR Application due date. Six entities filed IR Application descriptions. Three entities indicated an intention to request some form of trackage rights over one or more rail line segments.
R-1	4	Add a footnote to follow the first sentence in the paragraph: Five railroads filed verified statements. ¹ <i>¹One entity withdrew its intent to file an IR Application prior to the September 21, 1998 deadline.</i> Delete the third sentence and modify the fourth sentence as follows: Verified Statements supporting these two IR Applications follow. Two Three entities subsequently decided not to file IR Applications.
R-3 to R-16	Attachment R-1	Remove pages R-3 through R-16 from the document. BNSF did not submit an IR Application; therefore, this Verified Statement is no longer relevant.

PROPOSED CN/IC ACQUISITION FINANCE DOCKET NO. 33556 ERRATA TO DRAFT ENVIRONMENTAL ASSESSMENT												
Page	Paragraph	Clarification										
Appendix T: List of Agency Consultations and Relevant Correspondence												
T-1	Table T-1	<p>Add the following telephone conversation and meeting with EPA-Region V:</p> <table border="0"> <tr> <td><i>Dates of contact</i></td> <td><i>Major Topic</i></td> </tr> <tr> <td>10/20/98</td> <td><i>Environmental justice</i></td> </tr> <tr> <td>10/23/98</td> <td><i>Noise, environmental justice, hazardous materials transport, passenger rail safety</i></td> </tr> </table> <p>Add the following meetings with EPA - Headquarters:</p> <table border="0"> <tr> <td><i>Dates of Contact</i></td> <td><i>Major Topic</i></td> </tr> <tr> <td>9/10/98, 10/1/98</td> <td><i>Air quality, noise, environmental justice</i></td> </tr> </table>	<i>Dates of contact</i>	<i>Major Topic</i>	10/20/98	<i>Environmental justice</i>	10/23/98	<i>Noise, environmental justice, hazardous materials transport, passenger rail safety</i>	<i>Dates of Contact</i>	<i>Major Topic</i>	9/10/98, 10/1/98	<i>Air quality, noise, environmental justice</i>
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