

Ms. Elaine K. Kaiser Surface Transportation Board Section of Environmental Analysis November 25, 1996 Page 3 of 4

> Land Use Noise Safety Socioeconomics Traffic Water Quality

Bullet 6 on page 2:

The City of Reno's consultants are preparing a discussion of the methodologies and assumptions of concern to the City of Reno. These will be transmitted under a separate cover shortly from the City of Reno.

Bullet 7 on page 2:

Under a separate cover you should be in receipt of a copy of a letter from Charles E. McNeely to Harold McNulty dated November 18, 1996, responding to the STB's suggestion that the City of Reno consider the formation of a Railroad Merger Environmental Task Force to assist the SEA with preparation of the *Environmental Mitigation Study*.

Bullet 9 on page 2:

See response to Bullet 7 on page 2 (above).

Bullet 3 on page 3:

The City of Reno invites the UP/SP to attend a open meeting with the City of Reno and the STB/SEA to explain their operations and numbers at a future meeting.

Bullet 4 on page 3:

Included in the above mentioned bibliography was an additional copy of the *Comments on Preliminary Draft Environmental Assessment*, submitted to the STB dated May 3, 1996, which detailed the City of Reno's concerns about methodology and assumptions. Additionally, the City of Reno's consultants are preparing a discussion of the methodologies and assumptions of concern to the City of Reno (see response to Bullet 6 on page 2 [above]).

Ms. Elaine Kaiser Surface Transportation Board Section of Environmental Analysis November 25, 1996 Page 4 of 4

Bullet 5 on page 3:

Under a separate cover you should be in receipt of a copy of a letter from Charles E. McNeely to William E. Wimmer of the UP railroad dated November 18, 1996, requesting their cooperation with completion of this item. The City of Reno finds that they are without the necessary information and accordingly ask the UP and SP to provide this information in a spirit of cooperation.

Bullet 6 on page 3:

Under a separate cover you should be in receipt of a transmittal from Mr. Mark A. Demuth, of MADCON Consultation Services dated November 5, 1996, providing the City of Reno's Contact List as of November 5, 1996.

Bullet 7 on page 3:

The City of Reno supports the complete involvement and consultation of Native Americans involved in the UP/SP Merger. The City has not specifically contracted with anyone in the past for this type of consultation. The City's consultants have contacted a number of independent non-affiliated cultural resource management firms, the State Historic Preservation Office, and the University of Nevada. Based on their comments the City of Reno would offer the names of Mary Rusco (702) 747-6727 and Molly Dufort (702) 747-4902.

Please contact me at your convenience should you have any questions or comments relating to these responses.

Sincerely,

Charles E. McNeely

City Manager

cc: Barbara McKenzie Merri Belaustegui-Traficanti Mark A. Demuth Paul Lamboley



P.O. Box 1900 Reno, Nevada 89505

December 2, 1996

Elaine Kaiser, Chief Surface Transportation Board Section of Environmental Analysis 12th and Constitution Ave NW Room 3219 Washington DC 20423 Certified Mail No. P478 567 727

RE: Letter of November 4, 1996

Dear Elaine:

The purpose of this letter is to document items the City of Reno is awaiting from the Surface Transportation Board's Section of Environmental Analysis (STB/SEA) to move the Environmental Mitigation Study forward. To that end, we request your response to the following items listed on the November 4, 1996, letter's attachment entitled UP/SP Merger Mitigation Studies Memorandum (pages 1 - 3):

Bullet 1 on page 1:

 List of Subcontractors and signed disclosures as outlined in Mr. Paul Lamboley letter to the STB/SEA dated November 22, 1996.

Bullet 2 on page 1:

Plan for Public Meetings in Reno including dates and times.

Bullet 3 on page 1:

Updated project schedule by month based on progress to date.

Ms. Elaine K. Kaiser Surface Transportation Board Section of Environmental Analysis December 2, 1996 Page 2 of 3

Bullet 4 on page 1:

• List of Assumptions and Methodologies from SEA and all contractors to be used for the *Environmental Mitigation Study*.

Bullet 5 on page 1 and Bullet 4 on page 2:

- Definition of Study Process for the following topics and assurance that SEA will consider comments and information pertaining to the following issues:
 - Air Quality Biological Resources Cultural Resources Hazardous Materials Transport Land Use Noise Safety Socioeconomics Traffic Water Quality

Bullet 2 on page 2:

• Complete copy of all consultation/correspondence with U.S. Fish and Wildlife Service related to endangered species.

Bullet 7 on page 3:

Plan for local third-party independent Native American consultation including consultation to date.

Bullet 8 on page 3 and Bullet 3 on page 2:

• SEA's input on how systemwide mitigation measures will be implemented and effective in Reno, specifically:

Ms. Elaine K. Kaiser Surface Transportation Board Section of Environmental Analysis December 2, 1996 Page 3 of 3

- 3. 800 number for signal malfunctions.
- 4. 800 number for emergency response forces.
- 5. Development of hazardous material and emergency response plans.
- Emergency response training program for communities.
- 10. Implementation plan for UP security forces in the Truckee Meadows.

Please contact me at your convenience should you have any questions or comments relating to these requests. The City of Reno looks forward to closely working with you and your staff/consultants on the *Environmental Mitigation Study*.

Sincerely,

City Manager

cc: Barbara McKenzie Merri Belaustegui-Traficanti Mark A. Demuth Paul Lamboley



Colleen Henderson Project Manager Summit Envirosolutions 1475 Terminal Way, Ste B Reno, Nevada 89502 Ph (702) 785-8689 Fx (702) 785-8699 goothoud@sol.com

₩westec

Eric J. Ruby Principal Planner WESTEC, Inc. 5250 Nei Road, Sta 300 Rano, Nevada 89502 Ph (702) 828-6800 Fx (702) 828-6820 westac@westac-inc.com

Principal MADCON Consultation Services 280 Island Ave, Ste 1602 Reno, Nevada 89501 Ph (702) 829-1126 Fx (702) 329-9094 mark@MADCON.com

December 3, 1996 12:09pm

LETTER OF TRANSMITTAL

Harold McNulty, Study Director Section of Environmental Analysis Surface Transportation Board

96281-200

DESCRIPTION:

DATE & TIME SENT:

RE:

TO:

JOB:

THESE MATERIALS ARE TRANSMITTED:

For your approval

December 3, 1996

For your use

Task Force

- As you requested
- For your review and comment
- □ For your information

COMMENTS:

Per the City of Reno's November 18, 1996 letter, attached please find a draft copy of the City of Reno's *Environmental Mitigation Study Task Force: Procedures and Protocol* as of December 3, 1996. I have also transmitted this same material to Kay Wilson of Public Affairs Management.

City of Reno's Draft Procedures and Protocol dated

UP/SP Railroad Merger Environmental Mitigation Study

SIGNED:

IA.

Mark A. Demuth Principal MADCON Consultation Services

cc: Kay Wilson, PAM

The Environmental Team of Summit Envirosolutions, WESTEC, and MADCON joining forces to serve the City of Reno

Railroad Merger Environmental Mitigation Study Task Force Draft Procedures and Protocol December 3, 1996

Overview/Task Force Make-up

As shown on the organizational chart which was transmitted to the Surface Transportation Board (STB) on November 18, 1996, the City of Reno is suggesting the make-up of a task force with the City Manager's Office serving as the primary conduit for information flow between the Task Force and the Section of Environmental Analysis (SEA). In addition, the Task Force is proposed to be comprise 10 primary participants representing a broad cross-section of the community in the truckee meadows and Norther Nevada including a representative from the Union Pacific Railroad. Please refer to the November 18, 1996, letter from the City to the STB and the corresponding Task Force organizational chart.

Task Force Goals and Objectives

The Environmental Mitigation Study Task Force will serve jointly with the Surface Transportation Board as an active development forum for the community, providing opportunities for:

- development of substantive mitigation options adequate to the community;
- input/review of technical studies/documents;
- oral and written comments on the draft and final Environmental Mitigation Study; and
- transfer of ideas and information coming from and disseminating to respective agencies and concerned parties from the community.

Number/Scheduling/Announcements of Meetings

The City of Reno recommends that the number of meetings and a schedule of meeting dates be established. A minimum of two (2) meetings a month should be held in order to accomplish the goals and objectives as specified above. Meetings should also be scheduled at the same time/day every tow weeks so participants can minimize conflicts with other meetings. A meeting announcement should be prepared and faxed to all participants one week in advance announcing the date, time, and location of meeting. In addition, all meetings should meet the requirement of the Nevada Open Meeting Law (NRS 241). If one of the 10 primary participants can not attend a scheduled meeting, they should be allowed to send an alternate representative.

Additional meetings may be held at any time upon a majority vote among the primary participants. These meetings should be scheduled and announced similar to regular scheduled meetings.

Public Input

All meetings are open to the public per NRS 241. The agenda will be posted a City Hall, the Washoe County Library, the Downtown Post Office, and the Washoe County Court House. The City will make reasonable accommodations for members of the public who are disabled and wish to attend meetings.

The City of Reno recommends directly involving the public during meetings with the Task Force by proposing a minimum of three (3) meetings to be held with the public. The first meeting could be initiated to record concerns and receive input from the public prior to circulating the draft *Environmental Mitigation Study*. A second meeting could be held after the draft *Environmental Mitigation Study* has been circulated to the public and a third meeting could be held after comments have been incorporated in to the draft *Environmental Mitigation Study*, both to except public testimony on the *Environmental Mitigation Study*.

Due to the fact that Reno is a "24-hour town" the City recommends that each of the three (3) meetings be held twice each day (one in the early afternoon and one meeting be held in the evening) due to the diverse scheduled of many of the casino and related tourist employees.

Record Keeping

The City of Reno shall appoint a staff member to serve as a recording secretary in order to maintain minutes from all meetings conducted. Minutes are to be distributed to all interested parties involved. Video and tape recordings could also be conducted at each meeting if appropriate.

OF .CE OF THE CITY ATTOR: Y PATRICIA A. LYNCH

D. MICHAEL CLASEN

Chief Deputy, Civil Division

Civil Division Deputies MERRI L. BELAUSTEGUI-TRAFICAN' I DONALD L. CHRISTENSEN MARILYN CRAIG CAROLYN J. CRAMER DIANNE E. FOLEY KAREN SWANEY FRALEY CHAN G. GRISWOLD MICHAEL K. HALLEY ELIZABETH ROOT-WRIGHT MARGARET K. STEVENS Reno City Hall 490 South Center Street, Room 204 Reno, Nevada 89501

> Mailing Address Post Office Box 1900 Reno, Nevada 89505-1900

> > Tel. (702) 334-2050 Fax (702) 334-2420

December 12, 1996

WILLIAM L. GARDNER

Chief Deputy, Criminal Division

Criminal Division Deputies KATHRINE I. BERNING PATRICIA L. KAPLAN BARBARA SCHULTZ MCCARTHY LARA C. MCKIBBEN CAROLINA TANNER

> Victim/Witness Advocates LORI L. BROWN DIANE LOPER

Ms. Kay Wilson Public Affairs Management 101 The Embarcadero, Suite 210 San Francisco, CA 94105 Mr. Dave Mansen De Leuw, Cather & Co. 120 Howard St., Suite 850 San Francisco, CA 94105

RE: December 4, 1996 Mitigation Study Site Visit

Dear Kay and Dave:

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Thanks for the productive meetings you scheduled in Reno on December 4, 1996. The City of Reno welcomes your site visits and would like to maintain a strong working relationship with the SEA team. I believe that keeping the City of Reno fully informed of your data collection needs and requirements will be instrumental in achieving a successful mitigation study.

Dave, to follow up on a few matters, I was sorry to learn that you had not yet received the extensive documents set forth in the City's Bibliography and forwarded directly to the SEA. In addition to the documents we provided to you or the other consultants on December 4, 1996, the City will be happy to forward directly to you any other documents set forth in the bibliography or any other documents you may need. As was established on December 4, 1996, I have contacted various City divisions to collect data you have requested. Enclosed is the Sage Street preliminary soil trenching results and the Reno Municipal Code Section 18.06 setting forth the requested zoning information. Also enclosed is a copy of Ms. Landsaw's memorandum setting forth that the (1) plan and profile documents, (2) Public Works Design Manual and (3) Standard Details were provided, or will be provided, directly to John Selin. I have also requested data from the Redevelopment Agency and the Planning division and will forward those documents to you when I receive them.

Although the City was disappointed that Mr. Mansen canceled the December 4, 1996 2:30 p.m. meeting with the City's Fire, Police and REMSA officials, we look forward a new date and time from Dave to reschedule this meeting. Advance notice is always appreciated in order for the

City to secure a convenient time to meet with our Fire Chief, Police Chief and a principle from REMSA.

....

Kay, thank you for your phone call on December 6, 1996. As I previously indicated, the City is anxious to commence a working task force relationship and will await your input from SEA on the various proposals we discussed during our task force session on December 4, 1996. Per your request, I have enclosed a copy of Nevada's Open Meeting Law Manual. I will be happy to answer any questions you may have after reviewing this document. Also per your request, the City will not release any of the proposed meeting dates for the task force until you have received verification from SEA. If I can be of assistance in contacting any of the proposed task force representative, please let me know.

I look forward to hearing from both of you. I wish you both a very happy holiday season.

Sincerely,

lenn

Merri Belaustegui-Traficanti Deputy City Attorney

Enclosures (4)

cc: Charles McNeely, City Manager Ralph Jaeck, Assistant City Manager Steve Varela, City Engineer Barbara McKenzie Paul Lamboley, Esq. Mark Demuth, MADCON Harold McNulty, SEA Study Director 5-J. McLAUGHLIN Vice President Engineering Services Room 1250 (402) 271-3018 FAX 402-271-5520

C. L Jensen Chief Engineer-MW West (402) 271-5573

P. E. Jacquinot Chief Engineer-MW South (402) 271-3792

J. C. Domski Chiel Engineer-MW East (402) 271-4722

P. M. Abaray Chief Engineer-Signals/Quality (402) 271-3036 -----

J. R. Beran Chiel Engineer-MW Structures (402) 271-3029

City Manager City of Reno

P. O. Box 1900 Reno, NV 89505

Mr. Charles E. McNeely

ENGINEERING SERVICES DEPARTMENT



1

Mailing Address: Room 1000 1416 Dodge Street Omaha, Nebraska 68179-0001

December 3, 1996

W. E. Wimmer Senor Assistant Vice President-Engineering Management Room 1030 (402) 271-6365 FAX 402-271-6674

T. T. Ogee Chiel Engineer-Desig (402) 271-4946

J. M. Sundberg Chiel Engineer-Planning : Equipment (402) 280-7200

G. R. Lilly Chuel Engineer Track Programs (402) 271-3695

R. E. Snyder Chief Engineer-Construction (402) 271-6316

City Manager's Office DEC 9 1996 CITY OF RENO

RE: Railroad Right-of-Way Properties Within the City of Reno

Dear Mr. McNeely:

I have received and considered your November 18 request for information about rightof-way properties acquired or transferred by Southern Pacific (SP) or Union Pacific (UP) within the City of Reno. You state this information is essential for the City to reply to an SEA-STB request for information about the history of and rationale for development around the railroads' right-of-ways.

I find it difficult to understand how transfers of right-of-way property to or from the SP or UP would shed much light, if any at all, on the question put to you by SEA-STB. As you describe the SEA-STB request, it appears to focus on city and private decisions regarding use of property in the vicinity of the railroad, not on ownership of the right-of-way itself, which has been used as a transportation corridor since the late 1860's.

As I am sure you also recognize, the information you are requesting appears to be related less to the SEA-STB inquiry than to other potential issues between the railroad and the City, such as ownership and disposition of air rights over the SP right-of-way in downtown Reno. I do not think it is appropriate to use the SEA-STB inquiry as a lever to explore those other matters, which should be addressed on their own merits.

If the information you seek really is essential for the SEA-STB request, as you say, it is generally as available to the City as to UP/SP. The first five items on your list (date of acquisition, date of sale, acreage, selling price, and name of purchaser) would all be found in official Washoe County public records, which you may consult on your own. We would have to go to those records in order to provide the information you want. UP and SP are unlikely to have retained information about the purposes and initiating parties in transactions dating back well over a century. And, were we to attempt to obtain information about land use before and after transactions, we would probably start with City records, not our own.

If you require any specific information that is not publicly available, particularly about specific transactions, that you can show us is needed for the SEA-STB studies, we would be glad to help. Since the City has by far the best access to information about the history of and rationale for development around the railroad right-of-way, we will look forward to seeing the information you provide to SEA.

Very truly yours,

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William E. Wimmer

CC: Ms. Elaine Kaiser - STB, Washington, D.C.

SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

January 3, 1997

A ...

Mr. Charles McNeely City Manager City of Reno PO Box 1900 Reno, Nevada 89505



RE: UP/SP Railroad merger: Reno Mitigation Study

Dear Mr. McNeely:

The purpose of this letter is to respond to the City of Reno's letters dated November 25 and December 2, 1996. There is considerable overlap in the letters. The City's letters also refer to SEA's memorandum attached to SEA's November 4, 1996, letter, and these are also discussed below in the page and bullet references.

Independent Third-party Contractor (Bullet 1, page 1)

SEA has responded to this issue in a separate letter dated December 2, 1996.

Receipt of Documents from Reno

The November 25 letter summarizes several items sent to SEA. We are in receipt of the following items:

- Source document list transmitted November 15
- Bibliography submitted November 12
- · Additional copy of the City's comments on the Draft EA
- City of Reno letter, dated November 18, regarding the Task Force
- · Copy of the letter to William Wimmer requesting information from UP
- City of Reno's contact list transmitted November 5

Public Meeting and Task Force Plan (Bullet 2, page 1)

In a separate letter dated December 20, 1996, SEA has responded to the subject of the Rono Task Force and planned public meetings, Page 2 Charles McNeely January 3, 1997

Updated Schedule (Bullet 3, page 1)

SEA has provided the City, in the initial information packet, with a tentative schedule for the study. This schedule is still applicable and SEA will provide the City with updated schedule information as it is available.

Train Data (Bullet 4, page 1)

As the study progresses, SEA will provide the train assumption data to be used in the study. SEA has recently received verified train assumption data from Union Pacific and is currently reviewing it.

Study Process for Certain Topics (Bullet 5, page 1 and Bullet 4, page 2)

SEA, through the Task Force working group and the Draft Mitigation Study, will address a range of topics that need to be addressed as a result of the mitigation options being studied. The topics that need to be addressed will vary depending on the mitigation options. As indicated in Bullet 5, page 1, SEA will review and refine existing data, if appropriate. SEA also will consider all comments submitted or information received on any of the topics which pertain to the mitigation options.

U.S. Fish and Wildlife Service Communications

The mitigation study will review endangered species issues. SEA will continue its communications with Fish and Wikilife Service. Documentation of consultations and correspondence will be summarized in the Draft Mitigation Report which will be available for public and City review.

City's Input on Methodology (Bullet 6, page 2)

SEA will certainly review and consider the input received from the City on methodologies. To date, SEA has not received any specific input on methodology.

UP Participation in Open Meeting (Bullet 3, page 3)

We agree UP attendance in a future task force meeting to discuss rail operations would be useful, and have asked Union Pacif.c to provide a representative to attend future meetings.

b' 03

RENO CITY ATTORNEY

14N- 6-97 MON 14:28

Page 3 Charles McNeely January 3, 1997

Native American Consultation (Bullet 7, page 3)

Thank you for the City's input on parties to assist with the Native American consultations. SEA did its own research on qualified parties for this work and received similar input. We will keep you informed of which party will be selected for the work.

Systemwide Mitigation (Bullet 8, page 3 and Bullet 3, page 2)

SEA is in the process of preparing a letter for the City which addresses Condition 10, Appendix G of the merger (Bullet 3, page 2) and the systemwide mitigation measures (Bullet 8, page 3). This letter will discuss generally conditions 3, 4, 7, and 10.

Thank you for your continued participation.

Sincerely yours,

ed Mcknoty. Harold McNulty

Study Director

ce: Merri Belaustegui-Traficanti Dave Mansen Kay Wilson Winn Frank

RENO CITY ATTORNEY

JAN- 6-97 MON 14:28

SURFACE TRANSPORTATION BOARD Washington, DC 20423

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OFFICE OF EXAMINES, SEVERCEMENTAL ANALYSIS, AND ADMINISTRATION

January 11, 1997

Mr. Paul H. Lamboley Keck, Mahin & Cate 555 Twelfth Street, N.W. Suite 600 Washington, DC 20004-1200

Re: Reno Mitigation Study

Dear Mr. Lamboley:

This letter responds to your request of November 22, 1996, for information concerning the third party contractor and sub-contractors in Finance Docket No. 32760 (the UP/SP merger). As a preliminary matter, you refer throughout your letter to the "environmental investigation" being conducted in this proceeding. However, as Decision No. 44 in the UP/SP merger makes clear, all that is now underway is a further mitigation study that the Board has ordered for Reno (and Wichita) that will be conducted by SEA with the assistance of an independent third party contractor.

As Decision No. 44 explains, the purpose of the mitigation study is to arrive at tailored mitigation to address the unique circumstances of Reno (and Michita) in addition to the systemwide and regional mitigation that has already been imposed. SEA's final mitigation study and recommended mitigation (which will be developed in consultation with the public) are intended to address increased rail traffic on the existing rail line in Rano. The study and recommended mitigation will be submitted to the Board for its review and approval. The Board will then issue a decision imposing specific mitigation measures. The entire process will be completed within 18 months of consummation of the merger.

In response to your questions, the third party contractor for the Reno (and Wichita) mitigation studies is De Leuw, Cather & Company (De Leuw), located at 1133 15th Street NW, Suite 800, Washington, DC 20005. De Leuw worked under the direction and supervision of SEA and produced the EA and Post EA in the UP/SP merger and is now under a separate contract to perform the described Reno study as a follow on to the original contract. The Project Director for De Leuw is Mr. Winn Frank, who is at the above office. The names and addresses of the sub-contractors are attached.

Several of the other questions in your letter relate to compensation paid to De Leuw, specifically, questions 3, 4, and 6(e) and (f). We are not in a position to provide you with the information because SEA is not involved in matters of compensation for third party contractors.

Your questions 3' and 5 request information related to De Leuw's prior and future contracts with UP/SP or "related" companies. With respect to future contracts, we know of no contemplated future contracts. As to prior contracts,

FAX NO. 7023342420

TRN 16 'ST 12: SEPH KEOK MAHIN&CATE IP6

P.2

De Leuw has not served as a third party contractor for SEA in any proceeding in which UP or SP were applicants. We understand that De Leuw has done some other work for UP in the past but are not in a position to provide any specific information on its contracts since the work had nothing to do with any actions before the Board or the ICC. The job descriptions of the individuals involved in the ongoing mitigation study for Reno are to varify information, conduct site inspections, participate in meetings, and design final mitigation, all under the direction and supervision of SEA.

With respect to your question 6(c), the number of individuals involved in the current mitigation study is approximately 25. Obviously, this number will vary over time, given the nature of the work.

You also ask for the dates of inception and completion for the mitigation studies. The Memorandum of Understanding was signed on September 13, 1996 and Decision No. 44 established the parameters for the completion of the process as 18 months from consummation of the merger.

I hope this information is helpful to you.

Sincerely,

Elaine K. Kaiser, Chief Section of Environmental Analysis

Attachment

JAN 16 '97 12:59PM KECK, MAHIN&CATE IPG

RENO CITY ATTORNEY

1W-55-81 MED 13:38

E'd

STB UP/SP Mitigation Studies Team

De Leuw, Cather & Company 1133 15th Street N.W., Suite 800 Washington, DC 20005

Acoutech, Inc. 125 Cambridge Park Drive Cambridge, MA 02140

Acures Environmental 555 Clyde Avenue Mountain View, CA 94043

..

Applied Solutions, Inc. 9526A Lee Highway Fairfax, VA 22031

Decision Economics, Inc. Jamaica Plaza Suite 300 2233 Watt Avenue Sacramento, CA 95825

JL Shoemaker & Associates, Inc. 3829 Charles Stewart Drive Fairfax, VA 22033

Public Affairs Management 101 The Embarcadero, Suite 210 San Francisco, CA 94105

Wilson, Irhig & Associates, Inc. 5776 Broadway Oakland, CA 94618

p.4

JAN 16 '97 01:00PM KECK, MAHIN&CATE IPG

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P. 02

RENO CITY ATTORNEY



Colleen Henderson Associate Summit Envirosolutions 1475 Terminal Way, Ste B Reno, Nevada 89502 Ph (702) 785-8888 Fx (702) 785-8899 goothoud@aol.com

WWESTEC

Eric J. Ruby Principal Planner WESTEC, Inc. 5250 Neil Road, Ste 300 Reno, Nevada 89502 Ph (702) 828-6800 Fx (702) 828-6820 westec@westec-inc.com

Principal MADCON Consultation Services 280 Island Ave., Ste 1602 Reno, Nevada 89501 Ph (702) 829-1126 Fx (702) 329-9094 mark@MADCON.com DATE & TIME SENT: Janua

TO:

January 13, 1997 6:58am

LETTER OF TRANSMITTAL

David J. Mansen De Leuw, Cather & Company 120 Howard St SAN FRANCISCO CA 94105 Ph. No. 415-495-6060

96281-200

DESCRIPTION:

RE:

JOB:

AutoCad Files of Downtown Railroad Corridor

UP/SP Railroad Merger Environmental Mitigation Study Task Force

THESE MATERIALS ARE TRANSMITTED:

For your approval
For your use

As you requested

B For your review and comment

For your information

□ _

COMMENTS:

Per the City of Reno's December 12, 1996 letter, attached please find an Iomega Zip Disk with the downtown railroad corridor in AutoCad v13 using TARGA graphic formats (a hard copy is also enclosed). This material was prepared by the Reno Redevelopment Agency, specifically Bruce Ambo (702-334-2077).

SIGNED:

Mark A. Demuth Principal MADCON Consultation Services

cc: David E. Coate, Acentech Incorporated 125 Cambridge Park Dr, CAMBRIDGE MA 02140



280 Island Ave, Ste 1602 Reno, NV 89501-1806 Ph (702) 829-1126 Fx (702) 329-9094

FAX TRANSMITTAL (702) 329-9094

DATE & TIME SENT:	January 17, 1997 11:06am
TO:	David J. Mansen, De Leuw, Cather & Company Fax No. 415-546-1602
DESCRIPTION:	Information on Aerial Photos
RE:	UP/SP Railroad Merger Environmental Mitigation Study

NUMBER OF PAGES (INCLUDING THIS SHEET):

Dave,

The City of Reno's Environmental Team used the below listed aerial photographs during its evaluation of the EA during May of 1996: Great Basin Aerial Surveys. April 19, 1994, Flight. Black and White. Exposures 4-2, 5-4, 6-6, 7-7, 8-31, 9-25. Scale approximately 1'' = 375'.

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Great Basin Aerial recently photographed the flood damage. These photos should also show the railroad corridor: Great Basin Aerial Surveys. January 4, 1997, Flood Flight. Color. Exposures 1-1 1-2 1-3 1-4 and continuing into Sparks. Scale approximately 1'' = 12,000'.

Great Basin Aerial Surveys 5301 Longley Lane Bldg B Ste 52 RENO NV 89511 Phn (702) 826-8200 • Fax (702) 826-8394

PERSON SENDING FAX:

Mark A. Demuth Principal MADCON Consultation Services

cc: Merri Belaustegui-Traficanti Deputy City Attorney City of Reno

SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis



January 24, 1997

Mr. Charles E. McNeely City Manager City of Reno P.O. Box 1900 Reno, NV 89505

Re: Charles McNeely letter dated December 2, 1996

Dear Mr. McNeely:

I am responding to your letter of December 2, 1996 in which you specifically inquire about the following system-wide mitigation measures imposed in the Board's decision approving the UP/SP merger:

- Condition 3. 800 number for signal malfunctions.
- Condition 4. 800 number for emergency response forces.
- Condition 5. Development of hazardous material and emergency response plans.
- Condition 7. Emergency response training program for communities.
- Condition 10. Implementation plan for UP security forces in the Truckee Meadows.

Condition 3. 800 Number For Signal Malfunctions

The UP/SP placed a sign at each of Reno's grade crossings, providing an 800 number that anyone can call to report a malfunction of the warning devices. The 800 number is a direct line to UP/SP operating management who will send maintenance personnel to fix the problem. Posting the toll-free number prominently at each grade crossing simplifies the communication and improves the overall response time to correct device problems. Highway delays due to the malfunction of grade crossing warning devices should be reduced.

Condition 4. 800 Number For Emergency Response Forces

The UP/SP has made available to the Reno area emergency response forces an 800 number that will put them into direct contact with railroad operations supervisors. This communications capability will facilitate coordination between the railroad and emergency response forces.

FAX NO. 7023342420

RENO CITY ATTORNEY

Mr. Charles E. McNeely January 24, 1997 Page 2

Condition 5. Development Of Hazardous Material And Emergency Response Plans

UP/SP has a study underway to determine how to reallocate hazardous material response personnel. This study is scheduled for completion by February 1, 1997. It is anticipated that UP/SP's Western Regional Senior Manager for Chemical Transportation Safety will be based in the Reno-Sparks area. This action will facilitate very close coordination between the city and county emergency response agencies and a senior UP/SP hazardous materials specialist.

Condition 7. Emergency Response Training Program For Communities

On November 10 and 11, 1996, Union Pacific personnel conducted emergency response training. This was a state-wide program and emergency response personnel from Reno participated. Further, UP/SP is conducting a system-wide study to determine how to implement an improved training program; this study is scheduled for completion by February 1, 1997. Implementation of the new system-wide training program is scheduled to begin in April, 1997.

Condition 10. Implementation Plan for UP Security Forces In The Truckee Meadows

UP/SP is implementing a policy of "zero-tolerance" of vagrancy and trespassing on railroad property. Police forces on UP/SP now conduct their own arrests and bookings. In addition, UP/SP plans to establish a joint task force with whom to address vagrancy problems in Reno modeled after the effort in Roseville, California and nearby communities.

Other System-wide Mitigation Conditions that will Benefit the Reno and Washoe County Region

Condition 12. Head-Hardened Rail on Mountain Curves

On selected curves in mountainous territory, UP/SP will install head-hardened rail. Use of this rail will reduce the likelihood of breaking and will improve safety. The rail on numerous curves adjacent to the Truckee River will be replaced with this new hard rail, and this installation should be completed by the end of 1997.

Condition 1. Track Inspection

UP/SP has adopted UP's formula-based standards for track inspection. These standards, which exceed Federal Railroad Administration Track Safety Standards, are more systematic than those previously used. They will enhance safety through a more disciplined approach and will lead to increased rail inspections through Reno.

RENO CITY ATTORNEY

Mr. Charles E. McNcely January 24, 1997 Page 3

Condition 11. Visible Smoke Reduction

As of now, all UP/SP locomotives are being maintained to UP standards and practices for visible smoke reduction. These practices are designed to comply with the rules of the South Coast Air Quality Basin and will reduce visible smoke from locomotives operating in the Reno and Washoe County region.

Thank you for your continued participation.

Elaine A. Jaisis

Elaine K. Kaiser Chief, Section of Environmental Analysis

cc: Merri Belaustegui-Traficanti Harold McNulty Dave Mansen Kay Wilson Winn B. Frank

P. 04

RENO CITY ATTORNEY

34:51 NOM 70-75-VAL

SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

February 3, 1997

Mr. Charles McNeely City Manager City of Reno PO Box 1900 Reno, Nevada 89505

RE: UP/SP Railroad mergar. Reno Minigation Study

Dear Mr. McNeely:

In an effort to provide you with the most current train data available, I am enclosing train traffic projections for five years following the UP/SP merger. The data are based on the UP/SP Operating Plan and verified statements filed with the Surface Transportation Board in 1995 and 1996.

Thank you again for your continued participation in the Repo Mitigation Study.

Sincerely yours,

manul

Harold McNulty Reno Co-Study Director

co: Merri Belaustegui

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P. 02

FEB- 3-97 MON 14:20

EMD

Colleen Henderson Senior Environmental Specialist Environmental Management Associates, Inc. 100 W Grove St, Ste 100 Reno, Nevada 89509 Ph (702) 828-3939 Fx (702) 828-3940 chenderson@emacorp.com

*westec'

Eric J. Ruby Environmental Services Division Manager WESTEC, Inc. 5250 Neil Rd, Ste 300 Reno, Nevada 89502 Ph (702) 828-6800 Fx (702) 828-6820 westec/ftwestec-inc.com



Mark A. Demuth Principal MADCON Consultation Services 280 Island Ave, Ste 1602 Reno, Nevada 89501 Ph (702) 829-1126 Fx (702) 329-9094 mark@MADCON.com

LETTER OF TRANSMITTAL

DATE & TIME SENT:

TO:

JOB:

DESCRIPTION:

RE:

THESE MATERIALS ARE TRANSMITTED: February 11, 1997 3:42pm

David J. Mansen De Leuw, Cather & Company 120 Howard St SAN FRANCISCO CA 94105 Ph. No. 415-495-6060

96281-200

Reno Police Department Maps

UP/SP Railroad Merger Environmental Mitigation Study

- For your approval
- For your use
- As you requested
- For your review and comment
- For your information
- o _____

COMMENTS:

Per our meeting of February 4, 1997, attached please find a copy of the City of Reno' Police Departments Patrol Areas and Reporting Districts. Should you have any additional questions about this material please feel free to contact Deputy Chief of Police Tom Robinson at (702) 3.4-3850.

SIGNED:

Mark A. Demuth Principal MADCON Consultation Services



P.O. Box 1900 Reno, Nevada 89505

February 12, 1997

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 12th and Constitution Ave., N.W. Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Mr. McNulty:

We were pleased to hear from Dave Mansen at our meeting with Dave and Kay Wilson on February 4, 1997, that the SEA had begun monitoring the increased trains during the emergency conditions in Reno. At Dave's suggestions, Mr. Mark Demuth of our *Environmental Team* was able to observe Mr. David R. Tait of De Leuw, Cather & Company actually collecting the data.

Based upon the data collection methodologies and discussions with Mr. Tait, the City of Reno would request a copy of the data set (on disk). It is our understanding that the data set will consist of the following fields:

Train Identification Number (to be assigned during data entry) Street crossing (Keystone, Arlington, Sierra, Virginia, Center) Date (Monday February 2, 1997, to Sunday February 9, 1997) Gate down time (start, stop, elapsed in minutes and seconds) Number of train cars Number of locomotives Northbound pedestrian que Southbound pedestrian que Southbound vehicle que Southbound vehicle que Observer's Identification

Based upon the identified methodologies of approximately 24 trains per day observed by 5

Mr. Harold McNulty February 12, 1997 Page 2 of 2

be recorded in a spreadsheet or database.

When the City of Reno receives the data set, it will allow the City perform it own arithmetic calculations of the data. We look forward to receiving this information and beginning to learn what this important data set can offer the Mitigation Task Force in understanding the impacts and subsequent mitigation measures on Reno.

Please contact me at your convenience should you have any questions or comments relating to this request for information.

Sincerely,

Chucho Mitaly Charles McNeely

City Manager

cc: Merri Belaustegui-Traficanti Mark A. Demuth



P.O. Box 1900 Reno. Nevada 89505

February 12, 1997

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 12th and Constitution Ave., N.W. Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Mr. McNulty:

We are in receipt of your letter of February 3, 1997, which forwarded a one page "summary sheet" reiterating the current train data available. We also received the referenced summary sheet as a handout in our materials for the February 12, 1997, Task Force Meeting.

As we had expressed at the last Task Force meeting and in our letter requesting this information, we would appreciate the source documents including but not limited to: (1) the specific verified statement(s) Mr. Hemmer referred to at the last Task Force meeting which are also mentioned but not fully cited in the notes section of the referenced summary sheet, (2) any studies submitted by UP/SP giving methodologies for determining the train traffic projections for 5 years following the UP/SP merger, and (3) any other materials the STB used to prepare the referenced summary sheet.

