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THE CITY OF SPRINGFIELD, MASSACHUSETTS

Monday, July 07, 2008

Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E. St., S.W.
Washington, D.C. 20024

RE: Docket No. FD 35147, listed under May 30, 2008

Dear Acting Secretary Quinlan:

The City of Springfield, Massachusetts (“Springfield”) submits the following comments for the Surface Transportation Board (“STB”) to consider in evaluating the environmental impacts of the Transaction contemplated in Docket No. FD 35147 (“Transaction”).¹ Federal law requires that the STB “take a hard look at the environmental consequences of the proposed courses of action.”² Pursuant to this

1 The Applicants recognize that the Transaction requires STB approval. Application, p. 11.

2 *Colorado Off-Highway Vehicle Coalition v. U.S.*, 505 F. Supp.2d 808, 815 (D. Colo. 2007) (citation and internal quotation marks omitted).

important Congressional expression of American public policy contained in the National Environmental Policy Act of 1969 (“NEPA”), the STB must not act arbitrarily and capriciously in determining whether to approve or disapprove the Transaction.³

The Transaction is of regional or national transportation significance and will impact, directly or indirectly, rail traffic in the Northeastern United States. To avoid an irresponsible administrative determination the STB must consider all foreseeable direct and indirect impacts of the Transaction. To properly ascertain the environmental consequences of the Transaction the STB should require, up-front, the preparation of a coherent and comprehensive environmental analyses of the Transaction. A “hard look” requires a discussion of the adverse impacts of the Transaction without improperly minimizing its negative side effects. That necessitates an adequate study of the issues and the environmental consequences of the Transaction to identify, predict, evaluate and mitigate the biophysical, social, and other relevant effects of the Transaction before the STB makes the major decision whether or not to approve the Transaction.

There are many reasons to expect that the proposed Transaction will result in potentially significant environmental impacts warranting the preparation of further environmental documentation. The Environmental Appendix filed by the Applicants fails to provide any information whatsoever regarding the expected environmental

³ The Transaction is projected to improve track quality and customer service, boost train speed and reliability, and increase capacity on the routes involved.

impacts of the Transaction on soil contamination, ecology impacts including endangered species assessment, geological hazards assessment, noise health effects and water pollution impacts upon Springfield and its environs. A major purpose of the Transaction is to improve the rail which “on most sections can only handle cars of no more than 263,000 pounds, and some sections of the lines to be acquired by PAS are subject to FRA standards requiring Springfield Terminal to impose ‘slow orders’ limiting train speeds to 10 mph.”⁴

For example the Environmental Appendix does not mention the critical topic of railroad trackside lubrication. The major purposes of the Transaction are to allow bigger, heavier rail cars, to go faster. Railroad tracks need frequent maintenance to remain in good order; the frequency increases with higher-speed or heavier trains. How does the Transaction deal with this basic fact? It doesn’t. Bigger, higher-speed and heavier trains will need greater maintenance and necessarily entail lubrication systems to: reduce the material wear and tear of wheel and rail; and increase the durable life of the rail infrastructure (rails, track switches, etc.) in order to minimize the life-cycle costs of the rail infrastructure. Railroad trackside lubrication helps prevent the climbing-up of the wheel flange on the rail flanks and/or tips of points. It thereby reduces the derailment risk and noise pressure level of wheel squeal particularly on sharp radius curves where noise pressure levels are typically

4 Application, p. 17. The Transaction envisions benefits from the rail and track improvements enabling all customers to “utilize 286,000 pound railcars.” Application, p. 29. The direct impact of the reconstruction of rail beds and other facilities raise a host of additional environmental questions about the work which need to be assessed before the STB acts on the Transaction.

excessive. The Environmental Appendix does not mention any mitigation measures such as trackside lubricators to significantly reduce noise, derailment risk and wheel/rail wear. This raises a number of unanswered questions, not addressed in the Environmental Appendix, which require analysis and/or study: Are the trackside lubricants biodegradable? What quantity of the trackside lubricants runoff into the public drinking water supply? What quantity of the trackside lubricants leach into the soil? How are the soil and water pollutants expected to be produced by the Transaction measured and quantified? How frequently will they be monitored and in what manner? What hazardous chemicals do the pollutants contain? What long term human health hazards are expected to result from the additional pollutants produced by the Transaction? How much additional rolling contact fatigue or rail grinding, will occur due to the bigger and heavier rail cars, where will the metal residue runoff go, what are its chemical characteristics, and what will be its expected environmental impact? What, if any, material will be used to protect the soil or ballast at track lubrication sites, bulk handling facilities and in equipment storage areas? How frequently and in what manner will the grease and other lubricants around the trackside be collected and disposed of? None of these environmental issues is addressed in the Environmental Appendix. The potential safety and environmental impacts of the Transaction involving issues such as wheel-rail contact; wheel and rail wear, rolling contact fatigue, lubrication, curve radius, axle load, number of axles passed through rail segment, traffic intensity, speed, rail material, ballast, inspections

and wear limits are important considerations in rail wheel degradation and can lead to increased operational risks. The STB and the public should not have to guess about any of these safety and environmental issues. They should be environmentally assessed, and, if needed studied, before the STB makes any decision on the Transaction.

