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**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

*General Public*

Nancy Burkhart  
Mary Conelly  
Colleen Cripps  
Dan Edgington  
Mike Furtney  
Daniel Grimmer  
Wayne Horiuchi  
Elaine Linn  
Austin Lee  
Sanford Lewis  
Brian Lungren  
Bruce MacKay  
Lawrence Meeker  
Frank Napierski  
Tom Ogee  
Frank Partlow  
Monica Puddington  
Eric Ruby

**Introduction/Review Agenda**

Kay Wilson opened the meeting by requesting that everyone introduce themselves, as has become the custom with the Task Force meetings. STB/De Leuw Cather & Company (DCCo) representatives included Harold McNulty, Kay Wilson, Dave Mansen and Gui Sheerin. See a copy of the sign in sheet for the entire list of task force meeting attendees. J. Michael Hemmer did not arrive until 1:30 p.m.

Harold McNulty started out by addressing a City of Reno concern that had been brought to his attention regarding that availability of Task Force meeting materials for review before the actual Task Force meeting. Harold indicated that the STB/consultant makes every attempt to distribute task force materials prior to the Task Force meetings, although this is not always possible. Distribution of materials will be made to task force members as soon as feasible after all of their review procedures are complete. Mr. McNulty indicated that the task force and public will have ample time to review all data presented at the Task Force meetings and that all data/information is available for public review and comment throughout the entire mitigation study review process (many months).

Merri Belaustegui-Traficanti submitted a letter to the STB, signed by 13 Task Force members and Alternates, indicating that the Task Force has grave concerns with the lack of data/information prior to the task force meeting. The letter also requested that all task force presentation materials/information be provided to the Task Force with enough lead time to provide for meaningful review. Based on the inability of the De Leuw Cather & Company to provide the requested materials/information, Merri indicated that the September release date



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #6

**Date:** June 11, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 3:30 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study - Task Force Meeting*

**Attendees:** *STB Representatives*  
Dave Mansen - De Leuw, Cather & Company  
Harold McNulty - Surface Transportation Board  
Kay Wilson - Public Affairs Management  
Gui Sheerin - De Leuw, Cather & Company

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Gary Stockhoff - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Lary Farr - City of Reno, Emergency Services  
Tom Robinson - City of Reno, Emergency Services (alternate)  
Steve Bradhurst - Reno Citizens, General Interest (absent)  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative (absent)  
Bill Osgood - Business Community Representative  
Bob Burns - NFRA (absent)  
Bob Webb - Washoe County  
Jack Lorbeer - Regional Transportation Commission (alternate)  
Tim Crowley - State of Nevada Representative (absent)  
Craig Wesner - Nevada Public Service Commission (alternate)  
Rob Pyzel - City of Sparks  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative (absent)  
Ken Lynn - State Economic Interest (absent)  
David Loring - Warehousing & Distribution (absent)

*Task Force Alternates*

Harry York - Business Community

*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.*

## 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 from 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**



*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.*

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 CA

Pre-Merger =	Adj. 1994 Base Trns/Day - 1 Psgr. + 13 Frgt. = 14 Total
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
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*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*

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**

<b>Nos. of Trains</b>
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**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:

*Through Train Service. 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**

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.)



**Surface Transportation Board  
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Audience member asked if local utilities have been involved. Steve said, yes, the engineers have considered all utility and boring issues.

Steve said the plan is to keep AmTrak station in downtown.

**Future Task Force Meeting Agenda**

Kay Wilson said they have addressed Charles McNeely's April 15, 1997 request to put certain items on the future agendas as evidenced by McNulty's May 13, 1997 letter which was handed out to task force members. Kay emphasized that the future meetings represent only a tentative agenda subject to change.

**General Discussion/Public Comment**

Mike Furtney of the UP said he had eight tickets to ride the Operation Lifesaver train at 6:00 p.m. and he would hand those out on a first-come-first-served basis. Anita Boucher said she went with her office and it was a wonderful experience.

At Merri Belaustegui-Trafficanti's specific request, Kay Wilson said that the UP had planned this train ride and it is not an official task force activity and participation was voluntary.

Kay Wilson said the safety video presentation would be rescheduled so that those who wanted would have time to eat before they boarded the safety train at 6:00 p.m.

Meeting was adjourned at 4:45 p.m.

# **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

## **Air Quality Issues in Truckee Meadows**

Linda O'Brian from the health department made a presentation on behalf of the Washoe County Health District. O'Brian said PSI (pollution standard index) of exceeding federal standards was 51-100 in 1989 and 0-50 in 1991. She said Truckee Meadows is doing about average in air quality. She said we are non-attainment for ozone (marginal), carbon monoxide (low) and particulate matter 10 (low). She said wet winters, fuel rules and wood stove regulations have helped air quality.

As for Ozone, O'Brian said we have more moderate ozone days. February 1990 we had huge snow storm which affected ozone levels negatively. Nitrate oxide is emitted by trains so could impact ozone but not to a significant degree (stopped cars are a bigger impact.)

As for PM-10, O'Brian said new standard is being considered. Railroads are only 5% or 6% of the total 100% of inventory.

As for Carbon Monoxide, O'Brian said this has improved significantly with wet years we have been having which keeps numbers low. 70% on road mobiles contribute to this which is cars idling waiting for trains. All this data tells you is the interesting data comes from idling cars. Air quality has gotten better, metrology always affects data.

Winn Frank asked if there are any hot spots along the railroad corridor. O'Brian answered no. O'Brian said dust control must occur as well as wood stove regulation.

## **Description of Depressed trainway option**

Dave Mansen said that he wanted a presentation of the work the City and the UP had done on the depressed trainway option and that the consultants had no intention of re-doing work we had already done.

(The consultants have not presented any independent analysis on the depressed trainway option). Mansen said they will be taking a close look at this work.

Steve Varela described the depressed trainway project. All fatal flaws can be resolved. A committee is set up to handle downtown properties effected by a proposed shoe-fly. Cost is \$183,000,000 in 1996 dollars.

Paula Berkley asked if any archeological work has been considered that might need to be done. Steve said 5% of the engineering cost is attributed to archeology. This is set out in construction schedule.

Berkley asked if transients have been addressed. Steve said yes, fencing was considered.

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Someone asked how AmTrak can go 20 miles per hour in 700 feet. Demuth said trains speed up, Coate said speed data was collected at end of train.

Kay Wilson asked for report on City's work on the noise issue.

Steve Varela reported that Mike Einwick and UP representatives are working on this and liability issues and safety issues must be addressed.

Mike Einwick made an update report and said PSC, UP, FRA and NDOT were all involved in City efforts as well as Bill Osgood. Tests were conducted on March 10, 1997. Possibilities of 4 quadrant gates, night time closing, localized warning horns, whistle ban, and center median barriers were considered.

Mike Einwick said April 10, 1997 test conducted on Sierra street. 106db measured for freight train horn and 86db measured for localized horn. El Dorado measured noise from inside the hotel. June 17, 1997 is next test.

Tom Ogee explained how a localized horn system worked and that there were in place in Gering, Nebraska and Parson, Kansas. Andy Anderson a former UP employee developed the system. These are test locations only and system has not been approved by the FRA.

Vitali asked if localized warning had to blow every 1/4 mile of crossing and Ogee said yes, same requirements as a train horn.

Craig Wesner, PSC, said state statute requires a horn be blown unless regulations require otherwise. If there is a change in the crossing itself, must apply to PSC for approval.

Anita Boucher, from NDOT, said if there is a problem at a crossing, the engineer must blow his horn, regardless. From her study of one week of the City's Virginia Street Crossing video tape, she found that in 121 times out of 165 events her staff observed, a train horn would have to be blown (73.3% of the time).

Partlow asked about accidents in last ten years. Boucher said there were two pedestrian deaths and two accidents.

Bill Osgood said effect of Center Street median must be considered. He also asked if angel of horn if horn needs to be directed "down". Bill said study shows that trespassing overshadows grade crossing issues.

Ogee said when directional horns are blowing, motorists don't know which direction the train is coming from.

Demuth asked if UP was doing any noise testing in downtown (per fourth quarter report). Hemmer said nothing is being done.



**Surface Transportation Board  
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noise criteria and sensitive receptors are only residences, nursing homes and schools but not commercial buildings.

Rich Vitali commented that noise doesn't increase with merger, just frequency of noise. Coate agreed.

Coate said freight trains, not shorter quieter trains, were used to collect noise data. Horn noise, length of train doesn't matter, but for wheel rail noise would increase as a function of length. Vitali asked if speed was accounted for on noise.

Member of audience said he was confused about whether horn noise is a constant. Coate said wheels on rail noise increases as a function of train length.

Rich Vitali asked if 65db is level used to determine impact. Coate said 65db is dividing line between acceptable and unacceptable levels. Coate said impacts are different in rural areas vs. buildings right next to tracks. Coate said measurements taken at ground level may not be the best measure based upon climate downtown.

Demuth said hotel rooms and casinos are not considered sensitive noise receptors, only houses, nursing homes etc. Demuth said because of our downtown situation, hotels must be considered.

Bill Osgood asked what about 28 horn honks as accumulated noise. Coate said yes, he measures all noise.

Coate said in rural areas there is a large distance between measurements. Measuring gives you better numbers than estimating.

Nancy Burkhart asked if it matters if UP needs to change scheduling to lower or raise noise. Hemmer jumped in and said he could not operate trains based upon night or day requirements.

Winn Frank said a gross example might be all night trains one year and all day trains the next year. All of this could change due to UP scheduling.

Frank Partlow asked if "L max" is maximum sound level. We are hearing today estimates - at what time STB will agree that these are "reasonable" based on this merger and 6-7 years later randomness kicks in and the estimates are way off- What then?

Winn Frank said "They are only responsible for addressing additional number of trains (25) so change will be calculated and that's it. What happens in 10 years doesn't matter. That's the 'price' you pay for having RR go through your town".

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Mark Demuth then refereed to 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.

Regarding the intermodal and service sensitive traffic on a shorter SP route, Mr. Demuth asked what they were and Mr. Hemmer referred to train density on page 378 representing Flannigan, Kitte, Beaver to Marysville traffic. Michael Hemmer said coal trains (100 cars) re-route all of that to Las Vegas and the network puts all of this together. Michael Hemmer said underlying work papers were down to the decimal point and that's where you get variations.

Mark Demuth then asked for clarifications on BNSF and asked Winn Frank to show how they varied the baseline. Mr. Naro said 1994 freight cars against 1995 - 13 trains is number of trains that ran through Reno in 1995.

Winn Frank said they went back to UP and went through their methodology over three days and concluded that UP application was consistent with all other applications. Winn Frank dismissed the discussion and requested that further explanation should be requested in writing.

Dave Mansen said they requested verified statements of Mr. Anderson and Mr. Naro to support what was reported in the EA.

Mark Demuth asked if anything else other than 25.1 was requested in the final document and Dave Mansen answered yes, unless other changes are addressed before the final document is produced. As they progress through study, if further research is needed, they will do it.

Mark Demuth asked about length of trains asked why is less than 5,000 feet standard is being used and Michael Hemmer said that is based upon assumption that all trains are full.

For a complete listing of Mr. Demuth's comments please see his written statement attached.

Kay Wilson said that a third party consultant should decide what numbers to use and Dave Mansen said standard deviation lengths vary. Hemmer said a statistician will say this discussion isn't meaningful.

Scott Beerman said business is driven on profits. Beerman said he shares concern of City that 25.1 trains is a "soft, low" number.

**Noise issues**

David Coate was introduced. Coate said his purpose is to determine existing conditions chosen between Woodland Avenue and Sutro. Tall building provide a shield to noise. How sound drops off with distance was considered (by using three distances). 65db was used under STB

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reported that ran as core trains. Mr. Demuth asked what numbers do "adjusted" refer to in the table and Mr. Naro said that the model is not all inclusive, it is adjusted for local trains which was not in the model.

Mark Demuth read two particular statements in to the record from UP's operating plan pp. 111-112:

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.

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.).

Mark Demuth (referring to pages 111-112) asked if the modeled changes represented base period operations and 1994 traffic and Mr. Naro responded that traffic data from weigh bills was taken for the entire year 1994 and then using 1995 operations plan (the most current data available). Three adjustments were made and 13-6 used with no adjustments. Mark Demuth then asked if its a true reflection of 1994 traffic. Mr. Naro said its not anything else.

Mark Demuth referred to 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.

Mark Demuth asked why isn't there a graph showing a reflection of the expansion at the Port of Oakland and Mr. Naro responded by saying that marketing had already factored in the Port of Oakland expansion, so there was no need to include it again and no other increase in volume was considered.



**Surface Transportation Board  
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meshed with SP system. So, traffic was reduced because of CNW merger. That was accounted for. Also UP adjusted for BNSF merger because SP gained trackage rights which was also factored into the model. Marketing department analysis information regarding BNSF and CNW mergers was also factored in. All together this took three months to complete. Projected additional traffic they believed they could gain was accounted for from the marketing plan. Model was used to determine which route to use based upon all data imputed. Trains were not built in model at capacity for scheduling purposes. Trains were built into model at a 75 percent capacity. Time was also imputed figuring a contingency time to account for late crews and maintenance time.

Mr. Naro said Ogden, Utah through the mid-west through Chicago is a favorable route and the Feather River route is not as favorable and a better route is SP's route through Reno together with UP's favorable route east of Ogden, then UP can compete with BNSF under UP's projections. That's how they put plan together.

Bill Osgood asked whether this is how the number of 25.1 trains was determined to go through Reno and Mr. Naro answered yes. Bill Osgood asked if projections were made 5 years out and Naro said yes. Bill Osgood also asked if numbers considered expansion of the Port of Oakland and Mr. Naro said their marking analysis assumed factors like this.

Mark Demuth read a line form the UP revised verified state which stated:

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.

Mr. Naro said they used BNSF numbers given to them by BNSF and UP doesn't think its likely that BNSF will use this track but will probably use the Denver to Salt Lake route from Los Angeles.

J. Michael Hemmer said after BNSF provided their estimate, they increased their budget by a billion to double-track other routes.

Mark Demuth read another statement from the BNSF operating plan:

As traffic volumes increase BNSF will increase the number of through trains that operate over the Central Corridor.

Mr. Hemmer said not to forget their other routes and also added that if they do re-route, it would come out of UP traffic.

Mark Demuth referred to Exhibit 13-6 and asked if the "base 1994" is hard numbers that actually ran or is it an adjusted number and Mr. Naro said it is the actual numbers that SP

**Surface Transportation Board  
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*Task Force Alternates*

Harry York - Business Community

Colleen Henderson - City of Reno, Environmental Team

Tom Gribbin - City of Reno, Engineering Team

*General Public*

Scott Beeman

Anita Boucher

Nancy Burkhart

Mary Conelly

Daryl Drake

Garth Dull

Dan Edgington

Michael Einwick

Bill Fine

Mike Furtney

Elizabeth Garcia

Wayne Horiuchi

Michael Kulbacki

Elaine Linn

Lawrence Meeker

Ron Naro

Linda O'Brian

Tom Ogee

Frank Partlow

Monica Puddington

Eric Ruby

Alek Tice

Susan Voyles

**Introduction/Review Agenda**

Kay Wilson introduced the new participants and asked the members of the Task Force and general public to introduce themselves.

**UP's Operating Plan Train Traffic Model Methodology**

Mr. Naro, Union Pacific (UP) representative presented information pertaining to the UP's methodology for train traffic model. Mr. Naro said the model starts with an analysis of the network, grades, costs, helper trains, and tonnage ratios which are all factored into the model. "Given this network, with all of its impedances, how do we move traffic" - the UP validated what the model gave them by taking UP and SP traffic and inserting data, then took output and validated it against other data they had. UP put SP and UP network together, as a single railroad in 1994 (when SP was a separate entity). CNW merger had occurred, but not yet

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #5

**Date:** May 14, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 4:45 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Task Force Meeting

**Attendees:** *STB Representatives*

Winn Frank - De Leuw, Cather & Company  
Dave Mansen - De Leuw, Cather & Company  
Kay Wilson - Public Affairs Management  
David Coate - Acentech Incorporated  
Dan Luscher - Acurex Environmental  
Phil Olekszk  
John Selin - De Leuw, Cather & Company

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Steve Varela - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Larry Farr - City of Reno, Emergency Services (absent)  
Jim Weston - City of Reno, Emergency Services (absent)  
Steve Bradhurst - Reno Citizens, General Interest  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative  
Bill Osgood - Business Community Representative  
John Frankovich - NFRA (alternate)  
Bob Webb - Washoe County (absent)  
Joe Sikorsko - Regional Transportation Commission (alternate)  
Tim Crowley - State of Nevada Representative (absent)  
Craig Wesner - Nevada Public Service Commission (alternate)  
Jeff Murphree - City of Sparks (alternate)  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative  
Ken Lynn - State Economic Interest (absent)  
Scott Hutcherson - Warehousing & Distribution (alternate)



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inspectors. One of the Railroad Lobbyists said that the PSC employs approximately 200 inspectors that look at every mile of track every week. He further stated that there are no problems or issues dealing with rail safety.

Craig Wesner said that Senate Bill (SB) 275 clarifies the PSC's authority. He stated that there are no new problems, new authority is not implied; just clarification. The other Bill supports maintaining an existing program.

Frank Napierski said that safety problems are very minimal and Paula Berkley said she is concerned about it and safety is an issue especially if hazardous materials were ever to spill into the Truckee River which would be devastating.

Bob Webb reminded the Task Force to look outside of the downtown core and to address County areas too.

**General Discussion Public Comment**

Kay Wilson mentioned that the May 14th agenda is being prepared and Michael Hemmer said he is offering free rides on the safety train from Sparks to Truckee and back if the Task Force and their Alternates were interested. A video monitor will show the view from the engine.

Elaine Kaiser said if you want documents submitted to be put on the record, you must specifically say so and again encouraged privately negotiations.

The meeting was adjourned at 4:00 pm.

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the term "parties" refer to something broader than just the City of Reno. Steve Bradhurst then mentioned that Decision No. 71 seems to do more harm than good.

Frank Partlow said first tier will drive second tier, like it or not and if a low first tier is set, then its hard to sell the community on a second tier. But if UP is required to put up a lot, then it is a different situation and its easier to sell the second tier. Michael Hemmer then said if numbers are too high, the UP will go away and use other routes. Several participants agreed that if the Railroad picked a different route, that might be a good situation for the City of Reno.

A representative from the Public Service Commission (PSC) asked if that has ever happened before and Michael Hemmer said nothing like this has ever happened before in the United States. Winn Frank suggested negotiations would produce the best results for the City.

Bruce MacKay said the benefit will effect UP costumers and should be a factor in determining the first tier of mitigation. Kay Wilson said these comments are helpful only to guide the mitigation.

Frank Napierski said that \$35 million was offered by the UP and the City of Reno will be lucky to get anything from anybody. Wichita will want this money and everyone else will want it too.

Winn Frank said that the City of Reno mitigation will be determined and implemented and the City of Wichita mitigation funds will be determined based upon the impacts in each community. Michael Hemmer said that Senator Reid never said UP should pay \$100 million. The City of Reno was the party who said that the Railroad should pay that much.

John Frankovich asked if the \$35 million offer had anything to do with this Mitigation Study and Elaine Kaiser, Kay Wilson, and Dave Mansen all replied that it had nothing to do with this study.

John Frankovich stated that the primary beneficiary with this Merger is the UP and Michael Hemmer said he disagreed. Frank Napierski said he wanted the UP to go through with merger. John Frankovich said that they have every right to, they just need to pay for the impacts they cause.

**Grade Separation Option**

Elaine Kaiser said she wants to clarify that the SEA has made no findings and has no report on feasibility of grade separations. No dollar amount has been placed upon feasibility of grade separations. All that has taken place includes discussing the various options. Paula Berkley said there are two bills on railroad safety before the State legislature. One requires regulations to be updated and an Memorandum of Understanding (MOU) between the State of Nevada and the FRA while the second bill addressed safety inspectors and adds to the number of

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be addressed and Elaine Kaiser said because the STB looks at the "reasonableness" test which involves a very delicate weighing process. She can't give answers today because this is an evolving process.

Paula Berkeley said let's say the mitigation in the City of Reno is going to cost \$90 million. Who is responsible to pay? Elaine Kaiser said the Railroad pays the entire cost of the first tier of mitigation.

Nancy Burkhart asked what the term "those who benefit should pay" means. Bob Schaevitz said the term "who benefits" is not specifically defined and is a "black hole".

Elaine Kaiser said the "community" is best able to determine what percentage each must pay and the STB will only offer framework on how to get there with a shared mitigation approach.

Frank Partlow said that STB is forcing us into this formula by saying what UP must pay on first baseline analysis so baseline must be very seriously considered. Elaine Kaiser said no that's not true because they will be required to fully mitigate the problems of an increase in train traffic. Elaine Kaiser added that the STB is looking at environmental effects only and not the business advantage to the UP.

A Task Force member said that a benefits analysis must be considered because when he travels from work to home he does not have to wait for a train but others wait everyday for trains to pass. We all benefit from improved air quality and if train tracks are depressed, then we all benefit.