Please contact me at your convenience should you have any questions or comments relating to this request for information.

Sincerely,

Charles McNeely City Manager

cc: Merri Belaustegui-Traticanti Mark A. Demuth

ASSUMPTIONS RELATED TO PROPOSED ACTION UP/SP RAILROAD MERGER February 12, 1997

The City of Reno had prepared this discussion of the assumptions. All materials referenced in this discussion have been provided previously in a bibliography provided directly to Mr. Harold McNulty on November 12, 1996, as well as with the City of Reno's numerous filings.

Assumptions for Trains

NUMBER OF TRAINS

Number of Trains per Surface Transportation Board (STB)

Vol. 2, page AG-246, Response to Comment #31 states 13.8 trains per day pre-merger (12.7 SP trains and 1.1 passenger trains per day) and 25.1 trains per day 20 UP/SP trains, 4 Burlington Northern/Santa Fe (BN/Santa Fe) trains, and 1.1 passenger trains per day) (STB, 1996).

Number of Trains per Union Pacific

In a Reno Gazzett-Journal article dated April 1, 1996, William E. Wimmer, Senior Assistant Vice President of the Union Pacific stated: "We think there's going to be 32 trains." Wimmer's remarks came in a meeting of rail officials with area's hazardous-materials response team (Reno Gazette-Journal, April 1, 1996).

Number of Frains per Burlington Northern/Santa Fe

in the Progress Report and Operating Plan dated October 1, 1996, the progress report submitted by BN/Santa Fe states: "Finally, although BN/Santa Fe will not provide details in this Report because the negotiations are ongoing, there are potentially serious obstacles to BN/Santa Fe's competitiveness as a result of positions that other carriers have taken in negotiations" (BN/Santa Fe, 1996:5). BN/Santa Fe continues: "As volumes grow and traffic develops, additional train service beyond that reflected in the Operating Plan will be made available to shippers on each of the corridors" (BN/Santa Fe, 1996:9).

Number of Trains per City of Reno

The correct post-merger total number of trains per day, which should have been used for analysis in the EA is thirty-eight (38), based on current levels of operations reported by Nolte et al., 1996b and apportioned as follows:

- 22 historical freight trains per day assumed to be an accurate baseline condition
- 6 Western Pacific freight trains per day
- 6 BN/Santa Fe settlement agreement trains per day
- 2 Amtrak trains per day
- 2 local movement trains per day

SPEED OF TRAINS

Speed of Trains

Vol. 2, page AG-247, Response to Comment #32 states for downtown Reno, the analysis assumed a speed of 20 mph (STB, 1996; PSC, 1996).

LENGTH OF TRAINS

Length of Trains per STB

Vol. 2, page AG-247, Response to Comment #33 states to address the City's concern about the impact of longer trains, supplemental analyses was preformed for 6,000-foot trains (STB, 1996).

Length of Trains per City of Reno

The correct post-merger train length is variable. The City of Reno has used a number of 6,500 feet based upon the following assumptions (Nolte et al., 1996a; 1996b):

Historically, trains operating over Donner Summit (approximately 33 miles west of Reno, at 7,239 feet above mean sea level) ranged up to 8,000 feet in length. Trains of 7,000 feet in length or greater generally required helper locomotives to negotiate the 2.6 percent grade and heavy curvature.

Southern Pacific trains historically averaged around 6,000 feet in length, according to a former SP Sacramento Division operating superintendent.

Union Pacific operating personnel have indicated that they will probably operate most trains on this route without helper locomotives, indicating that most trains will not exceed 7,000 feet.

The City of Reno believes the average post-merger train lengths will be approximately 6,500 feet long, with a few trains approximately 7,000 feet to 8,000 feet in length using helper locomotives.

Reference:

Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company (BN/Santa Fe). 1996. Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company's Progress Report and Operating Plan. October 1, 1996. Surface Transportation Board, Section of Environmental Analysis, Washington, D.C.

- Nolte and Associates, Inc., Strategic Management, Inc. Kleinfelder, and SEA, Incorporated (Nolte et al.) 1996a. *Railroad Merger Study*. March 15, 1996. Ms. copy on file with City of Reno Manager's Office, Reno, Nevada.
- Nolte and Associates, Inc., Strategic Management, Inc. Kleinfelder, and SEA, Incorporated (Nolte et al.) 1996b. *Revised Project Report: Railroad Merger Mitigation Alternatives*. July 10, 1996. Ms. Copy on file with City of Reno Manager's Office, Reno, Nevada.
- Public Service Commission (PSC). 1996 Personal communication from PSC to Dori Owen, Reno Redevelopment Agency. E-mail message dated May 1, 1996, from Galen Denio, Commissioner.
- <u>Reno Gazette-Journal</u>. April 1, 1996. Mike Henderson. Railroad merger could mean less hazardous cargo.
- Surface Transportation Board. 1996. Post Environmental Assessment, Finance Document No. 32760, Vols. 1-2, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company -Control and Merger- Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company. June 24, 1996. Surface Transportation Board, Section of Environmental Analysis, Washington, D.C.

COVINGTON & BURLING 1201 PENNSYLVANIA AVENUE, N. W P.O. BOX 7566 WASHINGTON, D.C. 20044-7566 (202) 662-6000

> TELEFAX: (202) 662-6291 TELEX. 89-593 ICOVLING WSH CABLE COVLING

> > February 18, 1997



LECONFIELD HOUSE CURZON STREET LONDON WIT BAS ENGLAND ILLEPHONE 44 171-495-5655 TELEFAX 44 171 495 3101

BRUSSELS CORRESPONDENT OFFICE 44 AVENUE DES ARTS ARUSSELS 1040 BELGIUM TELEPHONE 32 2-512-9890 TELETAX 32 2 502 1598

J. MICHAEL HEMMER DIRECT DIAL NUMBER 12021 662-5578 DIRECT TELEFAX NUMBER 12021 778-5578 INTERNET ADDRESS MHEMMER@COV.COM

VIA FED EX

Mark Demuth, Principal MADCON Consultation Services 280 Island Avenue, Suite 1602 Reno, Nevada 89501

Dear Mr. Demuth:

Enclosed is a copy of the verified statement requested by SEA from Union Pacific Railroad Company and referred to at the last meeting of the Mitigation Task Force. This verified statement includes an overview of how Union Pacific estimated future trains through Reno. That explanation, in turn, refers to certain volumes of the UP/SP Application, which Mr. Lamboley already has. For your convenience, however, I enclose copies of the referenced volumes, as well as a supplemental volume that contains certain corrections.

As I mentioned during the Task Force meeting, the verified statements in the Application draw on many thousands of pages of workpapers, as well as voluminous rail traffic data tapes.

Sincerely,

nite Semmer

J. Michael Hemmer

Enclosures Members of the Reno Mitigation Task Force (w/o encls.) cc:



P.O. Box 1900 Reno, Nevada 89505 February 24, 1997

Mr. Harold McNulty Surface Transportation Board Section of Environmental Analysis 12th and Constitution Ave NW Room 3219 Washington, DC 20423

Mr. David J. Mansen De Leuw, Cather & Company 120 Howard St San Francisco, CA 94105 Mr. Winn Frank De Leuw, Cather & Company 1133 15th St NW Ste 800 Washington, DC 20005

Mr. J. Michael Hemmer Covington & Burling 1201 Pennsylvania Ave NW Washington, DC 20044

RE: Joint Validation of Train Data

VIA FAX

Dear Messrs. McNulty, Frank, Mansen, and Hemmer:

I have been informed of the positive discussions between Mark Demuth of MADCON Consultation Services and Dave Mansen of De Leuw, Cather & Company on sharing copies of the City's video tapes of train traffic for the purpose of validation of the STB train/traffic data set. The City is pleased to hear that all parties are in support of a joint validation process. The City desires to move forward in as timely a manner as possible.

By cooperating, jointly sharing data, validating, verifying, and ultimately certifying the data set, it will allow all parties to move forward and complete independent analysis and interpretation of the data. It would be hoped that by cooperatively validating the data set, a certain level of confidence could be brought to the data and the process.

The City, through their consultant, Mark Demuth, will provide and subsequently make available for copying (at cost) 122 VHS video tapes (T-160) covering the period of February 3-9, 1997, as follows:

- Keystone (1 view north/down towards crossing from Hardware Store + 1 view south towards 4th Street from Rexall Drug + 1 view north towards I-80 from Rexall Drug x 3 8-hour tapes/day x 5 days ending on the 7th = 45 tapes),
- Arlington (1 view north/down towards crossing from Sands Hotel + 1 view south/down towards crossing from Sands Hotel x 3 8-hour tapes/day x 5 days ending on the 7th = 30 tapes),

Messrs. McNulty, Frank, Mansen, and Hemmer February 24, 1997 Page 2 of 3

- Sierra (1 view south/down towards crossing from Eldorado Skyway + 1 view north/down towards 4th Street from Eldorado Skyway x 3 8-hour tapes/day x 5 days ending on the 7th = 30 tapes),
- Virginia (1 view north/down towards crossing from Harold's Club x 3 8-hour tapes/day x 5 days ending on the 7th = 15 tapes), and
- Center (1 view north/down towards crossing from Harrah's Skyway showing 127 trains during a 7 day period = 2 composited tapes by Harrah's).

It is the City's understanding that the STB through their consultant De Leuw, Cather & Company will bring to the validation meeting a copy of the handwritten data collection forms recorded in the field, as well as actual 15-minute traffic counts collected during the period of February 3-9, 1997 data collection, to be validated, verified, and subsequently shared with all parties.

It is the City's further understanding that the Union Pacific Railroad will bring to the validation meeting the UP's actual train consists for the period of February 3-9, 1997, to verify actual train lengths.

Based upon the data collection methodologies and discussions with De Leuw, Cather & Company, the City would like to verify the attached variables of the data set (Exhibit A).

As always, the City will work with both the STB and UP cooperatively to move this important process forward and continue the Reno Mitigation Study and Task Force's work. Please contact the City's consultant, Mark Demuth, to set a meeting date to begin this process as soon as possible.

Sincerely

Steve Varela, P.E. Director of Public Works/City Engineer

cc: Charles McNeely, City Manager Paul Lamboley, Counsel for the City of Reno Merri Belaustegui-Traficanti, Deputy City Attorney Mark A. Demuth, MADCON Consultation Services Messrs. McNulty, Frank, Mansen, and Hemmer February 24, 1997 Page 3 of 3

Exhibit A

Validation Process Variables of the Data Set

Train Identification Number (to be assigned during data entry likely from UP records allowing unique identification of one train across multiple crossings)

Street crossing (verified by cross checking with observer's identification)

Date (verified by cross checking STB's Data Sheets and City's video time/date stamp)

Gate down time elapsed (verified by cross checking STB's Data Sheets and City's video time/date stamp)1

- Number of locomotives (verified by cross checking STB's Data Sheets and UP records or City's video as needed)
- Number of train cars (verified by cross checking STB's Data Sheets and UP records or City's video as needed)

Northbound pedestrian counts (verified by cross checking STB's Data Sheets and City's video)

Southbound pedestrian counts (verified by cross checking STB's Data Sheets and City's video)

Northbound vehicle counts as applicable (verified by cross checking STB's Data Sheets and City's video)²

Southbound vehicle counts as applicable (verified by cross checking STB's Data Sheets and City's video)²

Observer's Identification (verified by cross checking with street crossing)

Traffic Counts (provided by STB's actual traffic counts for 15-minute period prior to actual train crossing)

¹Gate as well as train elapsed time should be collected. The train's elapsed time and its length will allow an approximate speed of train to be calculated.

²If possible a vehicle mix classification should be determined using passenger cars (2 axles), all other 2 axles, 3 axles, 4 axles, and 6 or greater axles.
LETTER OF TRANSMITTAL

EMD Colleen Henderson

Senior Environmental Specialist Environmental Management Associates, Inc. 100 W Grove St, Ste 100 Reno, Nevada 89509 Ph (702) 828-3939 Fx (702) 828-3940 ctenderson@emacorp.com

₩westec

Eric J. Ruby Environmental Services Division Manager WESTEC, Inc. 5250 Neil Rd, Ste 300 Reno, Nevada 89502 Ph (702) 828-6800 Fx (702) 828-6820 westec:gwestec:inc.com

Mark A. Demuth Principal MADCON Consultation Services 280 Island Ave, Ste 1602 Reno, Nevada 89501 Ph (702) 829-1126 Fx (702) 329-9094 mark@MADCON.com DATE & TIME SENT:

February 27, 1997 3:58pm

TO:

RE:

David J. Mansen De Leuw, Cather & Company 120 Howard St SAN FRANCISCO CA 94105 Ph. No. 415-495-6060

JOB:

DESCRIPTION:

UP/SP Railroad Merger Environmental Mitigation Study

THESE MATERIALS ARE TRANSMITTED:

For your approval
 For your use

0_

Fire Station Map

96281-200

- As you requested
- D For your review and comment
- B For your information

COMMENTS:

Per our meeting of February 4, 1997, attached please find a copy of the *Reno Sparks Reno-Stead and Vicinity AAA Map* showing the location of the 10 Reno Fire Department Stations. Should you have any additional questions about this material please feel free to contact Chief Larry Farr at (702) 334-2300.

SIGNED:

Mark A. Demuth Principal MADCON Consultation Services



280 Island Ave, Ste 1602 Reno, NV 89501-1806 Ph (702) 829-1126 Fx (702) 329-9094

FAX TRANSMITTAL (702) 329-9094

DATE & TIME SENT: March 27, 1997 9:02am

TO:

David J. Mansen De Leuw, Cather & Company Fax No. 415-546-1602

Follow-up to Request for Data

DESCRIPTION:

RE: Reno Mitigation Study

NUMBER OF PAGES (INCLUDING THIS SHEET):

COMMENTS: Dave,

Just a quick follow-up to the City's written request dated February 12, 1997, and my verbal request of March 12, 1997, for a file of the train data (comma delineated ASCI), speed information collected by your noise consultants, and traffic counts for the STB Study of Increase Train Traffic in Reno during early February.

1

Please call and let me know what progress you have made with the STB on these matters.

PERSON SENDING FAX:

Mark A. Demuth Principal MADCON Consultation Services

cc: Merri Belaustegui-Traficanti, Deputy City Attorney, City of Reno

SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

March 7, 1997

Charles McNeely City Manager City of Reno P.O. Box 1900 Reno, Nevada 89505 Steve Varela Director of Public Works/City Engineer City of Reno P.O. Box 1900 Reno, Nevada 89505

RE: Joint Verification of Train Monitoring Data

Dear Mr. McNeely and Mr. Varela:

This letter responds to Charles McNeely's February 12, 1997 letter and Steve Varela's February 24, 1997 letter to SEA. Both letters are regarding De Leuw, Cather & Co.'s survey/data collection effort (February 2-9, 1997) and the City of Reno's video taping (January 25 - February 7, 1997). SEA and the City of Reno monitored and taped increased train traffic passing through Reno as a result of emergency flood conditions.

As you know, SEA, the City of Reno, and Union Pacific Railroad representatives recently reviewed these tapes to jointly validate the data. SEA's next step is to interpret this data, however in the interim we have attached a copy of the raw data for your information.

Thank you for Mark Demuth's participation and for supplying the tapes to complete this data validation effort. Please feel free to contact me at (202) 927-6217 if you have any questions.

Sincerely yours,

farold me hutty

Harold McNulty Co-Study Director Reno Mitigation Study

cc: Merri Belaustegui-Traficanti Mark Demuth Winn Frank Michael Hemmer Paul Lamboley David Mansen Kay Wilson SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis



March 28, 1997

Merri Belaustegui-Traficanti Deputy City Attorney City of Reno P.O. Box 1900 Reno, NV 89505

RE: Computer Discs Containing Reno Train Survey Data and Traffic Counts for February 3-10, 1997

Dear Merri:

Per the City of Reno's request made at the March 12, 1997 Reno Mitigation Task Force meeting, enclosed are computer discs containing the Reno train survey data counts for the survey period of February 3-10, 1997. The survey data and traffic count data are saved as Microsoft Access data base files and Lotus (wk1) files. Please call Dave Mansen at De Leuw, Cather & Co. (415-495-6060) if you have any questions regarding the information on the disk.

SEA is reviewing the noise survey results and will forward this information to Reno once we have completed our review. Again, thank you for Reno's assistance in validating the train survey data.

Sincerely yours,

Harold Mr. Malt

Harold McNulty Co-Study Director Reno Mitigation Study

enc.

cc: w/o enc. Dave Mansen Charles McNeely Kay Wilson PAUL H. LAMBOLEY 1020 19TH STREET NW, SUITE 400 WASHINGTON, D. C. 20036

> TEL 202.496 4920 FAX 202.293.6200

> April 9, 1997

Via Facsimile & Regular Mail

J. Michael Hemmer, Esq. Covington & Burling 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20044-7566

Re: F.D. No. 32760 UP/SP Merger Proceedings

Dear Michael:

This will acknowledge your letter dated April 4 and enclosed discovery requests.

Previously, on March 13, I acknowledged your letter dated March 4 which enclosed your letter dated February 4, 1997 sent to a former office address. In my letter, I stated I would make appropriate inquiry --- I have done so.

On January 6, 1997, you were appointed by the Section of Environment Analysis (SEA) of the Surface Transportation Board ("STB") to be a member of the Railroad Merger Reno Mitigation Task Force ("Task Force") as a representative of the UP/SP interests. Since your appointment, there have been several Task Force meetings (January 15, February 12 and March 12) and an SEA public meeting (February 13) which you have attended. In addition, data validation activity took place in March to which you were invited to attend as well.

One critical purpose, and ultimate value, of the Task Force forum has been mutual fact-finding and information exchange. As a Task Force member, you apparently have failed to make any direct inquiry concerning the "very modest requests" or "single inquiry," as you characterize matters. Perhaps, the failure to do so was to avoid reciprocal questions concerning UP/SP's conduct.

In any event, you having chosen not to avail yourself of the opportunity of the informal fact-finding process of the Task Force, and without the courtesy of APR- 9-97 WED 15:12

J. Michael Hemmer, Esq. April 9, 1997 Page 2

telephone call, you have elected to pursue a more adversarial course in the litigation procedures of formal discovery. I suppose this approach is not inconsistent with your November 4, 1996 letter to the STB/ISTEA concerning the Reno Mitigation Study.

The City intends to respond appropriately to your discovery requests. In the meantime, please be advised that any related inquiry in the Task Force setting concerning issues on which you have sought discovery will be considered constrained by your invocation of formal discovery process.

Hopefully, your advocacy role will not further compromise the continuing investigation and information functions of the Task Force.

Very truly yours,

Paul H. Lamboley

PHL:pvg cc: Elaine K. Kaiser PAUL H. LAMBOLEY 1020 19TH STREET NW. SUITE 400 WASHINGTON, D. C. 20036

> TEL 202.496.4920 FAX 202.293.6200

April 10, 1997

Ms. Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, D.C. 20423-0001

Re: F.D. 32760 UP/SP Merger Proceedings

Dear Ms. Kaiser:

The March 25, 1997 letter from J. Michael Hemmer, one of the attorneys for the Union Pacific ("UP") in F.D. 32760, the UP/SP Merger Proceedings, requires response from the City of Reno to simply "set the record straight."

Not having received a courtesy copy, Mr. Hemmer's letter was separately discovered in a review of the record in F.D. 32760. Customarily, parties in settlement negotiations recognize the dynamic, and often delicate, nature of the relationship and undertaking. Under the guise of an "effort to keep SEA informed," Mr. Hemmer's letter attempts to publicly negotiate UP/SP views, and in the course of doing so, misleads and ultimately misrepresents events that occurred.

At the outset, it is important to note that as a result of a January 1997 proposal from the UP/SP, the City and UP/SP agreed in principle (1) to mitigate adverse impacts and enhance railroad operations by depressing the trainway in the existing right-of-way through portions of the City of Reno, (2) with a funding contribution from the UP (the UP offer being \$35 million) and (3) undertaking mutual efforts to secure additional funding from public and private sources.

The City/UP partnership to secure State financing prompted a meeting with Nevada Governor Bob Miller, on March 5, 1997, in the Governor's office in Carson City, Nevada. Initially arranged by UP, it was attended by representatives of both the City and the UP. UP representatives attending were: Joe Guild, Esq., Retained Legislative Counsel; Wayne Horiuchi, Retained Representative; Larry Bennet; Retained Legislative Advocate, and Thomas T. Ogee, P.E. Chief Engineer, Design. The parties reported on the agreement in

P. 03

Ms. Elaine K. Kaiser April 10, 1997 Page 2

principle to depress the trainway, the estimated cost of the project, UP's contribution offer and mutual efforts to secure additional funding, particularly in the Nevada State Legislature currently in session.

In response to a question by the Governor concerning project funding and the level of UP contribution, City Manager, Charles McNeely, the City's Chief Negotiator, stated he believed the railroad's contribution would more likely have to be \$100 million. Mr. McNeely's statement was made in the presence of the UP representatives, who upon hearing it said nothing.¹

A meeting was held March 20, 1997 in Washington, D.C., with Nevada Senators Harry Reid and Richard Bryan, Congressional Staff, the City and UP. The session was positive and constructive. The discussion was fair, frank and included pointed questions to both the City and UP by the Senators on the details of funding arithmetic and funding prospects.

In the context of addressing financing details, the "\$100 million statement" was repeated, this time by Mayor Jeff Griffin in response to Senator Bryan in the presence of Jerry Davis and Bill Wimmer, the UP negotiators. Messrs. Davis and Wimmer later responded on that issue upon inquiry from Senator Reid.

The City would characterize the UP position stated in Mr. Hemmer's letter as "feigned surprise." Surely it is reasonable to believe that UP representatives would report on the March 5 meeting with the Governor, and certainly not overlook a "\$100 million statement." The fact that Messrs. Davis and Wimmer were themselves not present on March 5 only permits each to say the first they heard the "\$100 million statement" from the City was on March 20 in the meeting with Senators Reid and Bryan.²

UP cannot deny that on March 5, 1997 the City made the "\$100 million statement" in Governor Miller's office in UP's presence. That UP

¹ The details of funding were significant concerns of the Governor. The UP's January proposal was that the "State of Nevada and Union Pacific would jointly fund the depressed trainway at no cost to the City."

² It is significant to note that Mr. McNeely's secretary did make several attempts to arrange a meeting with Messrs. Davis and Wimmer before meeting with Senators Reid and Bryan. The response was that neither Davis nor Wimmer would be available to meet anytime beforehand.

Ms. Elaine K. Kaiser April 10, 1997 Page 3

representatives would not report that to UP's superiors is not credible, but anything is possible.³

Despite its strong negative reaction to Mr. Hemmer's misrepresentation of events, the City believes its partnership with UP will achieve its goals. The City looks forward to the next meeting with UP, now scheduled for May 5 in Omaha.

Regards,

amboley

PHL:pvg Enclosures cc: J. Michael Hemmer, Esq.

³ In December 1996, three of the UP representatives previously misrepresented to Members of the Nevada Legislature that the City's mandamus action in Federal District Court (Reno) was dismissed "with prejudice barring the City from refiling." (Exhibits A-1 and A-2 enclosed.) Later, when confronted by the City, the UP representatives recanted in apology letters to Legislators (Exhibit B enclosed).

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Exhibit A-1



City Manager's Office JAN 2 2 1997 CITY OF RENO

Nevada Legislature

January 18, 1997

Charles McNeely, City Manager City of Reno P. O. Box 1900 Reno, Nevada 89505

Dear Charles:

Following our recent conversation with reference to the approved merger of the Union Pacific and Southern Pacific Railroads, I have received the enclosed correspondence from representatives of the Union Pacific Railroad.

You will note that the UPRC position with respect to the status of the legal case filed by Reno against the railroad indicates that the Federal District Court dismissed Reno's case with prejudice barring the city from refiling. This is contrary to the explanation I have received consistently from representatives of the city. I do understand that the city has appealed the ruling to the Ninth Circuit Court of Appeals. I think this issue bears directly on just what leverage, if any, remains with the city in its negotiation process.

I would like to be kept informed on any efforts,

Sing

William J. Raggio Senate Majority Leader

WJR/din enc. WAYNE K. HOHIUCHI SPECIAL HUPHESLNTATIVE

UNION PACIFIC RAILROAD COMPANY



Exhibit A-2

9151 STREET, SUITE 1230 SACRAMENTO, CA 85814 (S18) 442-3600 FAX (918) 442-4073

RECFIVED

VARGAS & EASTILETT

December 20, 1996

•••

The Honorable William Raggio Post Office 281 Reno. NV 99504

Here is an editorial from a recent <u>Reno Gazette-Iournal</u> issue written by Union Pacific Railroad's Mike Furtney. This piece explains the most recent status of the merger.

However, we also wanted to remind you of the status of the legal case filed by Reno against the railroad. The district court judge for the Federal District Court of Nevada has dismissed Reno's case with prejudice barring the City from refiling. The City has appealed this ruling to the Ninth Circuit Court of Appeals, and we are awaiting a decision.

If you have any questions, as always, please call us. We hope you and your family have a happy holiday season.

Since

WAYNE HORIUCHI Special Representative Union Pacific Railroad Co. 916/442-2800

LARRY BENNETT Retained Legislative Advocate Union Pacific Bailroad Co. 702/323-2688 JOB GUILD Retained Legislative Counsel Union Pacific Railroad Co. 702/348-1662

enclosin

Exhibit B

6-1-1997 18-30AM	FROM	10		3342429 F.82
·	:	•		,
WORKE K. HORBUCH	UNION PA	CIFIC RAILROAD COM	PANY	OTEL STREET, DATE COM BACERANTITIC CA BOAT
:	:			(916) 442-3809 FXX (314) 442-4873
	:			
:		February 4, 1	997	
	•	•		
The Honorable Josep 304 Lance Avenue	h Neal			
North Las Vocas, N	V 89030			
Dens Synapor Proper	-			
Recently it has December 26, 1996,	is come to our at	fention that a mistake was m	nado in our l	etter to you of
		had dismissed the City of R t of Nevada "with prejudice e". This allows the City to	The start of the start	

The City is appealing and the case is lodged in the Federal Circuit Court of Appeals for the D.C. Circuit in Washington D.C. There, procedural motions are pending for a decision.

We hipe this inadvertent mistake did not cause you any confusion. As always we will strive to keep you informed about the progress of this important rail merger.

Sincerely,

WAYNE HORFUCHI Special Representative Union Papille Rolling Co. 916/442-2800

LARRY BENNETT Resulted Legisletive Advocats Union Restric Raticoad Co. 702/323-3666

.....

JOE GUILD stational Legislative Counsel Union Partile Railroad Co. 702/348-1662

all sold and a set

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P.O. Box 1900 Reno, Nevada 89505

April 15, 1997

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street N.W., 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study for Reno

Dear Mr. McNulty:

I understand that the task force is moving along with its presentations of engineering analysis on various options for resolving the merger impacts in Reno. However, there are still a number of definitional terms and there are a number of issues and concerns which need to be answered by the task force process. As such, the City of Reno would like to request the following topics and/or individuals be the subject of future task force meetings:

Union Pacific's Operating Plan and Model used to determine the number of trains through Reno as Presented by (please see attached sworn testimony):

Clyde Anderson and Ron Naro Union Pacific Railroad Company 1416 Dodge Street Omaha, Nebraska

Air Quality in the Truckee Meadows Past Present and Future as presented by:

Brian L. Jennison, Ph.D., Director Air Quality Management Division Washoe County District Health Department P.O. Box 11130 Reno, NV 89520-0027 Telephone No. 702-784-7200, Fax No. 702-784-7225 Mr. Harold McNulty, Study Director Surface Transportation Board April 15, 1997 Page 2 of 3 pages

Population Changes in the Truckee Meadows Past Present and Future as presented by:

Julie Ann Skow, Washoe County Consensus Forecast Washoe County Department of Community Development P.O. Box 11130 Reno, NV 89520-0027 Telephone No. 702-328-3605, Fax No. 702-328-6185

Vehicle Traffic Changes in the Truckee Meadows Past Present and Future as presented by:

Greg Krause, Planner Regional Transportation Commission P.O. Box 30002 Reno, NV 89520 Telephone No: 348-0480 Fax No. 348-0450

BNSF Operating Plan and Market Reports used to determine the number of trains through Reno as presented by:

Jeffrey R. Moreland, Esq. Burlington Northern Santa Fe 3800 Continental Plaza 777 Main Street Ft. Worth, TX 76102-5384 Telephone: (817) 333-7954 or 1700 East Golf Rd. Schaumburg, IL 60173 Telephone: (847)995-6000

Mr. Harold McNulty, Study Director Surface Transportation Board April 15, 1997 Page 3 of 3 pages

Should you have any questions concerning this request, please contact Merri Belaustegui-Traficanti, Deputy City Attorney (702) 334-2050 who will be happy to provide you with any further information.

Sincerely,

City Manager

Merri Belaustegui-Traficanti, Deputy City Attorney CC: Mark A. Demuth, MADCON Consultation Services Brian L. Jennison, Ph.D., Director, Air Quality Management Division, Julie Ann Skow, Washoe County Consensus Forecast Greg Krause, Planner Regional Transportation Commission Paul H. Lamboley, Esq. bcc:

1

RENO MITIGATION TASK FORCE April 23, 1997 Comments of Mark A. Demuth City of Reno Representative (Environmental)

Please let the record show the following items were introduced to the record on April 23, 1997, by Mark A. Demuth, representing the City of Reno.

1980 Reno Railroad Study (submitted for the record)

- We would like SEA Final Report dated October 14, 1980 in the record which indicates vehicle traffic would increase as a natural part of growth, though not to the predicted levels indicated in the report.
- We would also like the record to reflect that the railroad participated in the study and knew of the problem in 1980.

1977 Proposal form De Leuw Cather (referenced pages submitted for the record)

• De Leuw Cather's proposal indicates what the problems were in 1977.

...it is evident that the delays caused by railroad operations will become progressively more acute, and the community will become more seriously divided by the railroad barrier than it is at present.

The frequent, slow-moving trains impair vehicular access to the central business district, contribute to massive traffic congestion, create grade crossing hazards...

The railroad right-of-way presents a unsightly appearance and is generally regarded as an unmitigated nuisance.

The community problems associated with railroad operations -- the hazards and delays at grade crossings, the division of the community, the noise, the impaired access to industrial, commercial, and residential properties -- could be alleviated if the railroad were relocated or partially or full elevated or depressed through the downtown area, and the existing tracks at-grade eliminated.

• De Leuw Cather's proposal indicates what methodology would have been used in 1977 for the City of Reno Study. Why aren't you (De Leuw) using this methodology in your study now that the STB or UP is your client?

Task Force Future Tasks (letter dated April 15, 1997, submitted for the record)

• We would request that the STB schedule future Task Force Meeting as indicated in the City of Reno's Letter dated April 15, 1997.

SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

May 13, 1997

Mr. Charles McNeely City Manager City of Reno P.O. Box 1900 Reno, Nevada 89505

Re: UP/SP Reno Mitigation Study: Requests Made by the City of Reno at the April 23, 1997 Task Force Meeting

Dear Mr. McNeely:

At the April 23, 1997 task force meeting, Mark Demuth, representing the city's environmental team, distributed your April 15, 1997 letter to SEA regarding suggested agenda topics for future task force meetings. In addition, Mr. Demuth and several other task force members made verbal requests regarding topics they would like to see discussed at future task force meetings.

The following is a list of items suggested for discussion at future task force meetings based on your letter, Mr. Demuth's request, and task force input:

- a) Union Pacific's operating plan and train traffic projection methodology, including plans for railroad activities in the Port of Oakland
- b) Air quality data for Truckee Meadows and general air quality/future vehicle emissions data
- c) Population changes for Truckee Meadows
- d) BNSF operating plan and market reports
- e) Vehicle traffic changes for Truckee Meadows
- f) Traffic data/definition of traffic growth in Reno
- g) Impacts of traffic delay
- h) Safety data/accident prevention data
- i) Noise measurement data
- j) Further discussion on how using a range of train numbers will be addressed in the mitigation study
- k) Presentation of the depressed railway option

Charles McNeely May 13, 1997 Page 2

To address these requests, we have prepared a tentative schedule of future task force meeting agendas. Depending on actual completion dates for the various study tasks, there may be some variation in this schedule.

Task Force Meeting Date	Tentative Discussion Items
May 14, 1997	 Noise measurements and noise study methodology City and UP work on quiet zones and directional horns
	Air quality issues in Truckee Meadows and air quality study methodology
	 UP's operating plan and train traffic prediction model Description of depressed railway option
June 11, 1997	 Vehicle traffic delay in Reno and Truckee Meadows Traffic data/definition of traffic growth
	Discussion of the range for train numbers proposed for the mitigation study
July 9, 1997	Additional information on grade separations and the depressed railway option
	Accident prevention/safety data
August 13, 1997	Overview of feasible mitigation options
September 10, 1997	Presentation and initial discussion of Draft Mitigation Plan
September 24, 1997	Task Force continued discussion of Draft Mitigation Plan

The schedule above addresses all the various agenda requests with two exceptions:

• The BNSF operating plan and market reports are not planned as a Reno Mitigation Task Force agenda item. The assumptions regarding BNSF train numbers have already been supplied by SEA in the *Train Traffic Projections* distributed in February 1997 to the Task Force and the public. The City of Reno is free to request this information directly from BNSF. Charles McNeely May 13, 1997 Page 3

• Regarding population changes in Truckee Meadows, SEA will be reviewing growth in vehicular traffic and the effects of the increased train traffic on Truckee Meadow's vehicular traffic growth. This information will be provided in the draft mitigation plan.

Thank you for your continued interest in the study. We have tried to be responsive to the City of Reno's requests and we appreciate your input. If you have any questions please contact me at (202) 565-1539.

Sincerely yours,

Harded Millety

Harold McNulty Co-Study Director Reno Mitigation Study

cc: Mark Demuth Merri Belaustegui Reno Mitigation Study Task Force Kay Wilson Dave Mansen

RENO MITIGATION TASK FORCE May 14, 1997 Comments of Mark A. Demuth City of Reno Representative (Environmental)

Please let the record show the following issues and concerns were introduced to the record on May 14, 1997, by Mark A. Demuth, representing the City of Reno. Attached please also find a copy of my February 12, 1997, Assumptions related to Proposed Action previously submitted.

Agenda Item 2. Union Pacific's Operating Plan and Train Traffic Model Methodology

Nos. of Trains

February 12, 1997 Source #1 - Materials provided to Task Force

Pre-Merger =	13.8 (1.1 Psgr. + 0 BN/Santa Fe + 12.7 Frgt.)
Post-Merger =	25.1 (1.1 Psgr. + 4 BN/Santa Fe + 20 Frgt.)
Change =	+11.3 (4 BN/Santa Fe + 7.3 Frgt.)

December 9, 1996

Source #2 - Joint Verified Statement of Anderson and Naro

Post-Merger = 21.1 to 25.1

Page 8, ¶ 6, of the Joint Verified Statement of Anderson and Naro:

The SEA estimate of 20 UP/SP through freight trains per day remains accurate, as described above. The BNSF prediction, however, may be too high by two to four trains per day...As a result, the correct number of post-merger trains through Reno is between 21.1 and 25.1 per average day.

Page 24, ¶ 2, subpoint a, of the BN/Santa Fe Operating Plan:

<u>Through Train Service</u>. BN/Santa Fe will begin to serve this corridor [Central Corridor] with two daily trains, one in each direction, which will be mixed manifest/intermodal trains. As traffic volumes increase BN/Santa Fe will increase the number of through trains that operate over the Central Corridor.

April 12, 1996 Source #3 - Environmental Assessment

Source #5 - Environmental Assessment		
Pre-Merger =	13.8 (1.1 Psgr. + 0 BN/Santa Fe + 12.7 Frgt.)	
Post-Merger =	25.1 (1.1 Psgr. + 4 BN/Santa Fe + 20 Frgt.)	
Change =	+11.3 (4 BN/Santa Fe + 7.3 Frgt.)	