Another major environmental impact of the Transaction, inadequately described although not completely ignored, in the Applicants' Environmental Appendix is air pollution. In terms of National Air Quality Standards Springfield is classified as a "nonattainment" area for eight hour ozone.⁵ "The Clean Air Act defines the term 'nonattainment area' for any air pollutant as an area which is shown by monitored data or which is calculated by air quality modeling [or other reliable methods] to exceed any national ambient air quality standard for such pollutant."

5 "Ozone (O3) is created by a chemical reaction between NOx and VOCs that is generated by heat and sunlight. A large share of ozone-generating pollutants is produced by motor vehicles, although any fuel combustion source emits the pollutants that can contribute to ozone formation. Ozone is a major problem in many urban areas around the world where it can reduce lung capacity and increase susceptibility to respiratory illnesses, especially in children and the elderly. Control strategies may comprise a set of regulations that specify emission limits and/or control equipment that are deemed to be reasonable available control technology (RACT), best available control technology (BACT), or lowest achievable emission rates (LAER), depending on the severity of the nonattainment problem in the area. NOx and VOC control equipment or programs may address specific industrial processes, or focus on on-road vehicles, nonroad equipment such as locomotives, and nonpoint sources such as small industrial boilers, dry cleaners, and consumer solvents. Pollution prevention measures such as use of non- or low-VOC content solvents and coatings can also be part of an effective ozone control strategy. On April 15, 2004, EPA designated 432 counties and 42 partial counties as nonattainment areas for the 8-hour ozone standard, and these areas face deadlines between 2007 and 2024 (depending on the severity of their ozone problem) for attaining that standard." NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES, < <http://www.4cleanair.org/TopicDetails.asp?parent=2>> visited on Monday, July 07, 2008.

Railroad operations negatively impact air quality due to locomotive diesel- fuel combustion. “Locomotive engines are significant contributors to air pollution in many of our nation's cities and ports. Although locomotive engines being produced today must meet relatively modest emission requirements set in 1997, they continue to emit large amounts of nitrogen oxides and particulate matter (PM), both of which contribute to serious public health problems.”⁶ The STB should mitigate this major potential source of air pollution by requiring, as a precondition for STB approval of the Transaction, that all diesel locomotives, directly or indirectly operated on any track segment involved in the Transaction, immediately comply with the EPA Tier 3 emission standards for newly-built locomotives, provisions for clean switch locomotives, and idle reduction requirements for new and remanufactured locomotives, and that by 2015 all diesel locomotives, directly or indirectly, operated on any track segment involved in the Transaction, meet the EPA Tier 4, standards for newly-built engines based on the application of high-efficiency catalytic after treatment technology.⁷

The maintenance of railroad rights of way due to their aesthetic impacts for motorists and neighbors, and the benefits of noise reduction measures which protect residents from unwanted sound are important concerns to Springfield. The noise reduction benefits include lessened sleep disturbance, improved ability to enjoy outdoor life, reduced speech interference, stress reduction,

6 U.S. ENVIRONMENTAL PROTECTION AGENCY, <<http://www.epa.gov/otaq/locomotv.htm>> visited on Monday, July 07, 2008.

7 *Id.*

reduced risk of hearing impairment, and reduction in blood pressure (improved cardiovascular health). Mitigation measures should be taken to reduce sound pollution from heavier, faster, trains moving through Springfield. Such measures could include modern noise barriers.

Springfield also has a priority interest in the condition of the infrastructure in Springfield area, the detrimental impact of the degraded condition of the track rights of way, are a public health, safety and environmental hazard. As Norfolk Southern proceeds to infuse new capital into the system, the conditions of the existing infrastructure and its impact on Springfield and the other communities through which the rail system passes must be considered and attended to. In particular the Applicants failure to properly maintain a rail line segment running north-south immediate adjacent to the Connecticut River, a national historic scenic waterway, must be rectified. The failures of the Applicants to adequately maintain this rail segment as it passes through Springfield creates a public health safety and environmental hazard. Springfield requests the STB to require, as a precondition for approval of the Transaction, that the Applicants: maintain and inspect, on a monthly basis, the rail line and rights of way to ensure that they are clear of all brush, debris and trash; monitor and cleanup all spills thereon; and properly maintain its security devices. In lieu thereof, with appropriate clearances and safety protocols, the Applicants should be required to provide Springfield with a permanent license to enter onto the railway rights of way, whenever after notice the Applicants have failed to do so, for the purpose of clearing the brush, debris and trash; securing the safety devices and protecting the integrity of the public water supply and environment.

Based upon the dearth of pertinent environmental information provided by the Applicants in their Environmental Appendix it is impossible for the STB to identify

and evaluate the direct, indirect and cumulative environmental impacts of the Transaction. Since the STB is legally required to take into account the environmental impacts of its actions, including the direct, indirect and cumulative impacts of its actions and the Environmental Appendix is useless in that regard, the STB must require that an Environmental Assessment or an Environmental Impact Statement be prepared for the Transaction so that the STB and the American people have sufficient information about the Transaction to adequately and fairly consider the environmental impacts of the Transaction before any determinative action is taken by the STB on the Transaction.

Sincerely

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cc: Kenneth H. Blodgett,
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