Dave Mansen said no precise formula can be given for the shared analysis and Rich Vitali disagreed. If it takes this much to mitigate, then it costs no more for UP to run old trains through either. This is first time we have heard of this "reasonableness" test.

Elaine Kaiser said Decision No. 44 did not mention "reasonableness" test and that is what Decision No. 71 clarifies. Mark Demuth said "reasonableness" is a NEPA term and its unclear why STB acknowledged there were impacts in Reno but then supports a Finding of No Significant Impact (FONSI) decision pertaining to the previous Environmental Assessment (EA).

Elaine Kaiser said that the STB makes a decision on the "reasonableness" test, not a NEPA standard to reach a FONSI determination. Michael Hemmer said a substantial amount of case law justifies a FONSI finding and it doesn't say everything has to be mitigated.

Steve Bradhurst then asked if UP only pays more if Reno offers money and Michael Hemmer said that if the UP puts money on the table and no one else offers money then mitigation will not occur unless someone else steps up to the plate to the UP's offer. He further stated that



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Frank Partlow asked what ISTEA money is available and Bob Schaevitz responded that approximately \$3-5 million a year is set aside for the State of Nevada. Wayne Horiuchi said that 150 billion for five years is the total ISTEA money being set aside. Senator Gibbons has listed this project as well as others totaling \$70 billion.

Wayne Horiuchi said apportionment will become more complicated, but will not change significantly and earmarking is major, if not the only way to get funding.

Bob Schaevitz addressed Nevada Department of Transportation (NDOT) funding and said fuel tax, vehicle registration are sources of funds. State dollars are first used to match federal dollars and he said that unallocated non-highway funds are not on the books now.

Bob Schaevitz said RTC might have funds available from local fuel taxes or regional road impact fees but was not sure about the availability of these funds.

Bob Schaevitz continued to say that funding sources from either the City of Reno and Washoe County are very limited. He thought a one quarter cent sales tax would need to be voter approved and said legislation will be proposed in the future to parallel a Clark County water bill. He said he will look at general taxes, special districts, and growth related mechanism to see how this relates to those who benefit.

Nancy Burkhart asked if the same criteria is used to evaluate UP's ability to pay and Bob Schaevitz said no because baseline mitigation will be the sole responsibility of the UP.

Someone from the general public asked how to determine the impacts from increased traffic and Elaine Kaiser responded by saying the STB uses a "reasonableness" test.

Frank Partlow pointed out that in April of 1997, an item on the City of Wichita's Task Force Agenda documented that they experienced 188.9 hours of delay in new traffic so STB should send UP a bill to pay for the delay in traffic and other impacts. The same goes with safety and environmental concerns. So, from these increases there is a number that can be attached to the Railroad.

Elaine Kaiser said that is one way of looking at it to make the City of Wichita suffer no effect. But STB won't say it has to go back to "zero" impact. If \$10 equals zero and \$5 equates to an 80 percent fix, the STB may only authorize the UP to spend \$5 to get to the 80 percent fix.

Michael Hemmer said the UP thinks Decision No. 44 says UP is not required to fix preexisting circumstances and 100 percent is good but 80 percent is ok too.

Rich Vitali added that you can't have it both ways and mitigation is mitigation. 80 percent is not good enough for the City of Reno. Elaine Kaiser said she is not sure how to get there yet (define responsibility). Rich Vitali asked why 100 percent mitigation is not the only issue to

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Harry York requested that data pertaining to the Port of Oakland expansion be evaluated. He further stated that the Port is proposed to be dredged to approximately 50 feet deep by the year 2001, so an increase in train usage must be considered. Harry York also said that all the data that Mark Demuth requested must be considered.

**Potential Funding Sources**

Bob Schaevitz, retained by DCCo to conduct a funding analysis, presented a background report on where potential funding sources could be identified. He mentioned that there are two levels of mitigation, baseline paid for solely by UP and shared funding benefiting those other than the UP (i.e., city, government, downtown businesses etc).

Bob Schaevitz said he wanted to (1) define an approach; (2) obtain data; (3) assess existing funding; and (4) evaluate new ways to raise money. He said he was looking for real solutions and not just solutions on paper and he said that the public side of the data collection phase is already completed and that private funding data is still being collected. He said he has no cost estimates yet, and that the SEA consulting team is responsible for that and mentioned that funding is usually very innovative with projects similar to this one. He made the following observations:

Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 funding requests must be made by the end of the fiscal year

Ten percent of STP funds are set aside for safety which does not include grade crossing eliminations

Ten percent of Surface Transportation Program (STP) funds go towards grade enhancements and the remaining 80 percent is distributed to individual states as the federal government see fit

Congestion Management and Air Quality Improvement (CMAQ) funds could apply if air quality in region is significantly improved

FRA should not be considered as a significant source of funds

Housing and Urban Development (HUD)/Community Development Block Grants (CDBG) funding is available

Bruce MacKay asked how much ISTEA funding is available and Bob Schaevitz was not comfortable throwing a number out. Steve Varela said that according to the Transportation Improvement Program (TIP) and the Statewide Transportation Infrastructure Program (STIP), the Regional Transportation Commission (RTC) unanimously agrees to send projects forward as long as other priorities remain in place.

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impacts should not be a surprise to anyone. Mark Demuth asked why DCCo was not addressing these same concerns it expressed in 1977. No one responded to this question.

Mark Demuth presented a letter written to Harold McNulty by City Manager Charles McNeely requesting that certain information be addressed at the next task force meeting including air quality, noise data, and UP's verified train traffic data statement to determine if any changes in these numbers have occurred like in the City of Wichita's case.

Michael Hemmer responded that no changes in traffic counts have occurred in the City of Reno like the case in the City of Wichita. Michael Hemmer said there is no need to present the authors of the verified statements to the Task Force because all back up data has been available in the record for months. Mark Demuth commented that if the UP was so confident that numbers have not changed then they should have no problem agreeing to present numbers.

Kay Wilson said the UP's consulting team would need time to consider all of Mark Demuth's requests and would answer them at a later Task Force meeting.

Dave Mansen said the consultants know they have to address these issues and evaluate them and added that the initial interpretive data would not be available until May of 1997. The noise data Dave Mansen promised the City of Reno was his oversight and this information would be forthcoming. Dave Mansen also said the consultant team would determine if the prior studies Mark Demuth entered into the record relate to this study.

Winn Frank said what you see happening in Wichita is what they plan on presenting here in the City of Reno and just because it was presented to the City of Wichita first does not mean it would not be provided to the City of Reno. Winn Frank said they want to be careful with the data being presented.

Mark Demuth said if any requests made by the City of Reno were not going to be responded to then the City should be notified in writing why they would not be.

Rich Vitali said it's more critical now than ever based upon Decision No. 71 and the "baseline" mitigation analysis and that the SEA should honor Mark Demuth's requests for information.

Steve Varela said that grade separations have been evaluated without the benefit of this data which was not appropriate and then asked when the depressed scenario will be addressed.

Dave Mansen said they will evaluate all options with the data Mark Demuth requested. The depressed trainway will be addressed after the consultants evaluate the data from UP and the City.



**Surface Transportation Board  
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mitigation" under NEPA and there was no such thing as a "tiering" approach no matter how you refer to it.

**Update on Mitigation Study Schedule**

Kay Wilson handed out an update on Task Force meeting dates and a new outline of when the preliminary Mitigation Study was scheduled for completion, along with public comment and the final report.

Mark Demuth said mitigation is the last step in the process and that impacts must first be addressed sufficiently. Mark Demuth said that impacts lead to determining mitigation and not the other way around and passed out a copy of the City of Wichita's April Task Force agenda which covered "scope of impacts" which the City of Reno has not yet received from SEA during this process. Mark Demuth asked for information that the City of Wichita has received (i.e., traffic counts, safety measurements, noise measurements etc.) and asked for numbers with respect to the Truckee Meadows to be provided to the City of Reno. Mark Demuth specifically pointed out that "ranges" of train traffic, definitions of traffic, Federal Railroad Administration (FRA) background information, and air quality vehicle emissions data were all provided to the City of Wichita. Mark Demuth then asked why the City of Wichita was being given these details and the City of Reno was not provided this level of information after repeatedly requesting this information in writing and verbally for the record. Kay Wilson said his requests would be considered by the Task Force.

Mark Demuth then passed out a copy of the "Reno Railroad Study"(October 1980) and asked that it be made part of the administrative record. Mark Demuth also addressed a proposal presented to the City of Reno prepared by DeLeuw Cather and Company (DCCo) (August 1977) and quoted the following language:

"The frequent, slow-moving trains impair vehicular access to the central business district, contribute to massive traffic congestion...create grade crossing hazards..." "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 railroad right-of-way presents an 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 fully elevated or depressed through the downtown area, and the existing tracks at-grade eliminated".

Mark Demuth then commented that the Railroad was definitely aware of the problems in the City of Reno prior to the Merger, as well as the Railroad's consultant - DCCo and these

**Surface Transportation Board  
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*General Public*

Nancy Burkhart  
Daryl Drake  
Dan Edgington  
Elaine Garcia  
Daniel Grimmer  
Wayne Horiuchi  
Bruce MacKay  
Jim Mallery  
Ernie Martinelli  
Lawrence Meeker  
Frank Napierski  
Tom Ogee  
Frank Partlow  
Monica Puddington  
Eric Ruby  
Mary Rusco  
Bob Rusk  
Sue Voyles

**Introduction / Review Agenda**

Elaine Kaiser attended the meeting on behalf of the Surface Transportation Board (STB) Section of Environmental Analysis (SEA). She introduced herself and interpreted the language in Decision 71. Elaine Kaiser mentioned that Decision No. 71 applied to the City of Reno as well as to the City of Wichita. Elaine Kaiser also mentioned that Decision 71 clarified Decision No. 44's reference to the concept of "shared" funding. Elaine Kaiser further stated that "baseline" mitigation would be imposed for which the Union Pacific (UP) Railroad would be responsible for funding 100 percent of. Second tier or "shared" funding might be addressed wherein voluntary actions occur wherein the cost of such alternative would be shared by those who benefit. This option would not be binding upon any entity.

Merri Belaustegui noted that prior notice of this decision was not given to the City of Reno, that the Decision No. 71 appeared to be a result of a letter request from the City of Wichita to clarify the "shared" funding language in Decision No. 44, and that the City of Reno was given no opportunity to participate prior to the rendering of Decision No. 71.

Merri Belaustegui then asked Elaine Kaiser to define the term "baseline" mitigation. Mark Demuth asked if "baseline" mitigation would be consistent with its definition under the National Environmental Policy Act (NEPA). Elaine Kaiser said baseline is a term to define mitigation base upon a "reasonableness" standard and does not follow NEPA per say. Elaine Kaiser said the SEA's final report will contain the definition of "baseline mitigation" and at this point she had no idea what that might be. Mark Demuth commented that "mitigation is

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #4

**Date:** April 23, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 4:00 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Task Force Meeting

**Attendees:** *STB Representatives*

Winn Frank - De Leuw, Cather & Company  
Dave Mansen - De Leuw, Cather & Company  
Elaine Kaiser - Surface Transportation Board  
Kay Wilson - Public Affairs Management  
Bob Schaevitz - Decision Economics

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Steve Varela - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Larry Farr - City of Reno, Emergency Services  
Tom Robinson - City of Reno, Emergency Services (alternate)  
Steve Bradhurst - Reno Citizens, General Interest  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative  
Bill Osgood - Business Community Representative  
John Frankovich - NFRA (alternate)  
Bob Webb - Washoe County  
Joe Sikorski - Regional Transportation Commission (alternate)  
Tim Crowley - State of Nevada Representative (absent)  
Craig Wesner - Nevada Public Service Commission (alternate)  
Rob Pyzel - City of Sparks  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative  
Ken Lynn - State Economic Interest (absent)  
Scott Hutcherson - Warehousing & Distribution (alternate)

*Task Force Alternates*

Tom Gribbin - City of Reno, Engineering  
Colleen Henderson - City of Reno, Environmental Team  
Harry York - Business Community



**Surface Transportation Board  
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Preliminary analysis of data set will be presented at the April meeting and Mark Demuth asked to be informed of the level of impacts based upon number of trains.

Resident Bob Jones who lives in Washoe County mentioned that he has noticed an increase in train traffic and whistles and that trains have been blocking private crossings and wants crossings west of town to addressed.

Frank Napierski passed out safe crossing brochure.

Colleen Henderson asked for the specific locations that the noise data was collected at and Dave Mansen committed to providing entire study report.

The meeting was adjourned at 3:45 pm.

## **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

Bill Osgood asked if individual aspects were only being looked at or if an overview approach was considered and Dave Mansen said Sierra and Virginia Streets are the most important access streets so they are looking at them in greater detail. Bill Osgood mentioned again that no one supports an elevated trainway.

Kay Wilson asked if anyone had specific comments pro or con.

Steve Varela said that Keystone, Arlington, and Evans have already been addressed and on Evans there is a building in the way of an overpass/underpass. On Arlington, three (3) lane won't work and this needs to be considered. He further stated that property acquisition and economic interests must be closely considered and what the underpass is actually mitigating.

Bill Osgood said synergy must also be considered with special events downtown.

Frank Napierski said map displacement is confusing. There is a \$70 million price tag for this so why are we talking about impacts and it was mentioned that negotiations are separate from this Task Force committee but data may be exchanged to help this committee. If agreement is reached in negotiations, that would end the mitigation study.

Steve Varela said Del Curto and Woodland Avenue also need to be considered and residences along the Truckee River also feel impacts without the increase in trains and those areas need to be addressed. Noise and vibration needs to be considered.

A member of the public said economic needs of downtown need to be considered even though it is easier and cheaper to put in underpasses and Dave Mansen said he won't consider tearing down a hotel unless that's what Reno wants.

Another member of the public asked if the size of a structure determines how deep a trench needs to be built and John Selin said yes because of ground water and contamination issues. There are engineering solutions for these issues though.

John Frankovich asked if there was a magic formula for putting funding together similar to a cost sharing formula and Dave Mansen said an economic specialist has been hired to talk to different people and legislators to come up with funding issues to share these costs.

Kay Wilson said the economist is Bob Shaevitz and he is charged to find a menu of ranges on funding. At the April 1997 Task Force meeting, Bob Shaevitz will provide a menu of funding options but will not have numbers to present.

### **General Discussion/Public Comment**

Kay Wilson said there will be no second March meeting and only one (1) meeting in April which will occur on the 23<sup>rd</sup>. The May Task Force meeting will take place on the 14th.

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we hear today is if you want a whistle ban, make sure its safe. No one has been able to do this yet, so we need grade separations.

Bob Webb asked how long does train have to blow horn and it was responded that until the train engine occupies a crossing.

**Discussion of Mitigation Options and Evaluations Criteria**

Dave Mansen said he received letters from Michael Hemmer and Bill Osgood to drop elevated trainway and believes the City of Reno feels the same so that option is now eliminated from further consideration. Dave Mansen further stated that there is no predetermined idea on what option to use. Today underpasses will be discussed and next month the depressed trainway will be discussed.

John Selin (DCCo) discussed the need for 100 feet of right-of-way (ROW) for a new underpass, where most ROW's in Reno need only approximately 80 feet. He said that it's not feasible to construct on many streets in Reno and that an underpass would require acquiring private and public property. Keystone Avenue would need a four (4) lane underpass as well as a half of block between 2<sup>nd</sup> and 4<sup>th</sup> Streets.

Keystone Avenue would require rerouting Forth Street, displacing businesses, and would be expensive let alone the residences would also be effected to construct a four (4) lane underpass.

It was further stated that Vine, Ralston, and Washington would not make good traffic sense but create fewer property impacts

Arlington Avenue displace commercial property who would be entitled to compensation but this is not a viable downtown option. Putting underpasses in east of downtown doesn't help downtown area either.

Lake Street effects commercial properties and crosses the Truckee River so it is not a good option. Foot traffic prohibits Sierra and Virginia Streets from being workable streets for an underpass.

Selin's message is that while there are no fatal engineering flaws to putting in underpasses, any grade separation requires substantial property acquisition which is costly and not included as a cost in the existing Railroad Report.

Dave Mansen said they (DCCo consulting team) isn't here with solutions, just information for now. He further stated that secondary impacts would occur with underpasses and overpasses.

Nancy Burkhart asked if they had made a definite overpass determination and it was mentioned that principally underpasses were under consideration.



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accomplished. Notice of proposed regulation will be issued this summer which is first step and will then address public comment. Charlie Hagood then described the Florida whistle ban program which prompted this discussion and study. He found that there was a 190 percent increase in train accidents when whistle ban was in place. In 1991, the FRA enacted an emergency order (#15) to sound whistles and accidents decreased. The FRA recently began a Whistle Ban Outreach Program in April of 1995.

Supplemental safety measures which act as waiver of blowing horns includes: (1) four quadrant gates; (2) median traffic barriers; (3) close streets; and (4) bridging over train crossing. In Los Angeles, the light rail system utilizes video cameras at crossings which reduced accidents by 90 percent. This concept is referred to as photo enforcement.

Phil Olekszyk said that crossing closures could be funded 100 percent by federal money but a zero tolerance policy must be implemented and violators must be ticketed. Charlie Hagood then mentioned that there are also third victims including the engineer who hits the first victim (second victim is the family of the person hit). Charlie Hagood said that the "Look-Listen-Live" program is the most important driver training program.

John Frankovich asked more about whether the 100 percent funding is available if a crossing is closed (i.e. what if a depressed trainway is built and that effectively closes most crossing). Phil Olekszyk said yes, but that would use up 90 percent of the State's entire funding.

Frank Partlow asked about a bus accident in Illinois and Mr. Furtney said that the school bus driver was found to be the cause due to negligence and a lack of training and no fault was put on the on Railroad. Charlie Hagood said that the FRA has no jurisdiction over private crossings but FRA wants to solve those issues. He further stated that each signal is inspected once a month. Charlie Hagood also said that the FRA has police officers to help in outreach.

Dave Mansen said he will check into how much Section 130 money could the community get if all grade crossings are eliminated but reminded the Task Force that it would have to compete with other State projects for money. The formula is based upon gas tax money and the number of registered vehicles in the State.

Mark Demuth asked about a proposal to track spent nuclear fuel shipments through the City of Reno and if there will be added safety measures and then a member of the public asked if the spent nuclear fuel could be rerouted along Feather River or other lower populated areas. Mark Demuth said that the Department of Energy (DOE) decides how and when and where shipment will go.

Craig Wesner with the PSC said only two safer states than Nevada and that there were only six (6) accidents last year and no fatalities.

Frank Partlow said we need to get grade separations not only because they create fewer accidents, but given time, there will be an accident. We need funding to make "all" crossings safe. What

## **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

Public roads cross railroad tracks in approximately 168,000 locations throughout the nation. Upon crossing traffic the train must sound the horn according to federal law. Other supplementary safety measures include traffic separators, new lighting approaches when a train is coming, and photo and law enforcement. Medians and wood closures are waivers that have been granted to certain communities. Train whistles have been an approach to give a fair amount of warning and signs are posted to let the public know. Of the 168,000 railroad crossings, approximately 1,401 crossings do not have warnings. Approximately 99.2 percent of the crossings are sounded while 32 percent do not have any sort of warning what so ever.

John Frankovich asked if the establishment of railroad crossing closures are funded by the federal government and it was responded to that both crossings and underpasses are partially funded by the government.

Frank Partlow asked if we must look at the cost of railroad crossings along with the flood control bond from several decades ago. If fifty (50) at-grade crossings are eliminated can the City of Reno get funding and it was responded to that the City would have to compete for the funds. States are allocated funds and examples include number of registered vehicles, number of grade crossings, and could even include if spent nuclear fuel was shipped through Reno. Safety wise, Hawaii and South Dakota are the only states that are considered safer than Nevada.

### **FRA Discussion regarding Railroad Safety Programs**

Phil Olekszyk and Charles Hagood attended from the FRA to present an overview of their safety program. The Galen Denio asked about track standards for speed and Phil Olekszyk said there are six (6) classes of speed one (1) through six (6). Class one (1) is 10 mph while class 6 is 100 mph The City of Reno is rated at a class three (3) or four (4); a class three (3) can accept travelling at a maximum speed of 30 mph.

Phil Olekszyk said that the UP Railroad will decide what speed they can travel and FRA sees to it that they don't exceed that speed. John Frankovich asked if at a higher speed it is quieter and safer and Phil Olekszyk said that data shows 10 mph is just as safe as 100 mph on a class six (6) track. Phil Olekszyk said that the FRA can write violations if there is a cooperative agreement in a particular jurisdiction and Galen Denio said that there is such an agreement in Nevada.

John Frankovich asked if the City of Reno is a class three (3) track then why are trains only permitted to travel twenty (20) mph through the downtown area. Galen Denio said that twenty (20) mph is established by the Railroad and that 1996 time tables show that 20 mph is what they are running through Reno but as a class 3 track they could go 30 mph.