- Vol. 1, page 1-11 Footnote 3 to Table 1-3 of the Environmental Assessment Reflect revised traffic density data attributed to BN/Santa Fe settlement agreement as presented in BN/Santa Fe's comments (1/31/96) on the primary application.
- Vol. 1, page 1-9, ¶4, line 5 of the Environmental Assessment: SEA examined the 1994 Baseline traffic contained in the UP/SP operating plan to verify the findings in the ER [environmental report].

November 30, 1995 Source #4 - Exhibit 13-6 SP of the Railroad Merger Application

Page 385, Exhibit 13-6, SP Train Densities, Line 1 of table:Sparks NV to Roseville CAPre-Merger =Adj. 1994 Base Trns/Day - 1 Psgr. + 13 Frgt. = 14 TotalPost-Merger =Post-Merger =Post-Merger Trns/Day - 1 Psgr. + 20 Frgt. = 21 Total

At what point were these numbers revised and why? Pre-Merger = Adj. 1994 Base Trns/Day - 1.1 Psgr. + 12.7 Frgt. = 13.8 Total

Based upon these four differing sources of pre- and post-merger trains numbers, please explain what numbers will be used by the SEA in the draft mitigation study?

Please explain the process SEA took in validate the 1994 Baseline Traffic; what further study of the railway traffic flows (Decision 44 Condition 22c line 7); and how baseline information from 1994 is going to accurately reflect either the existing conditions and therefore the calculation of the increase in the number of through trains.

Please help clarify the following statements from the Railroad Merger Application.

Page 5, ¶3, line 7, of the Verified Statement of Anderson and Naro

Other factors affecting future train volumes are (1) remove clearance restrictions in the Sierra Nevada, which preclude operation of two high-cube doublestacked containers, (2) negotiating labor implementing agreements, and (3) rebuilding Roseville Yard, which will begin on a large scale in 1997.

Vol. 3, Page 20, ¶1 line 7, of the Verified Statement of R. Bradely King: As a result, we created current operating data by combining UP's transportation plan operations with a network of selected SP trains having the capacity to handle SP system business, but we recognized that individual trains might not have operated on an particular day.

- Vol. 3, Page 79, Graphic: Intermodal Facility Improvements Please explain why the Port of Oakland expanded intermodal facilities was not included as one of the above factors. Are there any other factors that should be included?
- Vol. 3, Page 111-12, Section 2.1 of the Operating Plan:

2.1 Base Period

The Operating Plan was constructed using 1994 traffic levels, modified to take into account the estimated impacts of the UP/CNW merger, the BN/Santa Fe merger, and the conditions granted in settlement agreements between BN/Santa Fe applicants and SP, KCS and UP. To provide as accurate an indication of operating patterns as possible, UP and SP planners identified freight train schedules and other operating data for the most recent period during 1995 for which this information was available when planning began. Like the traffic data, these data were modified to take into account anticipated changes resulting from the UP/CNW merger, the BN/Santa Fe merger, and BN/Santa Fe's settlement agreements.

Vol. 3, Page 112, ¶ 4, of the Operating Plan:

Using a computer model, loaded and empty traffic in the base period for each separate system was routed across that system and assigned to appropriate trains based on the blocking plan and train schedules for the base period (Footnote 1: Base-period SP train schedules were identified manually by SP personnel due to variations in SP train operations from those scheduled during that period.).

Vol. 3, Page 113 of the Operating Plan

Every Effort was made to ensure that the proposed train schedules, blocking plans and terminal functions are conservative, realistic and practical and will accommodate the projected traffic.

Vol. 3, Page 117 of the Operating Plan With the parallel UP and SP routes providing significant operating flexibility, the merged system will use both routes, but will concentrate intermodal and other service-sensitive traffic on the shorter SP route.

Length of Trains

February 12, 1997

Materials provided to Task Force

Actual weighted average from De Leuw Cather & Company materials provided to Task Force is 4,289 feet over 135 trains with a standard deviation 1,459 feet. Therefore a range of plus or minus one S.D. would be 2,830 feet to 5748 feet.

February 3, 1997

Surface Transportation Board (De Leuw Cather & Company) Monitoring Data

Average length of freight trains form analysis of STB Monitoring Data is 4,621 feet over 135 trains with a standard deviation 1,283 feet. Therefore a range of plus or minus one S.D. would be 3,338 feet to 5,904 feet.

December 9, 1996 Joint Verified Statement of Anderson and Naro

Page 8, of the Joint Verified Statement

Actual weighted average from Anderson and Naro materials provided to Task Force is 4,289 feet over 135 trains with a standard deviation 1,459 feet. Therefore a range of plus or minus one S.D. would be 2,830 feet to 5748 feet.

Page 9, of the Joint Verified Statement

We know of no basis for Reno's prediction of an average train length of 6,500 feet. The data above, which represent[s] our best prediction, indicate a weighted average length for UP/SP trains of less than 5,000 feet, consistent with current SP train lengths through Reno.

Please explain why there is such a negative correlation between the observed STB Monitoring Data and the Joint Verified Statement data.

Speed of Trains

We have only had this information since Monday May 12, 1997 and would like to revisit this item after we have adequate time to prepare a proper evaluation of the data presented.

One general observation: Table 4 indicates a train on 02-04-97 at 10:45 a.m. with a speed of 20 mph. That train was an westbound Amtrak starting from a stationary position at the Center Street Station. How did it get to 20 mph in one city block?

Agenda Item 3. Noise Issues

We have only had this information for a short time and would like to revisit this item after we have adequate time to prepare a proper evaluation of the data presented.

Two general observations: 1) Why were certain measurements left out of averages, and 2) small sample sizes appear to make the averages useless in some cases.

D. MICHAEL CLASEN

Chief Deputy, Civil Division

Civil Division Deputies MERRI L. BELAUSTEGUI-TRAFICANTI DONALD L. CHRISTENSEN MARILYN CRAIG CAROLYN J. CRAMER DIANNE E. FOLEY KAREN SWANEY FRALEY CHAN G. GRISWOLD MICHAEL K. HALLEY MARGARET K. STEVENS Reno City Hall 490 South Center Street, Room 204 Reno, Nevada 89501

OFFICE OF THE CITY ATTORNEY PATRICIA A. LYNCH

> Mailing Address Post Office Box 1900 Reno, Nevada 89505-1900

Tel. (702) 334-2050 Fax (702) 334-2420

May 14, 1997

MARSHALL S. SMITH

Chief Deputy, Criminal Division

Criminal Division Deputies KATHRINE I. BERNING PATRICIA L. KAPLAN BARBARA SCHULTZ MCCARTHY LARA C. MCKIBBEN SHELLY O'NEILL

> Victim/Witness Advocates LORI L. BROWN SUZANNE RAMOS

Elaine K. Kaiser, Esq. Chief, Section of Environmental Analysis Surface The aportation Board 1925 K Street NW, 5th Floor Washington, D.C. 20423

Dear Ms. Kaiser:

This letter is in response to your letter of November 4, 1996, (enclosed), requesting that the City address the history of development around the Southern Pacific right-of-way. The City is still unclear as to the relevance of this information, particularly in light of SEA's statement that SEA's jurisdiction in this mitigation study (as ordered under Decision No. 44) is to address mitigation along the existing right-of-way based upon the increased rail traffic resulting from the UP/SP merger.

Nonetheless, in the spirit of cooperation, the City contacted William Wimmer of the Union Pacific on November 18, 1996, (letter enclosed) to assist in this task. Based upon Mr. Wimmer's December 3, 1996, response (enclosed) declining the City's request for assistance, the City has compiled the right-of-way information. Since no time frame was indicated in SEA's request, the City has researched information subsequent to 1980 because this information has been computerized and such computerization facilitated the City's retrieval of information. If SEA desires to obtain information pre-1980, the City would then renew its request to receive assistance from the railroad, the single property owner, to facilitate ease of retrieval. To require otherwise would impose an unduly burdensome and extremely expensive task upon the City.

Based upon the information retrieved by the City, the City now requests that the record reflect the following information which relates to the sale of right-of-way by the Southern Pacific in the downtown Reno area subsequent to 1980.

Elaine E. Kaiser, Esq. May 14, 1997 Page 2

The enclosed table (Exhibit 1) summarizes to the best of the City of Reno's ability the sale of Southern Pacific Transportation Company (a Delaware corporation) property to non-railroad entities by date, parcel numbers, buyer, present owner and illustrative map key information as provided by Washoe County. The enclosed map (Exhibit 2) is an illustrative representation of the right-of-way sales as prepared by City staff.

Sincerely,

Merri Belaustegui MERRI BELAUSTEGUI-TRAFICANTI

MERRI BELAUSTEGUI-TRAFICANTI Deputy City Attorney

MLB:cjg Encs.

> cc: Harold McNulty, STB Charles McNeely, Reno City Manager Paul Lamboley, Esg.

Exhibit 1

Recorded Date	Parcel Nos.	Buyer	Present Owner	Map
	11-370-43	Lincoln Management Company Inc., a Nevada Corporation, Donald L. Carano and Raymond Poncia, Jr.	Eldorado Resorts LLC	1
	11-370-44	Lincoln Management Company Inc., a Nevada Corporation, Donald L. Carano and Raymond Poncia, Jr.	Eldorado Resorts LLC	
	11-370-45	Lincoln Management Company Inc., a Nevada Corporation, Donald L. Carano and Raymond Poncia, Jr.	Eldorado Resorts LLC	1
10-05-88	11-370-41	Reno Hilton Corporation, a Nevada Corporation	Reno Hilton Corporation, a Nevada Corporation	2
05-31-89 11-360-09	11-360-09	Zante Inc.	Zante Inc.	3
09-29-89	11-350-30	Frank F. Knafelc	Frank F. Knafelc	4
07-16-90	11-370-10	The Rockledge Corporation, a Nevada Corporation	The Rockledge Corporation, a Nevada Corporation	5
08-24-90 <u>11-370-05</u> 11-370-15	11-370-05	George E. Crooms, Jr. and Sharon M.	G & S Investment Company	6
	Crooms, as Trustees The Lake Trust			
	11-380-07	The Redevelopment Agency of the City of Reno, a governmental agency	Sierra Development Corporation	7
	11-380-26		Sierra Development Corporation	
	11-380-29		Washoe Co.	



P.O. Box 1900 Reno, Nevada 89505

May 22, 1997

Elaine Kaiser, Esq. Program Director/Legal Counsel STB-SEA 1925 "K" Street NW, 5th floor Washington, D.C. 20423

Dear Ms. Kaiser:

City of Reno staff has informed me that at the April 23, 1997 task force meeting, you clarified that Decision No. 71 applies not only to the City of Wichita, but also to the City of Reno. Staff informs me they noted on the record that Decision No. 71 was rendered without prior notice to the City of Reno, which eliminated any opportunity for the City of Reno to participate prior to service of the Decision on April 17, 1997. Based upon your statement that Decision No. 71 does apply to the City of Reno, I am compelled to seek further clarification of the parameters of "baseline" mitigation.

Earlier, at the February 12, 1997 task force meeting, SEA distributed the enclosed "Reno Mitigation Study - Preliminary Mitigation Options." This handout lists both preliminary mitigation options as well as "other improvements to be reviewed." Staff informs me that based upon input from task force members, the elevated trainway is no longer being considered as a mitigation option. The City of Reno now requests an explanation of the term "baseline mitigation" and whether it includes consideration of all of the mitigation options on the enclosed SEA handout listing grade-separated crossings, the depressed trainway and "other improvements to be reviewed."

A clear understanding of what will be considered under baseline mitigation is critical in light of the "alternative mitigation" language of Decision No. 71 providing only for voluntary participation. This is especially true considering the disturbing statement of Mr. Winn Frank, Project Director, at a 10:30 a.m. meeting with my staff on May 14, 1997, expressing the view that the depressed trainway project would be a "second tier mitigation option." My staff understood this to be the alternative mitigation under Decision No. 71 involving voluntary funding. Elaine Kaiser, Esq. STB-SEA May 22, 1997 Page 2

I look forward to your response to this important baseline mitigation explanation for the City of Reno. Per your instructions to my staff, please make this letter part of the record in this matter.

Sincerely,

CH/

City Manager

MLB:cjg

cc: Harold McNulty, STB Paul Lamboley, Esq. Merri Belaustegui-Traficanti, Esq.

SURFACE TRANSPORTATION BOARD -- SECTION OF ENVIRONMENTAL ANALYSIS

RENO MITIGATION STUDY -- PRELIMINARY MITIGATION OPTIONS

PRELIMINARY MITIGATION OPTIONS:

□ Grade-Separated Crossings

- O One or more grade-separated crossings
- Public and agency input needed regarding possible locations
- O Preliminary key issues:
 - Number of vehicular traffic lanes
 - Impacts to properties (e.g., property access) near grade-separated crossings

Depressed Railway

- Preliminary limits -- from Stoker Avenue on the west to Sutro Street on the east
 Preliminary key issues:
 - Construction impacts
 - Groundwater depths / infiltration / quality -- possible need for treatment

Elevated Railway

- O Preliminary key issues:
 - Visual barrier
 - Existing structures over railroad right-of-way
 - Current air rights over railroad right-of-way

OTHER IMPROVEMENTS TO BE REVIEWED:

- Improved grade crossing safety measures
- Train speed modifications
- Noise suppression modifications
- Enhanced landscaping and beautification measures
- Improved pedestrian safety measures

NOTE: The above stated preliminary options may involve shared or joint public/private funding





P.O. Box 1900 Reno, Nevada 89505

May 29, 1997

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Mr. Mc. Julty:

As a follow-up to the April 23, 1997 Reno mitigation task force meeting, the City of Reno would respectfully request an explanation of the noticeable difference in the level of detail in the information the Wichita mitigation committee is receiving compared to the Reno mitigation task force.

I am referring to the attached copy of the materials dated May 16, 1997, provided to the Wichita Mitigation Committee prior to their sixth meeting, including such topics as:

- basis of analysis
- vehicle traffic (1995, 2000, 2020)
- train traffic projections
- pre-merger through trains per day
- revised average train densities
- average length of trains with ranges
- detailed train speed information
- environmental impacts of increased traffic
- post-merger unmitigated vehicle delays (hrs./day)(mins./vehicle)
- post-merger unmitigated train-vehicle accidents
- post-merger unmitigated emergency response (total crossing blockage time)

Mr. Harold McNulty May 29, 1997 Page 2 of 3

- post-merger unmitigated pedestrian safety
- post-merger unmitigated derailment risk
- post-merger unmitigated air quality (preliminary emissions estimates)

These are all topics the Reno mitigation task force members have been requesting since initial meetings with the STB in October, 1996. Instead, we have been receiving agendas (noted below) emphasizing mitigation options with little or no information on environmental impacts:

Jan. 15 -	Initial Discussion of Mitigation Options and Evaluation Criteria		
Feb. 12 -	Train Data Assumptions for Study; Continued Discussion of Mitigation		
	Options and Evaluation Criteria		
Mar. 12 -	FRA discussion Regarding Railroad Safety Programs; Continued		
	Discussion of Mitigation Options and Evaluation Criteria		
Apr. 23 -	Review of Potential Funding Sources; Grade Separation Options		
May 14 -	UP's Operating Plan and Train Traffic; Noise Field Measurements;		
	Description of Depressed Trainway Option		

Your May 13, 1997 response to our April 15, 1997 letter appears to indicate that SEA is planning to cover the many of our requested topics. Thus, the City of Reno has used the outline listed below to indicate the depth and breadth of information we would like to see when these topics are covered:

June 11th topics:

- pre-merger & post-merger unmitigated vehicle traffic (1995, 2000, 2005, 2020)
- pre-merger & post-merger unmitigated vehicle delays (hrs./day)(mins./vehicle)
- post-merger unmitigated average train densities with ranges
- post-merger range of train lengths

July 9th topics:

- pre-merger & post-merger unmitigated emergency response times
- pre-merger & post-merger unmitigated train-vehicle accidents
- pre-merger & post-merger unmitigated train-pedestrian accidents
- pre-merger & post-merger unmitigated derailment risk including drinking water contamination

Mr. Harold McNulty May 29, 1997 Page 3 of 3

Additional topics not yet noted on the preliminary task force agendas:

- pre-merger & post-merger unmitigated day-night average noise level (L_{dn})
- post-merger unmitigated train speed information including validity and reliability data
- pre-merger & post-merger unmitigated air quality emissions (trains and vehicles)
- pre-merger & post-merger unmitigated pedestrian traffic (1995, 2000, 2005, 2020)
- pre-merger & post-merger unmitigated public transportation traffic (1995, 2000, 2005, 2020)

Kay Wilson noted at the May 14, 1997 task force meeting that the outline of future task force agenda topics (including topics requested by the City of Reno) was a preliminary outline of when topics would be addressed. Because the outline includes a Draft Mitigation Plan on September 10, 1997, we would request clarification as to when exactly each of these detailed topics will be presented and discussed. Please contact me at your convenience should you have any questions or comments relating to this request for information. Thank you for your attention to this matter, I look forward to your timely response.

Sincerely,

CHÀRLES McNEÈLY City Manager

CM:cjg

Encs: May 16, 1997 - Wichita Committee Materials (18 pages) April 15, 1997 - McNeely Letter to McNulty (3 pages) May 13, 1997 - McNulty Letter to McNeely (3 pages)

cc: Merri Belaustegui-Traficanti, Deputy City Attorney Mark A. Demuth, MADCON Consultation Services



280 Island Ave, Ste 1602 Reno, NV 89501-1806 Ph (702) 829-1126 Fx (702) 329-9094

FAX TRANSMITTAL (702) 329-9094

DATE & TIME SENT:	June 6, 1997 3:11pm
TO:	David J. Mansen, De Leuw, Cather & Company Fax No. 415-546-1602
	Harold McNulty, STB, Section of Environmental Analysis Fax No. 202-565-9000
DESCRIPTION:	Request for Information
RE:	Reno Mitigation Task Force Meeting of June 11, 1997

NUMBER OF PAGES (INCLUDING THIS SHEET): 2

COMMENTS: I am in receipt of the June 11, 1997 Task Force meeting agenda, but was disappointed to see that materials were not provided for Agenda Items 3 & 4. In my follow-up telephone conversation with Dave Mansen, he stated that the materials were not ready at this time. I requested a possible Federal Express package of materials Monday or Tuesday and he felt it would be best if the materials were provided to the entire Task Force at the same time.

The City of Reno finds it difficult at best, to prepare for "discussion and questions" of topics which they have not received materials in advance of the meeting dates. As recently as May 29, 1997, Charles McNeely sent a letter to the Surface Transportation Board - Section of Environmental Analysis requesting an explanation of the noticeable difference in the level of detail in the information the Wichita mitigation committee has received as compared to Reno.

PERSON SENDING FAX:

Mark A. Demuth Principal MADCON Consultation Services

cc: Merri Belaustegui-Traficanti, City of Reno Paul Lamboley, Counsel for City of Reno

FFICE OF THE CITY ATTORNEY PATRICIA A. LYNCH

D. MICHAEL CLASEN

Chief Deputy, Civil Division

Civil Division Deputies MERRI L. BELAUSTEGUI-TRAFICANTI DONALD L. CHRISTENSEN MARILYN CRAIG CAROLYN J. CRAMER DIANNE E. FOLEY KAREN SWANEY FRALEY CHAN G. GRISWOLD MICHAEL K. HALLEY MARGARET K. STEVENS Reno City Hall 490 South Center Street, Room 204 Reno, Nevada 89501

> Mailing Address Post Office Box 1900 Reno, Nevada 89505-1900

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June 10, 1997

WILLIAM L. GARDNER

Chief Deputy, Criminal Division

Criminal Division Deputies KATHRINE I. BERNING PATRICIA L. KAPLAN BARBARA SCHULTZ MCCARTHY LARA C. MCKIBBEN SHELLY O'NEILL

> Victim/Witness Advocates LORI L. BROWN SUZANNE RAMOS

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study:

Dear Mr. McNulty:

This letter is a follow up to your May 13, 1997 response to our April 15, 1997 letter. Specifically, page 3 bullet 1 in your May 13, 1997 letter states:

Regarding population changes in Truckee Meadows, SEA will be reviewing growth in vehicular traffic and the effects of the increased train traffic on Truckee Meadow's vehicular traffic growth. This information will be provided in the draft mitigation plan.

No explanation is given why SEA will not be examining population growth, even though a number of comments have been made at various task force meetings that a correlation exists between "Reno's uncontrolled growth and its problems with the railroad."

The attached Exhibit A, Summary of Washoe County and City of Reno Population Estimates and Forecasts, indicates the projected population and percent change for the City of Reno and Washoe County, and reflects a moderate 2.18% increase annually or 3,272 people per year for the City of Reno (or, in other words, a total 2.10% increase annually equating to 5,968 people per year for all of Washoe County). The source of this information has served as the basis for local planning efforts by the Truckee Meadows Regional Planning Agency, Washoe County Comprehensive Planning, City of Reno, City of Sparks, Regional Transportation Commission, Regional Water Planning and Advisory Boards of Washoe County.
Mr. Harold McNulty, Study Director Surface Transportation Board June 10, 1997 Page 2

The following publications are provided in support of the above information and are made part of the record:

- Washoe County Consensus Forecast, 1995-2015. July 1995
- Draft Washoe County Population Forecasts: Methods and Assumptions for Distributing Forecasted Population. April 1997.
- Draft Washoe County Dwelling Unit and Population Estimate: Methods and Assumptions. April 1997.
- Washoe County Annual Econometric Model, 1983 Long-term Forecast. July 1984.
- Washoe County Socioeconomic Information System Annual Population Estimates. October 16, 1990.
- Washoe County Socioeconomic Information System Annual Population Estimates, Draft. April, 1997

We look forward to your explanation of how SEA is planning to account for normal growth in the draft mitigation plan. Pursuant to Elaine Kaiser's instruction, I am requesting that this letter be placed on the record in this matter.

Sincerely,

MERRI BELAUSTEGUI-TRAFICANTI

Deputy City Attorney

MD/MLB:cjg

Enclosures:

Exhibit A April 15, 1997 - McNeely Letter to McNulty May 13, 1997 - McNulty Letter to McNeely Washoe County Consensus Forecast, 1995-2015 Draft Washoe County Population Forecasts: Methods and Assumptions Draft Washoe County Dwelling Unit and Population Estimate: Methods and Assumptions Washoe County Annual Econometric Model, 1983 Long-term Forecast Washoe County Socioeconomic Information System - Annual Population Estimates, Oct. 16, 1990 Washoe County Socioeconomic Information System - Annual Population Estimates, Draft Apr. 1997

cc: Charles McNeely, Reno City Manager Mark A. Demuth, MADCON Consultation Services

Exhibit A

Summary of Washoe County and City of Reno Population Estimates and Forecasts

Year	Washoe County Population	Washoe County Annual Population Increase	Wushoe County Percent Change	City of Reno Population	City of Reno Annual Population Increase	City of Reno Percent Change
1980 ¹	193,623			100,756		
1981 ²	200,811	7,188	3.71	104,084	3,328	3.3
1982	204,389	3,578	1.78	105,498	1,414	1.3
1983	210,096	5,707	2.79	108,048	2,550	2.4
1984	216,903	6,807	3.24	111,065	3,017	2.7
1985	222,989	6,086	2.81	113,473	2,408	2.1
1986	230,732	7,743	3.47	117,590	4,117	3.6
1987	238,085	7,353	3.19	121,592	4,002	3.4
1988	244,471	6,386	2.68	124,709	3,117	2.5
1989	252,217	7,746	3.17	128,817	4,108	3.2
1990 ³	254,667	2,450	0.97	133,397	4,580	3.5
1991*	262,200	7,533	2.96	139,050	5,653	4.2
1992	266,200	4,000	1.53	141,760	2,710	1.9
1993	273,010	6,810	2.56	145,350	3,590	2.5
1994	282,470	9,460	3.47	150,490	5,140	3.54
1995	288,420	5,950	2.11	153,300	2,810	1.8
1996	297,560	9,140	3.17	158,740	5,440	3.5
19975	302,200	4,640	1.56	161,677	2,937	1.8
1998	308,700	6,500	2.15	165,155	3,478	2.1
1999	315,100	6,400	2.07	168,579	3,424	2.07
2000	321,500	6,400	2.03	172,003	3,424	2.03

1980 U.S. Census figures.

²1981-1989 Washoe County and City of Reno populations source: Washoe County Socioeconomic Information System -Annual Population Estimates, October 16, 1990.

³1990 U.S. Census figures.

⁴1991-1996 Washoe County and City of Reno populations source: Washoe County Socioeconomic Information System -Annual Population Estimates, Draft April 1997.

⁵1997-2015 Washoe County population source: Washoe County Consensus Forecast, 1995-2015. July 1995. 1997-2015 City of Reno population upon 53.5% of the Washoe Consensus Forecast population.

Year	Washoe County Population	Washoe County Annual Population Increase	Washoe County Percent Change	City of Reno Population	City of Reno Annual Population Increase	City of Reno Percent Change
2001	327,700	6,200	1.93	175,320	3,317	1.93
2002	333,800	6,100	1.86	178,583	3,263	1.86
2003	339,800	6,000	1.80	181,793	3,210	1.80
2004	345,700	5,900	1.74	184,950	3,157	1.74
2005	351,500	5,800	1.68	188,053	3,103	1.68
2006	357,300	5,800	1.65	191,156	3,103	1.65
2007	363,000	5,700	1.60	194,205	3,049	1.60
2008	368,800	5,800	1.60	197,308	3,103	1.60
2009	374,500	5,700	1.55	200,358	3,050	1.55
2010	380,200	5,700	1.52	203,407	3,049	1.52
2011	385,800	5,600	1.47	206,403	2,996	1.47
2012	391,500	5,700	1.48	209,453	3,050	1.48
2013	397,200	5,700	1.46	212,502	3,049	1.46
2014	402,800	5,600	1.41	215,498	2,996	1.41
2015	408,500	5,700	1.42	218,548	3,050	1.42

June 11, 1997

Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

In our continued effort (see the City of Reno's May 29, 1997 letter attached), the undersigned Task Force Members and Alternates seek clarification of the Mitigation Study process and reiterate their collective concerns about disclosure of information in a timely manner. Therefore, we request the following topics be scheduled for further discussion due to lack of time to prepare and/or incomplete information presented:

- May 14, 1997 Agenda Item 3. Noise Issues
 - pre-merger & post-merger unmitigated day-night average noise level (Lan)
 - Sensitive Receptor Inventory
 - post-merger unmitigated train speed information including validity and reliability data
 - May 14, 1997 Agenda Item 4. Air Quality Issues in Truckee Meadows
 - pre-merger & post-merger unmitigated air quality emissions (trains and vehicles)
- June 11, 1997 Agenda Item 3. Presentation of Traffic Data and Vehicle Traffic Delay Projections for a Range of Mitigation Options
 - pre-merger & post-merger unmitigated vehicle traffic (1995, 2000, 2005, 2020)
 - pre-merger & post-merger unmitigated vehicle delays (hrs./day)(mins./vehicle)
 - post-merger unmitigated average train densities with ranges
 - post-merger range of train lengths
 - June 11, 1997 Agenda Item 4. Train/Vehicle Accident Data
 - pre-merger & post-merger unmitigated pedestrian traffic (1995, 2000, 2005, 2020)
 - pre-merger & post-merger unmitigated public transportation traffic (1995, 2000, 2005, 2020)

We have been informed the Draft Mitigation Plan is scheduled for discussion at the September 10, 1997 Task Force Meeting. Thus, we would request clarification as to when exactly each of these items can be placed on the agenda. In the event these critical information and agenda issues are not promptly resolved, we believe that the proposed study calendar may of necessity have to be extended in order to adequately complete the investigative record. Please contact the City's representative Mark A. Demuth at 829-1126 should you have any specific questions or comments.

Mr. Harold McNulty June 11, 1997 Page 2 of 2

Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Respectfully Submitted.

mere Belaustegu Iralicanti Michaet Merri Belaustegui-Traficanti

Deputy City Attorney, City of Reno Manager's Office Representative

P Steve Narela

City Engineer, City of Reno Engineering Representative

Mark A. Demuth MADCON Consultation Services Environmental Representative

Chief Jim Weston Rene Police Department, City of Reno

Steve Bradhurst Reno Citizen Representative

Bill Osgood

Reno Downtown Improvement Assoc. Business Compunity Representative

Bob Burns

NFRA Representative

Enc.: œ.

May 29, 1997 - McNeely Letter to McNuity Charles McNeely, City Manager Jeff Griffin, Mayor Pierre Hascheff, Council Member At-Large

Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Representative Jim Gibbons Representative John Ensign

Michael Halley

Deputy City Attorney, City of Reno Manager's Office Alternate

Tom Gribbin

Pyramid Engineering Engineering Alternate

Colleen Henderson

Environmental Management Associates Environmental Alternate

10 Chief Larry Farr

Fer Reno Fire Department, City of Reno

U

Richard Vitali Reno Citizen Representative

Reno-Sparks Chamber of Commerce **Business Community Alternate**

John Frankovich NFRA Alternate



June 20, 1997

Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

In anticipation of further discussion of Noise/Vibration impacts (partially covered by May 14, 1997, Agenda Item No. 3), the City of Reno requests further task force discussion addressing the following:

- Pre-merger & post-merger unmitigated day-night average noise level (L_{di}) [See May 29, 1997 & June 11, 1997 letter]
- Sensitive Receptor Inventory [See June 11, 1997 letter]
- Post-merger unmitigated train speed information including validity and reliability data [See May 29, 1997 & June 11, 1997 letter]

Additionally, the City of Reno requests that the Surface Transportation Board examine the previously used definition of noise receptors for the following reasons.

It was learned at a task force meeting that the STB uses noise-sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) which represents a very narrow category of land uses when estimating ultimate affects of noise. This category of land uses utilized by the STB is not consistent with the STB's own implementing regulations which define "receiving properties" as commercial and residential properties that receive the sound from railroad facility operations, but that is not owned or operated by a railroad. See, 40 CFR 201(w). Part 201(e) of Chapter 40 of the Code of Federal Regulations defines commercial property as any property that is normally accessible to the public and that is used for any of the purposes described in the following standard land uses: retail trade; finance; insurance, real estate, personal, business and repair services; legal and other professional services; governmental services; welfare,

Ms. Elaine Kaiser Mr. Harold McNulty June 20, 1997 Page 2

charitable and other miscellaneous services; native exhibitions and other cultural activities; entertainment, public and other public assembly; and recreational, resort, park and other cultural activities. Part 201(x) of Chapter 40 of the Code of Federal Regulations defines residential properties as any property that is used for any of the purposes described in the following standard land uses: residential; medical and other health services; educational services, religious activities; and cultural activities. As documented, the STB's own implementing regulations offer a much broader category of land uses thus affecting a greater number of land uses located along the railroad tracks.

Accordingly, the City requests a written response from the STB's legal counsel forth the specific definition the STB will be using to define noise receptors. For the 'ated reasons, the City respectfully requests that this analysis include consideration and other commercial properties which are adjacent to UP's trackage throughout

The City looks forward to your timely response to this issue by July 7, 1997, in order to allow the City to timely prepare its comment for the draft mitigation plan scheduled to be released on September 10, 1997. Please contact the City's representative Mark A. Demuth at (702) 829-1126 should you have any specific questions or comments. Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Sincerely,

City Manager

MD:cjg Enclosures:

May 29, 1997 - McNeely letter to McNulty

June 11, 1997 - 13 Undersigned Task Force Members letter to Elaine Kaiser

cc: Jeff Griffin, Mayor

Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1

Candice Pearce, Council Member Ward 2

Bill Newberg, Council Member Ward 3

Judy Pruett, Council Member Ward 4

Dave Aiazzi, Council Member Ward 5

Senator Harry Reid

Senator Richard Bryan

Representative Jim Gibbons

Representative John Ensign

Merri Belaustegui-Traficanti

Mark A. Demuth, MADCON Consultation Services



June 20, 1997

Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

My staff informs me that at the June 11, 1997 task force meeting, Study Director Harold McNulty stated that the Section on Environmental Analysis (SEA) does not have any obligation to bring every requested issue before the task force prior to completion of the draft mitigation plan now scheduled to be released on September 10, 1997.

Mr. McNulty's statement is extremely disturbing in light of the numerous important issues the City has requested to be placed on task force agendas and considering all of the topics listed on SEA's June 11, 1997 handout entitled "CATEGORIES FOR EVALUATION" (attached) which may or may not be covered in the upcoming task force meetings. The City is therefore compelled to request, again, that each of the below listed issues be fully evaluated and presented for task force discussion prior to the issuance of the draft mitigation plan for Reno:

•

Traffic Delay (partially covered by June 11, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated vehicle traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- post-merger range of train lengths [May 29, 1997 & June 11, 1997 letter]

• Pedestrian Safety

Previously requested related topics:

- pre-merger & post-merger unmitigated pedestrian traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- per-merger & post-merger unmitigated pedestrian safety [May 29, 1997 letter]
- Emergency Vehicle Access

Previously requested related topics:

- pre-merger & post-merger unmitigated emergency response (total crossing blockage time) [May 29, 1997 letter]
- Train/Vehicle Accidents (partially covered by June 11, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated public transportation traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- Derailments/Spills/Water Quality

Previously requested related topics:

- pre-merger & post-merger unmitigated derailment risk [May 29, 1997 letter]
- Train Operations (covered by May 14, 1997 Agenda Item No. 2)

Previously requested related topics:

- post-merger unmitigated average train densities with ranges (please see STB's May 13, 1997 letter page 2, bullet 4 under June 11, 1997 which states "Discussion of the range for train numbers proposed for the mitigation study") [May 29, 1997 & June 11, 1997 letter]
- Native American Issues

Biological Resources

• Noise/Vibration (partially covered by May 14, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated day-night average noise level (L_{dn}) [May 29, 1997 & June 11, 1997 letter]
- Sensitive Receptor Inventory [June 11, 1997 letter]
- post-merger unmitigated train speed information including validity and reliability data [May 29, 1997 & June 11, 1997 letter]
- Air Quality (baseline conditions partially covered by May 14, 1997 Agenda Item No. 4)

Previously requested related topics from June 11, 1997 letter:

- pre-merger & post-merger unmitigated air quality emissions (trains and vehicles) [May 29, 1997 & June 11, 1997 letter]
- Property Impacts/Land Use
- Cost
 - Related economic or social and natural or physical environmental effects
- Feasibility of Implementation
 - Review of mitigation means whether through avoidance, minimizing, rectifying, reducing or eliminating, or compensating for defined effects (direct or indirect), and consequences, both short-term and long-term, in the affected and created environment.

Further, based upon the City's commitment to fully inform the public during this mitigation study process, the City also requests the following action:

Clarification as to when exactly each of these items can be placed on the agenda;

- In the event these categories for evaluation (e.g., critical information and agenda issues) are not promptly resolved, then an extension of the mitigation study and task force schedule/calendar be extended up to 90 days in order to adequately complete the investigative record in the public task force forum; and
- The comment period on the draft mitigation study be extended to 60 days to allow interested parties ample time to request source data supporting the draft mitigation study (previously undisclosed materials which are anticipated based upon Mr. McNulty's comments).

The City looks forward to your timely response to these issues by July 7, 1997 in order to allow the City to timely prepare its comment on the draft mitigation plan. Please contact the City's representative Mark A. Demuth at 829-1126 should you have any specific questions or comments. Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Sincerely,

City Manager

MD:cjg Enclosures:

June 11, 1997 handout "Categories for Evaluation" May 13, 1997 - McNulty letter to McNeely May 29, 1997 - McNeely letter to McNulty June 11, 1997 - 13 Undersigned Task Force Members letter to Elaine Kaiser

cc: Jeff Griffin, Mayor

Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Representative Jim Gibbons Representative John Ensign Merri Belaustegui-Traficanti Mark A, Demuth, MADCON Consultation Services

CATEGORIES FOR EVALUATION

- Traffic Delay
- Pedestrian Safety
- Emergency Vehicle Access
- Train/Vehicle Accidents
- Derailments/Spills/Water Quality
- Train Operations
- Native American Issues
- Biological Resources
- Noise/Vibration
- Air Quality
- Property Impacts/Land Use
- Cost
- □ Feasibility of Implementation



June 20, 1997

Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

My staff informs me that at the June 11, 1997 task force meeting Mr. Mark Demuth of the City's environmental consulting team questioned why the Surface Transportation Board's (STB's) consultants De Leuw, Cather & Company (DCCo) had only compared "pre-merger" 12.7 trains per day using year 2000 vehicle traffic to "post-merger" 24.0 trains per day using year 2000 vehicle traffic. Mr. Demuth stated that in his opinion baseline conditions are defined as the environment existing at the moment of the action and that the UP must take the environment as it finds it at the time of the merger.