At this point Charlie Hagood introduced himself as the Regional Administrator of a Whistle Ban Program. Charlie Hagood said safety is always the priority and you are 30 times more likely to die in a car accident than a train accident. The federal law requires that whistles must blow at all crossings except if there is supplemental safety measures in place. Congress said FRA must have specific whistle blowing regulations in place by February of 1996 but this has not been

**Surface Transportation Board  
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Harry York - Business Community

*General Public*

Nancy Burkhart  
Tom Fronapfel  
Mike Furtney  
Daniel Grimmer  
Wayne Horiuchi  
Robert Jones  
Daniel Machalaba  
Jim Mallery  
Ernie Martinelli  
Bruce McKay  
Frank Napierski  
Tom Ogee  
Frank Partlow  
Monica Puddington  
Eric Ruby  
Mary Rusco

**Introduction/Review Agenda**

Kay Wilson mentioned that beginning in March of 1997, the Surface Transportation Board (STB) will have a new address which will be as follows: 1925 "K" Street NW, 5<sup>th</sup> Floor Washington DC, 20423.

Kay Wilson continued with an update on the data collection effort related to an increase in trains and the Railroad Committee passed out a memorandum on train counts which includes a validated database, one week of videos of the increase in trains, as well as dispatch data which included the length of trains. Mark Demuth requested an electronic copy of the database to verify the numbers. DeLeuw Cather and Company (DCCo) has the noise measurements and traffic data available and Dave said that the speed of trains was determined by using a radar gun.

**Update on SEA's Data Collections for Increased Trains During Emergency Conditions**

The Federal Railroad Administration (FRA) began with a discussion on safety programs. FRA has six standard speed restriction classes for tracks, ranging one (1) through six (6), six (6) being the highest rating. The speed of class one (1) is ten (10) miles per hour (mph) while class six (6) is at 110 mph; the rating for the tracks through the City of Reno is in the middle at a class three (3) with maximum travel at 40 mph. John Frankovich asked if there are classes of tracks dependent on other factors like safety cooperative agreements with the Nevada Public Service Commission (PSC) and the number of inspectors (or lack of inspectors) through the State of Nevada.



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #3

**Date:** March 12, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 3:45 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Task Force Meeting

**Attendees:** *STB Representatives*

Dave Mansen - De Leuw, Cather & Company  
John Selin - De Leuw, Cather & Company  
Kay Wilson - Public Affairs Management  
Phil Olekszyk - Federal Railroad Administration  
Charlie Hagood - Federal Railroad Administration

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Steve Varela - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Jim Weston - City of Reno, Emergency Services  
Tom Robinson - City of Reno, Emergency Services (alternate)  
Steve Bradhurst - Reno Citizens, General Interest  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative  
Bill Osgood - Business Community Representative  
John Frankovich - NFRA (alternate)  
Bob Webb - Washoe County  
Greg Krause - Regional Transportation Commission (absent)  
Tim Crowley - State of Nevada Representative (absent)  
Galen Denio - Nevada Public Service Commission  
Rob Pyzel - City of Sparks  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative  
Ken Lynn - State Economic Interest (absent)  
Scott Hutcherson - Warehousing & Distribution (alternate)

*Task Force Alternates*

Joe Guild - Union Pacific Railroad  
Colleen Henderson - City of Reno, Environmental Team  
Craig Wesner - Nevada Public Service Commission

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Public Meeting**

Kay Wilson stated public meetings would be held on February 13th at 1:00 p.m. and repeating at 6:00 p.m. Michael Hemmer said they would display depressed trainway model and a video of the extensive feather river route damage for public viewing.

Meeting adjourned at 4:35 p.m.

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Discussion regarding Railroad Operations and Roles & Responsibilities**

Harold McNulty said ICC rules apply and Railroad is free to operate as they see fit and there is no constraint on number of trains or what routes they use but safety regulations must be followed. Bob Webb said County, Verdi residents, and Sparks should be included in whistle ban program not just Reno. Michael Hemmer said whistle ban was proposed in March of 1996 and now moving forward on proposal with electronic tracking of trains as a possibility. Michael Hemmer also said a new zero tolerance involving vagrants on the tracks is going to be implemented by the Railroad.

**Continued discussion of Mitigation Options and Evaluation Criteria**

Tom Johnson, member of the public referred to this Task Force as the "great train robbery" to get money to accomplish other issues and agendas proposed the City. The Railroad has delivered their daily bread and now the City wants money to get out of their mess. Tom Johnson said there are no problems with emergency vehicles, there are plenty of bridges and emergency vehicles on both sides. There is no air pollution problems because the City doesn't regulate air pollution generated by automobiles. Railroad doesn't need this because they are providing a valuable service and if this is required cost then costs for services will go up and the burden will be that we all will have to pay. He referred to the City like acting like vultures.

Dave Mansen asked for ideas on mitigation options and they aren't looking to study something neither side wants. He wants explanation why option won't work.

Herndon said unlike Tom Johnson, he does have to care about health safety and welfare of citizens and if 1-80 is not considered then depressed trainway is best way to deal with hazardous materials.

Michael Hemmer said that the Department of Energy tells them what, where, how, and when to move hazardous materials and they must do so.

Harry York said tracks may not need to be totally depressed but the City does not want to see any more bridges like the Wells overpasses.

Someone asked if City could obtain information about projections of truck loads of hazardous materials to estimate the amount over next several years. Denio said weigh bills should show this information.

Dave Mansen asked to have Steve Varela provide them with roads and bridges that will not simply work for mitigation. Steve Varela agreed to provide.



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

example on creating a new road you would consider the 85th percentile of speed because that's what is considered.

**Jurisdictions of SEA for the Mitigation Study and the Future**

Harold McNulty said STB has general jurisdiction over the railroads and some other carriers. Harold McNulty reported the following:

- An EIS will not be conducted
- Only mitigation considered is what Railroad can perform and STB can't require UP to get help from other entities
- STB can only impose reasonable effective options
- STB has a slim to about no authority to put permanent cap on number of trains because STB has obligation to allow reasonable flow of transportation and UP has obligation to provide service
- STB has no memory of putting parameters on hours of operations.

A member of the public asked how STB enforces or verifies UP's compliance with conditions. Harold McNulty said they rely upon self reporting by railroad because its in railroads best interest to do so.

John Frankovich said then if cost is 180 million and STB thinks Railroad should only pay 150 million as their fair share then STB has no jurisdiction to find rest of money or to get UP to find rest of money. Is this correct? Harold McNulty said yes and that then they would have to design another plan and encouraged private negotiations again.

Frank Partlow asked how they determine what UP must pay. Winn Frank said funding sources are being investigated because there may be benefits above and beyond merger i.e. should a depressed trainway go in what are benefits to City and not just to UP.

Frank Partlow said they need to show UP is paying their fair share to sell fair share to private interests to show benefit to private interests.

John Frankovich asked who is the person working these benefit numbers. Dave Mansen said numbers are not being worked yet because its too early.

Mark Demuth said under NEPA it is entirely the responsibility of the applicant to bear the cost.

Galen Denio asked if there was a tax on the contribution. STB and Railroad could answer the answer.

## **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

Steve Varela asked again if mitigation alternatives would consider sensitivity analysis. Winn Frank said that he would not answer because we will discuss this internally and then decide.

Steve Bradhurst said this is a Reno Mitigation Study and the level of comfort among the Task Force members on the length, speed, and time assumptions is not high. PSC reports higher numbers and the regional planning meetings data reflects higher numbers (up to 40 trains a day). So if confidence is not raised then this Task Force is a waste of time.

Winn Frank responded that they have gone through the numbers and how they were arrived at. The 30 or 40 trains a day numbers have not gone through the same review process and that members should provide solid data to prove those numbers.

Mark Demuth said that burden of proof is on the Railroad as the applicant, not on the City of Reno.

Frank Partlow said this is a polite war and we are suppose to come out partners and if the Task Force is not comfortable with numbers then Task Force has failed.

Michael Hemmer said we are only dealing with "ghosts" because there is no data to support high numbers. Steve Varela said City conducted a jointly funded report with the UP and there was no indication during that study that the numbers proposed at 38 trains a day were "way off" and that's why he is uncomfortable with 25.1 average number.

Dave Mansen asked if there was any other way to raise the comfort level. Mark Demuth said we need to know if City has to prove any numbers because this is critical information.

Harold McNulty said closure on this study is required and it can not be left open ended. John Frankovich said therefore, it is extremely important to get this right on assumptions because Harold McNulty is saying we can't go back and fix incorrect assumptions in two years.

Councilperson Tom Herndon mentioned that the I-80 alternative would provide a final solution. Harold McNulty said they aren't authorized to discuss I-80 and not to bring it up at these meetings.

A member of the public said the City does not have speed data. Winn Frank said they will draw a baseline by next month.

Paula Berkley said SEA is basically asking the task force to "trust us" and that is not possible without being given high and low numbers. Bill Osgood added that the sensitivity analysis would help with City's comfort level.

Michael Hemmer said that 25.1 is the average in the fifth year (5th) and all other years are lower than 25.1. Steve Varela asked what parameters would be used on a sensitivity analysis for

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

"up from 20 mph". Dave Mansen said data shows speed fastest at 20 mph but much slower speeds are shown. SEA will decide if 20 mph is realistic.

Mark Demuth said speed is necessary to calculate gate down time and to calculate queuing vehicles and health and safety issues. Winn Frank said they will thoroughly review this with UP to make sure UP will implement the speed standards imposed. Mark Demuth asked what if existing data in February shows that 7.5 is the actual speed being used. Winn Frank said, "We will recognize what the existing data on speed is in the study". Harold McNulty said the best possible speed is 20 mph. Winn Frank said if 20 mph is not realistic, then they will look at lower speeds and 20 mph is just a starting point.

Steve Varela said we need to know the average speed and use this number with added trains to identify mitigation. Dave Mansen said he was concerned about using high speeds to figure out mitigation we need ideas like creating capacity to go faster so that there is less down time at the gates.

Galen Denio asked if any FRA restrictions are being considered in speed projections. Winn Frank said FRA regulations would be considered.

Mark Demuth asked about length of trains. 6,000 foot trains were reported in EA but handout at meeting reports 5,000 foot trains. Michael Hemmer said refined data on length would be used because application did not include lengths and UP has been asked to provide lengths. Michael Hemmer said, "actually length data was in the application but it was just hard to get to so the UP is extrapolating it now". Mark Demuth requested verified statements on train lengths.

Michael Hemmer said the UP combined trains together during the emergency period to reduce the number of trains so the five days of data will not reflect the normal length of trains". Michael Hemmer said longer trains were needed.

Dave Mansen said five days of the data was not intended to match the data in the handout.

Galen Denio reported that the UP is experimenting with stacked trains enabling longer trains and asked if this data will be considered? Michael Hemmer said he will enquire about that issue.

Harold McNulty said UP is providing monthly reports that are available to the City's attorney.

Frank Partlow said he could give an example of having a seven year drought and then a 100 year flood, the average of which shows a good water supply. So, what sensitivity checks have been conducted for the train average of 25.1. Winn Frank said he will conduct a sensitivity analysis.

Jeff Murphree asked if the Sparks rail yard could accommodate 7,000 foot trains. Michael Hemmer said UP has no plans to expand Sparks yard during the merger.



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Frank said BNSF numbers were hard to get because its proprietary info. Winn Frank said "UP conducted a thorough study (model) and the numbers are very accurate.

Harold McNulty said he has been on the ICC for over 25 years and this is a developing science.

Galen Denio said he held a meeting in February of 1996 and it was reported that average trains was 26-28 with some estimates up to 36 a day.

Colleen Henderson asked if the Task Force could agree on a range of train traffic reflecting the high and the low from 25 trains. Kay Wilson recorded comment but the Task Force did not respond.

Winn Frank said the verified statements he's seen do not reflect 8,000 foot trains.

A member of the public said the Port of Oakland construction does not mean additional traffic and five years construction is a rolling time.

Mark Demuth said BNSF's Operating Report (10/4/96) said obstacles to competitiveness arises as volumes grow and that BNSF does not know what their numbers will be.

Winn Frank said the verified statements did provide what numbers will be which was 4 trains and presently only one (1) BNSF train is coming through Reno.

Michael Hemmer said 25.1 is the "most elaborate guess" they have estimated and remains the best estimate the Railroad has even though another year has passed since model was completed.

John Frankovich asked what the year by year numbers are, month by month and why is there no high and low averages. Winn Frank reported that there is no year by year or high and low numbers available.

Frank Partlow said it is very unusual not to project a high and a low based on economic analysis. He mentioned other federal agencies do this (like the pentagon) all the time and the Port of Oakland information should certainly be considered.

Michael Hemmer said if for example a low of 23 was given and a high of 27 then City would want UP to spend more money to mitigate 27 and UP would only want to mitigate 23. 25.1 is the number UP is planning on accomplishing. The City could have provided its own data on the average numbers but never has.

Kay Wilson said City of Reno is free to submit data to the SEA now.

Winn Frank responded to Mark Demuth's questions about the speed of the trains. No speed was provided. Winn Frank said speed limit is 20 miles per hour (mph) and they will test assumptions

**Surface Transportation Board  
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Summary of Meeting Notes**

Dave Mansen said high and low number of trains during five days was 28 and 24.

**Train Data Assumptions for Study**

Dave Mansen said the average daily count of 14.7 per day will be considered for study. The December average was 9.7. Mansen went over assumptions handout provided by Harold McNulty and said 25.1 trains consists of 1.1 Amtrack, 4.0 BNSF, and 20.0 UP/SP for a five year period. Steve Bradhurst asked why data was only for 5 years. Harold McNulty said it was next to impossible to predict traffic beyond five years because you are getting into "never-never land" in the train industry beyond five years. Steve Bradhurst asked about investments being made into major ports beyond five years so why couldn't you predict number of trains. Harold McNulty said yes but all kinds of variables kick in and so you can not reasonably predict future activity.

John Frankovich asked the SEA to assume the Port of Oakland would be viable within five years and to use the 25.1 average numbers to contemplate this port. Michael Hemmer jumped in and responded that there is a very serious questions whether the Port of Oakland will open within five years because of environmental issues and coastline problems and possibly the BNSF will gain better access to haul through Barstow and New Mexico and UP will lose business. UP does not consider the use of such a facility within such a time frame.

Mark Demuth asked if the construction takes more than five years but only five years has been estimated what should we anticipate. Winn Frank said he is not convinced that it will take five years for a depressed trainway and wants to look at an expedited construction schedule. Mark Demuth commented that double stacked trains could easily be handled beyond 25 trains so a long range plan is needed for high capacity. Winn Frank said, "We'll look at the numbers and figure that out".

Michael Hemmer said we are not comparing apples to oranges. UP understands that SEA will study the effects of the merger and not other events which the STB does not retain jurisdiction. Mark Demuth said no documents have been presented to support the 25.1 average. Michael Hemmer responded that the verified statements and supporting documents have always been in the record and the City's council "could have questioned the documents just as many other parties did". He referred that it is too late to revisit number of trains.

Mark Demuth asked about Michael Wimmer's statement that "32 trains a day are possible" and Michael Hemmer said "You can now consider that statement officially retracted".

Mark Demuth asked for the verified statements to be provided to the City. Michael Hemmer said he would provide those to each task force member.

John Frankovich asked if SEA had conducted an independent evaluation of the 25.1 average projection. Winn Frank said it was "his opinion and recommendation to accept the UP numbers" based upon the process UP used and upon the discussions Winn Frank had with the UP. Winn Frank said he knew of no other more thorough way to make predictions than what UP did. Winn

# **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

## *General Public*

Nancy Burkhardt  
Mary Conelly  
Garth Dull  
Daniel Grimmer  
Jim Gubbels  
Wayne Horiuchi  
Councilperson Tom Herndon  
Scott Hutcherson  
Thomas Johnson  
Frank Partlow  
Eric Ruby  
Bob Rusk  
James Schaap  
Sue Voyles

## **Introduction / Review Agenda**

Newly appointed task force members K. Lynn and D. Loring were not present. Daniel Grimmer from Senator Gibbons office was present as well as Sue Voyles and Councilman Herndon. SEA members present were Kay Wilson, Dave Mansen, Winn Frank and Harold McNulty and several other staff members.

## **Update on SEA's Data Collections for Increased Trains During Emergency Conditions**

Dave Mansen said Feather River Route was out of operation from flood so increased trains diverted through Reno. Beginning February 3rd at 7 am for 24 hours a day for five days train data was collected by consultants following a fact sheet (sample handed out). Noise measures were also taken and counters were placed at each subject crossing. The average was 25 gate down situations for the five day period including the BNSF and Amtrack trains.

Mark Demuth asked if there was any quality assurance measures taken. Mansen said they used UP's train data to perform quality assurance. Mark Demuth asked to review data so City could perform its own quality assurance. Mark Demuth disclosed that City conducted video taping during same time period. Michael Hemmer and Dave Mansen asked for copies of the tapes. SEA said it would "run" numbers on all of the data and provide it to the task force.

Bill Osgood said foundational data collected from 2/3 to 2/9 is a slow period in downtown Reno. Bill Osgood said he would provide baseline data of occupancy rates and head counts to extrapolate with train count data to project August numbers when Reno is busy. Dave Mansen asked for data for a 12 month period. Bill Osgood said he would try to put this together. Rich Vitali said airport authority data numbers can be used to do this. As well, Michael Hemmer said he worries that airport numbers don't accurately reflect traffic count downtown. Galen Denio said the state provides sessional numbers which could be used.



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #2

**Date:** February 12, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 4:35 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Task Force Meeting

**Attendees:** *STB Representatives*  
Winn Frank, De Leuw, Cather & Company  
Dave Mansen, De Leuw, Cather & Company  
Harold McNulty, Surface Transportation Board  
Olivia Perreault, Public Affairs Management  
Kay Wilson, Public Affairs Management

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Steve Varela - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Larry Farr - City of Reno, Emergency Services  
Tom Robinson - City of Reno, Emergency Services  
Steve Bradhurst - Reno Citizens, General Interest  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative  
Bill Osgood - Business Community Representative  
Bob Burn - NFRA  
Bob Webb - Washoe County  
Jack Lorbeer - Regional Transportation Commission (alternate)  
Tim Crowley - State of Nevada Representative  
Galen Denio - Nevada Public Service Commission  
Jeff Murphree - City of Sparks (alternate)  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative (absent)

*Task Force Alternates*

John Frankovich - NFRA Alternate  
Colleen Henderson - City of Reno, Environmental Team Alternate  
Harry York - Business Community Alternate

**Surface Transportation Board  
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**General Discussion/Public Comment**

Jim Weston said that communication is important and it would be helpful to know in advance when trains are coming is critical to them to provide service. When and how long the crossing will be blocked is critical.

Michael Hemmer said twenty-four (24) trains a day is best estimate based on routes that are blocked. Michael Hemmer also said some trains are coming through from other lines to the north and south. Hemmer said hundreds of trains are being rerouted and the UP is really strapped.

A member of the public said to remember that the groundwater is contaminated and asked who checks up on the Railroad to see if they are complying like they report they are. Galen Denio and Furtney said the FRA checks up on the safety measures the Railroad is taking.

John Partlow asked what the STB is doing to ensure that the Railroad has in fact done what they say they did. Kay Wilson says she'll check with the STB and confirm an answer.

Galen Denio said there are thirty-eight (38) inspectors in the west working to regulate in the State but that he rarely sees federal inspectors so Galen Denio agreed to check on the federal inspectors and report back to the task force.

Member of general public said economic development and warehousing industry are not represented on the Task force and is concerned about the bias and the lack of representation. He says he does all of his business with the Railroad. He likes the fact that the Railroad can offer double stacked service which he wants. He sees a lot of conflict with the agendas of the people on the task force.

Kay Wilson told him they encourage input and will ask the STB about it. Robert Pyzel and Tim Crowley offered names from warehouse industry to put on task force including Sparks Chamber of Commerce, United Parcel Service, and State Commission on Economic Development.

Mark Demuth added that the City of Reno welcomes all participation.

The meeting was adjourned at 4:00pm.

**Surface Transportation Board  
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Michael Hemmer said that information has been available for a very long time and is in the record with the STB. Mark Demuth said we have only have the information that was available to the public.

Michael Hemmer said purpose of the process is to evaluate the effects of two entities merging.

Dave Mansen said the variation in numbers needs to answered. But at this point average numbers will be used.

Michael Hemmer said 25.1 represents the projection of the impact of this business merger and is not a projection based upon economic growth or other financial changes. He also said BNSF trains are included in this number.

A member of the general public said that we forget that there was lots of trains going through in the eighties and then there was a massive decline in business so we don't know what base line numbers are and it used to be a lot more.

Colleen Henderson said if average number can't be agreed upon when we want worst case scenario numbers in order to mitigate the potential impacts.

Kay Wilson mentioned the agenda items for the next task force meeting: (1) SEA's jurisdiction; (2) starting basis for train data; (3) operational aspects ICC; (4) public meeting discussion; and (5) any other item we send to Kay to put on the agenda

Upcoming Public Meeting

It was announced that on February 13, 1997, the STB/Railroad would be sponsoring two (2) open houses for one hour each 1:00 p.m. to 2:00 p.m. and 6:00 p.m. to 7:00 p.m. and two (2) presentations from 2:00 to 4:00 p.m. and 7:00 to 9:00 p.m.