Based upon Mr. Demuth's statement, I am informed that Mr. McNulty asked Mr. Demuth to write a letter to the STB outlining what methodology the City believes should be used in the analysis of traffic delay and train/vehicle accident analysis. As such, please be advised that the City's environmental consulting team has provided the following information.

Background

Any discussion of methodology to define any impacts or determine any mitigation must be governed by the National Environmental Policy Act of 1969 (P.L. 91-190, Jan. 1, 1970, 83 Stat. 852, 42 U.S.C. § 4321 et seq. (the "Act" or "NEPA") and related environmental laws. The environmental investigative procedure appropriate for the Reno mitigation study can be readily determined by reference to the Council on Environmental Quality (CEQ) regulations (40 CFR part Ms. Elaine Kaiser Mr. Harold McNulty June 20, 1997 Page 2

1500 et seq.¹) and integrating the NEPA process early (§ 1500.1-3, 1501.2).

Because the discussion at the June 11, 1997 task force meeting focused upon the use, or misuse, of certain terms and because the definitions in Part 1508 of the CEQ regulations are particularly helpful for development of the environmental investigative record, we have set forth certain definitions in the attached Exhibit A. Illustrative examples are given in the second column of Exhibit A specifically related to the merger. I am sure you agree the CEQ regulations are especially apropos and instructive for the Reno mitigation study.

Methodology

The City has not been provided complete methodologies or assumptions for any resource impact analyses completed by DCCo. However, based upon the City's environmental consulting team's initial analysis of the data presented on traffic delays by Gui Sheerin at the June 11, 1997 task force meeting (attached), the following comments are given in reference to DCCo's methodology and process in general:

- All traffic impact assessment, including vehicular delay analysis, must be prepared in conformance with the methodology requirements promulgated by the <u>Institute of Transportation Engineers (ITE) Handbook</u>, Fifth Edition Update, February, 1995.
- Determination of the "affected environment" requires "description of environment of the area(s) to be affected or created by the alternatives" (§ 1502.15).
- "Environmental consequences" requires review of scientific and analytic basis of the elements required by NEPA section 102(2)(c)(I-v) and sections (a)-(k) (§1502.16).
- Review of "alternatives" build on the definition and description of affected environment and environmental consequences (§ 1502.14).
- Overall methodology of the Reno Mitigation Study should be designed to ensure professional integrity (§ 1502.24). For example, failures/flaws in the delay/accident analysis include:
 - . Those items label pre-merger actually represent the cumulative affects of the environment with the

¹Please be advised that none of the attached definitions are modified under 459 CFR part 1105.4 which indicates that "in addition to the definitions contained int he regulations of the Council of Environmental Quality (40 CFR part 1508), the following definitions apply to these regulations:...".

Ms. Elaine Kaiser Mr. Harold McNulty-June 20, 1997 Page 3

no action alternative (no merger) [year 2000 vehicle traffic (ADT) and 12.7 through freight trains per day].

- Those items labeled post-merger represent the proposed action as defined by UP (the fully implemented merger) [year 2000 vehicle traffic (ADT) and 24.0 through freight trains per day].
- A year 2020 traffic delay analysis should be prepared to more accurately portray post-merger with and without mitigation conditions.
- All analyses are missing items labeled pre-merger existing environment conditions in 1995 [year 1995 vehicle traffic (ADT) and 12.7 through freight trains per day] and existing 1995 traffic plus merger (24 through freight trains per day).
- Delay equations should be calculated for mean speed and length as well as one standard deviation above and below the mean to illustrate the variance in the data set.
- No analysis of real worst case post-merger train traffic (38 trains per day).
- Cost-benefit analysis of alternative choices is also a material consideration (§ 1502.23).
- There should be a concise public record of decisions (§ 1505 2).
- Pending conclusion of the process, an agency is admonished to take no action which will limit the choice of reasonable alternatives or otherwise prejudice the ultimate decision or the program (§ 1206.1).

The City's environmental consulting team will offer additional analysis when the task force receives the traffic delay methodology or any other methodologies in writing from DCCo as promised by Dave Mansen at the June 11, 1997 task force meeting.

Further, the City requests that DCCo prepare, at a minimum, the following traffic vehicular delay scenarios:

- 1) 1995 traffic volumes + 12.7 trains per day (pre-merger)
- 2) 1995 traffic volumes + 24.0 trains per day (STB worst case)
- 3) 1995 traffic volumes + 38.0 trains per day (Reno worst case)
- 4) 2000 traffic volumes + 12.7 trains per day
- 5) 2000 traffic volumes + 24.0 trains per day
- 6) 2000 traffic volumes + 38.0 trains per day
- 7) 2020 traffic volumes + 12.7 trains per day
- 8) 2020 traffic volumes + 24.0 trains per day
- 9) 2020 traffic volumes + 38.0 trains per day

The City looks forward to receiving the traffic delay methodology utilized by DCCo by July 7, 1997 in order to allow the City to timely prepare for the July 9, 1997 task force meeting.

Ms. Elaine Kaiser Mr. Harold McNulty June 20, 1997 Page 4

Please contact the City's representative Mark A. Demuth at (702) 829-1126 should you have any specific questions or comments. Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Sincerely. ely CHARLES Mc

City Manager

MD:cjg

Enclosures: Exhibit "A"

June 11, 1997 handout "Categories for Evaluation"; "Delay and Accident Methodology"; Figure 1-10; Figures A-F

cc: Jeff Griffin, Mayor

Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Representative Jim Gibbons Representative John Ensign Merri Belaustegui-Traficanti Mark A. Demuth, MADCON Consultation Services

Exhibit A Definitions

CEQ Regulations: 40 CFR 1500 et seq.	Illustrative Examples
"Actions" or the proposed action or the preferred alternative (§ 1508.25(a))	merger (i.e., the increase in freight trains to 24.0)
<u>Affected environment</u> is "[t]he environment of the area(s) to be affected or created by the alternatives under consideration" (§ 1502.15)	pre-merger environment (i.e., 12.7 freight trains per day; 1995 existing vehicle traffic; 1995 ambient air quality; etc.)
" <u>Cumulative impact</u> is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." (§ 1508.7)	merger (i.e., the increase in freight trains to 24.0) and normal growth of vehicle traffic through year 2000
"Effects include:	
(a) <u>Direct effects</u> , which are caused by the action and occur at the same time and place.	increase in daily train traffic
(b) <u>Indirect effects</u> , which are caused by the action and are later in time or father removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (§ 1508.8) Effects and <u>impacts</u> are used in these regulations are synonymous." (§ 1508.8)	increase in vehicle traffic delays increase in pedestrian delays increase in vehicle/train accidents increase in pedestrian/train accidents increase in pedestrian/train accidents increase in emergency response time increase in public transportation delays increase in derailment risk increase in day-night average noise level (L _{da}) increase in sensitive noise receptors impacted increase in air quality emissions (trains and delayed vehicles)
" <u>Human environment</u> shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with the environment. This means that economic or social effects are not indented by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment." (§ 1508.14).	
"Mitigation includes:	
(a) Avoiding the impact altogether by not taking a certain action or parts of an action.	depressed trainway mitigation option
(b) <u>Minimizing</u> impacts by limiting the degree or magnitude of the action and its implementation.	cap on number of trains
(c) <u>Rectifying</u> the impact by repairing, rehabilitating, or restoring the affected environment.	grade separations
(d) <u>Reducing or eliminating</u> the impact over time by preservation and naintenance operations during the life of the action.	
e) <u>Compensating</u> for the impact by replacing or providing substitute esources or environments." (§ 1508.20)	

CEQ Regulations: 40 CFR 1500 et seq.	Illustrative Examples
" <u>Proposal</u> exists at the stage in the development of an action when an agency subject to the Act has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. Preparation of an environmental impact statement on a proposal should be timed so that the final statement may be completed in time for the statement to be included in any recommendation or report on the proposal. A proposal may exist in fact as well as by agency declaration that one exists." (§ 1508.23)	
"Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (§ 1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:	
 (a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: 	
(I) Automatically trigger other actions which may require environmental impact statements.	
(ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.	
 (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed 	
actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably	
foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common	
timing or geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess	
adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement.	• •
(b) Alternatives, which include:	
 No action alternative. Other reasonable courses of actions. 	no merger (i.e., no increase in freight trains)
(3) Mitigation measures (not in the proposed action).	mitigation (to be elaborated by STB in the draft mitigation document)
(c) Impacts, which may be:	
(1) Direct;	(see effects above)
(2) indirect;	
(3) cumulative." (§ 1508.25)	

-

CEQ Regulations: 40 CFR 1500 et seq.	Illustrative Examples
"Significantly as used in NEPA requires considerations of both context and intensity:	
(a) <u>Context</u> . This means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short and long-term effects are relevant.	
(b) <u>Intensity</u> . This refers to the severity of impact. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:	
(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.	
(2) The degree to which the proposed action affects public health or safety.	
(3) Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.	
(4) The degree to which the effects on the quality of the human	
environment are likely to be highly controversial. (5) The degree to which the possible effects on the human	
environment are highly uncertain or involve unique or unknown risks.	
(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle	
about a future consideration.	
(7) Whether the action is related to other actions with individually	
insignificant but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment.	
Significance cannot be avoided by terming an action temporary or by	
breaking it down into small component parts.	
(8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the	
National Register of Historic Places or may cause loss or destruction of	
significant scientific, cultural, or historical resources.	
(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be	
critical under the Endangered Species Act of 1973.	-
(10) Whether the action threatens a violation of Federal, State, or	
local law or requirements imposed for the protection of the environment.	
(§ 1508.27)	



June 20, 1997

Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

> RE: F.D. No. 32760 UP/SP Railroad Merger Environmental Mitigation Study

Dear Mr. McNulty:

This resubmits and supplements an earlier request for information made by the City of Reno concerning the third-party contractors engaged by the Surface transportation Board ("STB") for the environmental investigation and Reno Mitigation Study ("RMS") in the <u>UP/SP Merger</u> proceedings F.D. No. 32760. See, City letter dated November 22, 1996, attached.

In a previous response, Ms. Elaine K. Kaiser, Chief of the STB's Section of Environmental Analysis ("SEA"), provided limited information stating SEA was not involved in matters of compensation of third-party contractors. *See*, SEA letter dated January 11, 1997, attached.

CITY REQUEST NO. 1

The City now asks a specific agenda item be placed on the Reno Mitigation Study Task Force agenda wherein Mr. Winn Frank, Project Director of DeLeuw Cather & Company ("DLC"), the third-party contractor, be prepared to discuss and provide detailed information concerning DLC and every other subcontractor(s) contributing to STB's environmental investigation as it relates to Reno/Sparks/Truckee Meadows Basin ("RSTMB") in connection with the environmental assessment ("EA"), Post EA and/or the anticipated Reno Mitigation Study Report ("RMSR"). Such information should include:

- 1. Name and address of principle office and any satellite or sub-offices, including the name of the principal person in charge of each office;
- Prior contract(s) with or engagement(s) for the merger applicants Union Pacific ("SP") and/or Southern Pacific ("SP") or related companies during a period of three (3) years preceding the date of filing of applicants' filing of notice of intent; detailing the date, duration and scope of work, as well as compensation billed and/or received, or expected if still pending;
- Current contract(s) with or engagement(s) for the merger applicants UP and SP or related companies during the period following (a) the date of filing of the notice of intent, and/or (b) the date of filing of Decision No. 44, detailing the date, duration and scope of work, as well as compensation billed and/or received, or expected if still pending;
- 4. Whether any "contract bar" has been imposed on contractor or subcontractor(s) by STB for service involving environmental investigation in F.D. No. 32760 and, if not, whether future contract(s) or engagement(s) may be or have been anticipated, bid upon, solicited or accepted by contractor/ subcontractor(s) from merger applicants UP and SP or related companies within three (3) years following (a) the date of filing Decision No. 44, or (b) the date of completion of the STB environmental investigation in which each is presently engaged for the STB;
- 5. Whether any compensation limits or standards have been imposed on contractor(s) or subcontractor(s) by STB for service involving environmental investigation in F.D. No. 32760 and, if not, whether the compensation basis and method of payment for such contractor(s)/subcontractor(s) services were established by agreement with UP or SP and, if so, what are terms and if in writing, whether copy(ies) of (a) the agreement and/or (b) the billing invoices for services sent to payor(s) will be provided;
- Details of contract(s) or engagement(s) for the STB's environmental investigation in F.D. No. 32760, for purposes of environmental assessment ("EA"), Post EA or proposed RMSR, including, but not limited to:
 - Date of inception, date of anticipated completion;

- (b) Scope of activity/responsibility;
- Names, qualifications and job description(s) of personnel directly engaged in the investigation and/or preparation of reports;
- (d) Names, qualifications and job description(s) of personnel indirectly engaged in the investigation and/or preparation of reports;
- (e) Entity(ies) to which contractor(s)/subcontractor(s) billing statements for costs and fees were or are presented, and the frequency or period of each billing;
- (f) Basis and method of all compensation (fees and expenses), all compensation billed and/or payment received to date, including the name of the payor, in connection with the STB environmental investigation, EA Post EA and/or proposed RMSR.
- Identification and details of any participation "waivers" sought by, granted to or denied to, any contractor(s)/subcontractor(s), including reasons for grant or denial of waiver;
- Other cases before the Interstate Commerce Commission ("ICC") or STB in which DLC or any subcontractor(s) has been or currently is a third-party contractor or subcontractor concerning environmental issues, including case title, number, scope of work, duration of contract, compensation and compensating party;
- 9. Whether offices within the ICC or STB have been provided to or for DLC or any subcontractor(s) at 12th Street and Constitution Avenue, N.W. or 1925 K Street, N.W., in Washington, D.C. for purposes of environmental investigation and record retention and, if not, at what location(s) is the depository of the analyses, studies, reports, data bases or other informational documents or records that have been or will be obtained, reviewed, considered, referred to, or utilized by contractor(s)/subcontractor(s) in preparation of EA, Post EA or proposed RMSR;
- 10. As it relates to RSTMB and other than STB, the identity of each federal or agency from which any analyses, studies, repcills, data bases, or other

informational documents or records have been or will be obtained by contractor(s)/subcontractor(s) in connection with preparation of the EA, Post EA or proposed RMSR in F.D. No. 32760 identifying the specific issues addressed, date and name/title of any such materials;

- 11. As it relates to RSTMB, the identity of SEA personnel who have been or will be responsible to direct, supervise and/or review contractor(s)/ subcontractor(s) study activity undertaken and/or work product prepared in connection with environmental investigation and reports, identifying the specific individual, qualifications and specific issue(s), activity or work product addressed;
- 12. As it relates to RSTMB, whether any portion of the EA, Post EA or proposed RMSR has been or will be prepared, drafted or written, in whole or in part, by personnel employed by contractor(s)/subcontractor(s), identifying specifically the individuals, qualifications and issues addressed;
- 13. As it relates to RSTMB, whether any portion of the EA, Post EA or RMSR has been or will be prepared, drafted or written, in whole or in part, by personnel not employed to contractor(s)/subcontractor(s) or STB and, if so, identify specifically the individuals, qualifications, affiliation or employment and issue(s) addressed.
- As it relates to RSTMB, whether any portion of the EA, Post EA or proposed RMSR has been or will be prepared, drafted or written by STB/SEA personnel, identifying specifically the individual, qualifications and issue(s) addressed;
- As it relates to RSTMB, whether contractor(s)/subcontractor(s) or STB will authorize copying or provide copies of:
 - (a) All contract(s)/subcontract(s) authorized by STB for environmental investigation for purposes of EA, Post EA or proposed RMSR which describe undertaking and responsibilities;
 - (b) All invoices/billing statements submitted for environmental investigation for purposes of EA, Post EA or proposed RMSR;

> (c) All analyses, studies, reports, data bases or other informational documents or records from any source obtained (including UP/SP), considered, reviewed, referred to or utilized by contractor(s)/subcontractor(s) or STB in investigation and preparation of any report on environmental issues relative to the RSTMB.

CITY REQUEST NO. 2

The City also asks that a specific agenda item be placed on the Reno Mitigation Study Task Force agenda wherein task force member J. Michael Hemmer, who represents the interests of merger applicants UP and SP, or some other designee, provide information concerning the following:

- Any and all compensation for fees and costs paid by UP and/or SP or related companies, to third-party contractor(s) and subcontractor(s) performing services for purposes of environmental investigation and reports in F.D. No. 32760, as well as identify any billed and unpaid compensation;
- Prior contract(s) with or engagement(s) for the merger applicants UP and/or SP or related companies during a period of three (3) years preceding the date of filing of applicants' filing of notice of intent; detailing the date, duration and scope of work, as well as compensation billed and/or received, or expected if still pending;
- 3. Current contract(s) with or engagement(s) for the merger applicants UP and SP or related companies during the period following (a) the date of filing of the notice of intent, and/or (b) the date of filing of Decision No. 44, detailing the date, duration and scope of work, as well as compensation billed and/or received, or expected if still pending;
- 4. Whether any "contract bar" has been imposed on contractor(s) or subcontractor(s) by STB for service involving environmental investigation in F.D. No. 32760 and, if not, whether future contract(s) or engagement(s) may be or have been anticipated, bid upon, solicited or accepted by contractor(s)/subcontractor(s) from merger applicants UP and SP or related companies within three (3) years following (a) the date of filing Decision No. 44, or (b) the date of completion of the STB environmental investigation in which each is presently engaged for the STB;

5. Whether any compensation limits or standards have been imposed on contractor(s) or subcontractor(s) by STB for service involving environmental investigation in F.D. No. 32760 and, if not, whether the compensation basis and method of payment for such contractor(s)/subcontractor(s) services were established by agreement with UP or SP and, if so, what are terms and if in writing, whether copy(ies) of (a) the agreement and/or (b) the billing invoices for services sent to payor(s) will be provided.

CITY REQUEST NO. 3

Moreover, because of unclear reports concerning UP/SP's potential rail traffic through the RSTMB over a reasonable, foreseeable future time period, which relates to impact and mitigation, the City also asks that, as a specific agenda item at a future meeting of the Reno Mitigation Study Task Force, task force member J. Michael Hemmer, who represents the interests of the merger applicants UP and SP, or some other designee, provide information concerning the following as it relates to potential rail traffic or activity over the Central Corridor on the now merger UP/SP systems, identify and state whether copies will be authorized or provided for:

- 1. Any and all merger or non-merger related marked studies/analyses done by UP and/or SP of potential rail traffic available to UP and/or SP from any source or origin within the next twenty (20) years for transportation over the Central Corridor in general, and the SP line segment through the RSTMB in particular; and
- Any and all market studies or analyses of intermodal transportation activity to or from the Port of Oakland, California or other port to be served over the Central Corridor.

CITY REQUEST NO. 4

Further, because of Mr. Hemmer's June 2, 1997, letter suggesting the activity level anticipated for the future at the Port of Oakland is overstated, the City requests that as a specific agenda item at a future meeting of the Reno Mitigation Study Task Force, a presentation regarding the Port of Oakland be scheduled.

CITY REQUEST NO. 5

Finally, because of the recent statements concerning mitigation levels made by Mr. Frank and yourself, as it relates to RSTMB, the City requests that as a specific agenda item at a future meeting of the Reno Mitigation Study Task Force a presentation by appropriate parties be made regarding the cost-benefit analysis of:

- 1. The UP/SP January 31, 1997, proposal to depress the train way at no cost to the City to be paid for by the railroad and state of Nevada; and
- 2. The various other grade separation proposals encompassed in the Task Force presentation by Mr. Selin on March 12, 1997.

The City looks forward to receiving your response by July 7, 1997, in order to allow the City to timely prepare its comment for the draft mitigation plan now scheduled to be released on September 10, 1997. Per Elaine Kaiser's instruction, we request that this letter be made part of the record in this action.

Sincerely,

CHARLES MONEE City Manager

PL:cjg

Encs.

cc : Mayor Jeff Griffin

Pierre Hascheff, Councilman-at- Large Councilmember Dave Aiazzi - Ward 5 Councilmember Tom Herndon - Ward 1 Councilmember Bill Newberg - Ward 3 Councilmember Candice Pearce - Ward 2 Councilmember Judy Pruett - Ward 4 Senator Richard H. Bryan Senator Harry Reid Congressman Jim Gibbons Congressman John Ensign Merri Belaustegui-Traficanti, Esq. Mark Demuth, MADCON Consultation Services



July 2, 1997

Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

My staff informs me that the Surface Transportation Board (STB) through their consultant De Leuw, Cather & Company, has considered manipulation of train speed as mitigation for increased through freight trains (as presented by Mr. Gui Sheerin of De Leuw, Cather & Company at the June 11, 1997 task force meeting).

The City of Reno must state on the record its grave concerns over any mitigation strategy that would potentially increase the threat of vehicle or pedestrian accidents and therefore endanger the public health and safety of the citizens and visitors of Reno.

The City would again request a response to my May 22, 1997 letter to Ms. Kaiser requesting clarification of "other improvements to be reviewed". As stated in that letter, and reiterated by both Ms. Merri Belaustegui-Traficanti and the City's Environmental Consultant Mr. Mark A. Demuth of MADCON, if the STB is going to evaluate the effective mitigation potential of manipulation of speed, the City would also request a similar evaluation of the manipulation of train numbers per day and length of trains. Specifically, as Mr. Demuth explained at the June task force meeting, there is a similar relationship between increasing the speed by 50 percent and either decreasing the number of trains by 50 percent.

The City looks forward to your timely response to this request for information. Please contact the City's representative Mark A. Demuth at 829-1126 should you have any specific questions or comments.

Ms. Elaine Kaiser Mr. Harold McNulty July 2, 1997 page 2 of 2

Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Sincerely,

Wheel Charles McNeely

City Manager

Enclosures:

cc:

May 22, 1997 letter from McNeely to McNulty

Jeff Griffin, Mayor Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Representative Jim Gibbons Representative John Ensign Merri Belaustegui-Traficanti Mark A. Demuth, MADCON Consultation Services



May 22, 1997

Elaine Kaiser, Esq. Program Director/Legal Counsel STB-SEA 1925 "K" Street NW, 5th floor Washington, D.C. 20423

Dear Ms. Kaiser:

City of Reno staff has informed me that at the April 23, 1997 task force meeting, you clarified that Decision No. 71 applies not only to the City of Wichita, but also to the City of Reno. Staff informs me they noted on the record that Decision No. 71 was rendered without prior notice to the City of Reno, which eliminated any opportunity for the City of Reno to participate prior to service of the Decision on April 17, 1997. Based upon your statement that Decision No. 71 does apply to the City of Reno, 1 am compelled to seek further clarification of the parameters of "baseline" mitigation.

Earlier, at the February 12, 1997 task force meeting, SEA distributed the enclosed "Reno Mitigation Study - Preliminary Mitigation Options." This handout lists both preliminary mitigation options as well as "other improvements to be reviewed." Staff informs me that based upon input from task force members, the elevated trainway is no longer being considered as a mitigation option. The City of Reno now requests an explanation of the term "baseline mitigation" and whether it includes consideration of all of the mitigation options on the enclosed SEA handout listing grade-separated crossings, the depressed trainway and "other improvements to be reviewed."

A clear understanding of what will be considered under baseline mitigation is critical in light of the "alternative mitigation" language of Decision No. 71 providing only for voluntary participation. This is especially true considering the disturbing statement of Mr. Winn Frank, Project Director, at a 10:30 a.m. meeting with my staff on May 14, 1997, expressing the view that the depressed trainway project would be a "second tier mitigation option." My staff understood this to be the alternative mitigation under Decision No. 71 involving voluntary funding. Elaine Kaiser, Esq. STB-SEA May 22, 1997 Page 2

I look forward to your response to this important baseline mitigation explanation for the City of Reno. Per your instructions to my staff, please make this letter part of the record in this matter.

Sincerely,

CHARLES MCNE **City Manager**

MLB:cjg

cc: Harold McNulty, STB Paul Lamboley, Esq. Merri Belaustegui-Traficanti, Esq.

SURFACE TRANSPORTATION BOARD -- SECTION OF ENVIRONMENTAL ANALYSIS

RENO MITIGATION STUDY -- PRELIMINARY MITIGATION OPTIONS

PRELIMINARY MITIGATION OPTIONS:

Grade-Separated Crossings

- One or more grade-separated crossings
- Public and agency input needed regarding possible locations
- Preliminary key issues:
 - Number of vehicular traffic lanes
 - Impacts to properties (e.g., property access) near grade-separated crossings

D Depressed Railway

- Preliminary limits -- from Stoker Avenue on the west to Sutro Street on the east
 Preliminary key issues:
 - Construction impacts
 - Groundwater depths / infiltration / quality -- possible need for treatment

Elevated Railway

- O Preliminary key issues:
 - -. Visual barrier
 - Existing structures over railroad right-of-way
 - Current air rights over railroad right-of-way

OTHER IMPROVEMENTS TO BE REVIEWED:

- Improved grade crossing safety measures
- Train speed modifications
- O Noise suppression modifications
- Enhanced landscaping and beautification measures
- Improved pedestrian safety measures
- NOTE: The above stated preliminary options may involve shared or joint public/private funding



Ms. Elaine Kaiser, Program Director, Legal Counsel Mr. Harold McNulty, Study Director Surface Transportation Board Section of Environmental Analysis 1925 K Street NW, 5th Floor Washington, DC 20423

July 2, 1997

RE: UP/SP Railroad Merger Environmental Mitigation Study

Dear Ms. Kaiser and Mr. McNulty:

My staff informs me that at the June task force meeting, Mr. Harold McNulty, Study Director, stated that the City of Reno has only provided "criticism" rather than "constructive" comment on the overpass and underpass options discussed at the March 12, 1997 task force meeting. In response, the City makes the following request.

City of Reno representatives informed the task force members at the June meeting that the Reno City Council has no formal position on any "preferred" underpass or overpass locations. Please refer to the enclosed City of Reno Position Statement. The City suggests that only after a complete evaluation of each of the 15 underpass/overpass locations for feasibility, advisability, cost (including needed property acquisition) and effectiveness would sufficient information be available to present this issue to the City Council for consideration.

Because SEA has retracted most of Mr. Selin's analysis presented at the March 12, 1997 task force meeting regarding the feasibility and cost of the proposed underpass/overpass alternative, the City looks forward to a complete presentation of SEA's proposed underpass/overpass alternative prior to distribution of the draft mitigation plan for Reno now scheduled to be released September 10, 1997. Mr. Harold McNulty July 2, 1997 Page 2 of 2

Please contact the City's representative Mark A. Demuth at 829-1126 should you have any specific questions or comments. Per Elaine Kaiser's instruction, we request that this letter be made a part of the record in this matter.

Sincerely,

feely Charles McNeely

City Manager

Enclosures: City of Reno Position Statement

cc: Mayor and Council Members Merri Belaustegui-Traficanti Mark A. Denauth, MADCON Consultation Services

City of Reno Union Pacific/Southern Pacific Railroad Merger Position Statement

Rev. 04-10-97

Page 1 of 2

This Position Statement has been prepared to inform all interested parties of the official position of the City of Reno with regards to the Union Pacific/Southern Pacific Railroad merger. Additional information can be obtained by contacting one of the individuals listed on this statement.

Vision

The City of Reno endorses the negotiated resolution based on the proposal of Union Pacific for a depressed trainway through downtown at no cost to the city. Negotiations on the proposed Relocation to I-80 Alternative also continue, as does litigation before the courts, and completion of the mitigation study process with the Surface Transportation Board. At present the City of Reno believes no other alternatives would effectively mitigate the impacts of the merger, and are therefore would be not acceptable to the City of Reno.

Goal

To ensure that all adverse impacts to public health, safety and environment (air quality, water quality, noise, and congestion), as well as transportation of hazardous materials associated with the merger of the UP/SP Railroad are mitigated to less than significant levels. All required mitigation measures shall be funded by the railroad.

Objectives

Objective 1

Ensure the adequate mitigation of impacts to the City of Reno through the requirement for preparation of an Environmental Impact Statement (EIS), consistent with the requirements of the National Environmental Policy Act (NEPA) and the Council on Environmental Quality (CEQ).

Strategy 1a

Continue to pursue and support the lawsuit filed by the City of Reno against the Surface Transportation Board (STB), which will require the STB to fully comply with NEPA, including the requirement for preparation of an EIS.

Objective 2

Until such time as an EIS is required by the courts, obtain the maximum amount of mitigation possible from the STB's proposed *Environmental Mitigation Study*, through the active participation of all affected parties, and a structured City of Reno designed approach to the study.

Strategy 2a

Develop a program to ensure the maximum amount of City of Reno participation and control in the Environmental Mitigation Study, which will lead to a Memorandum of Understanding between the City of Reno and the STB concerning the following:

- Third party consultant/conflict of interest
- Consultation with the City of Reno

City of Reno Union Pacific/Southern Pacific Railroad Merger Position Statement

Rev. 04-10-97

Page 2 of 2

- Scheduling/noticing
- Accurate project description/proposed action
- Technical analysis, thresholds, methodology, and scientific accuracy
- Scope of Environmenial Mitigation Study
- Review and use of existing studies
- Alternatives analysis
- Meaningful and effective mitigation measures
- Mitigation plan enforcement and monitoring
- Public review and comment process

Objective 3

Maximize citizen involvement in the preparation and review of the Environmental Mitigation Study through the use of a structured public participation program.

Strategy 3a

Initiate a public participation and information disclosure including: 1) implementation of town hall style citizen input meetings, conducted in the community; 2) preparation and distribution of an informational brochure; and 3) implement an effective communication program.

Objective 4

Attempt to continue to negotiate a satisfactory and acceptable mitigation plan with the railroad, designed to reduce merger related impacts to less than significant levels.

Strategy 4a

Continue meetings with the railroad, against the backdrop of ongoing formal litigation, in hopes of obtaining a satisfactory and acceptable mitigation plan.

Objective 5

Attempt to secure a combination of Union Pacific Railroad, local, state, and federal Funding to implement the depressed trainway mitigation plan proposed by Union Pacific Railroad.

Strategy 5a

Participate and assist the Union Pacific Railroad in pursuit of funding options including efforts with potential legislation during the 1997 Session in Nevada as well as pursuit of federal funding such as ISTEA reauthorization funding.

For Additional Information

Please contact the following individuals for additional information on how you can become an active participant in the environmental review process:

Merri Belaustegui-Traficanti Deputy City Attorney, City of Reno 490 South Center Street Reno, Nevada 89501 (702) 334-2050 The Environmental Team Eric J. Ruby (WESTEC, Inc.) - 702-828-6800 Colleen Henderson (EMA, Inc.) - 702-828-3939 Mark A. Demuth (MADCON) - 702-829-1126



SURFACE TRANSPORTATION BOARD Washington, DC 20423

CITY MANAGER'S OFFICE

Section of Environmental Analysis

JUL 7 1997

CITY OF RENO

July 2, 1997

Mr. Charles McNeely City Manager City of Reno P.O. Box 1900 Reno, NV 89505

RE: Response to Letters Received in May and June 1997 from the City of Reno Regarding Reno Mitigation Study in the UP/SP Merger Case.

Dear Mr. McNeely:

The purpose of this letter is to respond to various letters you and other City of Reno representatives sent to the Section of Environmental Analysis (SEA) in May and June. The letters address a variety of topics related to the ongoing Reno mitigation study. They include requests for study data, definitions, methodologies, and mitigation options. They also request that certain information be placed on task force agendas and seek an extension of the study schedule.

At the outset, I want to thank you for your continued input into the study. In particular, the information you provided on Washoe County and Reno population estimates was quite useful. All of the letters have been placed in the public record. They will be reviewed and considered by SEA as we continue our work on the Reno mitigation study.

The specific information on study data, definitions, methodologies, and mitigation options that the City has requested will be addressed in the Preliminary Mitigation Plan, which is currently being prepared. That plan, which is scheduled to be issued in September, will contain SEA's preliminary position on methodologies, study data, mitigation, etc.

After the Preliminary Mitigation Plan is issued, the City and the public will have the opportunity to review and comment on the information contained in this document. There will also be a public meeting after the Preliminary Mitigation Plan is issued. In addition, the public will have a further opportunity for comment after the Final Mitigation Plan is issued. The Final Mitigation Plan will contain SEA's further analysis and will address the comments on the Preliminary Mitigation Plan. Then the Surface Transportation Board (Board) will consider all public comments, including those of the City and the Task Force, as well as SEA's recommendations in issuing its decision imposing final mitigation for Reno. This mitigation will
be in addition to those mitigation measures that already have been imposed in Decision No. 44, issued August 12, 1996.

In conducting the mitigation study for Reno, SEA appreciates the participation of the Reno Task Force, which has been meeting monthly since it was established in January of 1997. As you know, the Task Force was formed as an advisory body. It has served as a forum to exchange information and ideas, to facilitate the distribution of information and data to appropriate agencies and interested parties, and to offer comments on the study process and potential mitigation options.

The Task Force members have put considerable time into the process and have fulfilled the role that SEA envisioned in the preparation phase of the Preliminary Mitigation Plan for Reno. The task force includes broad views including city, county, regional, and state agencies, business and downtown representatives, and residential, environmental, Native American, warehousing and distribution, state economic, and railroad interests. While there are diverse opinions amongst the task force members, the input we have received has helped to define the issues to be considered in the mitigation plan.

In the City's letters, certain items have been requested to be placed on future Task Force agendas. We will take those requests under advisement, but note that a number of these items have already been discussed at prior Task Force meetings. These include definition of baseline conditions, Tier 2 (negotiated) mitigation options, train traffic projections, pre- and post-merger vehicle delay and vehicular/train accident data, noise impacts and methodology, and air quality issues in Truckee Meadows.

In terms of future Task Force meetings, the next meeting is scheduled for July 9, 1997. We will shortly provide you with an agenda for that meeting. In August, SEA will not be able to conduct a Task Force meeting, as we will be finalizing the Preliminary Mitigation Plan. We are now moving into a formal public review phase. Therefore, in September SEA plans to hold both a Task Force meeting and a public meeting on the Preliminary Mitigation Plan. We look forward to the participation of the Task Force members at both of these meetings.

As previously discussed, the current mitigation study schedule anticipates release of the Preliminary Mitigation Plan in September. Because of the Board's requirement to complete the study and issue a final decision within an 18-month time frame, it is not feasible for SEA staff to extend the study period, as suggested by the City. The public review period for the Preliminary Mitigation Plan will be 30 days, and, as noted, there will be an additional opportunity for public comment on the Final Mitigation Plan after it is released.

Finally it should be pointed out that the regulations cited in your June 20, 1997 letter on noise (40 CFR Part 201) are not the Board's regulations. The Board's environmental regulations are set out at 49 CFR Part 1105.

In conclusion, I'd like to reaffirm that the issues raised by the City as well as other interested parties, which have not been specifically addressed at Task Force meetings or in SEA correspondence, will be considered by SEA in preparing the Preliminary Mitigation Plan. Also, the mitigation study is an ongoing process whereby the Task Force and the public will have ample opportunity to participate.

I thank you for your continued interest in the study.

Sincerely yours,

Clane J. Jaiser

Elaine K. Kaiser Chief Section of Environmental Analysis

Jeff Griffin, Mayor cc: Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Congressman Jim Gibbons Congressman John Ensign Merri Belaustegui-Traficanti, Deputy City Attorney Mark A. Demuth, MADCON Consultation Services Reno Mitigation Study Task Force Winn Frank Kay Wilson Dave Mansen



SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

July 2, 1997

Mr. Charles McNeely City Manager City of Reno P.O. Box 1900 Reno, NV 89505

> RE: Response to Letters Received in May and June 1997 from the City of Reno Regarding Reno Mitigation Study in the UP/SP Merger Case.

Dear Mr. McNeely:

The purpose of this letter is to respond to various letters you and other City of Reno representatives sent to the Section of Environmental Analysis (SEA) in May and June. The letters address a variety of topics related to the ongoing Reno mitigation study. They include requests for study data, definitions, methodologies, and mitigation options. They also request that certain information be placed on task force agendas and seek an extension of the study schedule.

At the outset, I want to thank you for your continued input into the study. In particular, the information you provided on Washoe County and Reno population estimates was quite useful. All of the letters have been placed in the public record. They will be reviewed and considered by SEA as we continue our work on the Reno mitigation study.

The specific information on study data, definitions, methodologies, and mitigation options that the City has requested will be addressed in the Preliminary Mitigation Plan, which is currently being prepared. That plan, which is scheduled to be issued in September, will contain SEA's preliminary position on methodologies, study data, mitigation, etc.

After the Preliminary Mitigation Plan is issued, the City and the public will have the opportunity to review and comment on the information contained in this document. There will also be a public meeting after the Preliminary Mitigation Plan is issued. In addition, the public will have a further opportunity for comment after the Final Mitigation Plan is issued. The Final Mitigation Plan will contain SEA's further analysis and will address the comments on the Preliminary Mitigation Plan. Then the Surface Transportation Board (Board) will consider all public comments, including those of the City and the Task Force, as well as SEA's recommendations in issuing its decision imposing final mitigation for Reno. This mitigation will

be in addition to those mitigation measures that already have been imposed in Decision No. 44, issued August 12, 1996.

In conducting the mitigation study for Reno, SEA appreciates the participation of the Reno Task Force, which has been meeting monthly since it was established in January of 1997. As you know, the Task Force was formed as an advisory body. It has served as a forum to exchange information and ideas, to facilitate the distribution of information and data to appropriate agencies and interested parties, and to offer comments on the study process and potential mitigation options.

The Task Force members have put considerable time into the process and have fulfilled the role that SEA envisioned in the preparation phase of the Preliminary Mitigation Plan for Reno. The task force includes broad views including city, county, regional, and state agencies, business and downtown representatives, and residential, environmental, Native American, warehousing and distribution, state economic, and railroad interests. While there are diverse opinions amongst the task force members, the input we have received has helped to define the issues to be considered in the mitigation plan.

In the City's letters, certain items have been requested to be placed on future Task Force agendas. We will take those requests under advisement, but note that a number of these items have already been discussed at prior Task Force meetings. These include definition of baseline conditions, Tier 2 (negotiated) mitigation options, train traffic projections, pre- and post-merger vehicle delay and vehicular/train accident data, noise impacts and methodology, and air quality issues in Truckee Meadows.

In terms of future Task Force meetings, the next meeting is scheduled for July 9, 1997. We will shortly provide you with an agenda for that meeting. In August, SEA will not be able to conduct a Task Force meeting, as we will be finalizing the Preliminary Mitigation Plan. We are now moving into a formal public review phase. The refore, in September SEA plans to hold both a Task Force meeting and a public meeting on the Preliminary Mitigation Plan. We look forward to the participation of the Task Force members at both of these meetings.

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In conclusion, I'd like to reaffirm that the issues raised by the City as well as other interested parties, which have not been specifically addressed at Task Force meetings or in SEA correspondence, will be considered by SEA in preparing the Preliminary Mitigation Plan. Also, the mitigation study is an ongoing process whereby the Task Force and the public will have ample opportunity to participate.

I thank you for your continued interest in the study.

Sincerely yours,

Claime J. Maisin

Elaine K. Kaiser Chief Section of Environmental Analysis

Jeff Griffin, Mayor cc: Pierre Hascheff, Council Member At-Large Tom Herndon, Council Member Ward 1 Candice Pearce, Council Member Ward 2 Bill Newberg, Council Member Ward 3 Judy Pruett, Council Member Ward 4 Dave Aiazzi, Council Member Ward 5 Senator Harry Reid Senator Richard Bryan Congressman Jim Gibbons Congressman John Ensign Merri Belaustegui-Traficanti, Deputy City Attorney Mark A. Demuth, MADCON Consultation Services Reno Mitigation Study Task Force Winn Frank Kay Wilson Dave Mansen

Comments of Reno City Manager Charles McNeely to Reno Mitigation Study Task Force July 9, 1997. Please include this document in the public record. T

First of all, let me thank the members of the committee for allowing me an opportunity to speak to you.

You all have been engaged in attempting to address an issue that is critical to the long term public health and

safety of this community. And on behalf of this community, I'd like to applaud you for the time your have devoted thus far.

Having said that, there are some concerns and frustrations I must share with this body that severely jeopardizes all that has been done here and calls into serious question the objectivity and, indeed, the fairness of the process.

When the mitigation study first began some ten months ago, we embraced the project. We believed it would be a fair and unbiased attempt to take a real look at the impacts the merger of Union Pacific and Southern Pacific Railroad will have on the health and safety of our community. As we clearly stated at that time and continue to state, we support the merger, but what we object to and continue to object to, is the the unwillingness of Union Pacific to adequately address the impact of this merger.

What we have learned after months of working with the Surface Transportation Board and its consultants, is that the process is rampant with bias towards the railroad and preconceived opinions of what should be done in Reno before the study is even complete.

Clear evidence of this unfair treatment is the decision of the STB to do an Environmental Impact Statement for the entire Conrail merger acquisition before anyone even requested the EIS or submitted any preliminary studies supporting the need for one.

The STB denied our request for an EIS which has forced us to take the issue to court.

We are outraged. The City has spent 16 months and more than \$500,000 to bring forth our environmental concerns only to be forced to just go through the "motions" with the STB in what is turning out to be a predetermined mitigation study.

We are baffled by a number of actions that lead me to believe we are indeed just "going thru the motions."

Among these are:

- Our requests to have certain impacts studied which are being ignored.

-We are repeatedly told we must wait until a draft of the mitigation study is public before our questions will be considered.

-Members of the STB team have made some extremely troublesome and biased remarks, like declaring that the depressed trainway is a shared funding mitigation option before the analysis is complete.

- The STB repeatedly fails to provide agendas and background material in a timely manner, so that the City's team can analyze it before the task force meets. We are then told to write letters concerning our issues, but these letters go unanswered.

- We have little faith that DeLeuw Cather, the consulting engineers on the project, are an unbiased group working for all of us. The STB has repeatedly refused to tell us how much the railroad is paying the company. On top of that an engineer, Mike Christensen, who originally worked to build the City's preliminary environmental findings, is now working for DeLeuw Cather.

-Without any prior notice or opportunity for Reno to be heard, the STB issued decision #71 in April which extremely limits Reno's mitigation options, which is a clear violation of EIS rules.

We have tried to negotiate in good faith with the railroad since before these proceedings began, to come up with a "win win" situation for the City and the railroad. We suspect that these negotiations have been tainted because of the STB's bias towards the railroad. In fact serious doubts are now cast on the sincerity of Union Pacific's effort to even reach agreement with the City of Reno. In reality, one could argue that Union Pacific, based upon its actions over the past 10 months, never had an intention of negotiating in a good faith manner with this community to reach a resolution to this problem.

The evidence speaks for itself:

1. They offered \$35 million toward a project that they promised would not cost the City of Reno any money. Yet they have done nothing to come up with the balance of the funding required to complete the project.

2. Let me remind this committee -- it was the railroad - Union Pacific- not the City of Reno, that proposed the depressed train way project as the acceptable compromise and a win - win for everyone.

3. Even while offering this project, Union Pacific has reportedly attempted to meet privately with downtown affected businesses intending to "buy them off". This divide and conquer tactic was dropped when it became obvious that it wasn't working.

4. Union Pacific has attempted to use scare tactics on their own employees telling them that their retirement funds would be jeopardized if they- Union Pacific - were forced to fund such an effort.

5. Even after proposing the depressed trainway as their alternative, they continue to push for overpasses through downtown privately in meeting at the State Capitol when with legislators.

I suggest to this committee that this is not a partnership; this is not a win-win. This is gamesmanship at its highest level, and what concerns me and this community is that it appears the deck is stacked here; that an outcome favorable to the Railroad is already being fashioned; the deal is done and we, the City of Reno, are parties to a charade.

But we want to let the committee members know this is one game we are not going to play. We will not accept some done deal. We will never accept overpass/underpass as an acceptable mitigation. It is clear now that the railroad needs to pay 100% of the cost of depressing the track through Reno. In summary, let me say that it is obvious, to date, the STB and the railroad has shown little real concern for the health and safety of the residents of Reno, and total disregard for the use of public monies to seek mitigation.

We have alerted our delegation in Washington, D.C. and the Governor of the Conrail decision.

The City has asked the Council on Environmental Quality, which has regulatory oversight of the STB's environmental decisions, to review the STB's procedures in this study.

A substantial number of Reno residents have donated their time and expertise to this mitigation study. Either we have a fair and open process or we stop the charade now. If this is a done deal tell us now, so more of our time is not wasted here.

Again, thank you for allowing me this time to speak.

RENO MITIGATION TASK FORCE July 9, 1997 Comments of Mark A. Demuth City of Reno Representative (Environmental)

TASK FORCES' REMAINING TOPICS UP/SP RAILROAD MERGER

Background:

The purpose of the Task Force is to provide a forum to exchange information and ideas throughout the mitigation study and to provide input on the development and review of various mitigation options...which will operate as a working group. Letter to Demuth from McNulty, December 24, 1996

To address these requests, we have prepared a tentative schedule of future task force meeting agendas.

Letter to McNeely from McNulty, May 13, 1997

Previous Agenda Requests:

In a June 20, 1997 letter to Kaiser and McNulty from McNeely a complete listing of topics which have never been discussed at task force meetings was elaborated (see below). In a July 2, 1997 letter from Kaiser to McNeely we are reminded of the few topics which have been discussed over and over but told "We are now moving into a formal public review phase" and there will be no additional task force meetings.

• Traffic Delay (partially covered by June 11, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated vehicle traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- post-merger range of train lengths [May 29, 1997 & June 11, 1997 letter]

• Pedestrian Safety

Previously requested related topics:

- pre-merger & post-merger unmitigated pedestrian traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- per-merger & post-merger unmitigated pedestrian safety [May 29, 1997 letter]

Emergency Vehicle Access

Previously requested related topics:

- pre-merger & post-merger unmitigated emergency response (total crossing blockage time) [May 29, 1997 letter]
- Train/Vehicle Accidents (partially covered by June 11, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated public transportation traffic (1995, 2000, 2005, 2020) [May 29, 1997 & June 11, 1997 letter]
- Derailments/Spills/Water Quality

Previously requested related topics:

- pre-merger & post-merger unmitigated derailment risk [May 29, 1997 letter]
- Train Operations (covered by May 14, 1997 Agenda Item No. 2)

Previously requested related topics:

- post-merger unmitigated average train densities with ranges (please see STB's May 13, 1997 letter page 2, bullet 4 under June 11, 1997 which states "Discussion of the range for train numbers proposed for the mitigation study") [May 29, 1997 & June 11, 1997 letter]
- Native American Issues
- Biological Resources
- Noise/Vibration (partially covered by May 14, 1997 Agenda Item No. 3)

Previously requested related topics:

- pre-merger & post-merger unmitigated day-night average noise level (L_{dn}) [May 29, 1997 & June 11, 1997 letter]
- Sensitive Receptor Inventory [June 11, 1997 letter]
- post-merger unmitigated train speed information including validity and reliability data [May 29, 1997 & June 11, 1997 letter]

• Air Quality (baseline conditions partially covered by May 14, 1997 Agenda Item No. 4)

Previously requested related topics from June 11, 1997 letter:

- pre-merger & post-merger unmitigated air quality emissions (trains and vehicles) [May 29, 1997 & June 11, 1997 letter]
- Property Impacts/Land Use
- Cost
- Feasibility of Implementation

You might find it of interest that the only topics covered in these few task force meetings are the same topics covered in the EA and the Post EA. In other words the issues and concerns of the Citizen's of Reno which were brought to the attention of the STB-SEA in May of 1996 still today go unanswered such as:

- Pedestrian Safety
- Emergency Vehicle Access
- Derailments/Spills/Water Quality
- Native American Issues
- Biological Resources
- Property Impacts/Land Use



P.O. Box 1900 Reno, Nevada 89505

July 15, 1997

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, Northwest Mercury Building Washington, DC 20423-0001

> Re: Finance Docket No. 32760 Reno Mitigation Study

Dear Ms. Kaiser:

Your July 2 letter regarding City concerns about DeLeuw Cather & Co., the STB's "independent" environmental consultant, requires a brief response.

The City has generally been willing to rely on the good faith and fair dealing of government procedures and their implementation to achieve the public interest purposes in the "Reno Mitigation Study" effort.

However, willing to act on that belief at the outset of the "Study," the City's reliance has been shaken by the statements of those consultants in recent meetings which exhibit not only bias and pre-conceived ideas, but more critically, reflect that a predetermined result can be anticipated as well.

In short, the conduct and course of events, coupled with your refusal to provide or allow access to relevant information, require that the City investigate various relationshps and "follow the money." To that end I have instructed our lawyers to take appropriate action.

Very truly yours. City Manager

MLB:cjg

cc: Mayor Jeff Griffin Councilmember Pierre Hascheff, Councilman-at-Large Councilmember Dave Aiazzi - Ward 5 Councilmember Tom Herndon - Ward 1 Elaine K. Kaiser July 15, 1997 Page 2

cc: (continued)

Councilmember Bill Newberg - Ward 3 Councilmember Candice Pearce - Ward 2 Councilmember Judy Pruett - Ward 4 Senator Richard H. Bryan Senator Harry Reid Congressman Jim Gibbons Congressman John Ensign Merri Belaustegui-Traficanti, Esq. Mark Demuth, MADCON Consultation Services JUL-22-91 TUE 10:34

COVINGTON & BURLING 1201 PENNSYLVANIA AVENUE. N. W. P.O. BOX 7566 WASHINGTON, D.C. 20044-7566 12021 662-6000

FACSINILE: 12021 682-8291

July 21, 1997

LECONFILD HOUSE CURZON STREET LONDON WIY DAS DAL AND TELETHONE 44 171 495.5650 FALONILE 44-171-495 3101

J. MICHAEL HEMMER DIRECT DIAL NUMBER 202 662-5578

12021 778-5578

mhemmer@cov.com

HAND DELIVERY

Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Mercury Building Washington, D.C. 20423-0001

> Re: Finance Docket No. 32760, Reno Mitigation Study

Dear Ms. Kaiser:

Enclosed for your public records is a copy of a letter from Union Pacific's Vice President - Western Region, Robert F. Starzell, to Reno City Manager Charles McNeely in response to Mr. McNeely's recent and unfounded accusations against Union Pacific and the Surface Transportation Board. As Mr. Starzell indicates, Union Pacific has attempted to play a constructive role in finding ways to address the effects of the UP/SP merger in the Reno area, and it remains willing to meet with all interested parties that might join in a meaningful dialog.

Union Pacific took the first concrete steps toward financing a depressed trainway, devoted significant resources toward educating public officials about the trainway and met with commercial interests in the City of Reno to encourage participation in the project. Union Pacific made the only concrete offer to contribute to the project. That generous \$35 million offer remains on the table, at least for now, even though City representatives walked out of negotiations after Union Pacific declined to capitulate to their unqualified demands for \$100 million. The City's recent actions, including its role in restricting legislation that might have generated funds for the trainway, have dashed hopes of cooperative funding for the trainway.

As Mr. Starzell explains, Union Pacific has not yet met with downtown businesses regarding alternatives to the trainway, much less attempted to "buy off downtown business" as Mr. McNeely has alleged, but the railroad would welcome constructive dialog with those interests and others. Indeed, the railroad has reached out in an attempt to start such a dialog. It is abundantly clear that the City is determined to block that dialog and to suppress discussion of any alternative other than a depressed

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COVINGTON & BURLING

Ms. Kaiser July 21, 1997 Page 2

trainway at railroad expense, as confirmed by City representatives' acknowledgement in a recent SEA Reno Mitigation Task Force meeting that they are under instructions to criticize options other than the trainway. It is increasingly clear that the City's inflexible litigation positions have been and remain the primary impediment to cooperation and progress.

Also enclosed is a copy of a recent editorial by the <u>Daily Sparks Tribune</u>, which might not have come to your attention. The editorial, titled "Stop Blaming the Railroad," emphasizes that Reno spread casino and hotel development across the Southern Pacific tracks, while failing to engage in the planning and mitigation activities that cities such as Sparks responsibly conducted. (Please be assured that Union Pacific did not contact the <u>Tribune</u> or solicit this editorial.)

Sincerely. Nike Hamme

J. Michael Hemmer, Attorney for Union Pacific Railroad Company

Enclosures cc: Mr. Lamboley

RAILROAD

One Market Plaza San Francisco, California 94105 415-541-1474 fax 1263

Robert F. Starzel Vice President - Western Region

July 14, 1997

Mr. Charles McNeely City Manager City of Reno P.O. Box 1900 Reno, NV 89505

Dear Mr. McNeely:

Certain of your statements delivered to the Reno Mitigation Task Force on July 9 were inaccurate and require correction.

Contrary to your assertion, the City of Reno has not negotiated in good faith to find feasible means to mitigate impacts. The City insisted upon a railroad contribution of \$100 million and when told that would not be possible, the City broke off negotiations. You stated that the costs of mitigation should be borne solely by the railroad and the City then terminated efforts to provide significant public funding for impact mitigation. As a result, no public funding has been committed and none is in the offing. No moriles are on the table.

Asserting that there must be a depressed trainway or litigation, the City has refused to develop alternative mitigation plans, leaving those most impacted without any prospect of positive action. We should be working together in good faith to create a list of possible projects for which priorities can be set and the contributions of the City and railroad negotlated. You accused us of attempting to buy off downtown business. We have not had discussions with downtown business but we would welcome them. Indeed, we will take the initiative to start them and hereby invite the City to be represented. Those most impacted deserve an opportunity to thread through the issues and set priorities for projects. The City may find it consistent with its litigation strategy to place a bet solely on a depressed trainway, but that would mean years of stagnation while the Reno business community waits for litigation to end and a mitigation program to begin.

The City has spent its time challenging the process of the Surface Transportation Board instead of contributing to the substantive analysis of the issues. We invite you to join in positive discussions which we expect to have with Reno business representatives.

Sincerely yours

cc: Mayor Jeff Griffin Council Members Senator Harry Reid Senator Richard Bryan Congressman Jim Gibbons Congressman John Ensign Surface Transportation Board -- Ms. Elaine K. Kaiser Mr. William Osgood -- Reno Downtown Improvement Association Reno Mitigation Study Task Force -- Kay Wilson



P.O. Box 1900 Reno, Nevada 89505

July 23, 1997

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Mercury Building Washington, DC 20423-0001

Re: Finance Docket No. 32760 - Reno Mitigation Study

Dear Ms. Kaiser:

The July 21, 1997 letter of Union Pacific attorney Michael Hemmer requires comment.

First, let me say that settlement negotiations between the City and UP/SP is not, and has never been, a subject of review by the Board in the Reno Mitigation Study. To the contrary, the SEA has repeatedly made clear its intention to limit the scope of that inquiry.

Moreover, to my knowledge, voluntary settlement negotiations between litigants is never made a matter of record in contested cases, be it in judicial or administrative proceedings, nor is it proper to attempt to do so. I note that this is the second such effort by the UP/SP to place evidence of negotiation in the record and make it an issue. The UP/SP purposes appear as obvious as is the reason why comment on negotiations is routinely excluded from the record.

Let me also say that even if good faith in negotiation was properly an issue, there are clearly recognized criteria for evaluating the quality of a party's bargaining conduct. And it surely cannot be based on the ad hoc observations of Mr. Hemmer and Mr. Starzell, neither of whom have been designated as part of the negotiating team for sessions at which I have been the City's chief negotiator.

Ms. Elaine K. Kaiser July 23, 1997 Page 2

More importantly, Mr. Hemmer and Mr. Starzell are flatly wrong in their reports concerning the course of bargaining conduct and positions of the parties in negotiations.¹ But I am not surprised at their attempt to redeem "good faith" for the UP/SP when one considers:

- the UP/SP proposed an infrastructure project at no cost to the City, and
- offered funding contributions that were knowingly non-existent (State of Nevada) and otherwise virtually inadequate (UP/SP's share) to implement the proposed project.

Simple arithmetic would demonstrate a disingenuous nature in the UP/SP initial proposal and, coupled with the fixed position taken thereafter, offers little evidence of good faith in bargaining.

Were parties' good faith at issue, the City would amply demonstrate that its own effective effort to secure state and federal public funds, as well as private funding for the project, stands in marked contrast to the UP/SP conduct or absence hereof.²

Finally, from what I know about the "Reno Mitigation Study," the UP/SP's "constructive role" to date has been to attempt the following:

- discredit the engineering report of SEA consultant, Mr. Selin, that disagrees with UP/SP position but is consistent with that of the City;
- propose a "whistle ban" contrary to state and federal safety laws as well as Decision No. 44; and
- at the same time, also propose to increase train speeds three fold (from 10 mph to 30 mph) through the City.

¹ Equally unfortunate are the Hemmer and Starzell comments on the success of public funding legislation in the Nevada legislature (which neither attended to my knowledge.) Their comments now made <u>after</u> the legislature's passage of AB-291 (funding authorization) and adjournment *sine die* substantially distort significant facts.

² In fact, legislation in Nevada was passed in spite of UP/SP positions.

Ms. Elaine K. Kaiser July 23, 1997 Page 3

The UP/SP notion of "run silent - run fast" deserves little serious consideration.

At present it is difficult to reconcile the UP/SP statement that they are "willing to meet with all interested parties that might join in a meaningful dialog" with the fixed position announced by the UP/SP negotiators in a recent joint meeting with the City team and other responsible Nevada business interests. It is even more difficult to credit such statement given my own personal experiences in the negotiation process, which should not be a "fool's errand."

And, to avoid that prospect, I have met with Secretary of Transportation Rodney Slater, who has agreed to chair the next meeting between the City and UP/SP in his Washington, DC offices. Per your instructions, the City requests that this letter be made part of the record in this action.

Sincerely,

City Manager

MLB:cjg cc :Michael Hemmer, Esq. Mayor Jeff Griffin Councilmember Pierre Hascheff, Councilman-at- Large Councilmember Dave Aiazzi - Ward 5 Councilmember Tom Herndon - Ward 1 Councilmember Tom Herndon - Ward 1 Councilmember Bill Newberg - Ward 3 Councilmember Candice Pearce - Ward 2 Councilmember Judy Pruett - Ward 4 Senator Richard H. Bryan Senator Harry Reid Congressman Jim Gibbons Congressman John Ensign Merri Belaustegui-Traficanti, Esq. Mark Demuth, MADCON Consultation Services

STB Task Force Meeting Handouts:

- February 12, 1997 Agenda Item No. 3 & May 14, 1997 Agenda Item No. 2, Train Traffic Projections Handout
- February 12, 1997, UP/SP Merger Reno Mitigation Study Overview (February 1997)
- May 14, 1997 Agenda Item No. 3, Noise and Train Speed Survey Results Handouts
- June 11, 1997 Agenda Item No. 3, Methodology Handout & Figures 1-10
- June 11, 1997 Agenda Item No. 3, Methodology Handout & Figures A-F
- July 9, 1997 Agenda Item No. 3, Distribution of Freight Trains Handout
- July 9, 1997 Agenda Item No. 4, Feasibility of Train Speed Increase Handout

City of Reno Mitigation Task Force Meeting Summaries:

October 23 & 24, 1996 - Kick-off Meetings Summaries January 15, 1997 - Task Force #1 Meeting Summary February 12, 1997 - Task Force #2 Meeting Summary March 12, 1997 - Task Force #3 Meeting Summary April 23, 1997 - Task Force #4 Meeting Summary May 14, 1997 - Task Force #5 Meeting Summary June 11, 1997 - Task Force #6 Meeting Summary July 9, 1997 - Task Force #7 Meeting Summary

SEA TASK FORCE MEETING HANDOUTS & CITY OF RENO MITIGATION TASK FORCE MEETING SUMMARIES

APPENDIX B

Surface Transportation Board Section of Environmental Analysis

WORKING DRAFT/NOT FINAL



Reno Mitigation Task Force

February 12, 1997 Reno City Hall, Reno, NV 1:00 - 4:00 p.m.

Meeting This meeting is the second meeting for the Reno Mitigation Task Force. The Task Force meetings are intended to be interactive with member discussion and questions on each agenda item.

1.	Introductions/Review Agenda	1:00 to 1:10
2.	Update on SEA's Data Collection for Increased Trains During Emergency Conditions	1:10 to 1:20
3.	Train Data Assumptions for Study	1:20 to 1:45
4.	Jurisdiction of SEA for the Mitigation Study and the Future	1:45 to 2:00
5.	Discussion Regarding Railroad Operations and Roles & Responsibilities	2:00 to 2:30
6.	Continued Discussion of Mitigation Options and Evaluation Criteria	2:30 to 3:30
7.	Public Meeting	3:30 to 3:40
8.	General Discussion/Public Comment	3:40 to 4:00
9.	Adjournment	4:00

RENO MITIGATION STUDY -- TRAIN TRAFFIC PROJECTIONS

The Surface Transportation Board imposed a limit that UP/SP shall operate during the mitigation study no more than a daily average count of 14.7 freight trains per day through the City of Reno. This limit represents the 1995 baseline of 12.7 trains per day plus 2 additional trains. It does not include Amtrak or emergency conditions.

	Number of Trains							
Source of Train	1995 [1]	Projected for Five Years Following UP/SP Merger [2]	Increase					
Amtrak [3]	1.1	1.1	0.0					
Burlington Northern / Santa Fe	0.0	4.0	4.0					
Union Pacific / Southern Pacific	12.7	20.0						
Daily Total	13.8	25.1	11.3					
1996	rating Plan ar	y UP/SP ad verified statements filed with the Surface Transportation Boar der the jurisdiction of the Surface Transportation Board	d. 1995 &					

December 1996 average UP/SP daily trains was 9.7.

These future UP/SP train numbers are not expected to occur all at once. Projected increases depend on changes to the Roseville Rail Yard (in California) and provision for increased tunnel clearance in the mountains west of Reno.

Frain Identifier	Predicted Frequency	Туре	Predicted Length in Feet
CHMIV	Daily	Automotive	4.725
CSOAZ	Daily	Intermodal	5,660
DUOAT	Daily	Intermodal	5.110
GIOAD	Daily	Doublestack	4.720
GIOADB	Three times per week	Doublestack	4.720
GISTX	Five times per week	Doublestack	1.035
G2OAD	Daily	Doublestack	4.900
KSBEV	Daily	Automotive	3.570
MINPV	Daily	Automotive	3.540
NPRV(1)	Daily	Manifest	5.275
NPRV(2)	Daily	Manifest	4.500
OACST	Five times per week	Intermodal	2.160
OACSZ	Five times per week	Intermodal	3.545
OADUT	Daily	Intermodal	4,790
OAGID	Daily	Doublestack	6.860
OAG1D6	Once per week	Doublestack	6.765
OAG1D8	Once per week	Doublestack	6.765
RVAS	Daily	Manifest	4.770
RVNP(2)	Five times per week	Manifest	6.120
RVPRB	Daily	Manifest	2.845
RVSC	Daily	Manifest	2.685
SCRV	Daily	Manifest	4.915
STCST	Five times per week	Intermodal	990

Projected future average train length = < 5,000 feet (weighted average)</p>

Projected future doublestack height = 20 feet 2 inches (maximum permissible under AAR Mechanical Division standards)

Current height of doublestack trains through Reno = 19 feet 2 inches



Surface Transportation Board Section of Environmental Analysis Washington, DC 20423

UP/SP Merger Reno Mitigation Study Overview

History and Background

The Surface Transportation Board (Board), as part of its approval of the merger of the Union Pacific and Southern Pacific railroads, specified that a mitigation study be completed in Reno. The actions which led up to the mitigation study are set forth below.

November 30, 1995	Union Pacific and Southern Pacific apply to the Interstate Commerce Commission (ICC) for authority to consolidate their operations and those of their subsidiaries into a single railroad.
December 29, 1995	New legislation terminates the ICC and transfers its authority to approve railroad mergers to the newly formed Surface Transportation Board.
April 12, 1996	The Board's Section of Environmental Analysis (SEA) issues the Environmental Assessment for the proposed merger.
June 24, 1996	SEA issues the Post EA, including revised responses to public comments and recommended conditions for the Board's approval.
July 3, 1996	Board votes unanimously to approve the UP/SP merger subject to various environmental mitigation conditions.
August 12, 1996	In its written decision, the Board imposes system-wide and corridor-specific mitigation conditions and directs SEA to conduct an 18-month mitigation study in Reno to develop specifically tailored mitigation plans to address the environmental effects of increased rail traffic resulting from the merger on UP's existing right-of-way. The Board also requires UP/SP to limit increases in train traffic to an average of two additional freight trains per day in Reno during the 18-month study (i.e., a daily average of 14.7 freight trains per day).
September 12, 1996	Merger becomes effective.
October 1996	SEA initiates mitigation study in Reno.

Mitigation Study Goals

The Board authorized SEA to undertake an 18-month mitigation study for Reno to develop a final mitigation plan that will supplement already imposed mitigation measures that pertain to Reno. This study will address the effects of additional rail traffic resulting from the merger on UP's existing rail line through Reno. After public review and comment, SEA will submit its final recommendations to the Board for its review and approval. The Board will then issue a decision requiring UP to comply with those mitigation measures that the Board deems appropriate. The goals of the Reno mit. gation study are to:

- Focus on the effects of increased merger-related rail traffic on the existing UP line to arrive at
 specifically tailored initigation for communities in and around Reno to ensure that localized
 environmental issues are effectively addressed.
- Identify number and precise location of highway/rail grade separations and rail pedestrian grade separations.
- · Consider additional mitigation to address air quality effects resulting from the merger.
- Examine private and public funding options to share the cost of mitigation.
- Provide a forum to exchange ideas and concerns.
- Explore independent and innovative mitigation options that can be incorporated into SEA's final mitigation plans for Reno and recommended to the Board.
- · Facilitate the negotiation of an independent, mutually acceptable agreement among the parties.
- Provide an opportunity for public input throughout the study process.

Surface Transportation Board Section of Environmental Analysis



Reno Mitigation Task Force

May 14, 1997 Reno City Hall, Reno, NV 1:00 - 3:45 p.m.

Meeting This meeting is the fifth meeting for the Reno Mitigation Task Force. The Task Force meetings are intended to be interactive with member discussion and questions on each agenda item.

1.	Introductions/Review Agenda	1:00 to 1:15
2.	Union Pacific's Operating Plan and Train Traffic Model Methodology	1:15 to 1:45
3.	Noise Issues Report of Noise Field Measurements Report on City of Reno/UP Noise Committee 	1:45 to 2:15
4.	Air Quality Issues in Truckee Meadows	2:15 to 2:45
5.	Description of Depressed Trainway Option	2:45 to 3:15
6.	Future Task Force Meeting Agendas	3:15 to 3:30
7.	General Discussion/Public Comment	3:30 to 3:45
8.	Adjournment	3:45

Post Meeting Task Force Activities

 3:45 to 4:30 Operation Lifesaver Video & Presentation by Nevada Public Service Commission
 6:00 to 8:00 Train Ride from Sparks to Truckee A special event sponsored by the Union Pacific Railroad during Rail Safety Week. The event is by invitation only, tickets must be presented to board the train. Contact Union Pacific at 1-800-9RENO-UP for more information.

Noise and Train Speed Survey Results -- Reno Train Survey

The DeLeuw, Cather & Co. (DCCO) team conducted a train survey in Reno, Nevada during the week of February 3rd through February 10th, 1997. The survey included train noise and speed measurements. The following sections summarize the train noise and speed findings.

Train Noise Measurements

On-site noise measurements took into account site-specific sound issues such as actual train / horn equipment, shielding due to buildings, ground absorption, and the variability of train horn sounding sequences. Noise measurements included:

- Long-term measurements: The survey team measured wayside train noise and horn noise for several 24-hour periods at two locations. The purpose of these measurements was to document train noise events during the train survey week and to provide actual measurements of the 24-hour L_{dn} (the day-night average noise level used for identification of impacts in the study).
- Ambient Measurements: The survey team measured ambient noise (i.e., the noise environment without trains).
- Short-term measurements: The survey team made hand-held noise measurements at three distances along a radial extending perpendicularly from the tracks at eight locations to characterize site-specific sound issues.

Table 1 identifies short-term noise measurement locations for the survey. The DCCO team collected measurements at three locations A, B, and C along each of eight radial lines to quantify how train noise drops off with distance, shielding, and ground effects. The survey team chose the locations and radial lines between Sutro to Woodland to be representative of urban (with building shielding), rural (little building shielding), grade-crossing (horn noise), and non-grade-crossing (no horn noise) areas. Train noise data for these conditions is sufficient to characterize the entire study area, because these location types are represented.

The DCCO team used single-event Sound Exposure Level (SEL) data for each train noise event to determine how train noise decreased (i.e., the drop-off rate) with distance for each location. SEL is a noise descriptor that normalizes the sound energy of a noise event to a one-second duration. SEL provides a meaningful way to compare noise levels of two different noise events of different durations. The DCCO team used SEL for calculating the drop-off rates for this survey, since it takes into account the propagation of sound from the train to the measurement position for the entire train noise event, not just for the loudest portion of the noise event. In addition, SEL can be used in conjunction with the number of daytime and nighttime train noise events to calculate directly the L_{dn} , the day-night average noise level to be used for identification of impacts in this study.