Michael Hemmer said history of development discussions must be looked at for building around the railroad. Mark Demuth said Railroad sold right of way for development. Michael Hemmer said City allowed for this through planning and zoning and should be responsible.

John Frankovich asked what happens when it comes time to pay for the mitigation. Dave Mansen said this is an opportunity to bring all the parties together to work on a solution.

Galen Denio said there is a state statute specifying who pays for at-grade or depressed tracks and the default provision says that only thirteen (13) percent is paid for by the Railroad but there are provisions for negotiations.

A gentleman in the public asked if there is a future rail line in the Parr Boulevard area.



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

Someone asked if the depressed alternative is physically possible given the flood situation that just occurred. Dave Mansen mentioned that they will take the flood and level of groundwater in the downtown area into account when reviewing each alternative.

Paula Berkley mentioned that car safety is just as important as pedestrian safety and the entire Washoe County must be considered when looking at options, not just downtown. She suggested looking at operational aspects of train traffic not just physical construction.

Dave Mansen said this is the first time STB has done this type of study and there are regulations that control this and that this is probably the last time this will happen. Railroads do what they want to do on their right of way. Scheduling of trains is also a question that must be addressed.

Kay Wilson said she will provide what the constraints are as a preliminary matter and she'll work with SEA on providing this information to the task force.

Rich Vitali said we need a full understanding of what SEA can and can not do so the task force doesn't waste time coming up with mitigation or conditions that can't be legally enforced.

Galen Denio said State and local government can not take drastic efforts to inhibit interstate commerce.

Kay Wilson mentioned that a STB representative will be at the next task force meeting in February.

Bill Osgood said that on January 10, 1997 the gates lowered and an eastbound train passed through the gates 12:46 to 12:51 p.m. the gates stayed down and then a westbound train passed through the gates from 12:51 p.m. to 12:56 for a total closed gate time of 13 minutes backing cars up on Keystone all the way back to I-80. He mentioned that this is a major inconvenience in the downtown area.

Kay Wilson then asked for feedback from committee on which options are the most feasible for the next meeting. Mark Demuth said the mitigation team is looking at the problem backwards. They are considering mitigation then the impacts and it should be the other way around. Mark Demuth said you assess the impacts or mitigation if we don't know numbers, length of trains, time of day and delays the crossing are occurring. Mark Demuth said assumptions and methodologies are critical to decide what mitigation occurs. Mark Demuth asked if there are train schedules available.

Dave Mansen said all he believes we can get is average daily projections. Mark Demuth then asked if the group couldn't get averages, then give us a high and a low number to get meaningful scientific data. Dave Mansen said he will see if he can get high and low numbers. Mark Demuth also requested if averages are daily, weekly, hourly etc.

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

Jack Lorbeer, RTC- Their goals are to identify impacts and mitigation to assist in efficient transportation.

Paula Berkeley, Native Americans - Mentioned that the Reno-Sparks Indian Colony is a residential community where public safety issues are paramount.

Jim Weston, Reno Police Department - Public safety issues are very important and must this project must eliminate conflicts between pedestrians and trains. Project also must address how to respond to emergencies in the future with additional trains splitting downtown in two separate areas. Impacts such as noise also needs to be addressed.

Michael Hemmer, UP/SP Railroad - He mentioned that he is here to learn. Business concerns must remain cost effective so impacts vs. mitigation must make economic sense. UP wants to be a responsible citizen and promote a public/private partnership promoting a win/win situation.

Bob Webb, Washoe County - (1) Promote public safety and assess to community; (2) Upgrade all crossings not just in downtown area; (3) Address potential of environmental hazardous spills; and (4) Address economic concerns associated with increase traffic through area.

Greg Krause, Regional Transportation Commission - Wants to keep mitigation options and criteria with a level of service as high as possible.

Bill Osgood, Representing Casinos - Look at downtown as a whole and establish criteria under that thinking. Must consider Reno as a tourist destination which poses as a unique issue. Systemic impacts must be analyzed on community as a whole.

Kay Wilson said she will provide summaries of these goals.

**Initial Discussion of Mitigation Options and Evaluation Criteria**

It was mentioned that the next meeting will focus entirely on mitigation alternatives. Dave Mansen said there are three (3) options which are entirely preliminary and team is not wed to any of the options including: grade separations, depressed train way, and elevated train (considering air rights and existing structures). It was mentioned that the 1-80 alternative will not be addressed and it is not on the table for discussion other than through private negotiations.

Rich Vitali asked if only reason to exclude 1-80 alternative was because it was a cost issue or why wasn't it a feasible option. Dave Mansen said its not within STB's purview and its not within the existing railroad right of way.

John Frankovich asked what if all of the three options are not viable, then what, no merger? Dave Mansen said no, the intent is to find one option that is feasible and right now he can't gage that no option is feasible.

## **Surface Transportation Board Task Force Meeting Summary of Meeting Notes**

- Fix crossing gates so people can't run them while complying with federal regulations

Paula Berkley said maps show problems with tracks going into Reno but Indian Colony worries about tracks going along river which is our sole water source. She asked what the Railroad was doing to reinforce tracks to make them safer. Mr. Frankovich said we need to discuss this increase with businesses and people. Dave Mansen mentioned that these comments will be reported back to the STB.

### **Goals and Objectives of Task Force Members**

Kay Wilson asked each task force member to state their goals and objectives:

Merri Belaustegui, City of Reno - To study, discuss, and take feedback on all alternatives available to protect the health and safety of the community.

Mark Demuth, The Environmental Team - repeated a similar statement to Merri Belaustegui.

Robert Pyzel, City of Sparks - He wants a ride in a locomotive. He wants staging yard issues addressed, how will yard be impacted, will there be expansion, and if so what are impacts to the City of Sparks.

Galen Denio, PSC - Will provide safety information and be a resource to committee.

Steve Bradhurst, Representing Citizens - To protect the health and safety of the citizens.

Ron Scolaro, Amtrack - Very few Amtrack trains go through now but wants to increase to daily trains and expand services from Bay Area and Reno and he wants to preserve present train station location.

Richard Vitali, Riverbanks Development - Concerns involve kids getting to school on time, fire crews having access to his neighborhood and as far as casino concerns wants to support mitigation to help businesses and to make sure economics are addressed.

John Frankovich, NFRA - Lending support to City to obtain appropriate mitigation; this is single most important issue right now in the Truckee Meadows where policy could hurt it or improve it.

Tim Crowley, Governor's Office - Governor's goals are same health and safety issues for citizens but economic concerns are lesser of importance. Wants NEPA followed as closely as possible. He wanted to know how impacts will be measured, the criteria for the measures and how will mitigation measures be weighed in meeting mitigation.



**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

- UP is evaluating hazardous materials, chemical safety may be located in Reno
- Zero Tolerance Program to keep vagrants off tracks
- Separate Task Force may be formed on vagrance issues
- Head hardened rails in mountain curves
- UP conducting inspections to reduce smoke emissions

**Study Process and Approach**

It was agreed to that the second monthly meeting each month is optional and would be conducted on an as needed basis. Dave Mansen is developing evaluation criteria and will report back to group. A series of public meetings is planned on February 13, 1997 in Reno. Someone asked if environmental mitigation included economic impacts. Dave Mansen replied yes and added that feasibility studies would be looked at but they are only trying to solve post merger impacts. Additionally, Dave Mansen agreed to take this opportunity to look now at increased traffic over next four weeks and believes working with the City on this would be beneficial. (City has already started collecting its own data on videotapes. Michael Hemmer said any efforts to look at impacts of detoured traffic should also include the UP. Someone asked who has authority to mitigate existing emergency traffic. Dave Mansen answered that the STB has jurisdiction to do so. Condition 22a allows for emergency rerouting. Hemmer said had there been no merger, the same emergency proceedings would have occurred because in 1964 and 1986 flood, same thing happened. Dave Mansen suggested working with STB to develop ideas on how to measure emergency impacts. Bill Osgood said impacts have not gone unnoticed and discussed situation between 1 pm and 4 pm the day before, ten trains went through downtown during a period of 34 minutes which delayed traffic, parking, and shuttles from the airport. Osgood said we should have schedule of trains to help impact actions. Flood impacts are hitting hard City needs Railroad mitigation right now rather than just gathering data for a study.

Hemmer could not confirm that rerouting would end in four weeks. He said two lines are out impacting this line. He handed out maps highlighting the down lines. Someone asked if there are conditions allowing emergency mitigation on the short term to help Reno. Mansen said all questions would have to be relayed to STB. Dave Mansen could convey questions for us or we could send letter asking questions directly. Dave Mansen said its not within their scope to solve emergency conditions but will take comments back to STB that Reno wants short term mitigation. Michael Hemmer said that the emergency is not merger related but better solution for City's concerns is forming a public/private partnership. Michael Hemmer said he would be willing to help and needed specific ideas. Steve Varela says give thoughts to him to discuss:

- Ban on whistles through downtown

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

Syd Brown  
Larry Colvin  
Garth Dull  
Mike Furtney  
Jim Gubbels  
Johnny Gummert  
Mike Henderson  
Wayne Horiuchi  
Mike Kulbacki  
Jim Mallery  
Ernie Martinelli  
Frank Napierski  
Monica Puddington  
Scott Wilbur

**Introduction and Meeting Purpose**

Kay Wilson, Community Coordinator stated that the purpose of the 18 month study was to supplement Merger Decision 44. Frankovich asked whether summary of the number of trains (Post Merger) through the City of Reno would be provided. Dave Mansen replied "yes" but at the next task force meeting. Michael Hemmer said UP/SP has provided all of these numbers to STB. Mansen said he will "sort through" the data and provide the numbers. Bill Osgood asked for the preparation of an EIS and whether the output from the mitigation study would compliment an EIS. Mansen said no, the group will conduct a mitigation study and not an EIS.

**Merger Background/Study Purpose and Goals**

Dave Mansen said the study area focus will be on a grade separation in the downtown area as well as at Woodland and Del Curto. Steve Bradhurst asked if study will include the City of Sparks. Dave Mansen said it would to the extent that City officials in Sparks raise issues.

Everyone agreed that statistics about train length, height, type, and number of trains should be reconciled, clarified, and discussed at the next task force meeting.

**Railroad Activities in Reno**

Dave Mansen summarized the UP/SP's compliance so far, it appeared Mansen was following the Fourth Quarter Filing filed by the UP/SP. Dave Mansen mentioned the following:

- December average 9.7 The cap 14.7 but the flood changed these numbers
- 1-800 number on crossing guards
- 1-800 number to response personnel

**Surface Transportation Board  
Task Force Meeting  
Summary of Meeting Notes**

**Session:** Task Force #1

**Date:** January 15, 1997

**Location:** City of Reno  
290 South Center Street  
Room 211  
1:00 - 4:00 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Task Force Meeting

**Attendees:** *STB Representatives*  
Dave Mansen, De Leuw, Cather & Company  
Kay Wilson, Public Affairs Management

*Task Force Members*

Merri Belaustegui - City of Reno, City Manager's Office  
Steve Varela - City of Reno, City Engineer  
Mark Demuth - City of Reno, Environmental Team  
Jim Weston - City of Reno, Emergency Services  
Steve Bradhurst - Reno Citizens, General Interest  
Richard Vitali - Reno Citizens, Riverbanks Homeowner  
Paula Berkley - Native American Representative  
Bill Osgood - Business Community Representative  
John Frankovich - NFRA (alternate)  
Bob Webb - Washoe County  
Greg Krause - Regional Transportation Commission  
Tim Crowley - State of Nevada Representative  
Galen Denio - Nevada Public Service Commission  
Robert Pyzel - City of Sparks  
Michael Hemmer - Union Pacific Railroad  
Ron Scolaro - Amtrak Representative

*Task Force Alternates*

Joe Guild - Union Pacific Railroad  
Michael Halley - City of Reno, City Manager's Office  
Colleen Henderson - City of Reno, Environmental Team Alternate  
Jack Lorbeer - Regional Transportation Commission (alternate)  
Tom Robinson - City of Reno, Emergency Services  
Harry York - Business Community Alternate

*General Public*

John Allen



**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

Roger Trounday mentioned that the trains are not a big issue for John Ascuaga's Nugget because John Ascuaga's Nugget recently installed extensive landscaping to buffer the trains.

Dave Mansen indicated that De Leuw, Cather & Company had just seen a request for proposal for relocation of the piggy back facility in Sparks and indicated that John Ascuaga's Nugget may want to become involved in that process. Roger Trounday invited the STB/SEA staff to see the extensive landscaping project installed adjacent to the railroad ROW and the STB/SEA indicated that they might take him up on the offer.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 17

**Date:** October 24, 1996

**Location:** City of Reno  
290 South Center Street  
Meeting Room 211  
5:00 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study - Public Outreach Program*

**Attendees:** *Guests*  
Roger Trounday, Executive Vice President - John Ascuaga's Nugget

*Environmental Team*  
Eric Ruby, WESTEC, 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

**Introduction**

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

**Discussion**

Harold McNulty indicated the Downtown Depressed Trainway Alternative currently being evaluated by the City of Reno could have an effect on John Ascuaga's Nugget. Roger Trounday disagreed but reserved judgment until he could review plans for a depressed trainway.

The biggest concern of John Ascuaga's Nugget involves the piggy back truck off-loading facility located adjacent to John Ascuaga's Nugget property and any future plans to expand. Any additional truck traffic would be detrimental to John Ascuaga's Nugget as well as air quality and noise.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

The question was asked if the Railroad could be part of the Task Force and Elaine Kaiser agreed that they should be on the Task Force, if desired by NAFRA.

Elaine Kaiser reemphasized the *Mitigation Study* is the first of its kind and encouraged private sector participation.

NAFRA asked the STB how they could help the process and Elaine Kaiser indicated that private negotiations was the real key to realizing the proposal that the City of Reno currently has on the table. Elaine Kaiser closed the conversation by stating that the STB/SEA can work as a catalyst to help the negotiation process turn into reality.



**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 16

**Date:** October 24, 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*  
Steven Horsford, Government Services - R&R Advertising for Nevadans for Fast  
and Responsible Action (NAFRA)  
Bob Burn, President and CEO - Washoe Health Systems for NAFRA  
Patrick Smith, President and CEO - REMSA for NAFRA  
Alfredo Alonso, Government Affairs Consultant - Lionel Sawyer & Collins for  
NAFRA

*Environmental Team*  
Eric Ruby, WESTEC, Inc.

*City Representatives*  
Merri Belaustegui-Trafficanti  
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**

The STB/SEA stressed private negotiations was the way to solve this project and Elaine Kaiser mentioned that a *Service List* would be established to ensure that all appropriate individuals would be included in future mailings.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

Pete Cladianos mentioned that it would be nice to have the opportunity to use the railroad ROW if the tracks were either relocated or depressed.

Elaine Kaiser mentioned that her agency can act as a messenger to the STB Board and that they (STB/SEA Staff) can not take a position on the merger.

Elaine Kaiser mentioned that the Railroad should not have to pay the entire cost of mitigation because they do not benefit directly from mitigation, the City of Reno will benefit and should pay a portion.

Pete Cladianos mentioned that one of the grade separations would devastate his business and suggested analyzing other locations for grade separations.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 15

**Date:** October 24, 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*  
Pete Cladianos, III - Sands Regency Hotel Casino

*Environmental Team*  
Mark A. Demuth, MADCON Consultation Services

*City Representatives*  
Merri Belaustegui-Trafficanti  
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**

Pete Cladianos mentioned that an elevated railway would create even more noise problems and the noise in hotel rooms would be louder.

Harold McNulty suggested noise/sound walls to mitigate noise impacts.

Pete Cladianos asked why an EIS is not being prepared to document the impacts of the merger. Elaine Kaiser mentioned that an EA was sufficient to document the issues associated with a merger especially since the Post EA document mentions a mitigation measure to study the impacts in Reno.



**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

Elaine Kaiser asked Bill Osgood what he thought about the enhancement of existing museums and observation towers to make a bad situation better and Bill Osgood replied by saying that downtown Reno did not need them or want them.

Bill Osgood suggested the Railroad should be on the proposed Task Force. Elaine Kaiser mentioned that her agency would be meeting with the Railroad to get their input. She wanted the to remind the City that STB/SEA staff remains neutral and can only act as a messenger between the City and the Railroad.

Bill Osgood stressed that all mitigation must be the responsibility of the Railroad.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 14

**Date:** October 24, 1996

**Location:** City of Reno  
290 South Center Street  
Meeting Room 211  
2:00 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Public Outreach Program

**Attendees:** *Guests*  
Bill Osgood, Executive Director - Downtown Improvement Association

*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**

Bill Osgood mentioned that north-south access must be provided and that quality of life must be maintained at current levels and if the Railroad wants to change the quality of life in the downtown area, they should pay all for the mitigation to alleviate impacts. The Downtown Improvement Association (DIA) supports a full disclosure EIS process as well as the I-80 Alternative.

Elaine Kaiser mentioned that any Bypass Alternative must be the subject of private negotiations and that the STB/SEA could not, and will not recommend I-80 Alternative to be studied.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

to find out if the I-80 tracks were a possibility and Wayne replied "no" because UP/SP will be sending approximately 40 trains a day on that route in the future.

Winn Frank then asked for minutes from that meeting and Steve Bradhurst agreed to provide him with a copy.

Steve Bradhurst said that the potential threat of a toxic spill along the railroad ROW needs to be addressed. Elaine Kaiser said that these impacts were too hard to quantify. Steve Bradhurst disagreed and agreed to provide a correlation.

Steve Bradhurst mentioned that access to the recent Belli Ranch fire was blocked by long trains traversing the area.



**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 13

**Date:** October 24, 1996

**Location:** City of Reno  
290 South Center Street  
Meeting Room 211  
1:15 pm

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study* - Public Outreach Program

**Attendees:** *Guests*  
Steve Bradhurst, Chairman and County Commissioner District 1, Washoe County

*Environmental Team*  
Mark A. Demuth, MADCON Consultation Services

*City Representatives*  
Merri Belaustegui-Trafficanti  
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**

Steve Bradhurst brought up an issue involving PCE contamination by the Railroad and the U.S. EPA is currently preparing a study. Elaine Kaiser mentioned that they would review the data.

Steve Bradhurst said that he sits on the Tahoe Regional Planning Agency (TRPA) Governing Board and 3 months ago, someone presented a plan to build a new railroad alignment along Highway 50 from Sacramento to Lake Tahoe. At that point in the discussion, the TRPA Board asked to check with the Railroad on the possibility to use the existing railroad ROW paralleling I-80. This individual called Mr. Wayne Horiuchi with the Union Pacific Railroad (Sacramento)

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

Mr. Demuth added that prior to initiation of the *Mitigation Study*, applicable technical analysis methodologies and thresholds of significance, using standard accepted impact analysis practices, should be agreed to, documented, and submitted to the City for review and comment.

Mr. Demuth asked if the STB/SEA would share their sources of information supporting their documentation and that the City has already documented sources in the Comment Document prepared by the City. Mr. Demuth offered to send another copy of the City's Comment Document to the STB/SEA. Mr. Demuth agreed to supply the STB/SEA and/or Kay Wilson with a list of publications that should be reviewed for incorporation into the background section of the *Mitigation Study*.

Mr. Demuth suggested the STB/SEA look at a variety of alternatives and not to limit their analysis on a merger and no merger. He suggested analyzing the following alternatives:

- I-80 Alternative
- Downtown Depressed Trainway Alternative - full lowering of the existing tracks through downtown Reno
- Partial Lowering of the existing tracks through downtown Reno
- Grade Separation Alternatives - possibly at more than three crossings in downtown and other areas

Mr. Demuth continued by requesting meaningful mitigation measures that are effective. He stated some of the mitigation offered by the STB/SEA was not adequate nor did they mitigate an identified impact. He referred to a mitigation to close box car doors to increase train efficiency to help the air quality. Mr. Demuth stated that Reno wants mitigation measures to mitigate air impacts which *must* be accomplished in the local air basin and not in eastern Nevada. He mentioned how the roadway projects are phased and constructed by the Regional Transportation Commission based on the air quality in the Truckee Meadows.

Mr. Demuth suggested the possibility of a Memorandum of Understanding (MOU) between the City of Reno and the STB/SEA to better define the role of each agency and to agree on the previously discussed issues and Elaine Kaiser refused to sign a MOU. Mr. Demuth stressed the MOU would facilitate an effective and meaningful *Mitigation Study* as well as spell out the review process associated with the study but Elaine Kaiser was not receptive of the idea because it was too formal in her opinion.

Police Chief Jim Weston had to excuse himself early and added that Systemwide Mitigation Measure #10, proposed by the STB/SEA which would require the Railroad to police their ROW, would not work. He mentioned the existing issues and problems associated with activity along the ROW and stated that when the Railroad would arrest people, the Washoe County Jail would not be able to house them on vagrancy or trespass as the jail/holding facilities in Washoe County are presently overcrowded and Washoe County, City of Sparks, and City of Reno have passed policies on these types of minor crimes.

**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Discussion**

The emphasis mentioned by the STB/SEA was the STB Board could only impose mitigation along the existing ROW and I-80 Alternative was not to be analyzed. Elaine Kaiser mentioned that only two communities are the recipients of such a special *Mitigation Study* and stressed that fact that the STB has never placed a cap on the number of trains traversing a community or region. She referred that this is a benefit to Reno.