Table 3 Noise Data

Altachn UPSP R	etto	2		Distano				SELM.	Lmax drop-	Drop-			Distance to	Average + Distance
ing day				from CL		SEL	Lmax		off	rate	Ldn			65 dB Ldn
Radial	Description	Pos.	Category		Time							Comments	In all in decine half all and	Contour (ft)
	Virginia North	A	Urban-horn	262		95.3						Building shielding		345
	Virginia North	B	Urban-horn	658		86.5		8.8	0.6			Building shieldingLm		
	Virginia North	C	Urban-horn	1264		86.1	78.7	0.4	6.8		58	Building shielding-cor	taminated by am	bient
	Virginia South	A	Urban-horn	165		101	95					Building shielding		
	Virginia South	B	Urban-horn	281	10:06:00 AM	95		5.7	9			Building shielding	334	
	Virginia South	C	Urban-horn	618		83.9		11.1	9.8	32.4		Building shielding	320	
	Virginia South	A	Urban-horn	165		100						Building shielding		
	Virginia South	В	Urban-horn		10:45:10AM	96.7	90.6	3.7	2.6			Building shielding	468	
	Virginia South	C	Urban-horn		10:45:10AM	85.3	80	11.4	10.6	33.3		Building shielding	359	
	Washington N.	A	Urban-horn	150	2:07:35 PM	101	94.7					Building shielding		
	Washington N.	B	Urban-horn	300	2:07:19 PM	91.6	84.7	9.1	10			Building shielding	266	
	Washington N.	C	Urban-horn	650	2:07:31 PM	80.9	75.8	10.7	8.9	31.9		Building shielding	268	
	Washington N.	A	Urban-horn	150	3:03:52 PM	105	95.6				77	Building shielding		
	Washington N.	B	Urban-horn	300	3:04:05 PM	96.3	86.3	8.7	9.3	28.9		Building shielding	385	
	Washington N.	C	Urban-horn	650	3:04:24 PM	86	77	10.3	9.3	30.7	58	Building shielding	380	
	Oxbow Park	A	Wayside	50	4:18:22 PM	106	95				78	Abnormal-high SEL-le	ft out of average	112
	Oxbow Park	В	Wayside	100	4:18:31 PM	104	92	1.9	3	6.3	76	Abnormal-high SEL-I	4848	
	Oxbow Park	C	Wayside	190	4:18:19 PM	101	88.4	2.6	3.6	9.3	73	Abnormal-high SEL-I	1382	
4	Oxbow Park	A	Wayside	50	4:53:20 PM	97.1	89.1				69			
4	Oxbow Park	В	Wayside	100	4:53:33 PM	94.7	85.1	24	4	8.0	67		156	
4	Oxbow Park	C	Wayside	190	4:53:06 PM	92.3	81.3	2.4	3.8	8.6			151	
4	Oxbow Park	A	Wayside	50	2:16:53 PM	97.9	88.8				70			
4	Oxbow Park	B	Wayside	100	2:16:54 PM	94.5	83	3.4	5.8	11.3	66		131	
	Oxbow Park	C	Wayside	190	2:16:43 PM	91.9	78.8	2.6	4.2	9.3	64		139	
and the second second reaction	Oxbow Park	A	Wayside	50	2:37:00 PM	90.4	80.4					11 mph left out of aver		
	Oxbow Park	B	Wayside	100	2:36:58 PM	87.8	75.8	2.6	4.6	8.6	60	11 mph left out of aver		
	Oxbow Park	C	Wayside	190	2:36:55 PM	86.3	76.3	1.5	-0.5	5.4				
4	Oxbow Park	A	Wayside	50	2:48:11 PM	93.1	84.1	1.5	-0.5	5.4	65	11 mph left out of aver	10	
4	Oxbow Park	8	Wayside	100	2:48:10 PM	89.3	79.1	3.8	5	12.6	61			
4	Oxbow Park	C	Wayside	190	2:48:02 PM	86	74.5	3.3	4.6	11.8			49	
5	Del Curto	A	Rural-horn	150	10:31:27 AM	103	97	3.3	4.0	11.8	58		47	
5	Del Curto	B	Rural-horn	300	10:32:24 AM	90.7	83.5	12.3	13.5		75			390
5	Del Curto	C	Rural-horn	600		90.1	83.5	- 0.6		40.9		Shielding	261	
5	Del Curto	A	Rural-horn		11:41:07AM	98.3	93.3	- 0.0	0.5	2.0	62	left out of average	17	
	Del Curto	B	Rural-horn	300		86.6					70			
and the state of the state of	Del Curto	C	Rural-horn	600	11:41:39 AM	83.1	80.9 75.5	11.7	12.4	38.9	58	Shielding	203	
and the second sec	Del Curto		Rural-horn	150				3.5	5.4	11.6	55	left out of average	82	
and a state of the	Del Curto		Rural-horn	300	12:07:02 PM	105	95.7				77			
	Del Curto		Rural-horn		12:07:20 PM	92.9	83.8	11.8	11.9	39.2		Shielding	295	
				600	12:06:41 PM	92	86.5	0.9	-2.7	3.0	64		245	
	Stage Lane	A	Rural-horn	50	1:22:43 PM	114	108.8				85			
/	Stage Lane	В	Rural-horn	100	1:22:40 PM	113	107.7	0.7	1.1	2.3	85	left out of average		

Table 3 Noise Data (continued)

Attachr	· · · · · · · · · · · · · · · · · · ·	1 Sent						566571377/ AL//	Lmax drop-		1.49		Distance lo	Average
UPSP R	leno			Distano from CL			Lmax	otf	oft	rate		4.5.14 A (19.8.1.1	65 dB Ldn	65 dB Ldn
Radial	Description	Pos.	Category	(feet)	Time	(dBA)	(duA)	(dBA)	(dBA)	X Log	(dBA)	Commente	Contour (ft)	Contour (ft)
7	Stage Lane	C	Rural-horn	200	1:22:29 PM	108	100	5.2	7.7	17.3	79		1371	
8	Woodland Driv	A	Rural-horn	150	10:19:19 AM	96.7	92.7							
8	Woodiand Driv	B	Rural-horn	300	10:19:19 AM	92.3	88.4	4.4	4.3	14.6	64		262	
8	Woodland Driv	C	Rural-horn	600	10:19.19 AM	88.1	81.3	4.2	7.1	14.0	60		260	
8	Woodland Driv	A	Rural-horn	150	10:40:11 AM	105	99							
8	Woodland Driv	B	Rural-horn	300	10:40:11 AM	99.9	93.5	5.4	5.5	17.9	72		712	
8	Woodland Driv	C	Rural-horn	600	10:40:06 AM	97.6	85.7	2.3	7.8	7.6	69	left out of average	2286	
8	Woodland Driv	A	Rural-horn	150	10:51:22 AM	96.7	90.9							
8	Woodland Driv	B	Rural-horn	300	10:51:34 AM	87.7	82.7	9	8.2	29.9	60		197	
8	Woodland Driv	C	Rural-horn	600	10:50:54 AM	92.3	86.9	-4.6	-4.2	-15.3	64	left out of average	683	
8	Woodland Driv	A	Rural-horn	150	11:04:12 AM	96.7	91.8							
8	Woodland Driv	B	Rural-horn	300	11:04:12 AM	91.7	87.3	5	4.5	16.6			245	
8	Woodland Driv	C	Rural-horn	600	11:03:53 AM	87.4	78	4.3	9.3	14.3	59		237	

4

Train Speed Measurements

Table 4 Train Speed Measurements							
Location	Date	Time	Speed (mph)				
Virginia	2/3/97	10:46	17				
Virginia	2/4/97	10:45	20				
Woodland	2/6/97	10:19	45				
Woodland	2/6/97	10:40	39				
Woodland	2/6/97	10:51	17				
Woodland	2/6/97	11:04	44				
Washington	2/4/97	14:07	18				
Washington	2/4/97	15:03	22				
Oxbow Park	2/6/97	14:16	21				
Oxbow Park	2/6/97	14:37	12				
Oxbow Park	2/6/97	14:48	20				
Oxbow Park	2/4/97	16:18	24				
Oxbow Park	2/4/97	16:53	30				
Del Curto	2/5/97	10:32	24				
Del Curto	2/5/97	11:41	31				
Del Curto	2/5/97	12:07	27				
Stag Lane	2/5/97	13:23	18				

The survey team used a radar gun to determine speeds of 17 trains at the short-term noise measurement locations. Table 4 lists the recorded train speeds at the short-term locations.

Surface Transportation Board Section of Environmental Analysis



Reno Mitigation Task Force

June 11, 1997 Reno City Hall, Reno, NV 1:00 - 3:30 p.m.

Meeting This meeting is the sixth meeting for the Reno Mitigation Task Force. The Task Force meetings are intended to be interactive with member discussion and questions on each agenda item.

1.	Introductions/Review Agenda	1:00 to 1:15
2.	Review of Task Force Meeting Format and Discussion Guidelines	1:15 to 1:30
3.	Presentation of Traffic Data and Vehicle Traffic Delay Projections for a Range of Mitigation Options	1:30 to 2:45
4.	Train/Vehicle Accident Data	2:45 to 3:15
5.	General Discussion/Public Comment	3:15 to 3:30
6.	Adjournment	3:30

DELAY AND ACCIDENT METHODOLOGY

- Pre-Merger Through Freight Trains = 12.7 per day
- Post-Merger Through Freight Trains = 24.0 per day
- Year 2000 Traffic Based on NDOT 1995 Counts and RTC Traffic Model Projections
- Average Train Speed Based on Observed Gate Time and Train Length = 18 mph
- Average Train Length from UP Data for Week of 2/3/97 = 4,600 feet
- Delay Equations from Institute of Traffic Engineers
- Vehicular Delay Model Calibrated from Field and Video Observations
- Accidents Projected from Federal Railroad Administration Grade Crossing Accident Formula

RENO MITIGATION STUDY



RENO MITIGATION STUDY





DELAYMD3.WK4 06/06/97 02:57 PM

RENO MITIGATION STUDY




DELAYMD3.WK4 06/06/97 02:55 PM



DELAYMD3.WK4 06/06/97 02:53 PM



11

100



1

Preliminary Data - Subject to Change



DELAYMDV.WK4 06/06/97 05:40 PM





DELAYMD3.WK4 06/11/97 10:17 AM



DELAYMD3.WK4 06/11/97 10:18 AM







DELAYMD3.WK4 06/11/97 09:57 AM



DELAYMD8.WK4 06/11/97 09:47 AM

Surface Transportation Board Section of Environmental Analysis



Reno Mitigation Task Force

July 9, 1997 Reno City Hall, Reno, NV 1:00 – 5:00 p.m.

Meeting This meeting is the seventh meeting for the Reno Mitigation Task Force. The Task Force meetings are intended to be interactive with member discussion and questions on each agenda item.

1. Introductions/Review Agenda	1:00 to 1:10
2. Further Discussion of the Feasibility of Increasing Train Speeds *	1:10 to 2:00
3. Further Discussion of Grade Separation Options Being Considered	2:00 to 2:45
4. Discussion of Range of Train Numbers	2:45 to 3:15
5. General Discussion/Public Comment	3:15 to 3:30
6. Adjournment	3:30
7. Operation Life Saver Video Presentation by the Nevada Public Service Commission	3:45 to 5:00

*Information will arrive in separate package

July 3, 1997

BY FEDEX

To: Members of the Reno Mitigation Task Force

At the last meeting, Union Pacific agreed to investigate whether it could feasibly increase train speeds through Reno by an average of 10 m.p.h. Union Pacific has determined that, with an investment preliminarily estimated at \$7.34 million, it could operate trains through downtown Reno at a consistent speed of 30 m.p.h. Enclosed is a memorandum from Union Pacific's Engineering Department outlining the steps necessary to implement this speed increase.

Union Pacific officials will attend the July 9 meeting to discuss this report.

Sincerely. Tike Hermen

J. Michael Hemmer

Enclosure

UNION PACIFIC/SOUTHERN PACIFIC MERGER

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RENO MITIGATION STUDY

Feasibility of Train Speed Increase - Reno, Nevada

July 2, 1997

Purpose:

To evaluate the feasibility of increasing the freight train speed through Reno, Nevada, from the current 20 mph and 25 mph timetable speeds to 30 mph between MP 242.0 and MP 247.1.

Existing Operation:

Sparks Yard, located between Mileposts 245.3 and 246.8, is a crew change point for both eastbound and westbound trains, where all freight trains stop. The City of Reno is located between Mileposts 237.3 and 244.6.

West of Sparks Yard toward Reno, the operating timetable speed is 30 mph for AMTRAK and 25 mph for freight trains. At Milepost 243.2 the timetable speed changes to 20 mph for both AMTRAK and freight trains. At Milepost 242.0 the speed increases to 45 mph for AMTRAK and 40 mph for freight trains.

The track alignment from Sparks Yard through Reno is essentially tangent with only two curves, both less than 1 degree and central angles less than 30 degrees. Just west of Reno there is a 4 degree curve. The track grade from Sparks Yard to the west is beginning to ascend toward Donner Summit. While there are several grade changes in this stretch, the grade is less than 1 percent.

The wayside signal system for this area is Automatic Block Signals (ABS). All of the public grade crossings through Reno are equipped with flashing lights and gates. Since the merger the circuitry at the crossings has been upgraded so that signals are activated with constant warning time devices, which provide for constant activation of the warning systems regardless of the speed of the train up to 40 mph. The warning time for initial crossing signal activation is 25 seconds prior to the train engine occupying the crossing.

Feasible Operation:

The timetable speed between MP 247.1 at Sparks and MP 242.0 west of Reno could be increased to 30 mph, and trains could operate consistently at that speed with the capital investments described. Sparks Yard would continue to be the crew change point where all freight trains stop.

Required Capital Improvements:

From Vista to west of Sparks Yard, the existing ABS wayside signal system would have to be replaced with Centralized Traffic Control (CTC). The tracks at Sparks Yard that are used for holding trains while crews are changed would have their turnouts changed from size No. 10, which has a maximum speed of 15 mph, to No. 14 power-operated, which has a maximum speed of 30 mph. This would allow trains to accelerate to full speed while exiting the yard instead of waiting until the last car of the train goes through the switch at 15 mph. At MP 245.3 and at MP 246.8, power-operated No. 14 crossovers would be installed to ensure fluid movement into and out of Sparks Yard. Also, at MP 238.0, west of Reno, a universal power-operated No. 20 crossover would be installed to ensure fluid movements can be made through the city. Tie replacement and track surfacing would be accomplished as necessary to facilitate these operating changes. All switches in either of the main tracks through the length of the CTC area either would be power-operated or an electric lock would be installed.

Estimated Cost:

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The following is the preliminary estimate of cost:

•	Install CTC from MP 238.0 to MP 249.3		\$3,870,000
•	Construct 2 No. 14 Crossovers, 1 No. 20 Universal Crossover and Rearrange Yard Tracks at Sparks		<u>\$3,470,000</u>
		TOTAL	\$7,340,000

Computer Train Performance Simulation:

To analyze speeds through town, the trains contained in Ron Naro and Clyde Anderson's verified statements were modeled using the Train Performance Simulation (TPS). TPS is utilized by the Union Pacific to determine fuel consumption and running time for a given train across a specific track segment based on physics. The model results confirm, that with the capital improvements proposed, freight trains will be able to achieve the timetable speed on a consistent basis.



Table 1. Number of Through Freight Trains on UP/SP Mainline in Reno, NV in 1996 Daily Train Statistics: Average = 10.8, Median = 11.0, Minimum = 2, Maximum = 17, Standard Deviation = 2.09

DATE	FREIGHT	DATE	FREIGHT	DATE	FREIGHT	DATE	FREIGHT	DATE	FREIGHT	DATE	FREIGHT	DATE	FREIGHT TRAINS	DATE	FREIGHT
01-Jan		01-Feb	9	01-Apr	11	01-May	10	01 Jun	11	01-Jul	10	01-Aug	10	01-Sep	15
02-Jan		02-Feb	3	02-Apr	10	02-May	12	02-Jun	10	02-Jul	12	02-Aug	10	02-Sep	10
03-Jan		03-Feb	13	03-Apr	13	03-May	11	03-Jun	9	03-Jul	10	03-AUG	9	03-Sep	10
04-Jan	10	04-Feb	10	04-Apr	9	04-May	10	04-Jun	9	04-Jul	9	04-Aug	11	04-Sep	7
05-Jan	10	05-Feb	12	05-Apr	12	05-May	10	05-Jun	13	05-Jul	12	05-Aug	9	05-Sep	12
06-Jan	15	06-Feb	9	06-Apr	10	06-May	12	06-Jun	12	06-Jul	9	06-Aug	13	06-Sep	12
07-Jan	16	07-Feb	12	07-Apr	11	07-May	11	07-Jun	14	07-Jul	12	07-Aug	13	07-Sep	9
08-Jan	14	08-Feb	10	08-Apr	12	08-May	10	08-Jun	8	08-Jul	14	08-Aug	10	08-Sep	12
09-Jan	11	09-Feb	13	09-Apr	12	09-May	8	09-Jun	11	luL-60	12	09-Aug	10	09-Sep	12
10-Jan	10	10-Feb	12	10-Apr	11	10-May	16	10-Jun	11	10-Jul	12	10-Aug	9	10-Sep	10
11-Jan	13	11-Feb	13	11-Apr	10	11-May	11	11-Jun	10	11-Jul	11	11-Aug	12	11-Sep	11
12-Jan		12-Feb	14	12-Apr	13	12-May	9	12-Jun	10	12-Jul	11	12-Aug	16	12-Sep	13
13-Jan	12	13-Feb	12	13-Apr	8	13-May	12	13-Jun	13	13-Jul	10	13-Aug	9	13-Sep	6
14-Jan	12	14-Feb	13	14-Apr	12	14-May	12	14-Jun	8	14-Jul	10	14-Aug	9	14-Sep	11
15-Jan	12	15-Feb	7	15-Apr	11	15-May	101	15-Jun	7	15-Jul	3	15-Aug	12	15-Sep	9
16-Jan	14	16-Feb	10	16-Apr	9	16-May	8	16-Jun	91	16-Jul	10	16-Aug	10	16-Sep	11
17-Jan	12	17-Feb	14	17-Apr	13	17-May	10	17-Jun	13	17-Jul	12	17-Aug	12	17-Sep	12
18-Jan	8	18-500	13	18-Apr	8	18-May	11	18-Jun	14	18-Jul	14	18-Aug	10	18-Sep	10
19-Jan	13	19-Feb	10	19-Apr	9	19-May	11	19-Jun	11	19-Jul	4	19-Aug	9	19-Sep	9
20-Jan	10	20-Feb	10	20-Apr	12	20-May	12	20-Jun	13	20-Jul	9	20-Aug	12	20-Sep	9
21-Jan	11	21-Feb	9	21-Apr	10	21-May	11	21-Jun	12	21-Jul	12	21-Aug	11	21-Sep	13
22-Jan	9	22-Feb	8	22-Apr	9	22-May	10	22-Jun	13	22-Jul	10	22-Aug	11	22-Sep	10
23-Jan	8	23-Feb	9	23-Apr	10	23-May	12	23-Jun	11	23-Jul	11	23-Aug	12	23-Sep	12
24-Jan		24-Feb	7	24-Apr	9	24-May	13	24-Jun	9	24-Jul	11	24-Aug	6	24-Sep	10
25 Jan	10	25-Feb	11	25-Apr	13	25-May	12	25-Jun	9	25-Jul	9	25-Aug	12	25-Sep	9
26-Jan	15	26-Feb	8	26-Apr	11	26-May	12	26-Jun	9	26-Jul	10	26-Aug	12	26-Sep	9
27-Jan	10	27-Feb	6	27-Apr	13	27-May	11	27-Jun	10	27-Jul	13	27-Aug	7	27-Sep	12
28-Jan	9	28-Feb	7	28-Apr	12	28-May	12	28-Jun	7	28-Jul	12	28-Aug	13	28-Sep	11
29-Jan	17	29-Feb	12	29-Apr	11	29-May	12	29-Jun	14	29-Jul	11	29-Aug	10	29-Sep	13
30-Jan	12			30-Apr	10	30-May	13	30-Jun	12	30-Jul	9	30-Aug	15	30-Sep	9
31-Jan	11	merror and	- alternative and			31-May	13			31-Jul	12	31-Aug	14		
verage	11.4		10.4		10.8		11.2		10.7		10.7		10.9		10.6

Session: 1 Date: October 22, 1996 Location: Flamingo Hilton Reno, Nevada 5:00 pm Subject: Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program Attendees: Guests Chris Nordling, President - Flamingo Hilton Environmental Team Colleen Henderson, Summit Envirosolutions, Inc. City Representatives Merri Belaustegui-Traficanti Barbara McKenzie STB Representatives

Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Representatives from the City of Reno and the *Environmental Team* arrived upstairs at the Flamingo Hilton offices to meet with Chris Nordling and the STB/SEA staff and their consultants. Chris Nordling informed us that the STB/SEA preferred not to meet with us. Chris Nordling asked us to leave because he wanted an opportunity to meet with the STB/SEA.

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Session: 2 Date: October 23, 1996 Location: City of Reno 290 South Center Street Meeting Room 211 8:30 am Union Pacific/Southern Pacific Railroad Merger Subject: Environmental Mitigation Study - Public Outreach Program Attendees: Guests Mayor Jeff Griffin, City of Reno Councilperson Tom Herndon, City of Reno Councilperson Candice Pearce, City of Reno Environmental Team Colleen Henderson, Summit Envirosolutions, Inc. Eric Ruby, WESTEC, Inc. Mark A. Demuth, MADCON Consultation Services City Representatives Steve Varela Merri Belaustegui-Traficanti Barbara McKenzie Sharon Spangler Michael Halley Paul Lamboley (Counsel) STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company Introduction

(The following introduction was repeated by STB/SEA staff and consultants at the beginning of each meeting Sessions 3 - 17)

Elaine Kaiser thanked everyone for attending the meeting and indicated that the Surface Transportation Board / Section of Environmental Analysis (STB/SEA) had put informational

packages together to summarize the *Mitigation Study* and process, and distributed the packages to meeting attendees.

The STB/SEA began the presentation by defining the project and the program to provide public outreach. Elaine Kaiser stated that this study should bring people together and foster a relationship where information could be freely exchanged. She told the City of Reno that they should feel privileged because the STB (the actual Board) has never granted ane following: (1) putting a cap of an average of 2 trains a day through Reno for 18 months and (2) preparing a *Mitigation Study* specifically for the City of Reno. She said that 12 months is plenty of time to work and to negotiate a solution.

Elaine Kaiser introduced the *Mitigation Study Team*: consisting of Harold McNulty - Reno Project Study Director (STB/SEA); Kay Wilson - Community Coordinator (Public Affairs Management); Dave Mansen - Technical Project Manager (De Leuw, Cather & Company); Winn Frank - Project Director (De Leuw, Cather & Company); and Elaine Kaiser - Program Director and Legal Counsel (STB/SEA).

Elaine Kaiser presented a brief history of the STB actions to date affecting the merger of the Union Pacific/Southern Pacific Railroads now called the Union Pacific (UP) Railroad (the "Railroad"), and indicated that they are at the beginning of the process to prepare the *Mitigation Study* for Reno, as mandated by the STB in Decision 44. Elaine Kaiser also indicated that the STB *Mitigation Study Team* wants to gather as much information as possible, and encouraged private negotiation and agreements to be made outside of the formal requirements for the *Mitigation Study*. The STB decision requiring the *Mitigation Study* is quite specific, saying that the study will evaluate all feasible mitigation options available within the existing Union Pacific right of way (ROW), to reduce impacts.

Harold McNulty mentioned that corridor-wide conditions have already been imposed for air quality, noise and grade crossings.

The *Mitigation Study* is divided into 3 phases as summarized on the provided handouts prepared by the STB/SEA's consultant. Phase 1 will take 4 months with the goal to complete the study and have it ready for the STB Board to act on within 12 months.

Kay Wilson explained the citizen/public participation portion of the *Mitigation Study*, indicating that the primary goal of the study is to encourage public participation at all levels, and to encourage the formation of a *Task Force* to effectively deal with public participation. The STB is not married to the concept of a Task Force, and is open to other vehicles for participation.

Elaine Kaiser indicated that the first step in Phase 1 would be to establish a Service List of key contact people at the City of Reno, STB, and the consultant team to begin open communication.

Dave Mansen indicated that he wants to make sure that all available studies are inventoried and the location of the materials documented.

Discussion

Paul Lamboley, Counsel to City of Reno, asked who the subconsultants to De Leuw, Cather & Company will be. Mr. Lamboley also asked De Leuw, Cather & Company and its subconsultants to document if they have ever worked for, or are planning to work for the Railroad in any capacity. Winn Frank indicated that he would provide the requested information. Elaine Kaiser indicated that the *Mitigation Study* should be viewed as a *Window of Opportunity*, and encouraged private negotiations to develop other solutions out of the ROW. Elaine Kaiser used the example of a private negotiation that occurred between the UP Railroad and the Town of Truckee, where the UP Railroad agreed to a program to buy obsolete wood burning stoves from residents to offset air quality impacts created by the merger.

Councilperson Tom Herndon asked why economic impacts were not considered in the previous studies prepared by the STB. Elaine Kaiser indicated that the previous studies did not evaluate economic impacts, as they were not required to, and that the *Mitigation Study* would not include an evaluation of economic impacts. Any discussion of economic impacts must be based on the merits of the merger and argued before the STB.

Councilperson Candice Pearce stated that impacts to water quality, endangered species, hazardous materials, and Native American issues were never evaluated in the previous Environmental Assessment (EA). These issues affect the entire length of the Truckee River and include a water quality negotiated settlement brokered by US Senator Harry Reid. Harold McNulty indicated that mitigation measures for hazardous materials are included in Numbers 4 and 5 on Page 12, Appendix G of Decision 44.

Councilperson Pearce indicated that the Railroad is only 3 feet from the Truckee River in some places, and an accident would impact the entire downstream portion of the river to Pyramid Lake.

Councilperson Herndon discussed the differences between high and low speed railroad accidents. The proposed 800 number to call when an emergency occurs is not satisfactory mitigation to solve the problem, according to Mr. Herndon.

Mayor Jeff Griffin directly asked STB representatives what is off the table for discussions and inclusion in the Mitigation Study. Elaine Kaiser indicated that the formula for appropriate mitigation, which will be included in the study, is Systemwide Mitigation + Tailored Mitigation within the existing ROW = the Solution. The concept of relocation to the Interstate 80 (I-80) corridor is appropriate for private negotiations, but will not be evaluated as possible mitigation in the Mitigation Study. The STB is open to any suggestions relating to mitigation within the existing ROW.

Councilperson Pearce asked if the STB would look into the Native American and endangered species issues. The *Cui ui*, an federally listed endangered fish species, is sacred to the Native Americans, and is affected by the Truckee River water quality since it spawns upstream from Pyramid Lake. In addition, the Paiute Indians have the right to set water quality standards for

the Truckee River. Elaine Kaiser indicated that the approach to preparation of the *Mitigation Study* will incorporate the concept of tiering (NEPA CEQ regulations at 40 CFR 1508.28), whereby previously prepared documents are used as a basis for future more detailed analysis. Elaine Kaiser also indicated that the STB has a mandate to consult with Native Americans, and this will occur as part of the *Mitigation Study* process.

Mayor Griffin made a short closing statement thanking the STB for meeting with the City of Reno, and indicated that the City and the Railroad agree they both don't want residual problems associated with the merger. The *Mitigation Study* must focus on long term solutions. The city would rather live with short-term interim railroad merger impacts in hopes of realizing a permanent long-term solution

Elaine Kaiser requested that the city respond to Harold McNulty within a week or so regarding interest in the Task Force approach to public participation.

Session:	3
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 9:45 am
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Gene Carano, General Manager - Eldorado Casino Gary Carano, General Manager - Silver Legacy John Frankovich, Counsel for Don Carano <i>Environmental Team</i> Colleen Henderson, Summit Envirosolutions, Inc. Eric Ruby, WESTEC, Inc. Mark A. Demuth, MADCON Consultation Services <i>City Representatives</i> Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company
Introduction	

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

The STB/SEA asked the City and its Consultants to leave because they wanted to talk to each casino and other interested parties separately. The *Environmental Team* asked the Carano's if it was OK to stay and observe the STB/SEA's presentation and they insisted that the City be

present. The Carano's said that they supported the City's position and everybody should be working together.

The Carano's were concerned with the tremendous impacts the increase in number of trains would have on the downtown casinos as well as the economic issues related to the construction of improvements to the railroad ROW, increased traffic on Sierra Street, an increase in the number of trains, pedestrian safety associated to an increase in trains, and noise associated with an increase in trains. The Carano's also supported the city's efforts to work with the STB and Railroad.

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Session:	4
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 10:15 am
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Max Page - Fitzgeralds Casino-Hotel
	Environmental Team Eric Ruby, WESTEC, Inc. Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

Max Page pointed out that there appears to be no limit on the length of trains through Reno and lengths have been increasing. Elaine Kaiser agreed that there is no cap on the length of trains.

Elaine Kaiser mentioned that the SEA can not require the Railroad to agree to any mitigation. It must be mandated by the STB Board.

Elaine Kaiser asked if pedestrian bridges (like in Las Vegas) will solve pedestrian and traffic safety issues. Max Page responded by saying no because Las Vegas does not have trains traversing the downtown.

Elaine Kaiser also asked if Max Page thought there could be a public/private partnership to implement short-term beautification along the railroad ROW. Max Page responded by stating the Railroad should pay the entire cost because they are creating the problem to begin with.

Max Page mentioned that noise generated from trains creates a room rate reduction for rooms facing the railroad ROW. Winn Frank suggested implementing a *Quiet Zone* through Reno to deal with the train horns but it does not address safely issues. Elaine Kaiser suggested having a Federal Railroad Administration (FRA) representative talk with Reno about public safety issues.

Elaine Kaiser mentioned that short-tern mitigation might be better than no mitigation if the Board does not agree with STB/SEA's recommendations.

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Session:	5
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 11:00 am
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	 Guests Michael Kulbacki, Railway Safety Engineering Investigator - Nevada Public Service Commission, Engineering Division John Eells - Nevada Department of Transportation (NDOT) Consultant Syd Brown - NDOT Consultant Tom Mallery - NDOT Planner Tom Fronapfel, Assistant Director-Planning - NDOT Tim Crowley, Executive Assistant to Governor Miller Raymond B. Lang, Governmental Affairs Officer - National Railroad Passenger Corporation aka AMTRAK Monica Puddington, Rural Public Transit Program Coordinator - NDOT Joe Strolin - Administrator. Planning Division - State of Nevada Agency for Nuclear Projects, Nuclear Waste Project Office Environmental Team Eric Ruby, WESTEC, Inc. Mark A. Demuth, MADCON Consultation Services Engineering Team Jerry Hall, Strategic Project Management City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA
	Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

In addition to the standard introduction presented by the STB/SEA, Elaine Kaiser mentioned the STB will conduct extensive public participation and outreach. She requested the names of people who should be on a *Service List*.

Someone asked about financing and Elaine Kaiser mentioned the STB/SEA has consultants to address financing issues and referred to the Task Force and people should get involved at that level.

Elaine Kaiser mentioned an 800 number to call the Railroad as mitigation for incidence of hazardous material spills and problems with crossing signals.

Tom Fronapfel with NDOT mentioned that his agency takes a neutral position on the merger and offered assistance where needed.

Tim Crowley with the Governor's Office supports the full environmental impact statement (EIS) process as well as the Task Force idea. He also wants to see the I-80 Alternative implemented but with detailed documentation to support the project.

Raymond Lang supports the Downtown Depressed Trainway Alternative and stated that any relocation of tracks would be negative and would impact the existing train station in Reno.

Elaine Kaiser pointed out what a "big fan" of trains Harold McNulty was.



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Session:	6
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 1:00 pm
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Richard Vitali - Harrah's Casino
	Environmental Team Colleen Henderson, Summit Envirosolutions, Inc. Eric Ruby, WESTEC, Inc. Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley Sharon Spangler Steve Varela Paul Lamboley (Counsel)
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company
Introduction	

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

In addition to the impacts an increase in trains will have on Harrah's Casino, Richard Vitali expressed concern about the impacts to the existing neighborhood out at River Banks. River Banks is a residential development built on the south side of the railroad tracks west of Reno.

Richard Vitali expressed concern about school bus problems, delays, lack of access, and the increase in length of trains. Richard Vitali mentioned how school buses have to wait up to one-half hour for trains and how the children waiting for the bus on the north side of the tracks are just as affected especially in cold weather.

His biggest concerns included public safety, the business interests downtown, and the delayed traffic associated with an increase in trains. He feels that economic impacts should be considered as well as all of the other environmental impacts. He stated that he feels that the City's facts and figures are accurate and correct. He mentioned that the three grade separations will not even come close to solving the impacts of traffic and pedestrian safety, 5 or 6 might be getting closer to solving the problem.

Richard Vitali mentioned mitigation to the river corridor might help improve downtown.

Elaine Kaiser stressed working directly with the Railroad to negotiate mitigation.

Richard Vitali added that Ralston Street was a bad choice for a grade separation and asked who would be responsible for financing the mitigation. The STB/SEA agreed that they do not know how the financing can be accomplished suggesting that the Railroad shouldn't have to pay for the entire mitigation. The City's consultants mentioned that 13 percent of the cost for a grade crossing is not enough and the City should not be financially responsible for the remainder.

Elaine Kaiser mentioned that Harold McNulty was the Study Director for Reno's Mitigation Study.

Richard Vitali suggested that the owner of the River Banks Residential Project (Dennis Banks) be added to the Service List to participate on the Task Force.

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Session: 7 Date: October 23, 1996 Location: City of Reno 290 South Center Street Meeting Room 211 2:00 pm Union Pacific/Southern Pacific Railroad Merger Subject: Environmental Mitigation Study - Public Outreach Program Attendees: Guests Senator William Raggio Assemblyperson Joan Lambert Assemblyperson Bernice Mathews Assemblyperson Lawrence Jacobsen Assemblyperson David Humke Environmental Team Colleen Henderson, Summit Envirosolutions, Inc. Mark A. Demuth, MADCON Consultation Services City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley Sharon Spangler Paul Lamboley (Counsel) STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

Elaine Kaiser mentioned that there is another merger (Conrail) concurrently under review by the STB as well as the proposed *Mitigation Study* and that Reno would get the STB/SEA's full attention. (Elaine Kaiser previously mentioned that the STB/SEA is understaffed and 40 percent of the staff was in Reno at this meeting).

Senator Raggio specifically asked what the parameters of the mitigation measures are and who would have to pay. He asked if the STB/SEA could analyze a Downtown Depressed Trainway Alternative through Reno and Elaine Kaiser agreed to look at this option. Senator Raggio mentioned that unless a Downtown Depressed Trainway Alternative is considered, the only other alternative is to relocate the tracks away from downtown. Senator Raggio was specific to state that he thought these meetings were a waste of time and that the STB/SEA had already made up their minds as what they were going to present to the Board.

Elaine Kaiser mentioned that if the STB/SEA recommended to the Board to consider the I-80 Alternative, this would take years to analyze including conducting environmental documentation and conducting condemnation procedures. She stresses that this is not a good alternative because of the time factor.

Elaine Kaiser mentioned something about FRA Guidelines and how they address noise from train horns. She suggested having a FRA representative attend future meetings to explain issues pertaining to horns and noise.

Elaine Kaiser stressed other types of mitigation including the following:

- Upgrading existing at-grade crossings
- Exploring the concept of "quiet zones" through Reno
- Incorporating special crossing devices to increase public safety
- Looking at a depressed trainway through Reno

Elaine Kaiser mentioned the funding options she was aware of included state funding, federal funding, and unique funding. The City and its consultants interpreted "unique funding" to involve the casinos.

Senator Raggio asked about the status of the City's lawsuit with the STB. The City responded.

At this point, Paul Lamboley suggested that the Task Force might be a good idea to participate in as long as the City had a role in the meetings. He mentioned that it is not a good idea to meet just for the sake of meeting and the meetings should be *working meetings* with technical people. He mentioned that these meetings should be held at least twice a month and the Railroad should participate as well.

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The next discussion centered on the existing and future number of trains traversing Reno and the STB/SEA mentioned that their numbers would never be consistent with the numbers that the City of Reno has. Elaine Kaiser and Harold McNulty said they get their numbers directly from the Railroad and they (the Railroad) have the most expertise and information available when determining the numbers of trains. The City's Environmental Consultants mentioned that we must agree or use several different numbers (or a range) when calculating the impacts of the merger. The STB/SEA did not agree and said that they will use the numbers provided by the Railroad.

The issue of the potential for transporting high level nuclear waste through Reno via the Railroad was brought to the attention of the STB/SEA.

Assemblyperson Mathews asked if the I-80 Alternative was addressed in the EA and Elaine Kaiser mentioned that it was not. Harold McNulty cautioned the City because there would be far more impacts and issues to deal with if they were to recommend the I-80 Alternative to the Board. He mentioned the City would have opposition from all aspects of society.

Session:	8
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 3:00 pm
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Assemblyperson Bernie Anderson
	Environmental Team Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management

Winn Frank, De Leuw, Cather & Company

Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

Bernie Anderson was upset with level of misunderstanding and stated he thought the City of Reno was providing misinformation to the public and to the STB/SEA about the merger. He is concerned about moving the existing track alignment to the I-80 corridor because of impacts to residents and St. Mary's Hospital. Assemblyman Bernie Anderson also stated that he did not think that Reno was taking into account the benefits the merger would have to the City of Sparks and specifically to the warehousing business.
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Session:	9
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 3:30 pm
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests John MacIntyre, County Manager - Washoe County
	Environmental Team Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

John MacIntyre mentioned he was here to listen to the STB/SEA's presentation and added that the County was interested in discussing mitigation ideas and financing options.