Charles McNeely mentioned that relocating the tracks was crucial to the community and Harold McNulty responded by "getting the message" and knows the community wants nothing short of the I-80 Alternative. However, the time involved to study, analyze, permit, condemn property etc. would take too long and would not solve the short-term impacts.

Charles McNeely said that the City needs a commitment from the Railroad for a long-term solution before we can discuss short-term fixes in the interim.

Someone mentioned that the Downtown Depressed Trainway Alternative would cost the same amount as the I-80 Alternative.

Paul Lamboley supported the notion that the City of Reno wants to be part of devising the solutions and not simply be handed an option and asked to review it. Paul Lamboley said the City supports a long-term solution vs. short-term fixes. He also suggested a working Task Force, not to meet for the sake of meeting, and the Task Force should meet twice a month or more (once a month is not enough to solve anything meaningful).

Mark Demuth, environmental consultant to the City of Reno brought up the issue of a conflict of interest with De Leuw, Cather & Company staff preparing the *Mitigation Study* and suggested identification of another third party consultant in order to eliminate any potential conflict of interests.

Mr. Demuth mentioned the City intends to develop a master schedule designed to ensure that all areas of concern are addressed are communicated to the STB/SEA.

Mr. Demuth said that the City of Reno and the STB need to agree on issues like the number of trains; length of trains; and the speed of trains. He stated the City is not comfortable with any of the figures the STB uses and furthermore, all existing analyses are incorrect. He stated the importance of this because if the project description is incorrect, the impact assessment and the corresponding mitigation measures are not adequate.

Mr. Demuth asked that all of the standard environmental issues be addressed including:

- |                           |                      |
|---------------------------|----------------------|
| - Traffic and Circulation | - Land Use           |
| - Water Resources         | - Socioeconomics     |
| - Biological Resources    | - Cultural Resources |



**Surface Transportation Board  
Public Outreach Program  
Summary of Meeting Notes**

**Session:** 12

**Date:** October 24, 1996

**Location:** City of Reno  
290 South Center Street  
Meeting Room 211  
8:30 am

**Subject:** Union Pacific/Southern Pacific Railroad Merger  
*Environmental Mitigation Study - Public Outreach Program*

**Attendees:** *Guests*  
Frank Partlow, Executive Director - Northern Nevada Network  
Harry York, CEO - Greater Reno Sparks Chamber of Commerce

*Environmental Team*  
Colleen Henderson, Summit Envirosolutions, Inc.  
Eric Ruby, WESTEC, Inc.  
Mark A. Demuth, MADCON Consultation Services

*City Representatives*  
Charles McNeely  
Merri Belaustegui-Traficanti  
Dorene Soto  
Barbara McKenzie  
Michael Halley  
Steve Varela  
Jim Weston  
Ralph Jaeck  
Larry Farr  
Stewart Schillinger  
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)

<b>Table 3-3 Noise Impact Criteria: Effect on Cumulative Noise Exposure</b>			
<b><math>L_{dn}</math> or <math>L_{eq}</math> in dBA (rounded to nearest whole decibel)</b>			
<b>Existing Noise Exposure</b>	<b>Allowable Project Noise Exposure</b>	<b>Allowable Combined Total Noise Exposure</b>	<b>Allowable Noise Exposure Increase</b>
45	51	52	7
50	53	55	5
55	55	58	3
60	57	62	2
65	60	66	1
70	64	71	1
75	65	75	0

Any increase greater than shown above in Table 3-3 will cause Impact. This table shows that as the existing noise exposure increases from 45 dBA to 75 dBA, the allowed transit noise exposure increases from 51 dBA to 65 dBA. However, the allowed increase in the cumulative noise level decreases from 7 dBA to 0 dBA (rounded to the nearest whole decibel). The justification for this is that people already exposed to high levels of noise will notice and be annoyed by only a small increase in the amount of noise in their community. In contrast, if the existing noise levels are quite low, a greater change in the community noise will be required for the equivalent level of annoyance. It should be noted that these annoyance levels are based on general community reactions to noise at varying levels which have been documented in scientific literature and do not account for specific community attitudinal factors which may exist.

## 3.2 APPLICATION OF NOISE IMPACT CRITERIA

### 3.2.1 Noise-Sensitive Land Uses

As indicated in Section 3.1.1, the noise impact criteria and descriptors depend on land use, designated either Category 1, Category 2 or Category 3. Category 1 includes tracts of land where quiet is an essential element in their intended purpose, such as outdoor concert pavilions or National Historic Landmarks where outdoor interpretation routinely takes place. Category 2 includes residences and buildings where people sleep, while Category 3 includes institutional land uses with primarily daytime and evening use such as schools, places of worship and libraries.

The criteria do not apply to most commercial or industrial uses because, in general, the activities within these buildings are compatible with higher noise levels. They do apply to business uses which depend on quiet as an important part of operations, such as sound and motion picture recording studios.

Historically significant sites are treated as noise-sensitive depending on the land use activities. Sites of national significance with considerable outdoor use required for site interpretation would be in Category 1. Historical sites that are currently used as residences will be in Category 2. Historic buildings with indoor

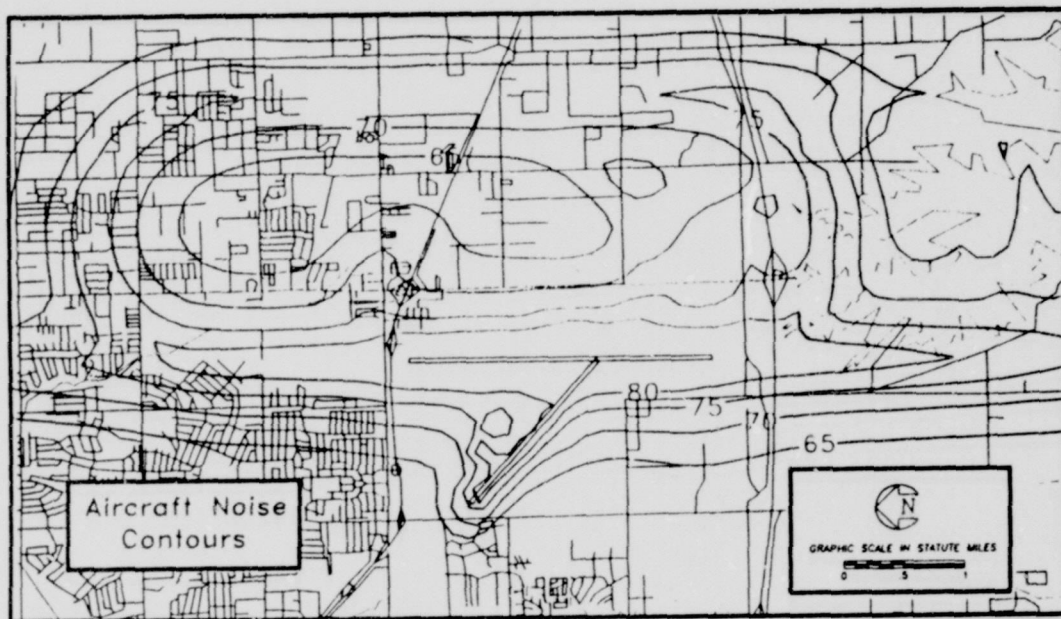
## APPENDIX C

**BBA**



# FEDERAL AGENCY REVIEW OF SELECTED AIRPORT NOISE ANALYSIS ISSUES

FEDERAL INTERAGENCY COMMITTEE ON NOISE



AUGUST 1992

STB

FD

32760

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14/16

## FEDERAL INTERAGENCY COMMITTEE ON NOISE (TECHNICAL)

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Single event analysis is not generally used to evaluate speech interference because there is no accepted impact evaluation criteria, and there is no accepted procedure for deriving a cumulative effects analysis. The American National Standards Institute (ANSI) Standard S3.14 (1977), "Rating noise with respect to speech interference," includes a Speech Interference Level (SIL) metric which may be used to evaluate the speech interference produced by relatively constant noise sources. However, because this standard is based on steady state noise, its applicability to evaluation of non-steady state noise events such as aircraft flyovers is limited. This procedure may be useful in evaluation of the impacts of aircraft ground operations, particularly ground run-ups associated with maintenance activities. Use of the SIL would require careful judgement regarding the variability of level, duration, and frequency spectrum of aircraft noise.

If speech interference is a particularly critical issue requiring detailed analysis, the supplemental metric, Time Above (TA) (The total time that the noise level exceeds a "threshold" level during a specified interval), provides a useful "single number" indicator of the potential for speech interference. A major limitation on the usefulness of this metric is that it does not provide information concerning the number of individual events or their timing relative to activities subject to speech interference. The FAA Integrated Noise Model, the computer model most commonly used for modeling aircraft noise levels at civilian airports, includes the capability to calculate TA for airport operations.

For specific locations at which speech interference is a critical concern, tabulation of the individual aircraft operations affecting the location, including the number of each type of operation by aircraft type, the noise levels (SEL and possibly  $L_{max}$ ) associated with each type of event, and the timing of the events may provide the most useful information. Calculation of this information, particularly for points which are affected by a large number of different types of operations (e.g., points affected by operations on more than one runway or affected by closed pattern operations) requires extensive computation; however, both the FAA INM and the NOISEMAP program developed by the USAF have the capability to identify and tabulate aircraft activities (by aircraft type, flight track and power/altitude/airspeed profile) which are the most significant contributors to the cumulative noise level at up to 20 specific locations. If detailed analysis of the potential for speech interference is determined to be necessary, use of the specific point analysis capability provided by these programs should be considered.

### 3.2.2.4 Sleep Disturbance

The effects of noise on sleep have long been a concern of parties interested in assessing residential noise environments. Early studies, conducted mainly in the 1970s, measured noise levels in bedrooms in which sleep was apparently undisturbed by noise. Tests were conducted mainly in laboratory environments in which sleep disturbance was measured in a variety of ways. Most frequently, awakening was measured either by a verbal response, or a button push; in some instances, sleep disturbance, as well as awakening, was determined by electroencephalograph (EEG) recordings of brain activity which indicated stages of sleep and awakening. Various types of noise were presented to the sleeping subjects throughout the night. These noises consisted primarily of transportation noises, including those produced by aircraft, trucks, cars and trains. The aircraft



noises included both subsonic aircraft flyover noises as well as sonic booms. Synthetic noises, including laboratory-generated sounds consisting of shaped noises and tones, were also studied.

Reviews by Lukas (1975), Griefahn and Muzet (1978), and Pearsons et al. (1989) provide an overview of data available in the 1970s on the effects of different levels of noise on sleep-state changes and waking. Various A-weighted levels between 25 and 50 dB were observed to be associated with an absence of sleep disturbance. Because of the large variability of the data in these reviews, there is some question as to the reliability of the results. Consequently, the dose-response curve developed by Lukas, which plots the probability of awakening as a function of SEL, provides a guide only to the most extreme limits of the potential effects of noise on sleep.

The 10-dB nighttime "penalty" added to noise levels for the period 10 PM to 7 AM in computing DNL is intended to account for the intrusiveness of noise at night, partly due to the lower nighttime ambient, and therefore tends to reflect to some extent the potential for wakeup. However, some agencies believe that if there is an unusual number of nighttime noise events, supplemental analysis to indicate sleep disturbance semi-quantitatively, in terms of the putative number of wakeups, is desirable. Such an analysis is generally based on a "single-event" parameter, such as SEL or  $L_{max}$ .

Based on the literature reviewed in a recent Air Force sponsored study of sleep disturbance (Pearsons et al. 1989), no specific adverse health effects have been clearly associated with sleep disturbance, either awakening or sleep-state changes. Nevertheless, sleep disturbance, particularly awakening, is generally considered undesirable, and may be considered an impact caused by noise exposure (consequently, awakening has been selected as the parameter recommended for evaluating the effects of noise on sleep). The U.S. Air Force plans to conduct a field study of sleep disturbance, using awakening as the dependent variable, in the near future (1993/1995) (Finegold et al. 1990).

As reported in the 1989 study by Pearsons et al, the effort to develop an sleep disturbance prediction curve identified the need for substantially more research in this area. Of concern were:

- large discrepancies between laboratory and field studies;
- highly variable and incomplete data bases;
- lack of appropriate field studies;
- the studies' methodologies;
- the need to consider non-acoustic effects;
- the role of habituation.

In cases where supplemental analysis of potential sleep disturbance is considered necessary, the USAF has developed an interim dose-response curve to predict the percent of the exposed population expected to be awakened (% awakening) as a function of exposure to single event noise levels expressed as SEL (Finegold et al. 1992). This interim prediction curve is based on statistical adjustment of the most recent, inclusive analysis of published sleep disturbance studies conducted by Pearson et al. (1989). The recommended dose-response relationship is expressed by the equation:

$$\%Awaking = (7.079 \times 10^{-6}) \times SEL^{3.496}$$

This recommended interim dose-response relationship is shown by the curve in Figure 3.2 and the individual points shown in the figure represent groupings of observed data.

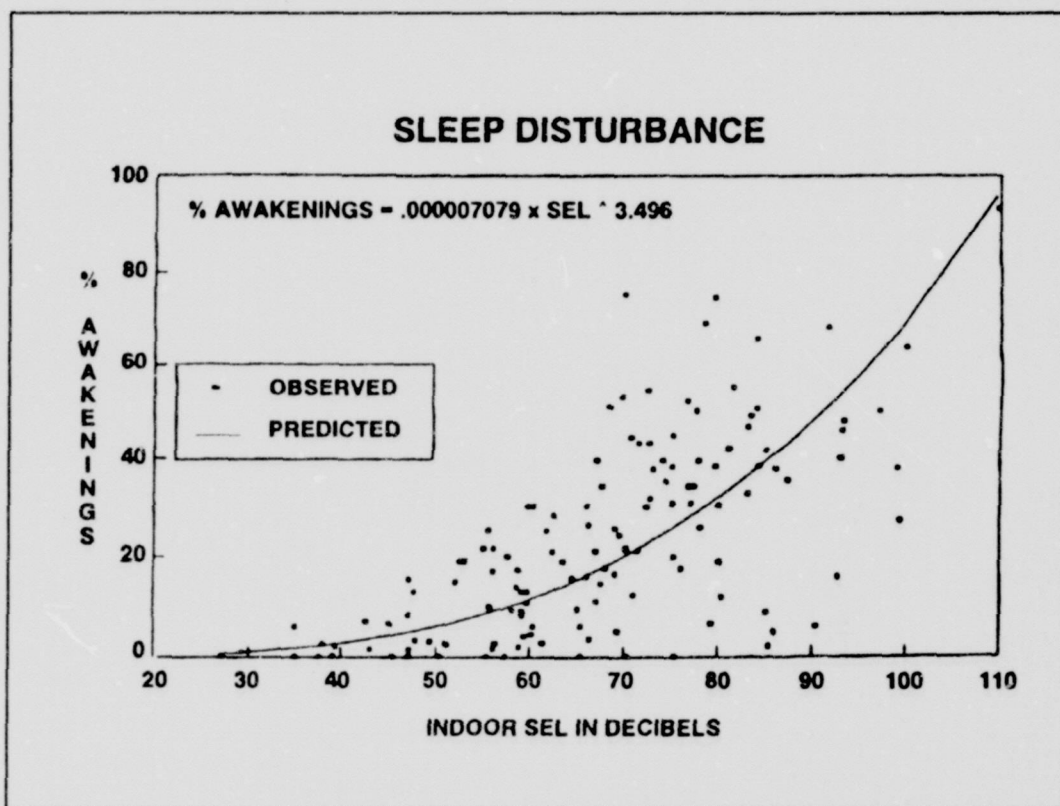


Figure 3.2 Sleep disturbance as a function of single event noise exposure (Finegold et al. 1992)

There should be continued research into community reactions to aircraft noise, including both sleep disturbance and non-auditory health effects of noise.

### 3.2.3 Levels of Environmental Noise Requisite to Protect Public Health and Welfare

The EPA "Levels Document" identified the environmental noise levels listed in Table 3.4 as requisite to protect public health and welfare with an adequate margin of safety. These levels are not to be construed as standards, criteria, or regulatory goals, as they do not take into account cost or technical feasibility and do include a margin of safety. According to the report, these levels provide a margin of safety of 5 dB, and should be viewed as levels below which there is no reason to suspect that the general population will be at risk from any of the identified effects of noise (U.S. EPA 1974).

**"ANALYSIS OF AIR EMISSION INCREASES RESULTING  
FROM THE UNION PACIFIC AND SOUTHERN PACIFIC  
RAILROAD MERGER AND EFFECTS ON THE  
MANAGEMENT OF THE AIR RESOURCE  
OF THE TRUCKEE MEADOWS NONATTAINMENT AREA"  
BY AIR SCIENCES INC.**

**APPENDIX H**





AIR SCIENCES INC.

ANALYSIS OF AIR EMISSION  
INCREASES RESULTING  
FROM THE UNION PACIFIC  
AND SOUTHERN PACIFIC  
RAILROAD MERGER AND  
EFFECTS ON THE  
MANAGEMENT OF THE AIR  
RESOURCE OF THE TRUCKEE  
MEADOWS NONATTAINMENT  
AREA

PREPARED FOR:

*NEVADANS FOR FAST AND  
RESPONSIBLE ACTION*

PROJECT 95-10  
OCTOBER 1997

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## 1.0 INTRODUCTION

Associated with the merger of the Union Pacific (UP) and Southern Pacific (SP) railroads will be an impact on the air quality of the Truckee Meadows Basin. This report addresses the impact on the Truckee Meadows air quality from a technical and regulatory perspective. One pollutant of concern is carbon monoxide (CO) because ambient monitoring in the Truckee Meadows area, which includes Reno and Sparks (shown on Figure 1.1), has recorded high levels of CO and the area has been designated "nonattainment" for CO (i.e., ambient concentrations of CO have exceeded the health-based National Ambient Air Quality Standards for CO). Of equal concern are increases in ambient concentrations of ozone ( $O_3$ ). The Truckee Meadows area is located in Washoe County, shown on Figure 1.2, which is designated nonattainment for  $O_3$ . Ozone is not directly emitted into the atmosphere, but forms from several precursors including oxides of nitrogen ( $NO_x$ ). The UP/SP merger will also result in an increase in  $NO_x$  emissions within the  $O_3$  nonattainment area.

Volatile organic compounds (VOCs) are a precursor of ozone, but since VOC emission changes due to the merger are small, they are not further addressed. The Truckee Meadows Basin is also designated nonattainment for inhalable particulates ( $PM_{10}$ ) and high concentrations of  $PM_{10}$  continue to be monitored in this area. Since increases in  $PM_{10}$  emissions due to the UP/SP merger are expected to be small,  $PM_{10}$  emissions are not addressed in this report.

This report focuses on the CO and  $NO_x$  emissions associated with the increased railroad traffic and vehicle traffic congestion resulting from the merger, and focuses only on Truckee Meadows. County-wide effects are not discussed. The merged railroad will benefit from better economics by using the tracks which come from California over Donner Pass and through Truckee Meadows instead of the longer existing Union Pacific tracks along Feather River to the north. With the greater volume of trains through Truckee Meadows, there will be substantial increases in vehicle delays at most of the 15 rail crossings in the Truckee Meadows Basin.

Truckee Meadows is designated a moderate nonattainment area for carbon monoxide by the U.S. EPA because of violations of the national eight-hour carbon monoxide standard recorded in Reno. The larger Washoe County region, which includes Truckee Meadows, is designated a marginal nonattainment area for ozone by the U.S. EPA because of violations of the one-hour ozone standard as measured in Reno and Sparks, the Truckee Meadows area of the county. The Washoe County District Health Department, Air Quality Management Division (AQMD), has been delegated authority over the air quality management of the county, and has initiated special emission controls for CO and  $NO_x$  as a precursor of ozone for the purpose of decreasing emissions and bringing the ambient CO and  $O_3$  concentrations into attainment of the health standards. These controls place lifestyle and financial burdens on the businesses and residents in these planning

FIGURE 1.1  
TRUCKEE MEADOWS BASIN

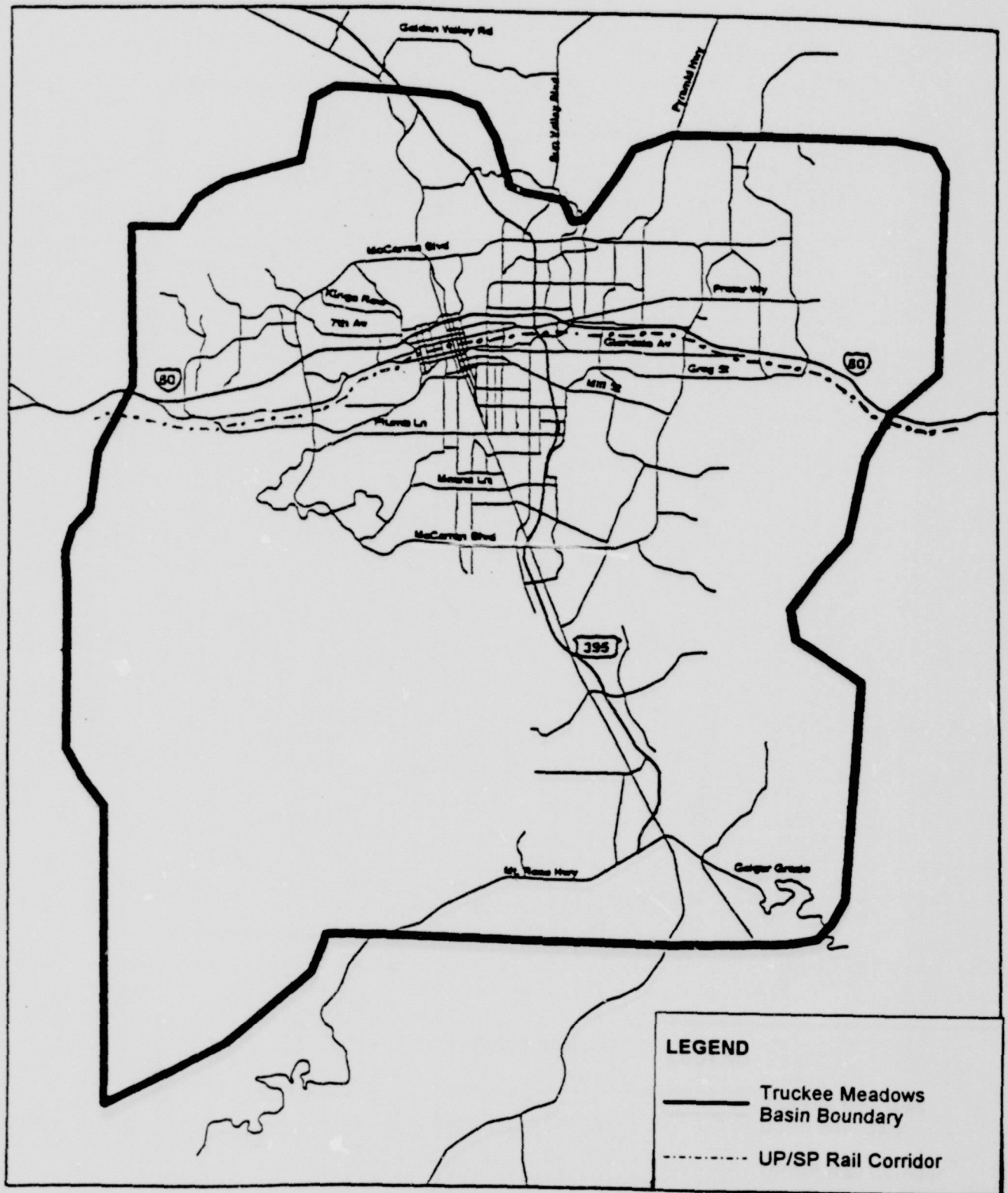
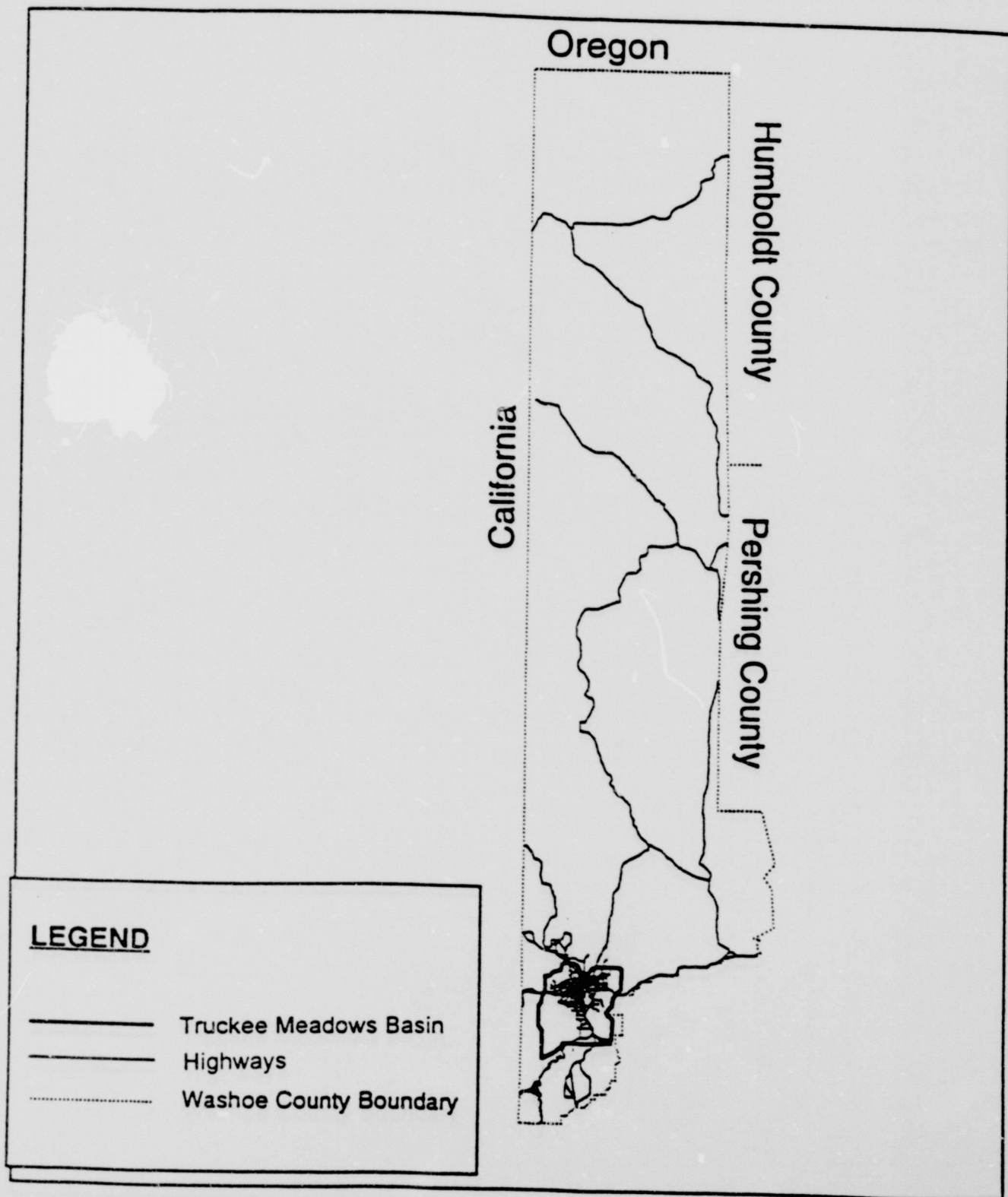




FIGURE 1.2  
WASHOE COUNTY AIR QUALITY ANALYSIS AREA



areas, and these controls are implemented as a direct response to the existing elevated concentrations of these pollutants. With an increase in these concentrations caused by the additional railroad traffic and associated increase in traffic congestion, Truckee Meadows' air quality may again violate standards and the burden of additional emission controls may again be placed on the businesses and citizens within the basin.

In addition, there are legal manifestations of the railroad merger and associated emissions increases that must also be considered. These arise from the Federal Clean Air Act (CAA) and the National Environmental Policy Act (NEPA). Both acts place requirements on the railroad and any controlling agency (in this case the Surface Transportation Board) to consider the effect of the railroad merger on air quality. The nonattainment status of Truckee Meadows and Washoe County intensify the legal requirements to address the air quality impacts associated with the UP/SP merger.

## **1.1 Purpose of the Study**

This study provides a review of the current status of measured concentrations of CO and O<sub>3</sub> in Truckee Meadows, as measured in downtown Reno and Sparks, and a brief description of the dispersion conditions in the Truckee Meadows Basin. The purpose of this information is to show why there is a concern with increasing emissions of CO and NO<sub>x</sub> (an O<sub>3</sub> precursor) into the Truckee Meadows Basin.

In addition, there are calculations of the current and projected emissions of CO and NO<sub>x</sub> resulting from the locomotives and the associated traffic congestion caused by trains passing through the air basin. Included in the calculations are emissions for 1995, the "baseline" year, and net emission increases for three levels of train activity, 12.7, 24, and 36 trains through Reno per day, and three points of time in the future, the years 2000, 2007, and 2015.

This report also presents the legal air quality requirements of the railroad and federal agencies that have approval authority for the railroad merger.

## **1.2 Available Data Sources**

The Washoe County air quality ambient data and emissions inventories are available from the AQMD, the agency delegated the authority and responsibility to implement the requirements of the Federal Clean Air Act and to manage all aspects of ambient air quality monitoring, emissions

tracking, and emissions control within the territorial limits of the Washoe County Health District<sup>1</sup>. The AQMD has collected ambient concentration data at several stations within the air basin including the Reno and Sparks stations. Hourly CO data are available from 1988 through the present and hourly O<sub>3</sub> data are available from 1989 through the present. The AQMD has assembled the county and Truckee Meadows emission inventories for CO and NO<sub>x</sub> and developed the emission control programs for the areas. Meteorological data are available from Reno-Cannon International Airport located approximately 3 miles southeast of the city's center and at 4,400 feet ASL, approximately the same elevation as the two cities' center.

Emissions in this report are developed from AQMD estimates, U.S EPA emission factors, and source activity levels. The present and projected air basin inventories are taken from AQMD estimates.<sup>2 3 4</sup> Projections of locomotive emissions are ratioed from AQMD estimates. CO and NO<sub>x</sub> emissions from vehicle delay at gate crossings are developed from U.S. EPA emission factors (MOBILE5b emissions model) and vehicle delay time from a recent traffic analysis of the effect of the merger.<sup>5</sup>

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<sup>1</sup> District Board of Health Regulations Governing Air Quality Management, District Health Department, updated October 1995, Section 020-0051.

<sup>2</sup> Truckee Meadows Non-attainment Area 1993 Emission Inventory for Carbon Monoxide, November 1995, Washoe County District Health Department, Air Quality Management Division.

<sup>3</sup> Washoe County, Nevada, Redesignation Request and Maintenance Plan (Maintenance Plan) for the National Ozone Standard - Draft, Second Edition, November 1996, Washoe County District Health Department, Air Quality Management Division.

<sup>4</sup> Washoe County, Nevada, Ozone Non-Attainment Area 1993 Emission Inventory of Ozone Precursors, November 1995, AQMD.

<sup>5</sup> "UP/SP Railroad Merger - Traffic/Delay Analysis" September 1997, Meyer Mohaddes Associates, Inc.



## 2.0 AIR BASIN AMBIENT CONDITIONS

The Truckee Meadows area follows the boundaries of Hydrographic Basin #87<sup>6</sup>, as shown on Figure 1.1, and has an approximate elevation of 4,400 feet. The basin is bounded on the west by the Sierra-Nevada foothills at elevations of 8,000 to 9,000 feet and on the east by hills that rise 6,000 to 7,000 feet. This physical arrangement creates a natural "bowl" where pollutants can frequently become trapped<sup>7</sup>. The Truckee River, which runs through the center of the basin, flows out a narrow gap in the ridge to the east, toward Fernley, too narrow for significant air drainage. The basin has a north-south axis defined by a distinct north-south valley. The valley begins about 14 miles to the north in the Spanish Springs Valley, and continues about 12 miles to the south of Reno to Steamboat. There is no significant drainage outlet for pollutants at either end so under inversion conditions emissions will remain and will leave the basin only after the inversion breaks, enabling emissions to move vertically out of the basin.

### 2.1 Dispersion Meteorology

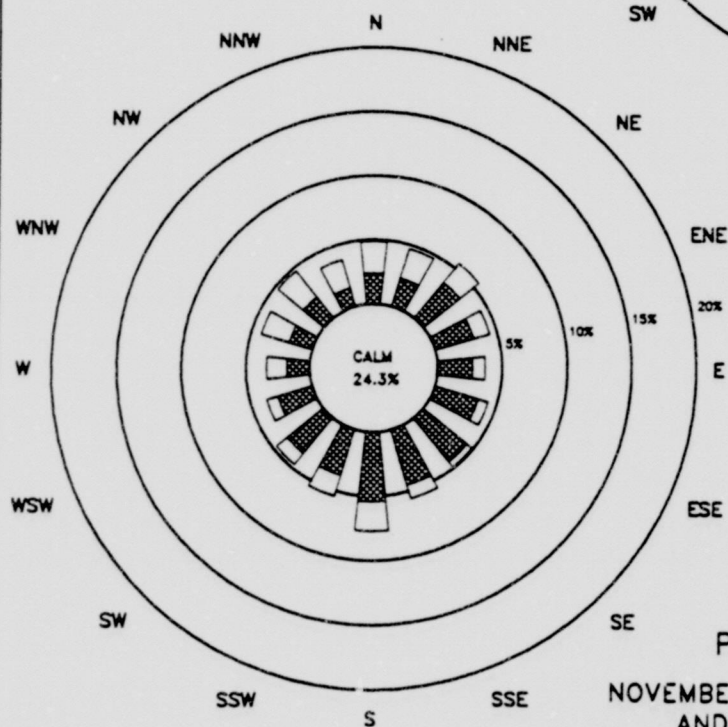
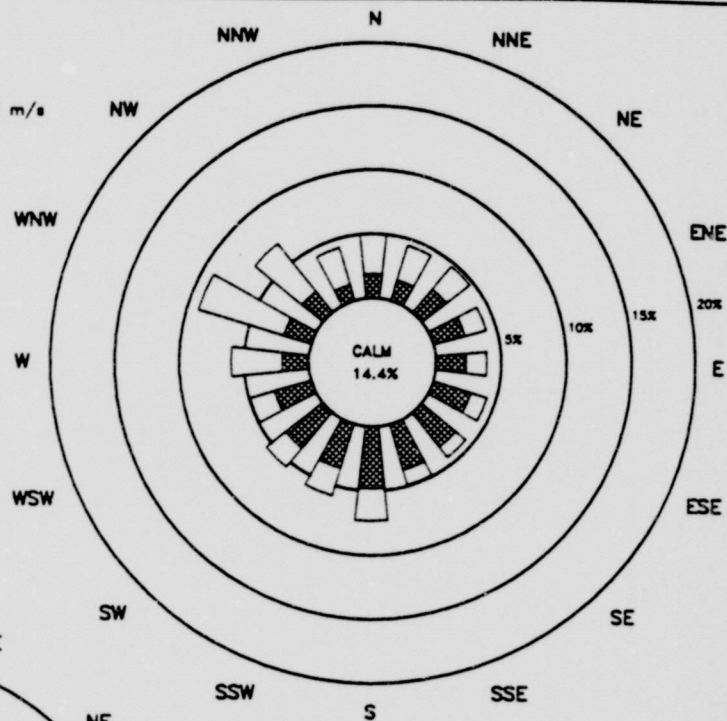
Winds within the basin are represented by measurements taken at the Reno-Cannon Airport from 1989 through 1994. The distribution of the annual winds is shown as wind rose Part A on Figure 2.1. Three characteristics of the meteorological data set are noteworthy: 1) the winds are nearly evenly distributed throughout the 16 ordinal directions of the compass, 2) the average speed is a moderate 3.7 meters per second, and 3) there is a relatively high frequency of calms (less than 0.5 m/s wind speed) at 14 percent. The low-speed winds, typically associated with times of high pollution events, are also nearly evenly distributed about the compass. This distribution of winds is an indication of negligible drainage flow out of the basin. Under inversion or otherwise stagnant conditions, the meteorological data suggest that air drifts randomly within the basin. Meteorological data for winter months (November, December, and January) demonstrate these stagnant conditions even more dramatically. Wind rose Part B on Figure 2.1 shows a higher frequency of calm conditions (24.3 percent), a lower average wind speed (3.1 m/s), and a more even distribution of wind direction. The topographic and meteorological conditions of the Reno area promote stagnant conditions which foster high impacts in relation to the level of emissions.

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<sup>6</sup> Truckee Meadows Non-Attainment Area, 1993 Emissions Inventory for Carbon Monoxide, November 1995, Washoe County District Health Department, Air Quality Management Division, p. 1-1.

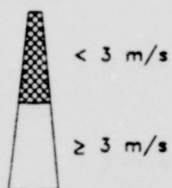
<sup>7</sup> Nevada State Implementation Plan for Truckee Meadows Air Basin, Particulate Matter (PM<sub>10</sub>), Truckee Meadows Regional Planning Agency and Washoe County District Health Department, AQMD, September 1991, p. 4.

PART A  
ALL MONTHS  
AVERAGE WIND SPEED = 3.7 m/s



PART B  
NOVEMBER, DECEMBER,  
AND JANUARY  
AVERAGE WIND SPEED = 3.1 m/s

LEGEND



CALMS ARE WINDS WITH  
SPEEDS LESS THAN 0.447 m/s

SHOWN AS DIRECTION FROM WHICH WIND IS BLOWING

FIGURE 2.1  
WIND FREQUENCY DISTRIBUTION

JANUARY 1987 - DECEMBER 1991

RENO - CANNON INTERNATIONAL AIRPORT



AIR SCIENCES INC.  
LAKEWOOD, COLORADO

## 2.2 Carbon Monoxide

Ambient concentration data are collected at several stations throughout the air basin. The Reno monitoring station is located one block north of the railroad corridor at East Plaza and Lake which is two blocks east of Virginia. This station measures maximum air basin carbon monoxide concentrations and is well located in the center of Reno to monitor the effects of vehicle emissions in this downtown area. This station is also located to monitor increases in CO levels due to increased vehicle emissions caused by traffic congestion associated with traffic delays at downtown railroad crossings. The Sparks monitoring station is located four miles east-northeast of the Reno station in an older residential area at Fourth and Prater, about 4,400 feet north of the railroad corridor and the Sparks switchyard. The density of vehicle traffic is considerably less than at the Reno station. The Sparks station also monitors elevated CO concentrations. Both stations are a part of the National Air Monitoring Stations (NAMS) network, which are U.S. EPA sponsored stations, and considered stations with high levels of quality control.

The CO concentrations for 1996 by month are shown on Figures 2.2 and 2.3.<sup>8</sup> There is a clear peak in the Reno data that averages approximately 1.7 ppm in the months of November, December, and January. This average of these winter monthly concentrations is approximately twice the average during the summer months of May, June, and July (approximately 0.8 ppm). Sparks shows the same trend (a wintertime peak that is approximately twice the summertime average), but the peak concentrations at the Sparks station (1.2 ppm) are lower than the Reno peak concentrations.

CO concentrations by time of day at the Reno and Sparks stations are shown on Figures 2.4 and 2.5, respectively. From the Reno data, it is clear that the hour of maximum concentration is 800 hours with the concentration of approximately 1.8 at Reno and 2.0 ppm for Sparks. These hourly concentration graphs indicate the time of maximum eight-hour concentration to be from 400 through 1200 hours for both Reno and Sparks.