Session:	10
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 4:00 pm
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Paula Berkley - Representative of the Reno Sparks Indian Colony
	Environmental Team Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie Michael Halley
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

Paula Berkley provided the STB/SEA with a map and names/numbers of the Native American tribes in Nevada. Paula Berkley asked why the Indians were overlooked and not included in previous environmental documentation procedures? She mentioned that the existing railroad ROW is located directly behind approximately 250 homes on a reservation in Reno and continued with a history and geography lesson of the different tribes in Northern Nevada.

Paula Berkley specifically stated the "Paiutes" had heard that the "switching yard" was going to be moved from Sparks to Wadsworth and they (the Native Americans) will speak out against this.

Elaine Kaiser mentioned that the tribes are welcome to participate and that the STB/SEA dealt with cultural issues by contacting each State Historic Preservation Office (SHPO).

Paula Berkley mentioned the difference between cultural resources and Native American consultation and stated that it was the law to consult with Native Americans before documentation is sent out for review. Elaine Kaiser mentioned that they were starting over (ground level) and would consult Native Americans and give them a change to have input into the planning process.

Paula Berkley also specifically stated since the STB is only looking at 3 crossings, then the Native Americans will go through with the *Amicus curiae* Brief.

Elaine Kaiser asked who owned or managed land Indian reservations are located on and Paula Berkley mentioned it was the federal government who owns the land in trust for Native Americans.

Session:	11
Date:	October 23, 1996
Location:	City of Reno 290 South Center Street Meeting Room 211 4:00 pm
Subject:	Union Pacific/Southern Pacific Railroad Merger Environmental Mitigation Study - Public Outreach Program
Attendees:	Guests Scott Beeman, General Manager - Circus Circus Hotel/Casino
	Environmental Team Mark A. Demuth, MADCON Consultation Services
	City Representatives Merri Belaustegui-Traficanti Barbara McKenzie
	STB Representatives Elaine Kaiser, STB/SEA Harold McNulty, STB/SEA Kay Wilson, Public Affairs Management

Winn Frank, De Leuw, Cather & Company Dave Mansen, De Leuw, Cather & Company

Introduction

STB/SEA Presentation (Refer to the notes from Session 2)

Discussion

Scott Beeman asked who was on the STB Board and Elaine Kaiser mentioned the following:

- Linda Morgan Attorney (Chairperson)
- Gus Owen Businessman (Vice Chairperson)
- O.J. Simmons Historic Railroad Employee

Elaine Kaiser mentioned that they were all appointed to the Board.

Scott Beeman stressed the impacts to the casinos and that the City and casinos should not have to pay for the mitigation. Elaine Kaiser stressed the shared funding approach again and mentioned that the Board has mandated this very recently.

Scott Beeman mentioned the correlation between the increase in the number of trains and the risk associated with a derailment. Harold McNulty mentioned something about electronic brakes. Scott Beeman's concerns included the increase in noise and the economic impacts to downtown.

It was brought up that we need to decide what issues we can partner to solve and which ones are clearly the responsibility of the Railroad.

Additional issues discussed included Winn Frank claiming the Railroad stated that fewer trains are presently running through Reno than anticipated which was good for Reno.

Elaine Kaiser referred to the Alameda Corridor in California as an example of mitigation. Scott Beeman stressed a meaningful long-term solution vs. short-term fixes.

Elaine Kaiser mentioned that the Railroad would like an equitable share process associated with the financing of the mitigation needed.

3-6 Transit Noise and Vibration Impact Assessment

shows the noise impact criteria for Category 1 and 2 land use in terms of the allowable increase in the <u>cumulative</u> noise exposure. The horizontal axis is the existing noise exposure and the vertical axis is the increase in cumulative noise level due to the transit project. The measure of noise exposure is L_{dn} for residential areas and L_{eq} for land uses that do not have nighttime noise sensitivity. Since L_{dn} and L_{eq} are measures of total acoustic energy, any new noise source in a community will cause an increase, even if the new source level is less than the existing level. Referring to Figure 3-2, it can be seen that the criterion for Impact allows a noise exposure increase of 10 dBA if the existing noise exposure is 42 dBA or less but only a 1 dBA increase when the existing noise exposure is 70 dBA.



Figure 3-2 Increase in Cumulative Noise Levels Allowed by Criteria (Land Use Cat. 1 & 2)

As the existing level of ambient noise increases, the allowable level of transit noise increases, but the total amount that community noise exposure is allowed to increase is reduced. This accounts for the unexpected result that a project noise exposure which is less than the existing noise exposure can still cause Impact. This is clearer from the examples given in Table 3-3 which indicate the level of transit noise allowed for different existing levels of exposure.

Land Use Category	Noise Metric (dBA)	Description of Land Use Category
1	Outdoor L _{eq} (h)*	Tracts of land where quiet is an essential element in their intended purpose. This category includes lands set aside for serenity and quiet, and such land uses as outdoor amphitheaters and concert pavilions, as well as National Historic Landmarks with significant outdoor use.
2	Outdoor L _{dn}	Residences and buildings where people normally sleep. This category includes homes, hospitals and hotels where a nighttime sensitivity to noise is assumed to be of utmost importance.
3	Outdoor L _{eq} (h)*	Institutional land uses with primarily daytime and evening use. This category includes schools, libraries, and churches where it is important to avoid interference with such activities as speech, meditation and concentration on reading material. Buildings with interior spaces where quiet is important, such as medical offices, conference rooms, recording studios and concert halls fall into this category. Places for meditation or study associated with cemeteries, monuments, museums. Certain historica sites, parks and recreational facilities are also included.

3.1.2 Defining the Levels of Impact

The noise impact criteria are defined by two curves which allow increasing project noise levels as existing noise increases up to a point, beyond which impact is determined based on project noise alone. Below the lower curve in Figure 3-1, a proposed project is considered to have no noise impact since, on the average, the introduction of the project will result in an insignificant increase in the number of people highly annoyed by the new noise. The curve defining the onset of noise impact stops increasing at 65 dB for Category 1 and 2 land use, a standard limit for an acceptable living environment defined by a number of Federal agencies. Project noise above the upper curve is considered to cause Severe Impact since a significant percentage of people would be highly annoyed by the new noise. This curve flattens out at 75 dB for Category 1 and 2 land use, a level associated with an unacceptable living environment. As indicated by the right-hand scale on Figure 3-1, the project noise criteria are 5 decibels higher for Category 3 land uses since these types of land use are considered to be slightly less sensitive to noise than the types of land use in categories 1 and 2.

Between the two curves the proposed project is judged to have an impact, though not severe. The change in the cumulative noise level is noticeable to most people, but may not be sufficient to cause strong, adverse reactions from the community. In this transitional area, other project-specific factors must be considered to determine the magnitude of the impact and the need for mitigation, such as the predicted level of increase over existing noise levels and the types and numbers of noise-sensitive land uses affected.

Although the curves in Figure 3-1 are defined in terms of the project noise exposure and the existing noise exposure, it is important to emphasize that it is the increase in the cumulative noise – when project is added to existing – that is the basis for the criteria. The complex shapes of the curves are based on the considerations of cumulative noise increase described in Appendix A. To illustrate this point, Figure 3-2

P-1-11	100001		Defining Impa			1000		
Existing Noise		Project N	iolse Impact Expo	sure, L _{eq} (h) or L _{dr} (dBA)				
Exposure	Ca	tegory 1 or 2 S	ites	Category 3 Sites				
L _{eq} (h) or L _{dn} (dBA)	No Impact	Impact	Severe Impact	No Impact	Impact	Severe Impact		
<43	< Ambient+10	Ambient + 10 to 15	>Ambient+15	<ambient+15< td=""><td>Ambient + 15 to 20</td><td>>Ambient+20</td></ambient+15<>	Ambient + 15 to 20	>Ambient+20		
43	<52	52-58	>58	<57	57-63	>63		
44	<52	52-58	>58	<57	57-63	>63		
45	<52	52-58	>58	<57	57-63	>63		
46	<53	53-59	>59	<58	58-64	>64		
47	<53	53-59	>59	<58	58-64	>64		
48	<53	53-59	>59	<58	58-64	>64		
49	<54	54-59	>59	<59	59-64	>64		
50	<54	54-59	>59	<59	59-64	>64		
51	<54	54-60	>60	<59	59-65	>65		
52	<55	55-60	>60	<60	60-65	>65		
53	<55	55-60	>60	<60	60-65	>65		
54	<55	55-61	>61	<60	60-66	>66		
55	<56	56-61	>61	<61	61-66	>66		
56	<56	56-62	>62	<61	61-67	>67		
57	<57	57-62	>62	<62	62-67	>67		
58	<57	57-62	>62	<62	62-67	>67		
59	<58	58-63	>63	<63	63-68	>68		
60	<58	58-63	>63	<63	63-68	>68		
61	<59	59-64	>64	<64	64-69	>69		
62	<59	59-64	>64	<64	64-69	>69		
63	<60	60-65	>65	<65	65-70	>70		
64	<61	61-65	>65	<66	66-70	>70		
65	<61	61-66	>66	<66	66-71	>71		
66	<62	62-67	>67	<67	67-72	>72		
67	<63	63-67	>67	<68	68-72	>72		
68	<63	63-68	>68	<68	68-73	>73		
69	<64	64-69	>69	<69	69-74	>74		
70	<65	65-69	>69	<70	70-74	>74		
71	<66	66-70	>70	<71	71-75	>75		
72	<66	66-71	>71	<71				
					71-76	>76		
73	<66	66-71	>71	<71	71-76	>76		
74	<66	66-72	>72	<71	71-77	>77		
75	<66	66-73	>73	<71	71-78	>78		
76	<66	66-74	>74	<71	71-79	>79		
77	<66	66-74	>74	<71	71-79	>79		
>77	<66	66-75	>75	<71	71-80	>80		

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exposure is used for land use involving only daytime activities.



Figure 3-1 Noise Impact Criteria for Transit Projects

percentage of people highly annoyed by project noise. Guidelines for the application of the criteria are included in Section 3.2, and background material on the development of the criteria are included in Appendix A.

For transit projects integrated with an existing or newly-constructed highway, such as HOV lanes or exclusive bus lanes, the determination of noise impact is based on existing Federal Highway Administration (FHWA) noise prediction procedures and impact criteria, as summarized in Section 3.3 of this chapter. The latter criteria are used to maintain consistency with established noise impact assessment methods for projects that involve modifications to existing roadways or the construction of new roadways.

3.1 NOISE IMPACT CRITERIA FOR TRANSIT PROJECTS

The noise impact criteria for mass transit projects involving rail or bus facilities are shown graphically in Figure 3-1 and are tabulated in Table 3-1. The equations used to define these criteria are included in Appendix A. The criteria apply to all rail projects (e.g., rail rapid transit, light rail transit, commuter rail, and automated guideway transit) as well as fixed facilities such as storage and maintenance yards, passenger stations and terminals, parking facilities, and substations. They may also be used for bus projects operating on local streets and separate roadways built exclusively for buses. In contrast, for busways and HOV lanes which are to be integrated in existing highways (e.g., the addition of new lanes or the redesignation of existing lanes on a highway), the FHWA's noise abatement criteria contained in Federal-Aid Highway Program Manual 7-7-3 are the appropriate noise criteria to use. Likewise, if the project is a new highway involving both general-purpose and dedicated bus/HOV lanes, the FHWA approach is followed. The FHWA criteria are briefly summarized in Section 3.3.

3.1.1 Basis of Noise Impact Criteria

The noise impact criteria in Figure 3-1 and Table 3-1 are based on comparison of the existing outdoor noise levels and the future outdoor noise levels from the proposed project. They incorporate both absolute criteria, which consider activity interference caused by the transit project alone, and relative criteria, which consider annoyance due to the change in the noise environment caused by the transit project.

Whereas noise impact criteria that have been used for previous transit projects take existing ambient noise levels into account based on generalized community categories, the criteria in this manual depend on specific estimates of existing community noise levels as part of the determination of noise impact. These criteria were developed to apply to various transit modes, to recognize the heightened community annoyance caused by late-night or early-morning transit service, and to respond to the varying sensitivity of communities to projects under different background noise conditions.

The noise criteria and descriptors depend on land use, as defined in Table 3-2. Further guidance on the definition of land use, the selection of the appropriate noise metric and the application of the criteria is given in Section 3.2 of this chapter, with more detailed guidelines given in Chapters 5 and 6.



Transit Noise and Vibration Impact Assessment

April 1995



FEDERAL TRANSIT ADMINISTRATION



A-2 ACOUSTICAL TERMINOLOGY

NOISE EXPOSURE Lines drawn about a noise source indicating constant levels of **CONTOURS:** noise exposure. CNEL and L_{dn} contours are frequently utilized to describe community exposure to noise. **SEL OR SENEL:** Sound Exposure Level or Single Event Noise Exposure Level. The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the time-integrated A-weighted squared sound pressure level for a stated time interval or event, based on a reference pressure of 20 micropascals and a reference duration of one second. SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The Aweighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with

subjective reactions to noise.



APPENDIX A ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL:	The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise a given location.
CNEL:	Community Noise Equivalent Level. The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
DECIBEL, dB:	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
L _{dn} :	Day-Night Average Sound Level. The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.
L _{eq} :	Equivalent Sound Level. The sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.
Note: CNEL and basis, while typically on	L_{dn} represent daily levels of noise exposure averaged on an annual L_{eq} represents the average noise exposure for a shorter time period, e hour.
L _{max} :	The maximum sound level recorded during a noise event.
L _n :	The sound level exceeded "n" percent of the time during a sample interval. L_{10} equals the level exceeded 10 percent of the time (L_{90} , L_{50} , etc.)
	(BBA)-











Based upon the above information, BBA has concluded that:

- 1. Railroad noise and vibration impact criteria for this project should be consistent with the guidelines produced by the Federal Transit Administration (FTA).
- Railroad noise levels in the Reno area are dominated by the use of locomotive warning horns. The measured noise levels are higher than those predicted in the initial projectrelated documents, and the differences are primarily due to differences between assumed and measured warning horn noise levels.
- 3. Warning horn noise levels are variable, and appear to be dependent upon the manufacturer of the horn, and upon the manner in which the horn is operated.
- 4. The locations of DNL 65 dB contours have been predicted for railroad noise exposures in the Reno area which account for wayside and urban conditions with and without the shielding provided by buildings near the railroad tracks. These contours have been used to provide a consistent method of analyzing the potential noise impacts of the project on noise sensitive land uses. The ENM contours differ from those prepared by Acentech, due to differences in assumptions about shielding provided by buildings, and due to apparent differences in the assumed sound attenuation rate with distance.
- 5. The projected changes in railroad noise levels as a result of the proposed project should be considered significant in terms of the exposure of additional noise sensitive land uses to the DNL 65 dB contour, and in terms of the noise impact criteria used by the Federal Transit Administration.
- 6. Train noise levels inside typical hotel and residential building facades adjacent to the railroad tracks do not comply with FTA interior noise guidelines, and railroad single event noise levels inside the rooms are expected to cause substantial sleep disturbance. The number of noise events which may result in awakening will be almost doubled. Noise levels inside modern rooms with fixed windows, as well as in those with acoustically treated window systems, are expected to be within acceptable limits.
- 7. Vibration due to train passages is not expected to be significant in terms of the criteria used by the Federal Transit Administration.

Respectfully submitted, Brown-Buntin Associates, Inc.

ted at

Jim Buntin Vice President The proposed merger will result in an increase in the railroad noise level of 2.7 dB within the existing DNL 65 dB contour. This should be considered a significant impact.

Railroad noise levels within typical rooms and homes immediately adjacent to the railroad tracks are presently in excess of recommended interior noise levels, in terms of DNL. Inside the affected rooms, the railroad noise level is predicted to increase by 2.7 dB, which will aggravate the existing unacceptable condition. This should be considered a significant impact.

Currently, single event noise levels due to train warning horns in the downtown Reno area, and adjacent to railroad crossings, are sufficient inside of typical hotel rooms to result in about a 35% to 45% awakening rate for each event. The awakening rate will not change as a result of the proposed merger, but the number of occurrences per night will increase by a factor of 1.9. That is, the number of events which have the potential to awaken 35% to 45% of hotel occupants exposed to railroad noise will increase from about 0.53 per hour to one per hour, or from about four times an 8-hour night to about eight times a night. This should be considered a significant impact.

Vibration due to train passages is not expected to be significant inside of noise sensitive uses, in terms of the criteria used by the Federal Transit Administration.

MITIGATION MEASURES

The Proposed Mitigation Plan recommends that, to reduce train noise impacts, the train speed through the downtown Reno area should be increased from 20 miles per hour (mph) to 30 mph. The increase in train speed from 20 mph to 30 mph would, all other factors being equal, result in a change in DNL values of -1.8 dB. However, all factors may not be equal in the downtown Reno area, as it may be necessary, at a higher speed, for the engineer to actuate the horn for a greater proportion of the time to ensure that all crossings are clear. In addition, it may be necessary in either rural or urban situations to activate the horn farther from the crossings, which could increase the noise levels at receivers distant from the crossings. We cannot quantify the effects of the increase of train speeds without more specific information regarding the duration of horn use in the urban area, and regarding the point at which horns would first be activated on approach to crossings.

If this measure is found to result in a decrease in single event noise levels, the numbers of noise sensitive uses added to the area within the DNL 65 dB contour would decrease from those projected for the proposed merger. In addition, the change in DNL values for noise sensitive uses within the DNL 65 dB contour would be less than 1.5 dB, and therefore the change would be considered insignificant. Interior noise levels in typical hotel rooms adjacent to the railroad tracks would remain unacceptable. The potential for awakening in typical hotel rooms would decrease slightly, although the number of noise events would remain the same.

FINDINGS

State of California for aircraft noise assume that a residential land use (including hotels) is incompatible with the aircraft noise environment where the DNL equals or exceeds 65 dB. Thus, if a project causes additional residences or hotel rooms to be included in the DNL 65 dB contour, those uses should be considered to be subject to a significant environmental impact.

For interior noise exposures, FTA presumes that typical residences will provide noise reduction of 25 dB with windows closed, which correlates to an interior noise level of DNL 40 dB at the DNL 65 dB threshold of impact. The FAA and the State of California presume that an interior noise level of DNL 45 dB is acceptable for residential uses.

Even if an interior noise level of DNL 40 to 45 dB can be achieved, single event noise levels inside noise sensitive uses adjacent to the railroad tracks in the downtown Reno area could be high enough to result in the potential for sleep disturbance. The FICON report offers guidance with respect to aircraft single event noise levels and the potential for sleep disturbance. These guidelines are potentially applicable to railroad noise events as well.

The FICON report includes a chart (attached as Appendix C) which relates the percent of awakenings to the indoor aircraft Sound Exposure Level. The data described by this chart include a significant amount of "scatter", as the data include observations in both the field and the laboratory. Recent research conducted by the U.S. Air Force has indicated that people can become habituated to aircraft noise events, and that the percent of awakenings in such populations is consistent with the lowest percentages shown by the FICON chart. This is consistent with anecdotal accounts of people who live near railroad tracks. The data imply, however, that people who are not habituated to the noise source, such as hotel guests, are more likely to awaken at the higher percentages shown by the FICON chart. Therefore it appears reasonable to assume that the FICON chart could be applied to assessing the potential for awakening due to railroad single event noise levels.

With respect to vibration, the FTA guidance manual applies a vibration velocity level criterion of 80 VdB for "infrequent" events affecting residences and buildings where people normally sleep. (Infrequent events are defined as occurring less than 70 times per day.) The vibration velocity level is defined in terms of the root mean square amplitude of the vibration velocity, referenced to 1×10^{-6} inches per second. The FTA manual recommends more stringent vibration criteria for land uses such as concert halls, TV studios, recording studios, auditoriums and theaters. The FTA manual specifically notes that the vibration criteria "can be applied to freight train vibration as well."

IMPACTS

Based upon the data presented above, the proposed merger is expected to result in addition of approximately 34 residences, 261 hotel rooms, and one church to the area within the DNL 65 dB railroad noise contour. This should be considered a significant noise impact.

The STB noise standards are in a format which has been commonly employed over the last 20 or more years. However, in 1992, the Federal Interagency Committee On Noise (FICON), focusing on aircraft noise, made a series of recommendations concerning noise and land use compatibility which resulted in changes in the manner in which federal, state and local agencies currently evaluate transportation noise sources. These recommendations were contained in the FICON report, entitled Federal Agency Review of Selected Airport Noise Analysis Issues, dated August 1992.

The most significant change in approach to assessing noise impacts relative to this project was that, in the FICON report, the so-called "Schultz Curve" relating annoyance to DNL values was used to assess the potential for significant changes in annoyance, rather than the 3 dB criterion which had been widely used before. As a consequence, the FICON report supported FAA guidance which indicated that an increase of DNL 1.5 dB in areas exposed to aircraft noise levels exceeding DNL 65 dB was potentially significant. In addition, the FICON report stated that areas exposed to DNL values of 60 dB to 65 dB which experienced a DNL 3 dB increase would be considered for noise mitigation options.

Building on the FICON report, several agencies have adopted standards of significance which incorporate the concept that incremental changes in DNL values have potential impacts as a function of the DNL value, rather than solely as a function of the amount of change. Examples include California's Department of Transportation (Caltrans), which recently modified its criteria for traffic noise impacts, and more relevant to this project, the Federal Transit Administration (FTA).

The FTA released a guidance manual for transit noise and vibration impact in April 1995, entitled <u>Transit Noise and Vibration Impact Assessment</u>. This manual was developed "in the interest of promoting quality and uniformity in assessments", and is expected to be used in association with the urban transit industry. Since urban transit projects also include heavy rail operations, the FTA impact assessment criteria could reasonably be expected to be applicable to this project.

The FTA noise impact criteria are attached to this report as Appendix B. Using the FTA criteria, an increase of DNL 1.5 to 3 dB due to a project would be considered an "impact" in noise sensitive areas which are currently exposed to a transit noise level of DNL 65 dB, while an increase of DNL 3.5 dB or more would be considered a "severe impact." The threshold of noise impact is DNL 65 dB. Significantly, noise sensitive land uses, in the FTA's view, include "residences and buildings where people sleep." (This interpretation is consistent with that used by the FAA and Caltrans for aircraft noise.)

The assessment of the change in DNL values is intended to describe significant increases in annoyance due to the change in the noise environment. However, it is important to note that persons exposed to noise exceeding the threshold value, regardless of the change, should be considered to be impacted as well. For example, regulations adopted by both the FAA and the

the El Dorado Room 89, which achieved a noise reduction of 41 dBA. Rooms fitted with acoustical glazing systems can be expected to provide up to 50 dBA train noise reduction.

Average interior noise levels in terms of Sound Exposure Level (SEL) were in the range of about 65 to 75 dB in typical rooms, and in the range of 82 to 89 dB in Room 253 at the Flamingo Hilton. In acoustically treated room, SEL values ranged from 55 dB to 68 dB. When compared to the FICON chart describing the potential for sleep disturbance, approximately 15% to 25% of the persons sleeping in "typical" rooms would be expected to awaken as a result of the train horn noise. In Room 253, about 35% to 45% of the occupants would be expected to awaken. In acoustically treated rooms, about 9% to 18% of the occupants would be expected to awaken.

Table VI lists the interior noise levels which would be expected for occupants of different types of rooms, assuming that the rooms are located within about 100 feet of the railroad centerline in the urban corridor. These data indicate that occupants of "typical" rooms would receive a noise exposure of DNL 50 dB or greater under existing and projected future conditions (24 trains per day).

Table VI Predicted Interior Noise Levels in Terms of DNL Exposures Within 100 feet of Railroad Centerline in the Urban Corridor Area								
Condition	DNL, dB, Inside Generalized Room							
	Noise Reduction	-30 dB	-40 dB	-50 dB				
	Exterior DNL, dB	Typical	Modern	Treated				
Existing	80.8	50.8	40.8	30.8				
24 Trains/Day	83.5	53.5	43.5	33.5				

Noise and Vibration Criteria:

The Surface Transportation Board (STB) has adopted a noise compatibility standard of DNL 65 dB for noise sensitive land uses, which it defines as residences, schools and churches. The STB standard for a significant change in noise levels, as applied to this project, is a DNL 3 dB increase in noise sensitive areas affected by the DNL 65 dB contour. Vibration was not addressed by the project environmental assessment.

Given the high measured noise levels in the downtown railroad corridor, there is a concern about noise levels inside the hotel rooms adjacent to the tracks. Railroad noise has the potential to render the interior noise environment of such room unacceptable according to commonly-accepted land use criteria, and in terms of the potential for sleep disturbance. The railroad noise level data collected August 21-22, 1997, indicated that exterior railroad noise levels are higher at elevated receivers than at a receiver at ground level. Thus it is expected that the noise levels at the facades of hotel rooms adjacent to the tracks are higher than at street level, and that interior noise levels will be correspondingly higher.

BBA conducted simultaneous outdoor/indoor noise measurements in six hotel rooms during September 16-17, 1997. The results of those noise measurements are summarized by Table V. Typical frequency content of a train passage is shown for both exterior and interior receivers by Figure V, which represents the simultaneous SEL values obtained at the Flamingo Hilton Hotel on September 17, 1997. This figure also shows the effectiveness of the acoustical treatment in Room 254.

Table V Average A-Weighted Train Noise Reduction Reno, Nevada September 16-17, 1997									
Location		El Dorado		Flaming	Flamingo Hilton				
	Room 89	Room 99	Room 2500	Room 253	Room 254	Room 675			
Lmax, dBA	-40.8	-48.6	-35.5	-30.6	-53.1	-33.2			
SEL, dBA	-41.1	-49.5	-36.1	-26.4	-48.4	-32.9			

The average measured noise reduction values ranged from 26 dBA to 53 dBA. Rooms having older fixed or operable windows did not fare as well as rooms with newer windows. The highest noise reduction values were obtained in Room 99 of the El Dorado Hotel and Room 254 of the Flamingo Hilton; those rooms had been fitted with acoustical window systems. The results of the noise measurements suggest that typical hotel and residential window systems in the downtown Reno area can be expected to reduce train horn noise by 25 to 30 dBA. Rooms fitted with modern, energy-conserving, fixed windows can expect better acoustical performance, typified by

The higher values were all ascribed to "shielding", and presumably were discounted. At the rural wayside, Acentech reported attenuation factors ranging from 5.4 to 11.6. If attenuation factors less than 15 were used by Acentech, the contour distances would have been greater than those which BBA calculated. Instead, the distances are less, so a higher attenuation factor must have been used. BBA could find no data in the Acentech reports describing the assumed attenuation factor or the rationale for its selection.

The Acentech noise contours also fail to account specifically for the presence or lack of shielding. It appears that the contours in the downtown area are generalized, representing primarily areas where tall buildings block line of sight to train noise. Field observations and aerial photos reveal, however, that this is not a universal condition, nor is it the dominant condition outside of a small area. The approach employed by BBA, where the ENM was used to calculate shielding due to tall buildings, based on aerial photos, is more definitive.

Vibration Due to Train Passages:

BBA measured the vibration due to a single eastbound SPRR freight train passage at the base of a metal signpost at the edge of the railroad right-of-way on August 21, 1997. The vibration measurement instrumentation consisted of a Bruel & Kjaer (B&K) Type 2218 precision integrating sound level meter fitted with a B&K JJ2617 input adaptor and a B&K ZR0020 integrator. The transducer was a B&K Type 4382 accelerometer.

The B&K Type 2218 sound level meter was used for railroad noise level measurements on the following day to replace another instrument which appeared to be malfunctioning. Therefore it was not possible to conduct any additional vibration measurements during the August 21-22 measurement period.

The measured maximum root mean square (RMS) vibration velocity during the freight train passage was 1.7222×10^{-2} inches/second. This level corresponds to a vibration velocity level of 84.7 VdB, which is above the threshold of ground-borne vibration impact for infrequent events at residential uses. The measurement location, about 25 feet from the railroad centerline, is not representative of typical sensitive receiver locations along the railroad, but was selected as a worst case situation to determine if there is the potential for vibration impact.

BBA also measured vibration levels inside Room 89 of the El Dorado Hotel, on September 16, 1997. During the passage of four freight trains, vibration levels at the window frame were undetectable using the sound level meter and transducer system described above. Vibration from train passages is therefore not expected to be a significant factor in the compatibility of train operations with noise sensitive land uses in the Reno area.

Railroad Noise Levels Inside Noise Sensitive Uses:

The noise sensitive uses located nearest the railroad tracks are hotel rooms in downtown Reno.

counted the numbers of noise sensitive units located within the DNL 65 dB contours for two scenarios of railroad operations: 12.7 and 24 per day. The results of those counts are given by Table IV. For this analysis, if a hotel or apartment building was included in the DNL 65 dB contour, it was assumed that 25% of the rooms were impacted, to account for the fact that some rooms are shielded by the building.

Table IV Noise Sensitive Uses Within DNL 65 dB Contours								
Condition	Residences	Hotels	Hotel Rooms*	Apartment Units*	Churches			
Existing	84	18	875	185	0			
24 Trains/Day	118	27	1136	185	1			

The noise exposure contours for existing conditions and 24 trains per day which were developed using the ENM are shown by Figures 3 and 4. These contours differ significantly from those prepared by Acentech, as the ENM predictions correct for shielding on the basis of site-specific inputs, while the Acentech contours appear to be generalized. In addition, the sound attenuation rate with distance used by Acentech appears to be significantly greater than assumed by BBA or by Wilson-Ihrig Associates, even though the data presented in the Preliminary Mitigation Plan do not support such an assumption.

Specifically, the distances to the noise contours shown by Acentech are significantly less than our projections. BBA reviewed the noise levels and attenuation rate results which were previously published by Acentech, and found that, while the reported SEL values were of similar magnitude, the distances to the contours were dramatically less, especially for the post-merger condition.

The distances to contours may be calculated in a straightforward manner, using the SEL value, the number of operations (weighted for day/night split) and an assumed attenuation (drop-off) rate. Referring to the two sites where shielding is not a significant factor, a rural crossing and a rural wayside (without horn use), and assuming that the reference SEL values used by Acentech are similar to those reported by Acentech and BBA, and that the STB day/night traffic split is used, the only significant difference between the calculation methods will be the attenuation rate. (It should be noted here that the Acentech reports are silent on the assumed day/night split.)

BBA assumed a noise attenuation factor of 15 times the logarithm of the relative change in distance, which is consistent with the methods and theoretical approach used by WIA, as well as by others. Acentech reported attenuation factors at the rural crossing ranging from 2 to 40.9.

the Reno area, which were distributed 60% day and 40% night. BBA used the day/night traffic distribution obtained from the STB data (60%/40%) to calculate the N_{eq} in its railroad noise predictions.

Table III shows the DNL values calculated using the above assumptions at reference distance of 50 feet from the track centerline in representative environments in the Reno area. This table also estimates the distance to the DNL 65 dB contour, assuming no excess attenuation due to ground absorption or shielding by buildings. This table also shows the relative sensitivity of DNL values as a function of changes in daily operations assumptions.

Effects of Shielding by Buildings:

In reality, noise produced by railroad operations in downtown Reno is attenuated (reduced) by the presence of large buildings such as hotels and parking garages. Observers at ground level who cannot see the locomotives because buildings are in the way will hear lower noise levels than observers with an unobstructed line of sight to the locomotives. To provide an estimate of the shielding effects of the large buildings in the downtown Reno, BBA prepared a predictive noise model for railroad operations using the Environmental Noise Model (ENM). The ENM has been developed by RTA Technology Pty Ltd, and incorporates accepted methods of modeling outdoor noise exposures, accounting for ground and air absorption of sound, as well as shielding by buildings or barriers.

Based upon aerial photographs of the area within about 1400 feet on either side of the railroad tracks, BBA digitized the railroad centerline and the outlines of the buildings nearest the tracks into the ENM base map. Building heights were also entered into the ENM. Heights were estimated from a field check of the numbers of stories of buildings which offered apparent shielding of the train noise sources. With this method, it was possible for ENM to account for the shielding provided by buildings near the railroad tracks. The temperature was assumed to be 10 degrees Celsius, at 30% humidity. The ground elevation was input at 1365 meters. The ground was assumed to be relatively soft, typical of open ground. The ENM terrain category was set to Urban.

Noise sources for the ENM were characterized by source heights of 3 meters for locomotives without horns, and 4 meters for locomotives with horns. The source frequency content was derived from BBA file data for locomotives with and without horns, collected in California's Central Valley for operations by SPRR trains. Source sound power levels were adjusted to produce the calculated DNL values for each train type as given by Table II, at a reference distance of 15 meters (50 feet). Each source was input as a line source of limited length (typically 365 meters), and the ENM prediction results were initially checked to ensure that the rate of attenuation with distance was about 15 times the logarithm of the ratio of the change in distance within a distance of 300 meters from the railroad tracks.

BBA then used the ENM to predict the location of the DNL 65 dB noise exposure contour. BBA

	Ops/ Day	Wayside	Rural Xing	Urban Xing	El. Urban Xing	Urban Corridor	Elev. Urban Corridor
SEL, dB, at 50 feet		103	112	114	117	117	120
DNL, dB, at 50 feet	12.7	71.3	80.3	82.3	85.3	85.3	88.3
Distance to DNL 65, feet		131	521	708	1122	1122	1778
DNL, dB, at 50 feet	24	74.0	83.0	85.0	88.0	88.0	91.0
Distance to DNL 65, feet		200	796	1082	1715	1715	2718
DNL, dB, at 50 feet	26	74.4	83.4	85.4	88.4	88.4	91.4
Distance to DNL 65, feet		211	840	1141	1809	1809	2867
DNL, dB, at 50 feet	28	74.7	83.7	85.7	88.7	88.7	91.7
Distance to DNL 65, feet		222	882	1199	1901	1901	3012
DNL, dB, at 50 feet	30	75.0	84.0	86.0	89.0	89.0	92.0
Distance to DNL 65, feet		232	924	1256	1990	1990	3154
DNL, dB, at 50 feet	32	75.3	84.3	86.3	89.3	89.3	92.3
Distance to DNL 65, feet		242	964	1311	2078	2078	3293
DNL, dB, at 50 feet	36	75.8	84.8	86.8	89.8	89.8	92.8
Distance to DNL 65, feet		262	1043	1418	2247	2247	3562
DNL, dB, at 50 feet	38	76.0	85.0	87.0	90.0	90.0	93.0
Distance to DNL 65, feet		272	1081	1470	2330	2330	3693

Table III Calculated DNL Values For Different Operational Conditions

The criterion used for land use compatibility determinations by Federal government agencies is the Day-Night Average Level, abbreviated as either DNL or L_{dn} . The DNL is calculated from the sum of the noise events occurring during an annual average 24-hour day, with a 10 dB penalty, or weighting, applied to events occurring at nighttime (10 p.m. to 7 a.m.). For railroad noise exposures, it is common to calculate the DNL value at a given location using the formula:

DNL = \overline{SEL} +10*log (N_{eo}) - 49.4, dB;

where SEL is the mean SEL of train passages, N_{eq} is the sum of the daytime operations plus ten times the sum of the nighttime operations, and 49.4 is 10 times the logarithm of the number of seconds in a 24-hour day.

Assuming the SEL values shown by Table III, it is next necessary to describe the day/night distribution of railroad operations in the Reno area. If one were to assume a completely random distribution of trains over the 24-hour day, the day/night mix would be 62.5%/37.5% (15 hours day/9 hours night). The distribution of likely train noise events August 22-27, 1997, at the Del Curto crossing was 76%/24%. BBA conducted railroad noise measurements in the Verdi area over a 3-day period in June, 1997, and found a distribution of 66% day and 34% night. The STB reported that, during the week of February 3-10, 1997, a total of 140 freight trains passed through

As another check on the credibility of the noise measurements results, BBA compared the data collected on August 21-22, 1997, with the data collected by DCCO during the week of February 3-10, 1997. Those data included measurements of train noise levels at varying distances from the track centerline, in an effort to quantify noise attenuation and shielding in the complex acoustical environment of the Reno urban railroad corridor. The DCCO data have been of concern to some observers due to the fact that so few trains were observed at any one location, and due to the elimination of some noise events from the calculations. BBA compared the noise levels measured by DCCO to those recorded by BBA at the same, or comparable, locations. Table II shows the results of that comparison. In general, the data collected by DCCO at locations which were not shielded by buildings were consistent with the data collected by BBA. Thus BBA is of the opinion that the data collected on August 21-27, 1997, provide a credible basis for railroad noise modeling.