## 2.3 Ozone

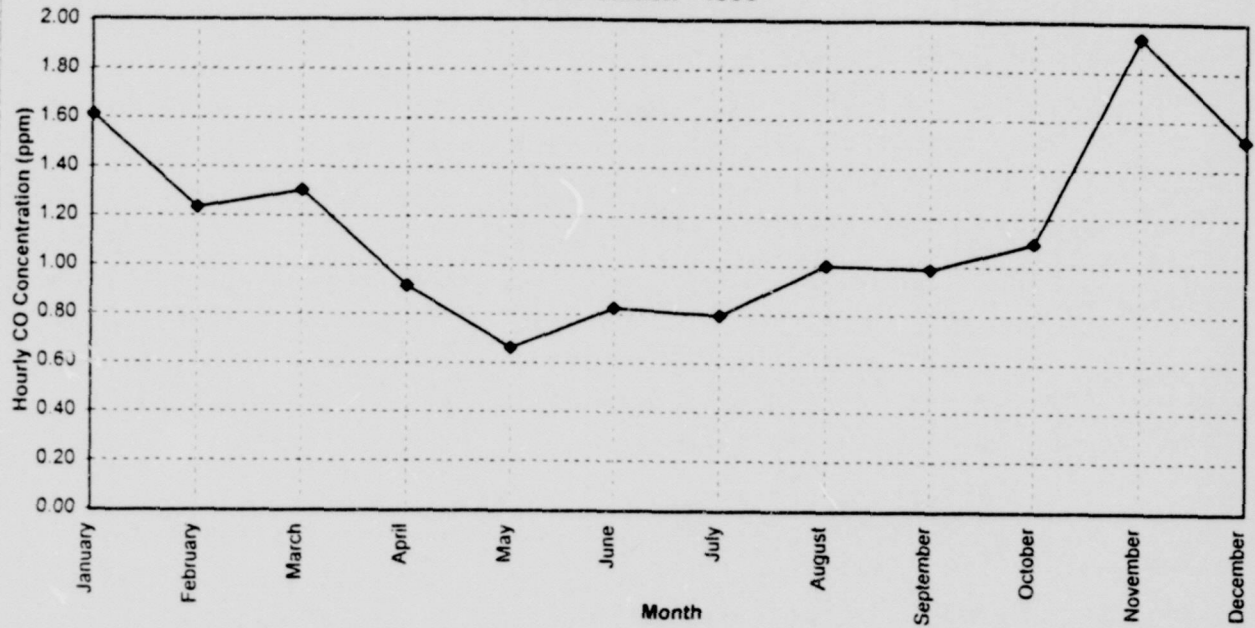
Ozone is a basin-wide pollutant that is formed from a complex reaction of several pollutants, principally volatile organics and nitrogen oxides, in the presence of sunlight. The highest concentration often occurs well downwind from the precursor pollutant emission sources and some period of time after the precursor pollutants are emitted. Thus, temporal correlations of

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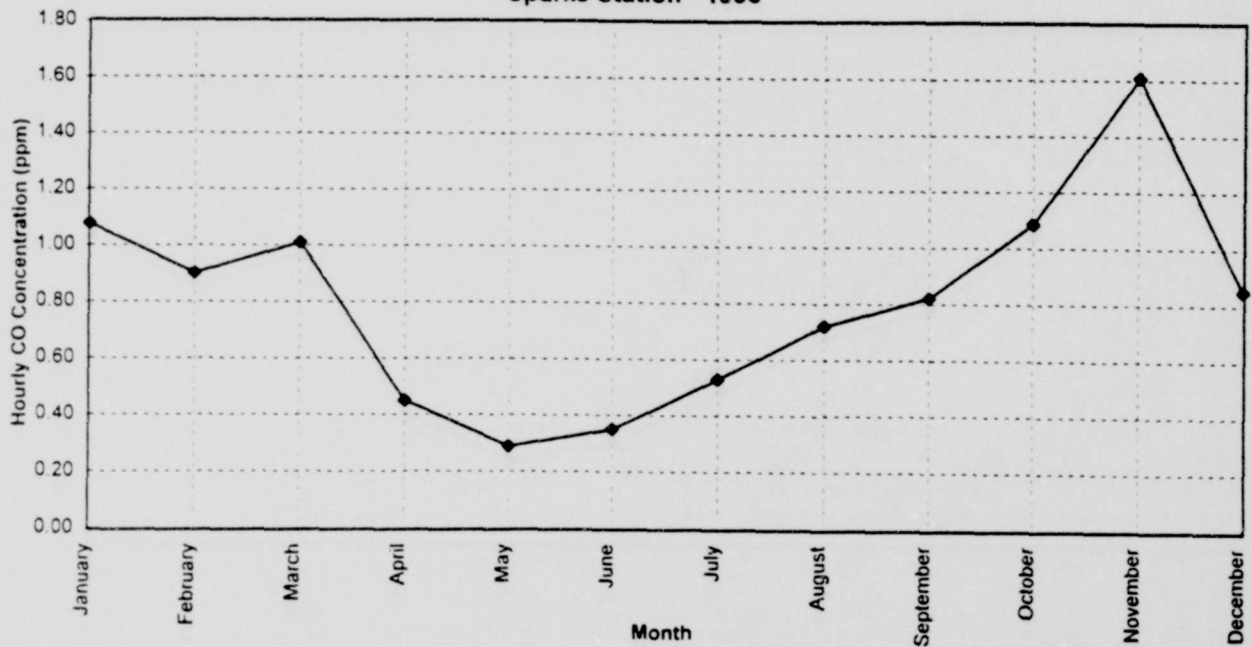
<sup>8</sup> Data provided in hourly format on disk by Washoe County AQMD, August 19, 1997.



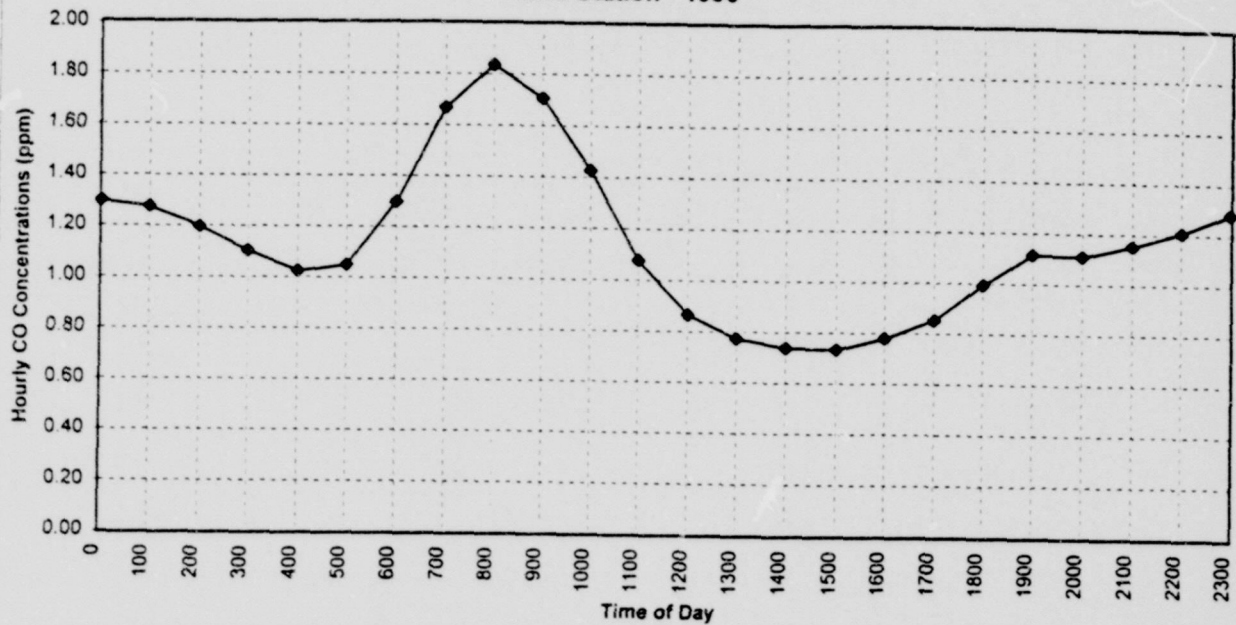
**Figure 2.2**  
**CO Concentration by Month**  
**Reno Station - 1996**



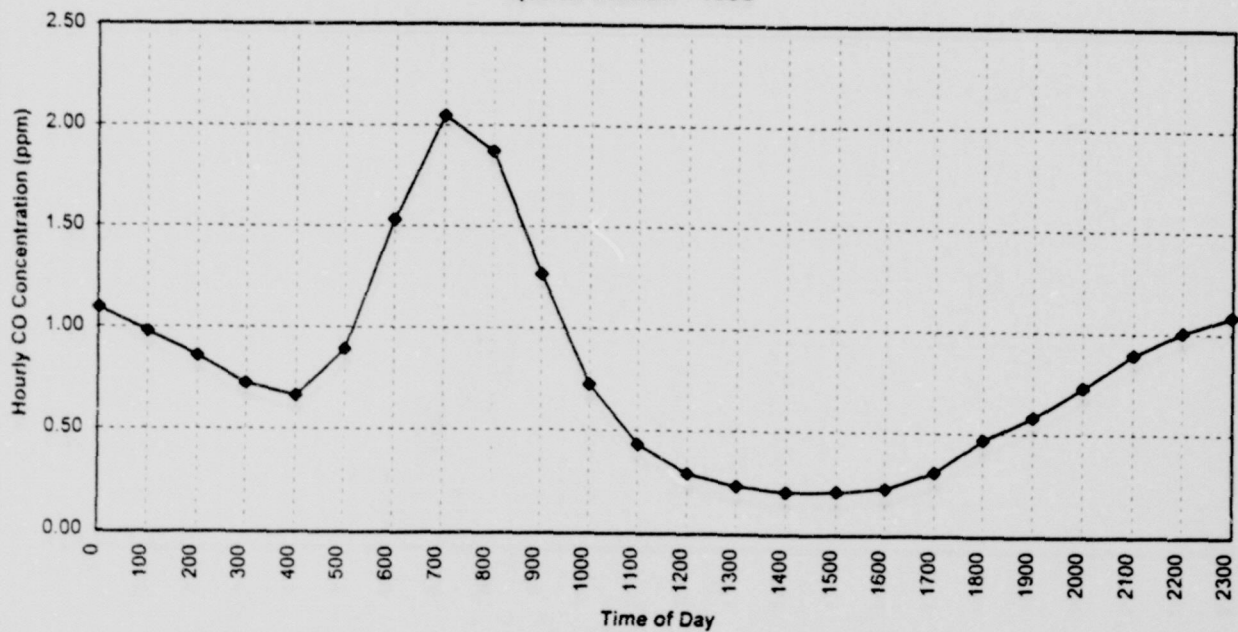
**Figure 2.3**  
**CO Concentration by Month**  
**Sparks Station - 1996**



**Figure 2.4**  
**CO Concentration by Time of Day**  
**Reno Station - 1996**



**Figure 2.5**  
**CO Concentration by Time of Day**  
**Sparks Station - 1996**



concentration with emissions throughout the air basin on time scales less than one day are not useful. (High ozone concentrations lag the high precursor emissions by several hours.) However, correlations of emissions of precursors to ozone concentrations on a seasonal scale are meaningful. Highest concentrations are measured at the Sparks station (second-high hourly value of 85 ppb in 1995). Concentrations at the Reno station are only slightly lower (second-high hourly value of 83 ppb in 1995).

Figures 2.6 and 2.7 display the 1996 monthly average ozone concentrations for Reno and Sparks, respectively.<sup>9</sup> The months of May through August have the highest concentrations. Increases of emissions of the ozone precursors (VOCs and NO<sub>x</sub>) during these months will increase the maximum ozone concentrations and have the greatest chance of affecting the nonattainment status of Washoe County.

## **2.4 Summary of Times of Highest Impacts**

This ambient CO monitoring data indicate that the carbon monoxide concentrations are highest in Reno, and in the winter months, and between the hours of 400 and 1200 hours. Emissions from increases in railroad usage and the associated vehicle congestion during winter and morning hours are of greatest concern in relation to the carbon monoxide concentrations and have the greatest chance of affecting the carbon monoxide nonattainment status of Truckee Meadows. Emissions of NO<sub>x</sub> during the months of May through August will have the greatest chance of affecting the nonattainment status of Washoe County.

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<sup>9</sup> Data provided in hourly format on disk by Washoe County AQMD, August 19, 1997.



Figure 2.6  
Ozone Concentration by Month  
Reno Station - 1996

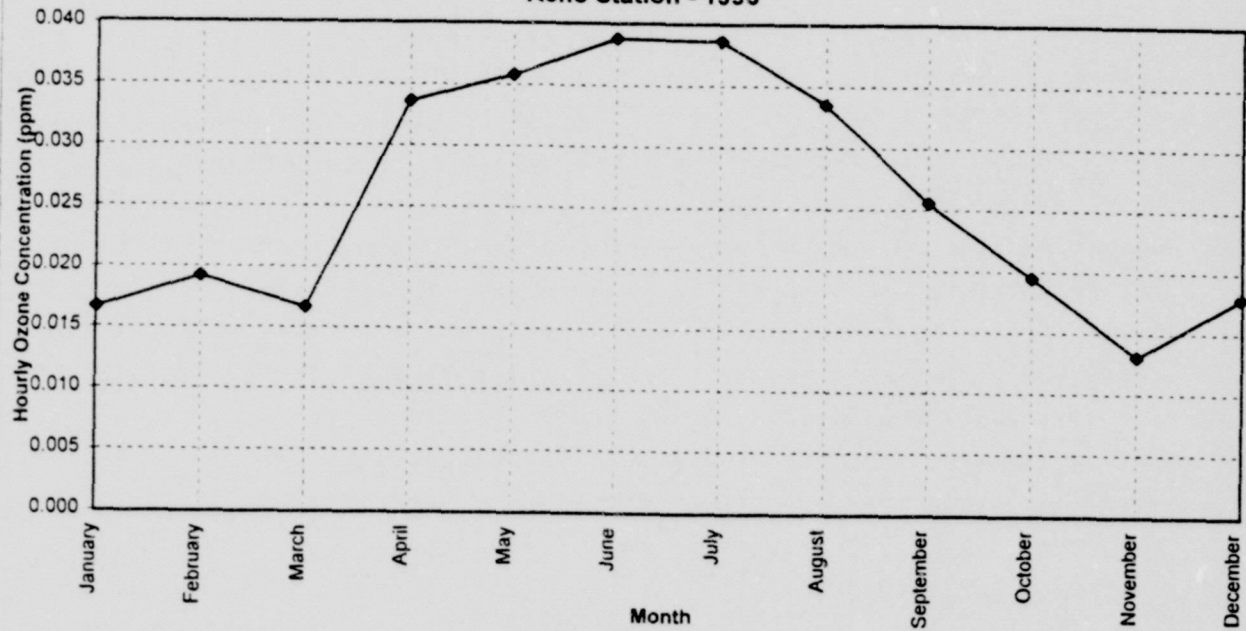
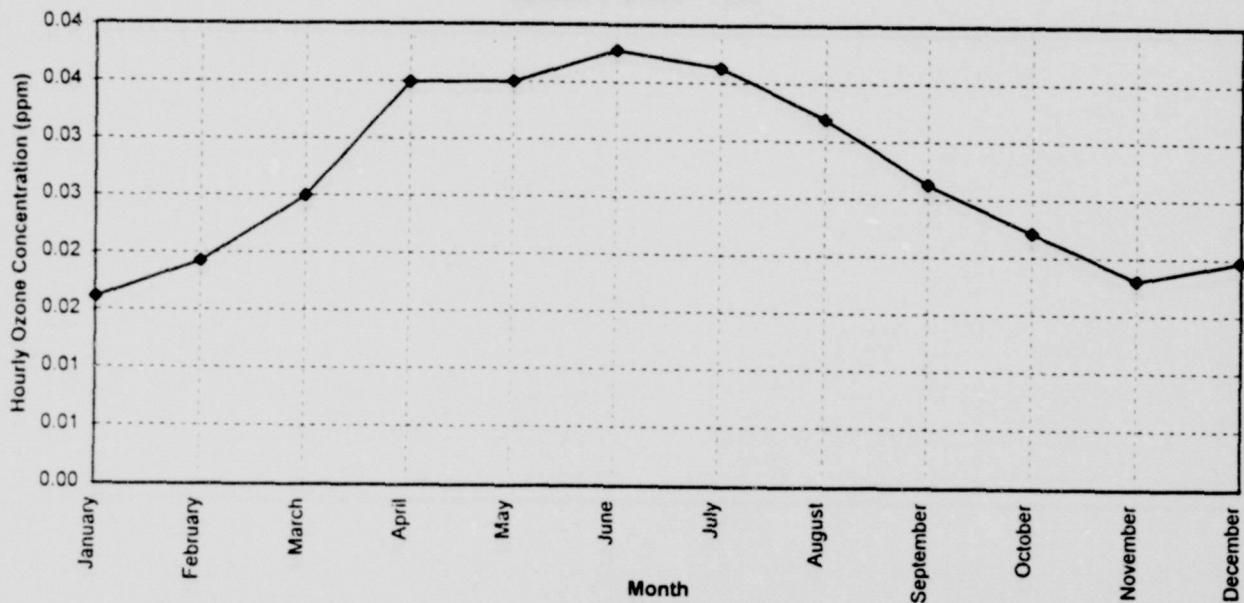


Figure 2.7  
Ozone Concentration by Month  
Sparks Station - 1996



### **3.0 AIR BASIN EMISSIONS ESTIMATES FOR SEVERAL FUTURE TRAIN TRAFFIC SCENARIOS**

At any point in time in the future, emissions of CO and NO<sub>x</sub> in the Truckee Meadow Air Basin will be greater with the railroad merger than without the railroad merger. These emissions are a result of increased locomotive use in the basin and increased traffic congestion at the intersections of city streets with the railroad tracks. Vehicle congestion equates to higher emissions because it causes delays and vehicle queues at the railroad crossings. During these delays there are additional vehicle accelerations, decelerations, and idling, which emit more emissions than free flowing vehicle traffic over the same segment of road. With greater frequency of freight trains through the basin there is also expected to be increased switchyard locomotive activity in Sparks. Annual emissions of carbon monoxide and nitrogen oxides are calculated herein for both freight and switchyard locomotives, and vehicles. Because the exact magnitude of the increase in rail use through Reno has not been defined by the railroad, two scenarios are studied for this analysis: 24 trains per day and 36 trains per day. The emissions for these two scenarios are compared with the baseline emissions of 12.7 trains per day (the 1995 Reno freight train volume).

Of the 15 track/street intersections in Truckee Meadows, 13 carry the bulk of the traffic and will experience the greatest delays. It is these 13 at-grade crossings (Center, Virginia, Sierra, Arlington, Keystone, Lake, West, Ralston, Washington, Sutro, Morrill, Vine, and Evans) on which this analysis focuses.

Calculations in the following four subsections, 3.1 - 3.4, estimate the emissions resulting from the railroad merger. The altered emissions are compared with the 1995 baseline emissions in order to estimate the net change in emissions as a direct result of the merger. Subsection 3.5 addresses Truckee Meadows air basin's total emissions to illustrate the magnitude of the effect of the merger on the air basin.

#### **3.1 Statistics on the Trains and Vehicles**

A substantial amount of locomotive and vehicular traffic data and associated emission estimates have been generated for this analysis. Specifically, estimates of vehicular traffic data (in terms of number of acceleration/deceleration cycles and total delay time), and total emissions (including locomotive emissions and vehicular traffic emissions) have been generated for each of the three assumed levels of railroad traffic; the current level of 12.7 trains per day and two future levels of 24 and 36 trains per day for each planning year. The planning years consist of baseline

(1995) and three future planning years of 2000, 2007, and 2015. Therefore, there are a total of 12 scenarios of railroad traffic levels and planning years for which data was generated for this analysis.

Of these 12 scenarios for which traffic data and total emissions have been estimated, only 10 are useful to this analysis and only data from these scenarios are presented. One scenario, 12.7 trains in 1995, represents the "baseline" conditions that existed in 1995. The emissions estimates generated for this baseline scenario are subtracted from the emissions scenarios generated for future, post-merger scenarios to estimate the net change in emissions due to the railroad merger. For conformity determinations, the "no-build" scenarios of 12.7 trains per day, for years 2000, 2007, and 2015 are presented. The other six critical future planning scenarios are 24 and 36 trains in years 2000, 2007, and 2015.

Estimates of vehicle emissions due to an increase in delays caused by an increase in railroad gate downtime at at-grade intersections are a function of the number of deceleration/ idle/acceleration cycles and total idle times. Therefore, these data, expressed in terms of total daily delay time, have been generated for the 13 at-grade crossings in Reno for the baseline and future planning years. These cycle and delay data have been generated by Meyers, Mohaddes Associates, Inc.,<sup>10</sup> a traffic engineering firm that has analyzed recent Reno traffic patterns. The sums of the daily delay times combined for the 13 intersections with each level of railroad traffic and future are presented in Table 3.1.

TABLE 3.1  
TOTAL DAILY DELAY TIMES  
(hours)

Railroad Traffic Levels (trains per day)	Years			
	1995	2000	2007	2015
12.7	188	251	262	310
24	--	473	495	587
36	--	714	742	880

The total daily delay time increases with each year due to increases in population and vehicle mile traveled (VMT) in Reno. Total delay times also increase with increased railroad traffic levels. Meyer, Mohaddes Associates, Inc. estimates that total delay time is comprised of 90 percent idling time and 10 percent decelerating/accelerating time into and out of traffic queues at the railroad intersections.

<sup>10</sup> Meyer, Mohaddes Associates, Inc., communication, September 11, 1997.



### 3.2 Locomotive Emissions

Emissions from the locomotives of the freight trains and in the switchyards will contribute to the increased air basin emissions. The STB has recommended<sup>11</sup> that the locomotive fleet be distributed so that the areas needing greatest mitigation of NO<sub>x</sub> receive the newer (and remanufactured), lower emitting locomotives. The STB's Recommendation reads:

To mitigate expected emissions increases in those AQCRs listed in Table 4-2, SEA proposes that UP/SP institute EPA locomotive standards (currently in draft form) in a priority basis for locomotives that pass through these [most highly polluted] AQCRs.

The Reno air basin is a lower priority for these so it is assumed that Reno will receive the older, higher emitting locomotives for the first 10 years of the tighter locomotive emission standards. Thus the NO<sub>x</sub> emissions from locomotives are expected to increase linearly with the number of trains through 2010.<sup>12</sup>

Remanufactured engines will come into service after about 2010 and will result in some reduction in NO<sub>x</sub> and CO emissions. The control effect on NO<sub>x</sub> emissions is estimated by EPA<sup>13</sup> for the national average fleet at a 39 percent decrease at year 2010. With the slower turnover in northwest Nevada, this improvement is expected to be seen by year 2015 in Truckee Meadows. The control of CO emissions in the proposed locomotive emission standards is secondary to NO<sub>x</sub> and no effect on CO is defined. There is no certainty (and the STB proposes none) that with the new emission standards that there will be any significant decrease in CO emissions by year 2015. Thus, for the Truckee Meadows' locomotive emission estimates, CO emissions per unit of fuel burned, through year 2015, are assumed to be constant and equal to the 1995 unit emissions rates.