Table II Comparison of BBA and DCCO Measured Noise Levels										
Location	BBA Site	DCCO	Mean SEL,	Distance	Mean SEL,	dB at 50 feet				
	No.	Site No.	dB	(feet)	DCCO	BBA				
Del Curto Xing	5	5	102.9	150	110.1	111.7				
Ambrose/ Oxbow Park	6	4	99.0	100	103.5	101.8				
Same	6	4	101.2	50	101.2	101.8				
Same	6	4	96.0	190	104.7	101.8				
Arlington Xing	4	3	103.4	150	110.6	115.8				

On the basis of the above findings, BBA concluded that the SEL values in Table III may be used to reasonably represent railroad noise exposures in the Reno area.

The noise event observations also revealed that the extent of noise exposure in the urban area of Reno depended upon where the observer was located. For example, at the east edge of the urban area, such as at Lake Street, the westbound trains were louder than the eastbound trains, as the horns would be used nearly continuously from the time of the first appearance of the train, past the intersection, and beyond. Eastbound trains, however, used the horns only briefly on approach to the crossing, and terminated horn use as they crossed the street. This is similar to what was observed at the rural crossing.

An observer located between Keystone Avenue and Lake Street is exposed to nearly continuous horn noise from the first appearance of the train until it has passed well beyond the observer. The noise exposure for observers in this area also includes some reflections of the sound from nearby buildings, especially high-rise buildings on the opposite side of the tracks. And finally, observers located on the upper floors of high-rise buildings also receive an increase in noise exposure due to reflections from the ground, longer exposure to the noise source, and the lack of absorption of sound by an intervening ground surface. These factors are clearly accounted for in the single event noise measurement data.

Due to the relatively low number of train operations during the measurement period, there still remained the possibility that the measured noise levels were not representative of normal conditions. Two methods were used to check for apparent credibility of the data. One method was to place a noise measurement unit into continuous service at the Del Curto Road crossing, and the other method was to compare BBA's data to those collected by DeLeuw, Cather & Co. (DCCO) at comparable locations, after accounting for shielding effects.

One Larson Davis Model 820 precision integrating sound level meter was placed into continuous service in a front yard at the Del Curto Road crossing, about 190 feet from the track centerline, from August 22 to August 27, 1997. The meter was programmed to capture single noise events exceeding 65 dBA for more than 10 seconds. These parameters were established based upon the noise levels and event durations observed in the field August 21-22, 1997. BBA staff reviewed the single event data, and determined that 55 of the recorded events were likely to be due to train passages, again based upon the observed noise events at that location. Included in these events were two known local freight trains and six probable Amtrak operations. The average number of long-haul freight trains was estimated to be about nine per day. The overall distribution of likely train noise events was 74% during daytime hours (7 a.m. to 10 p.m.), and 26% during nighttime hours.

Figure 2 shows the frequency of SEL values associated with the likely train noise events at the Del Curto crossing. The energy mean of the SEL values was 103 dB, which, in this case, is also the most frequently occurring value. If this value is normalized to a distance of 50 feet, the mean SEL is 111.7 dB. This value is within 0.6 dB of the mean SEL value for freight trains observed at this site on August 21-22, 1997. Thus the data collected at this site on August 22-27, 1997, are consistent with the observed noise levels at that location on August 21-22, 1997.

						Table						
				Me	asured R	ailroad	Noise	Levels				
					Augu	st 21-22	2, 1997					
					0							
Site	Date	Time	RR	Train	Direction	No. Locos	No. Cars	Distance feet	Lmax dB	Duration Seconds	SEL dB	Ноп
1	08/21/97	1604	SP	8537	EB	4	89	50	97	230	105	YES
1	08/22/97	1104	AM	PASS	WB	3	12	50	98	84	101	YES
1	08/22/97	1137	CNW	8602	EB	2	34	50	104	77	105	YES
1	08/22/97	1208	CNW	8672	WB	3	31	50	110	89	114	YES
1	08/22/97	1555	UP	6691	WB	5	92	50	108	268	117	YES
2	08/21/97	1605	SP	8537	EB	4	89	157	88	285	99	YES
2	08/21/97	2155	UP	8152	EB	3	104	157	102	237	107	YES
2	08/22/97	1104	AM	PASS	WB	3	12	157	97	73	101	YES
2	08/22/97	1137	CNW	8602	EB	2	34	157	99	95	106	YES
2	08/22/97	1208	CNW	8672	WB	3	31	157	103	107	111	YES
2	08/22/97	1252	SP	5394	EB	1	0	157	84	18	88	YES
2	08/22/97	1332	UP	6062	WB	3	80	157	99	229	109	YES
2	08/22/97	1408	SP	5394	WB	1	4	157	87	54	92	YES
2	08/22/97	1555	UP	6691	WB	5	92	157	103	282	115	YES
3	08/21/97	1605	SP	8537	EB	4	89	150	64	24	73	YES
4	08/21/97	2155	UP	8152	EB	3	104	95	104	220	111	YES
4	08/21/97	2155	UP	8152	EB	3	104	105	101	200	108	YES
4	08/22/97	1115	AM	PASS	WB	3	12	95	91	80	96	YES
4	08/22/97	1137	CNW	8602	EB	2	34	95	105	101	100	YES
4	08/22/97	1208	CNW	8672	WB	3	31	95	108	110	113	YES
4	08/22/97	1252	SP	5394	EB	1	0	95	89	22	92	YES
4	08/22/97	1332	UP	6062	WB	3	80	95	100	200	109	YES
4	08/22/97	1408	SP	5394	WB	1	4	95	94	40	100	YES
4	08/22/97	1605	UP	6691	WB	5	92	95	106	306	116	YES
5	08/21/97	1544	SP	8537	EB	4	89	150	88	74	96	YES
5	08/21/97	2149	UP	8152	EB	3	104	190	99	155	103	YES
5	08/22/97	1118	AM	PASS	WB	3	12	190	81	53	90	YES
5	08/22/97	1128	CNW	8602	EB	2	34	190	100	112	103	YES
5	08/22/97	1214	CNW	8672	WB	3	31	190	98	74	103	YES
5	08/22/97	1342	UP	6062	WB	3	80	190	92	379	100	YES
5	08/22/97	1412	SP	5394	WB	1	4	190	88	105	91	YES
5	08/22/97	1602	SP	6691	WB	4	89	190	94	248	103	YES
5	08/22/97	1824	UP		EB		LONG	190	97	486	103	YES
5	08/22/97	1840	UP		EB		LONG	190	96	599	104	YES
6	08/22/97	1121	AM	PASS	WB	3	12	150	77	42	88	NO
6	08/22/97	1128	CNW	8602	EB	2	34	150	77	67	88	NO
6	08/22/97	1216	CNW	8672	WB	3	34	150	81	54	92	NO
6	08/22/97	1350	UP	6062	WB	3	80	150	81	248	92	NO
6	08/22/97	1424	SP	5394	WB		4	150	70	47		
6	08/22/97	1606	SP	6691	WB	4	89	150	84	228	83 97	NO

INTRODUCTION

The purposes of this analysis are to describe railroad noise and vibration levels associated with the proposed UP/SP merger as they affect the Reno, Nevada, area, and to recommend appropriate criteria for acceptable exposure to the expected railroad noise and vibration levels.

Noise and vibration assessments for this project have been performed by others, but there are apparent disagreements and concerns about modeling assumptions, noise level data and conclusions. Brown-Buntin Associates, Inc. (BBA) was retained to review the available data, supplement those data as necessary, and to arrive at conclusions regarding railroad noise and vibration impacts in the vicinity of Reno, Nevada.

METHODS

The work program undertaken by Brown-Buntin Associates, Inc. (BBA) addressed the following objectives:

- Increase the numbers of train noise level measurements at representative locations to improve the statistical validity of noise level assumptions in the Reno area.
- Describe train noise levels in different local environments at reference distances which are not significantly affected by shielding.
- Estimate the shielding effects of large buildings in the downtown Reno area using acoustical modeling techniques.
- Describe vibration levels due to train passages.
- Describe noise reduction offered by hotel building facades.
- Recommend noise and vibration impact criteria which are consistent with the most current Federal interagency recommendations.
- Assess the noise and vibration impacts of the proposed merger in the Reno area.
- Evaluate the proposed mitigation methods for noise and vibration.

RESULTS

Railroad Noise Levels:

To achieve the first two objectives, BBA conducted railroad noise measurements in Reno during the period from August 21 to August 27, 1997. Two types of measurements were performed: observed single event noise measurements and unobserved single event and cumulative noise measurements. The observed noise measurements were performed on August 21, 22 and 27, 1997. Six monitoring sites were selected, to represent rural wayside conditions with no horns, rural crossings with the use of horns, urban crossings with horns (and local reflections), and urban wayside with nearly continuous use of horns. One monitoring site was abandoned after the first day and was replaced with another. The monitoring sites are shown by Figure 1.

One of the sites used for observed measurements (at the Del Curto Road crossing) was also retained as a long-term monitoring site to document the distribution of train passages over the 24-hour day, and as a means of improving the statistical reliability of the observed single event data.

The equipment used for noise monitoring included Bruel & Kjaer Types 2218 and 2230, and Larson Davis Laboratories Models 820 and 870 precision integrating sound level meters. Each meter was calibrated before use with either a Bruel & Kjaer Type 4230 or a Larson Davis Model CA-250 acoustical calibrator.

The single event noise level data collected at the six observed monitoring sites are shown by Table I. Assuming that there was no significant shielding of the sites by buildings, the measured sound exposure levels (SEL¹) were normalized to a distance of 50 feet from the track centerline, and the values for SP and UP long-haul freight trains were averaged. (Note that the attenuation with distance was assumed to be that theoretically calculated for spreading from a moving point source, at 15 times the logarithm of the distance. This is the same assumption used by others in the noise analyses prepared for the project.)

In some cases, additional analysis was performed to describe different types of noise events, such as for westbound *versus* eastbound trains at the Lake Street crossing. These data were used to prepare initial assumptions for noise modeling purposes.

The observed single event noise measurements provided insight into noise modeling assumptions for railroad noise in the Reno area. Specifically, the data indicated that, in the urban area, the use of the warning horn is solely responsible for the severity of the noise exposure. Thus the assumptions used to model wayside noise, such as train speed and numbers of locomotives and cars, were insignificant in areas where the horns were used. It was typical for the noise levels of the passing cars to be 20 to 30 dB lower than the maximum noise level produced by the horn. The locomotive noise was similarly masked by the horn, and was at least 10 dB lower than the horn.

There is variability in the level of sound produced by the horns. Different brands of horns are fitted to different locomotives, and each brand may produce a different level (and tone) of sound. Sound exposure levels due to horns also depend upon the method of horn actuation. A short pull on the horn cord will produce a single tone at a relatively low level, and of short duration. A longer pull will engage all of the horn chimes (typically 3 to 5), which produces a significantly higher sound level. The increased duration of the horn use also increases the sound exposure level, which is a function of both sound level and duration. Observations of horn use indicated that horn noise events ranged from short, relatively quiet, "toots" by Amtrak and one freight, to long, loud, nearly continuous noise events during passage of certain freights.

¹ For explanation of the acoustical terminology used in this report, refer to Appendix A.

RAILROAD NOISE/VIBRATION ASSESSMENT UP/SP MERGER

Reno, Nevada

BBA Project No. 97-315

Prepared For

Bob Bunr Nevadans for Fast and Responsible Action c/o Washoe Health System 77 Pringle Way Reno, NV 89520

October 6, 1997

Prepared By

Brown-Buntin Associates, Inc. Fair Oaks, California



7996 California Avenue, Suite A · Fair Oaks, CA 95628 · (916) 961-5822 · Fax (916) 961-6418 319 West School Avenue, Visalia, CA 93291 · (209) 627-4923 · Fax: (209) 627-6284

APPENDIX G

"RAILROAD NOISE / VIBRATION ASSESSMENT: UP/SP MERGER" BY BROWN-BUNTIN ASSOCIATES, INC.
We will prepare a biological evaluation discussing our assessment of the impacts of the merger on the cui-ui and the Lahonton cutthroat trout and send that evaluation to you upon completion so that consultation can be completed. In the biological evaluation, we will discuss the reasons for using our statistical approach rather than relying on other sources.

SEA will continue to coordinate closely with you and other Service staff as we prepare the above information. Thank you again for your cooperation and please contact me at (202) 565-1538, or Harold McNulty at (202) 565-1539 if you have any questions or comments.

Sincerely yours,

Faire A. Jaises

Elaine K. Kaiser Chief Section of Environmental Analysis

Charles McNeely, Reno City Manager cc: Mayor Jeff Griffin Councilman David Aiazzi Councilman Pierre Hascheff Councilman Tom Herndon Councilman Bill Newberg Councilwoman Candice Pearce Councilwoman Judy Pruett Sen. Richard Bryan Sen. Harry Reid Congressman Jim Gibbons Congressman John Ensign Tribal Chairman, Reno-Sparks Indian Colony, Reno, Nevada Tribal Chairman, Pyramid Lake Paiute Indian Tribe, Wadsworth, Nevada Reno Mitigation Study Task Force & Alternates



SURFACE TRANSPORTATION BOARD Washington, DC 20423

Section of Environmental Analysis

September 29, 1997

Chester C. Buchanan Acting State Supervisor U.S. Fish and Wildlife Service, Nevada State Office 4600 Kietzke Lane, Building C-125 Reno, Nevada 89502-5093

> Re: Union Pacific/Southern Pacific Merger; Finance Docket No. 32760 – Reno Mitigation Study

Dear Mr. Buchanan:

As you know from various discussions with our staff, the Surface Transportation Board's Section of Environmental Analysis (SEA) is conducting a Reno Mitigation Study in connection with the approved Union Pacific (UP)/Southern Pacific (SP) railroad merger. We appreciate the cooperation of the U.S. Fish and Wildlife Service (Service) staff, including the information exchanges we have had, and the July 9, 1997 and September 5, 1997 letters to SEA. It is SEA's desire to continue our discussions with the Service during your review of the Reno Preliminary Mitigation Plan (PMP) and Final Mitigation Plan (FMP).

Pursuant to 50 CFR 402, which establishes procedures for interagency consultations for Section 7 of the Endangered Species Act of 1973, this letter serves as SEA's request to reinitiate informal consultation with the Service. We recognize that, since the opinion you issued in your July 9, 1997 letter, SEA has issued new information in the PMP that was not considered by the Service, and you need time to review the PMP thoroughly. We welcome any additional comments you have on the PMP.

Based on discussions held last week between Harold McNulty, SEA's Study Director for the Reno Mitigation Study, and your staff, SEA acknowledges that the Service has already made certain additional data requests based on your initial review of the PMP. These requests can be summarized as followed:

- Definitions of a hazardous waste spill, a toxic spill, and a catastrophic spill;
- Further analysis of the probability that a spill would specifically impact the cui-ui, particularly during spawning periods;
- Analysis of an extended stretch of the Truckee River easty and to Wadsworth and also an evaluation of whether the analysis should include the Cold Deek Tributary; and
- Additional information on the expected magnitude and toxicity of a spill.

09/12/97 FRI 15:37 FAX

RICHARD BRYAN

COMMITTEES: FINANCE BANKING, HOUSING, AND URBAN AFFAIRS COMMERCE, SCIENCE, AND TRANSPORTATION INTELLIGENCE

United States Senate

269 RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-2804 (202) 224-6244

September 12, 1997

The Honorable Linda Morgan Chairman Surface Transportation Board 1925 K Street, NW Washington, DC 20423

Dear Chairman Morgan:

As you know, we have been very concerned with the potential safety and environmental impacts on the City of Reno of the Union Pacific/Southern Pacific railroad merger. While the STB has appropriately required mitigation of these impacts as a condition of its approval of this merger, the details of what mitigation will be required have not yet been determined by the Board, and the City of Reno is very concerned that the proposed mitigation will be inadequate.

We were particularly alarmed to read reports this week of significant safety problems discovered by the Federal Railroad Administration at the Union Pacific Railroad. These concerns are very serious, and, while we am confident the Union Pacific will work to correct these deficiencies, we believe the FRA report is relevant to your deliberations regarding the impacts of the railroad on the City of Reno. We urge you to ensure that the Union Pacific's safety record is fully considered as part of your determination of what mitigation you will require in Reno.

Thank you for your attention to this matter.

cc: City of Reno

Sincerely,

L Harry Reid United States Senator

OFFICES: 400 S. Vingunus Street Suitt. 702 Reno, NV 89501 (702) 886-5770

300 LAS VEGAS BOULEVARD SOUTH SUITE 1110 LAS VEGAS, NV 89101 (702) 388-6605

> 500 EAST WILLAM STREET SUITE 204 CARSON CITY, NY 89701 (702) 885-0111

09/12/97 FRI 15:37 FAX

RICHARD BRYAN NEVADA committees: Finance Banking, Housing, and URBAN AFRAIRS COMMERCE, SCIENCE, AND TRANSPORTATION INTELLIGENCE

United States Senate

269 RUSSELL SENATE OFFICE BUILDING WASHINGTON, DC 20510-2804 (202) 224-6244 DFFICES: 400 S. VIAGINIA STREET Surn: 702 RENO, NV 89501 (702) 086-5770

300 LAX VEGAS BOULEVARD SOUTH SUITE 1110 LAS VEGAS, NV 99101 (702) 358-6505

> 600 EAST WILLIAM STREET SUITE 304 CARRON CITY, NY 89701 (702) 885-9111

September 12, 1997

The Honorable Kathleen McGinty Chair, Council on Environmental Quality 722 Jackson Place, NW Washington, DC 20503

Dear Ms. McGinty:

For nearly two years, we have been very concerned with the potential impact on the City of Reno, Nevada of the recently completed Union Pacific/Southern Pacific railroad merger. The merger of these two railroads has created the potential for a dramatic increase in rail traffic through Reno, a situation which could pose significant safety and environmental problems for the City. As a condition of the merger, Union Pacific is required to mitigate these impacts.

The Surface Transportation Board is currently in the process of determine what type of mitigation the Union Pacific railroad will be required to perform. As we are sure you would agree, public input, particularly from the local community, should be essential in this type of consideration. Unfortunately, as the attached letter describes, the City of Reno does not believe it has been provided sufficient access to the STB process to ensure that the community's interests are being heard.

The STB will soon release a proposed draft of its mitigation recommendations. Due to the potentially significant environmental concerns raised by the merger, and the CEQ's responsibility in ensuring appropriate public input on these types of environmental concerns, we believe that the City's suggestion that the CEQ exercise some form of oversight over the STB process has merit. We urge the CEQ to become actively engaged in the STB's consideration of this issue of utmost importance to the people of Reno.

enator

cc: City of Reno

Sincerely,

United States Senator

PRINTED ON RECYCLED PAPER

File No. 1-5-97-I-281

We request your assessment of the probability of a hazardous spill occurring along the entire Truckee River based on the aforementioned data and any other pertinent information (Enclosure A), particularly as it may affect the cui-ui and/or Lahontan cutthroat trout. As was discussed on September 2, 1997, between my staff and Surface Transportation Board staff, interpretations of the data may differ such as defining an "incident," and the proximity of the railroad tracks to the Truckee River. However, it is our understanding from the report that the probability of an incident is defined as the daily risk of contaminating the Truckee River and railroad tracks within 1000 feet of the Truckee River were considered adjacent. There may be other aspects of the report that differ when you consider the data, and these will need to be defined and an explanation provided on how the criteria were used by your agency. Furthermore, based on our conversation with your staff, additional information will be forthcoming to clarify your findings in relation to Dr. Carr's.

As required by 50 CFR § 402, reinitiation of consultation is required if: (1) The amount or extent of incidental take is exceeded; (2) new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not considered in the opinion; (3) the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in this opinion; or (4) a new species is listed or critical habitat designated that may be affected by the action. Based on our receipt of Dr. Carr's report, our conversation with your staff, and the impending report that you will provide to explain your assessment of the likelihood of a hazardous spill occurring, we recommend an exchange of information detailing your interpretation of this additional information and how that interpretation coincides with earlier information presented and our "not likely to adversely affect" determination. We request your interpretation of how the above information relates to reinitiation criteria number 2, above, regarding the need for reinitiation of consultation.

We look forward to working with you and your staff and should you have any questions or comments, please contact Stephanie Byers at (702) 784-5227.

Sincerely,

Chester C. Buchanan Acting State Supervisor

cc:

Elaine K. Kaiser, Chief

Chief Deputy, Office of the City Attorney, Reno, Nevada (Attn: Merri Belaustegui-Traficanti) Tribal Chairman, Reno-Sparks Indian Colony, Reno, Nevada Tribal Chairman, Pyramid Lake Pauite Indian Tribe, Wadsworth, Nevada



United States Department of the Interior

FISH AND WILDLIFE SERVICE NEVADA STATE OFFICE 4600 KIETZKE LANE, SUITE 125C RENO, NEVADA 89502-5055

September 5, 1997 File No. 1-5-97-I-281

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, D.C. 20423-0001

Dear Chief Kaiser:

Subject:

Request for Clarification on the Informal Consultation on the Union Pacific/Southern Pacific Railroad Merger

On July 9, 1997, the Fish and Wildlife Service issued an informal biological opinion (File No. 1-5-97-I-281) on the effect of the proposed merger of the Union Pacific and Southern Pacific railroads upon two listed species. We concurred with your finding that the proposed merger would not adversely affect the endangered cui-ui (*Chasmistes cujus*) and threatened Lahontan cutthroat trout (*Oncorhynchus clarki henshawi*). Our concurrence was based primarily on the assessment that the occurrence of river contamination from rail transportation would be once every 154.15 years. The report which contained the aforementioned statistic was referenced in your letter to us, though a copy of the report was not included.

In a recent meeting between Service staff, City of Reno staff, and Madcon Consultation Services staff, we received a copy of the report by Dr. James Carr that was referenced in your initial letter requesting our concurrence on listed species. Upon closer examination of this material, we find no statistic which states that the likelihood of a contamination of the river from a rail spill would be once every 154.15 years. One statistic in the report states that a hazardous spill would occur once every 154.75 years based on 14 freight trains per day running through the Nevada portion of the Truckee River. The likelihood of an incident occurring would become once every 86.1 years for

25 freight trains per day for the Nevada portion of the Truckee River. The worst case scenario in the report is the probability of a hazardous spill accident once every 21.0 years for the combined California and Nevada portions of the Truckee River with 35 freight trains per day.



August 29, 1997

SEP 03 '97 14:13 PAULA___BERKLEY_

Stephanie Byers U.S. Dept. of Interior Fish and Wildlife Service Nevada State Office 4600 Kietzke Land, Suite 125C Reno, Nevada 89502-5055

FROM:

DATE:

TO:

Arlan Melendez, Chairman Reno Sparks Indian Colony

SUBJECT:

July 9, 1997 Informal Consultation on F.D. No. 32760 the Union Pacific/Southern Pacific Railroad Merger USFWS File No. 1-5-97-1-281

Dear Ms. Byers:

The Reno-Sparks Indian Colony would like the USFWS to request that the Surface Transportation Board conduct a formal consultation on the effects of the above mentioned railroad merger. The Tribe is aware that an informal consultation has been conducted. The Reno-Sparks Indian Colony agrees with the City of Reno that the USFWS was provided incomplete information on the potential effects of the merger. The quantity of information provided was inadequate, the quality of the information was misleading. In addition, we feel that the USFWS's trust responsibility to protect the interests of the effected tribes (the Reno-Sparks Indian Colony and the Pyramid Lake Paiute Tribe) has not been honored to date. Our records indicate that you did not consult with our tribe on this issue nor has the USFWS expressed any of the Colony's interests. You may or not be aware that the Reno-Sparks Indian Colony has passed a resolution to file an amicus brief in support of the City of Reno's suite requiring a complete Environmental Impact Study. The Reno-Sparks Indian Colony justifies this action for the very same reason that we request that you do a formal consultation ... because the Surface Transportation Board continues to take a short-cut research approach to this issue resulting in decisions made on imperfect and inadequate information. We believe you letter of July 9, 1997 was hasty and respectfully requests that you honor our request, and the City of Reno's request, for the formal study.

If you have any questions on this matter. I would refer you to our attorney, Pat. Smith of Smith and Gunther (406 721-1070) or Paula Berkley, our local lobbyist and railroad task force representative (329-6041). In any case, we would like a formal answer to this request reflecting the trust relationship that we enjoy with your department.

cc: Mary Belaustegui, City of Reno

I am more than willing to answer any questions regarding my original report, or this letter. Please do not hesitate contacting me, voice (702-784-4244), fax (702-784-1833), or by e-mail (carr@equinox.unr.edu).

Sincerely,

James R. Carr, Ph.D., P.E. Professor, Geological Sciences (Geological Engineering)



p. 2 of 3

I have two specific problems with statements made by Ms. Kaiser on page 2 of her letter (paragraph beginning, "In a risk assessment for Sierra Pacific Power Company ... "). The values of risk that she cites, 1 contamination event in 154.55 years for rail, 1 contamination event in 93 years for highway, are for the Truckee River downstream of (to the east of) the California/Nevada border. In my report, I very clearly state that the Southern Pacific railway adjacent to this section of the Truckee River is associated with relatively low grades with many straight sections of track, both of which improve the safety of rail transport. Moreover, these values pertain to a traffic volume of 14 trains per day (the present traffic level), and may not be representative of risk should rail traffic volume increase. Furthermore, the risk for the Truckee River <u>upstream</u> of (to the west of) the California/Nevada border is stated in my report to be 1 contamination event in approximitely 81 years for rail, and 1 contamination event in 45 years for highway. Ms. Kaiser's letter is therefore misleading, implying that the risk values I computed for the lower Truckee are representative of the entire Truckee River.

This leads to my other issue with Ms. Kaiser's letter; in particular, the last statement of the same paragraph on page 2: "This conclusion suggests that rail transportation of hazardous materials has less associated risk than highway transportation, and by inference that diverting hazardous materials from truck to rail would reduce the risk for river contamination." Doing this will <u>increase</u> the risk of contaminating the Truckee River by rail transport because the probability that any rail car contains a hazardous substance is increased. And, risk for highway transport will <u>decrease</u> because the percentage of highway vehicles carrying hazardous materials is decreased. At some point, a cross-over is reached where risk from rail transport exceeds that for highway transport under Ms. Kaiser's model. Changing the proportions of hazardous materials transported by rail and highway will not alter the values of total risk (the combined risk from both highway and rail transport) cited in my report as long as the total volume of hazardous material being transported does not change.

As I have already stated, my expertise is not in biology, and I am therefore unable to comment about how any contamination of the Truckee River may affect its ecosystem. I do feel gualified as a geological engineer to discuss the physical <u>flow</u> of the Truckee River, and how this flow potentially affects various end users. These end users, as a minimum, include: citizens of Reno and Sparks, Nevada; Fallon-area agricultural enterprises; and the Paiute Tribe/Pyramid Lake. Any change in water guality, anywhere along the Truckee River, has the potential of affecting any end user downstream of the change.

MACKAY SCHOOL OF MINES



Department of Geological Sciences/172 Geological Engineering Division Reno, Nevada 89557-0138 Ph. (702) 784-6050 FAX (702) 784-1833

September 2, 1997

Merri Belaustegui-Traficanti Deputy City Attorney City of Reno Office of City Attorney P.O. Box 1900 Reno, NV 89505

Dear Ms. Belaustegui-Traficanti:

I am in receipt of your letter of September 2, 1997, regarding the letter from Elaine K. Kaiser, Chief of the Environmental Analysis Section of the Surface Transportation Board (STB); your letter included two attachments, one the entire text of Ms. Kaiser's letter, and the other a copy of a letter written by Kevin M. Coburn of the U.S. Department of Transportation regarding Hazardous Materials Incident Reports along the Truckee River. This letter is written to respond solely to statements made by Ms. Kaiser in her letter.

Prior to the text of my response, I wish to make a few brief First, this letter is submitted as part of my statements. contractual obligation to the University of Nevada, Reno to provide public service, and is submitted at no cost to any party. Second, my original report, "Development of an Integrated Computer Platform for the Evaluation of Contaminant Mitigation Scenarios along the Truckee River: Risk of Transporting Hazardous Substances Adjacent to the Truckee River, " was written for and funded by Sierra Pacific Power Company as part of their efforts to ensure water quality. An increase in rail traffic was discussed in this report for two reasons: 1) at the time the report was prepared, the planned merger between Union and Southern Pacific railroads was already announced; therefore, 2) a linear increase in rail accidents was consequently hypothesized to examine the potential impact on the Truckee River (water quality). Finally, my area of expertise is geological engineering, with an emphasis on data analysis and computer modeling; I have no expertise in biology, especially in regard to the habitats of the cui-ui or Lahontan cutthroat trout; I have no expertise regarding the behavior in the environment of the chemicals specifically mentioned in my report. Subject to this preamble, I offer the following assessment of Ms. Kaiser's letter.

OFFICE OF RENO CITY ATTORNEY P.O. Box 1900 Reno, Nevada

Tel. (702) 334-2050

FAX (702) 334-2420

FACSIMILE TRANSMISSION

TO: Stephanie Byers, USFWS

FROM: Merri Belaustegui-Traficanti, Deputy City Attorney

FAX NO: 784-5870

MESSAGE:

Dear Ms. Byers:

Attached is a September 2, 1997 letter authored by Dr. James R. Carr. Dr. Carr discusses his 1996 report and explains that Ms. Kaiser, in her June 17, 1997 consultation request, misrepresents his findings. Please don't hesitate to call me at 334-2006 or you may call Dr. Carr directly at 784-4244 should you have any further questions. The City looks forward to your response to this information provided by Dr. Carr. Thank you for your continued interest in this matter.

Sincerely,

men Belaustegui Liaficanti

Merri Belaustegui-Traficanti Deputy City Attorney

cc: Mayor

Council Members Charles McNeely Paula Berkley Elaine Kaiser

*** Per Elaine Kaiser's instruction, the City requests that Dr. Carr's September 2, 1997 letter be placed in the public record in FRD No. 32760.*****

Number of pages, including this page: 4 IF YOU HAVE PROBLEMS RECEIVING THIS, PLEASE CALL CAROLE at 334-3839. If you need any additional hazardous materials statistics, you may contact me at, Research and Special Programs Administration, DHM-63, 400 7th Street, S.W., Washington, DC 20590, telephone (202) 366-4555.

Sincerely,

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Kein ML Cobu

Kevin M. Coburn Information Systems Manager Office of Hazardous Materials Planning and Analysis

Enclosure



U.S. Department of Transportation

Research and Special Programs Administration 400 Seventh Street, S.W. Washington, D.C. 20590

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Mr. Li Boccia De Leuw, Cather & Company 1133 15th Street, NW Washington, DC 20005-2701

Dear Mr. Boccia:

This is in reference to your May 16, 1997 letter requesting information on rail hazardous materials spills on Union Pacific or Southern Pacific rail lines in Wichita, KS, and along the Truckee River between Truckee, CA, and Fernley, NV.

The Research and Special Programs Administration, U.S. Department of Transportation (DOT), collects information from hazardous materials carriers on unintentional releases of regulated hazardous materials being transported in commerce. These incidents may be as insignificant as a vapor release from a venting rail tank car or as serious as the spillage of the entire contents of a cargo tank. Information from reported incidents is stored in a computer database system and retrieval is conducted by an on-site contractor.

The database of hazardous materials transportation incidents and accidents in known as the Hazardous Materials Information System (HMIS) and is comprised of information collected on the Hazardous Materials Incident Report form (DOT Form F 5800.1). All hazardous materials carriers by rail, air and interstate highway, as well as intrastate highway carriers of certain materials, report to this system.

I have enclosed computer generated reports of the incidents filed before April 1, 1997, by Union Pacific and Southern Pacific meeting your criteria for location. The file, UP_SP_KS.RPT, contains 57 reports occurring in Wichita, KS. The files, UP_SP_NV.RPT (22 reports) and UP_SP_CA.RPT (4 reports), contain reports occurring along the Truckee River. None of the reports indicate that the material entered any waterway or sewer system. the potential for a spill event. (SEA notes that UP's planned improvement activities will not occur in close proximity to cliber species' habitats and would not affect the fish or their habitats).

SEA plans to issue a Preliminary Reno Mitigation Study in early-September for public review and comment. SEA initially consulted FWS for comments on biological resources. At this juncture, we are requesting that FWS provide SEA with specific comments it may have on the potential effects of the merger-related train traffic increases on the Cui-ui and the Lahontan cutthroat trout. Please submit your comments by **Tuesday**, **July 8**, 1997, so that SEA has sufficient time to review your comments before we complete the preliminary mitigation study. Your comments should be addressed as follows:

> Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1925 K Street, N.W. Washington, DC 20423-0001

Attention:

Finance Docket No. 32760 Environmental Filing

Should you have any questions or concerns regarding this matter, please contact Winn B. Frank, the project director for the independent third-party contractor at (202) 775-3382. We appreciate your cooperation and assistance in the preparation of the Reno Mitigation Study.

Sincerely yours,

Elaine K. Kaiser, Chief / Section of Environmental Analysis

Enclosure:

Letter of May 30, 1997 from U.S. Department of Transportation, Research and Special Programs Administration

reno/fws mendoza 617

Response, and Bob Sack, Environmental Supervisor with the Washoe County Environmental Health Department. Mr. Tuttle stated that there have not been any recent rail spills that required FWS action. However, Mr. Tuttle reports, that there had been a truck spill in the Washoe County area last year. Over the past ten years, Mr Sack reports that there have been no catastrophic rail spills affecting the Truckee River. There have been rail spills, not derailments, that required clean-up action by the Washoe County Environmental Health Department. According to Mr. Sack, however, these spills did not result in contamination of the river and did not require notification of the FWS.

In addition, SEA requested information on rail hazardous materials spills from the U.S. Department of Transportation (DOT), Research and Special Programs Administration (RSPA). Since 1971, this DOT office has collected information on unintentional releases of regulated hazardous materials being transported in commerce. The RSPA conducted a search during May and June, 1997 to assist SEA in determining the history of spills on UP or SP tracks along the Truckee River. The RSPA report noted that since the agency began to maintain the history of hazardous materials spills in 1971, 26 events have occurred along the UP and SP lines in the area of the Truckee River in California and Nevada. Of the 26 events, the RSPA report indicates: (1) most were minor instances involving loose fittings or valves, (2) four required response by Disposal Control Services, and (3) the largest event involved a 40 gallon spill of a hazardous material. None of these spills resulted in any hazardous materials entering the river. (The letter from RSPA is attached).

This information suggests to SEA that based on spill history, the infrequency of derailments, and the geography of the area, it is unlikely that an accidental upstream spill from a UP freight train would affect the threatened or endangered fish species mentioned by the City of Reno. Also, since the merger has been approved, the UP plans to improve tracks and rail beds, which should further reduce the risk of rail spills along the Truckee River. In addition, UP has developed an emergency response plan to respond to spill events in cooperation with local emergency service agencies.

In sum, it appears that the UP/SP railroad merger-related train traffic increases through Reno and Washoe County would have a negligible impact on the Cui-ui or the Lahontan cutthroat trout for the following reasons:

- 1. Pyramid Lake, the major habitat for Cui-ui, is 15 miles from the UP tracks;
- There is no history of major derailment spills along the Truckee River, which feeds into Pyramid Lake;
- 3. The UP has an emergency response program in place, and in the event that a spill occurs, they can respond quickly with appropriate remediation measures;
- 4. The Washoe County Environmental Health Department and other local agencies have emergency response plans and staff to respond to emergencies; and
- 5. The UP is improving tracks along the Truckee River, which will further reduce

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