The AQMD prepared an emissions inventory for 1992 railroad use<sup>14</sup> in which they used the most recent EPA emission factors, calculation methods, and 1992 rail use statistics from Southern Pacific, Union Pacific, and AMTRAK (Appendix B.4 of that report). Average Southern Pacific rail

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<sup>11</sup> (STB Post-EA, Page 4-18) The rail segments to receive lower-emitting locomotives are prioritized in Table 4-3 and AQCR 148. The Truckee Meadows Basin is listed as a lower priority.

<sup>12</sup> The February 1997 EPA Environmental Fact Sheet (EPA 420-F-97-007) on "Proposed Emission Standards for Locomotives" describes proposed standards that are to take effect beginning in the year 2000. Locomotive engines manufactured and remanufactured after that date will meet lower emission standards. In that report the typical life-span for locomotives is listed as about 40 years with a remanufacture rate of 5 to 10 times in this life-span. This equates to remanufacture on the average of 4 to 8 years. Assuming the emission standards go into effect in the year 2000 and the remanufacture cycle time is lower than average because the Truckee Meadows is lower priority for receipt of cleaner engines, the current fleet emission factors would be expected to remain the same through at least year 2010.

<sup>13</sup> Ibid.

<sup>14</sup> Washoe County, Nevada, Ozone Non-Attainment Area 1993 Emission Inventory of Ozone Precursors, November 1995, AQMD, p. 4 - 22.

use for 1992 was 10.5 freight trains through Reno per day<sup>15</sup>. Emission estimates for the 1995 base year at 12.7 trains per day and the future years are ratioed from these actual use numbers.

TABLE 3.2  
LOCOMOTIVE EMISSIONS IN TRUCKEE MEADOWS AIR BASIN

Emissions (tons/year)	Number of Trains	1992	1995	2000	2007	2015
CO	10.5	47*	47	--	--	--
	12.7	--	57	57	57	57
	24	--	--	107	107	107
	36	--	--	161	161	161
NO <sub>x</sub>	10.5	363*	363	--	--	--
	12.7	--	439	439	439	268 <sup>^</sup>
	24	--	--	829	829	506 <sup>^</sup>
	36	--	--	1,244	1,244	759 <sup>^</sup>

<sup>^</sup> 39 percent control on NO<sub>x</sub> emissions assumed in 2015

\* AQMD emissions inventory

\* CO Air Basin Emissions/CO County Emissions \* NO<sub>x</sub> County Emissions

Passenger trains can be neglected because they have a negligible contribution to the total emissions. Rail yard emissions are assumed to change linearly with freight train usage of the Reno tracks. For 12.7, 24, and 36 trains per day through Reno, the CO emissions will be 56.6, 107, and 160 tons per year, respectively. The incremental increase in CO emissions from 12.7 to 24 trains will be 50 tons per year, and from 12.7 to 34 trains will be 103 tons per year.

For NO<sub>x</sub>, the method of calculation is the same as for CO, except that a 39 percent control reduction is assumed for year 2015, because of lower emission standards.

### 3.3 Vehicle Emissions

Vehicle emission factors for NO<sub>x</sub> and CO are calculated using the Environmental Protection Agency's (EPA's) current mobile source emission factor calculation program, MOBILE5b. The CO emission factors are calculated based on the winter season (i.e., November, December, and January) input parameters (CO impacts are highest in wintertime), and NO<sub>x</sub> emission factors are calculated based on the summer season (i.e., June, July, and August) input parameters (ozone impacts are highest in the summertime). MOBILE5b produces both idling emission factors and emission factors for user-specified vehicle speeds.

<sup>15</sup> From SP 1992 operational statistics, Roseville CA, to Sparks track: 530,814 train miles / 139 miles = 3819 trains in 1992. 3819 / 365 days per year = 10.5 trains per day.

The model takes as input site-specific information on inspection and maintenance programs (Table 3.3), anti-tampering programs (Table 3.4), fleet mix, mileage accumulation data, oxygenated fuels programs (Table 3.5), ambient temperatures (Table 3.6), and gasoline vapor pressures. The site-specific data listed in the tables below were taken from the *1993 Emission Inventory of Carbon Monoxide*, November 1995 from Washoe County District Health Department. Based on the posted speed limit of 25 miles per hour, the average speed of travel is assumed to be 12.5 miles per hour during acceleration and deceleration into and out of the queue at the rail crossings. The remaining input values are assumed to be default values.

TABLE 3.3  
INSPECTION AND MAINTENANCE PROGRAM - INPUT PARAMETERS

Start Year	1988
Pre-1981 Stringency (Failure) Rate	24%
First model year covered	1968
Last model year covered	1993
Waiver rate (pre-1981)	2%
Waiver rate (1981 and newer)	2%
Compliance rate	95%
Inspection type	Computerized decentralized
Inspection frequency	Annual
Vehicle type covered	LDGV - Yes
	LDGT1 - Yes
	LDGT2 - Yes
	HDGV - No
1981 & later MYR test type	2500 rpm/idle

TABLE 3.4  
ANTI-TAMPERING PROGRAM - INPUT PARAMETERS

Start year	1988
First model year covered	1968
Last model year covered	1993
Vehicle types covered	LDGV, LDGT1, LDGT2
Type	Decentralized
Frequency	Annual
Compliance rate	95%
Air pump disablement	Yes
Catalyst removals	Yes
Fuel inlet restrictor	Yes
Tailpipe lead deposit test	No
EGR disablement	Yes
Evaporative system disablement	Yes
PCV disablement	Yes
Missing gas cap	Yes



**TABLE 3.5**  
**OXYGENATED FUELS - INPUT PARAMETERS**

<u>Oxygenate</u>	<u>Market Share</u>	<u>Oxygen Content</u>
Methyl Tertiary Butyl Ether	88.0%	2.7%
Ethyl Alcohol	12.0%	3.5%

**TABLE 3.6**  
**RENO TEMPERATURE AND RVP - INPUT PARAMETERS<sup>16</sup>**

	<u>Maximum</u>	<u>Minimum</u>	<u>Average</u>	<u>RVP</u>
January	35.6	15.8	25.7	15.0
June	77.4	46.3	61.9	7.8
July	86.1	51.9	69.0	7.8
August	87.4	52.5	70.0	7.8
November	54.2	26.6	40.4	13.5
December	47.5	25.5	36.5	15.0

The resulting idling emission factors (g/hour) are multiplied by the total daily idling time, which is approximately 90 percent of the total daily delay time. The resulting operational emission factors (at 12.5 mph) are multiplied by the daily distance traveled during acceleration and deceleration (10 percent of the total delay time multiplied by the average speed). The sum of these emission rates is the total vehicular emission rate (lb/day). Because the daily emission rate is representative of a typical weekday, approximation of annual emissions is accomplished by multiplying by 260 days per year.<sup>17</sup> Vehicle emissions for each of the 10 train traffic/planning year scenarios are calculated as the difference between train-impeded vehicle emissions and free-flowing (25 mph) vehicle emissions over the same road distances. The MOBILE5b model outputs and emission spreadsheets are attached as the appendix.

### **3.4 Emissions Summary by Train Traffic Scenario**

#### **3.4.1 Carbon Monoxide**

As discussed in Section 3.2, locomotive emissions are assumed to increase linearly with the number of trains traveling through Reno daily. Emissions of carbon monoxide from locomotives and vehicles are summarized below for each year of analysis and each train traffic scenario.

<sup>16</sup> Note that for the purposes of this analysis, June, July, and August are chosen to represent the summer season, and November, December, and January are chosen to represent the winter season.

<sup>17</sup> Meyer, Mohaddes Associates, Inc., communication, September 11, 1997.

TABLE 3.7  
CO EMISSIONS FROM LOCOMOTIVES AND VEHICLES  
(tons per year)

	<u>Trains/Day</u>	<u>1995</u>	<u>2000</u>	<u>2007</u>	<u>2015</u>
Locomotives	12.7	57	57	57	57
	24	--	107	107	107
	36	--	161	161	161
Vehicles	12.7	22	22	20	23
	24	--	40	38	44
	36	--	62	56	65
Total	12.7	79	79	77	80
	24	--	147	145	151
	36	--	223	217	226

The net emissions increases over the baseline year are shown in Table 3.8 below. The baseline scenario is considered to be the 1995, 12.7 trains per day case. For the no-merger (12.7 trains per day) scenarios, the emissions remain approximately the same with time because the improved emissions factors (from the improved vehicle fleet) compensate for the increased delay time. The 24-train-per-day scenario emission increase is small, at less than 100 tons per year for all years. For the 36-trains-per-day scenario the emissions are over 100 tons per year.

TABLE 3.8  
NET CO EMISSIONS INCREASE  
(tons per year)

<u>Trains/Day</u>	<u>1995</u>	<u>2000</u>	<u>2007</u>	<u>2015</u>
12.7	0	0	-2	1
24	--	68	66	72
36	--	144	138	147

### 3.4.2 Nitrogen Oxides

Emissions of NO<sub>x</sub> in Truckee Meadows are also expected to increase as a result of the increased railroad traffic through increases in emissions directly from the locomotives and increases in emissions from additional idling cars at the railroad tracks. As discussed in Section 3.3, locomotive NO<sub>x</sub> emissions are assumed to increase linearly with the number of freight trains per day traveling through the air basin. The emissions increase from vehicles is a balance between the increased vehicle delay time with the passage of time and the emission factors based on a

changing fleet to lower-emitting vehicles within the passage of time. Emissions of nitrogen oxides from locomotives and vehicles are summarized in Table 3.9 for each year of analysis and each train traffic scenario.

TABLE 3.9  
NO<sub>x</sub> EMISSIONS FROM LOCOMOTIVES AND VEHICLES  
(tons per year)

	<u>Trains/Day</u>	<u>1995</u>	<u>2000</u>	<u>2007</u>	<u>2015</u>
Locomotives	12.7	439	439	439	268*
	24	--	829	829	506*
	36	--	1,244	1,244	759*
Vehicles	12.7	1	1	1	1
	24	--	1	1	2
	36	--	1	1	1
Total	12.7	440	440	440	269
	24	--	830	830	508
	36	--	1,245	1,245	760

\*NO<sub>x</sub> emissions from locomotives are calculated assuming a control efficiency of 39 percent in 2015.

Vehicular emissions are negligible (less than 1 percent) relative to the emissions from locomotives. The overall net emissions increases over 1995, the baseline year, are shown in Table 3.10 below. The 24-train-per-day scenario results in a substantial increase in NO<sub>x</sub> of about 400 tons per year for the years 2000 and 2007. The net increase is much smaller in 2015 because of the anticipated requirements for lower-emitting locomotives.

TABLE 3.10  
NET NO<sub>x</sub> EMISSIONS INCREASE  
(tons per year)

	<u>Trains/Day</u>	<u>1995</u>	<u>2000</u>	<u>2007</u>	<u>2015</u>
Net	12.7	0	0	0	-171
	24	--	390	390	68
	36	--	805	805	320



### 3.5 Truckee Meadows Inventory and the Net Change Resulting from the Merger

The AQMD has developed an ozone air basin maintenance plan<sup>18</sup> addressing the ozone precursor emissions for 1993, 1995, and the year 2010 for Washoe County. The 1993 inventories for NO<sub>x</sub> and CO from this plan (Table 3) are provided in Table 3.11. The future year estimates are developed from Table 5 of the plan and ratioed from the daily high-season values.<sup>19</sup> This is an approximate inventory because the CO and NO<sub>x</sub> emissions on the high-season ozone day are not the same proportion of the CO and NO<sub>x</sub> annual average for all source categories. This is generally a good assumption, except for a few source categories such as residential woodburning. There are no CO and NO<sub>x</sub> emissions from residential woodburning on the high ozone days, but this source category contributes (less than 10 percent) to the annual inventory.

TABLE 3.11  
PROJECTION OF ANNUAL WASHOE COUNTY EMISSIONS  
(tons per year)

<u>Year</u>	<u>CO</u>	<u>NO<sub>x</sub></u>
1993	95,800	13,900*
1995	70,221	13,100
2010	54,000	10,800

\* Note that with proper addition, the annual NO<sub>x</sub> total in Table 3 is 13,910 instead of 13,810.

The associated emissions for Truckee Meadows are estimated from these county emissions and the 1993 Truckee Meadows CO emissions provided in the 1993 Truckee Meadows Emission Inventory.<sup>20</sup> The ratio of annual CO emissions is 58,871 tons per year (Table 1-2) for Truckee Meadows to 95,767 tons per year (Table 3 of the plan) for Washoe County, or 0.615. The resulting Truckee Meadows emission inventory provided in Table 3.12 assumes that this ratio is constant through the year 2010, and is representative for both CO and NO<sub>x</sub>. This assumption is equivalent to the mix of sources (contribution of each source category to the total) remaining the same through year 2010. It is also equivalent to the mix of sources being the same for Washoe County and Truckee Meadows, which is approximately true.

<sup>18</sup> "Washoe County, Nevada, Redesignation Request and Maintenance Plan for the National Ozone Standard," November 1996, Washoe County District Health Department Air Quality Management Division.

<sup>19</sup> Table 5 contains errors in the emissions for 1993 as seen from comparison with Table 3. Regarding the daily NO<sub>x</sub> and CO emissions, the On-Road Mobile emissions should be 24.39 and 170.7 tons per day, respectively. The totals should be 41.58 and 269.1 tons per day, respectively. This was verified through a 10/1/97 phone communication with the AQMD.

<sup>20</sup> From Table 3 the high-season day inventory is 1/334 and 1/356 of the annual values for NO<sub>x</sub> and CO, respectively. Note that Table 5 contains errors in translation from Table 3 for the 1993 inventory.

TABLE 3.12  
PROJECTION OF ANNUAL TRUCKEE MEADOWS EMISSIONS  
(tons per year)

<u>Year</u>	<u>CO</u>	<u>NO<sub>x</sub></u>
1993	58,900	8,500
1995	43,200	8,000
2010	33,200	6,600

It is evident from this Truckee Meadows' inventory that the AQMD anticipates air basin-wide decreases in CO and NO<sub>x</sub> over the next 10 to 15 years.

The increase in CO resulting from the merger will be less than 1 percent of the total Truckee Meadows' inventory and is unlikely to have measurable impact on the concentration. It is also evident that the increase in NO<sub>x</sub> emissions from the year 2000 and 2007, 24-train scenarios is approximately 5 percent of the 1995 Truckee Meadows' inventory. If a linear decrease in air basin inventory is assumed between 1995 and 2010, the inventory would be decreasing approximately 100 tons per year (about 1.3 percent of the inventory) and the year 2000, 24-train scenario would have greater than a 5 percent increase to the year 2000 emission inventory. The 36-train scenario would have greater than a 10 percent impact on the year 2000 Truckee Meadows' inventory. Both of these increases could have a significant impact on the ozone concentrations in Truckee Meadows that would not otherwise occur without the merger.

#### 4.0 EXISTING EMISSION CONTROL PLANS AND EFFECTS OF THE MERGER ON THESE PLANS

The Air Quality Management District has the continuing responsibility for protecting the air quality of Truckee Meadows and Washoe County. This is accomplished, in part, by tracking the ambient air quality with monitoring stations and, also in part, by developing and enforcing limits on air emissions in Washoe County. With regard to the measured levels of air quality, there are NAAQS in place which define levels of air quality for specific pollutants. These levels are considered to be health-based thresholds. The CO and O<sub>3</sub> NAAQS are listed in Table 4.1, and exceedances of these standards have been measured in the Truckee Meadows Basin in the past eight years.

TABLE 4.1  
AMBIENT AIR QUALITY STANDARDS

CO	1-hour standard	35 ppm
CO	8-hour standard	9 ppm
Ozone	1-hour standard	120 ppb

These short-term standards are not to be exceeded more than once per year.

The AQMD is charged with the responsibility of maintaining ambient concentrations within the health-based NAAQS by controlling the emissions of air pollutants to a sufficient degree. To meet this responsibility, especially with regard to the pollutants for which the areas are designated nonattainment, AQMD has developed emission control plans to bring the areas into attainment of these ambient standards. In developing these plans, the AQMD has evaluated the current emission trends which include current levels of railroad traffic and associated vehicle congestion and normal growth. Incremental increases in locomotive and vehicle emissions due to a railroad merger are not assumed.

To control ambient concentrations of ozone, the plan focuses on emissions of volatile organic compounds (VOCs). Measures identified to control VOCs include:

- Phase II vapor recovery at gas pumps,
- oxygenated fuels program for automobiles during the winter months of October through February,
- added controls, defined as reasonable available control technology (RACT), on existing stationary sources,
- emission tracking requirements on small sources, and
- Inspection and Maintenance (I & M) program for motor vehicles.



The AQMD's plan to control emissions of CO include the following measures:

- voluntary restriction on fireplace and wood-stove use under certain conditions,
- mandatory ban on the use of fireplaces and wood-stoves when ambient standards are exceeded,
- oxygenated fuels program for automobiles during the winter months of November through February, and
- added controls (RACT) on existing stationary sources.

The control measures included in the AQMD's air quality plans carry a financial and lifestyle cost to the residents and businesses of Truckee Meadows. If the emission projections in these plans do not correctly account for future emission sources and if the revised emission projections show that emission budgets will be incrementally higher due to the railroad merger, additional emission controls (and associated costs) may be necessary to bring the area into attainment of the NAAQS.

## **5.0 CLEAN AIR ACT REQUIREMENTS ON THE STB AND RAILROAD ASSOCIATED WITH THE MERGER PLAN EMISSION INCREASES IN THE NONATTAINMENT AREA**

The non-attainment status of Washoe County (ozone) and the Truckee Meadows area (PM<sub>10</sub> and CO) heightens the concern for changes in total emissions in the air basin and in ambient pollutant concentrations in Truckee Meadows. The applicable State Implementation Plans (SIP) for the air quality planning areas and the Regional Transportation Improvement Program (TIP) for the Washoe County transportation planning area establish the strong link between emissions from transportation sources and ambient concentrations of air pollutants that have historically exceeded the health-based NAAQS. Regulatory agencies with approval authority over proposed projects that have the potential to add significant quantities of non-attainment pollutants to the air basin and/or the potential to inhibit the area's progress towards attainment of the NAAQS have the legal responsibility to ensure that each project will conform with the applicable SIP. This process is called a conformity analysis and is regulated by the Federal Conformity Rule, 40 CFR 93.150 - 160. In the case of the approved UP/SP merger, the STB made a decision not to conduct a formal conformity analysis. For the reasons stated below, this decision has been found to be inconsistent with a federal agency's legal responsibilities under the conformity rule.

### **5.1 Applicability of Conformity Requirements**

The STB bases its assertion that general conformity does not apply to the proposed merger on the failure of emission increases due to the proposed UP/SP merger to meet the definition of "Emissions that a Federal Agency has a continuing program responsibility for." (40 CFR 51.852) This conclusion is not accurate given the STB's demonstrated role in the ongoing operations of railroad operations.

For example, in the Final Order, the STB not only imposes a number of mitigation requirements on the proposed merger (over which, presumably, the STB would have enforcement/implementation powers), but also specifically limits additional train traffic due to the merger of two (2) additional UP/SP freight trains per day. (A requirement for UP/SP to document compliance with this limitation via monthly filing of station passing reports is also included.) The inclusion in the Final Order of these requirements demonstrates the STB's continuing program responsibility to control emission sources.

The STB also asserts that it functionally lacks control over railroad traffic on a daily basis (i.e., the railroad companies can run trains through Reno without limitation). This assertion is irrelevant in terms of the STB's role in performing an adequate air quality analysis and conformity

assessment. Railroad companies respond to the demands of interstate commerce to establish an appropriate level of service. The current level of railroad traffic is a reflection of these market forces. The STB's decision to allow the merger does not alter these market forces, rather, it expressly allows the railroad companies to reconfigure their means of meeting the marketplace demands. The STB's decision specifically provides for a net increase in railroad traffic through Reno which results in a net increase in emissions. This direct correlation between the STB's decision on the merger and increases in locomotive and vehicle traffic in Truckee Meadows is another example of the STB's control over air quality emissions in the Truckee Meadows basin.

Due to evidence that the STB does have ongoing program responsibility for emission sources associated with the UP/SP merger and due to the fact that the STB's decision to approve the UP/SP merger will have a direct effect on increases in emissions of nonattainment pollutants in the Washoe County and Truckee Meadows nonattainment areas, the conformity rules are applicable to the UP/SP merger.

## **5.2 Conformity with the Purpose of the SIP**

Assessing conformity with applicable SIP requirements is a matter of demonstrating that proposed activities that require approval from a federal agency conform with the *purpose* of the SIP. In general, the purpose of the SIP is to achieve "reasonable further progress" toward attainment of the NAAQS and attainment of the NAAQS by a date-certain as defined in the regulations. This is also the criterion by which EPA typically assesses whether a submitted SIP can be approved.

A common means of demonstrating reasonable further progress toward attainment of the NAAQS is through an emissions budget analysis. There are typically two facets to an emissions budget analysis, both of which must be met. First, a demonstration that future emissions budgets (that include the control measures committed to in the SIP and TIP, the so called "action" or "build" scenarios) are less than or equal to the emission budget for the design year. (The design year can be the year during which exceedances of the NAAQS were the highest (in nonattainment areas) or it can be the first year during which the NAAQS was not exceeded (maintenance areas or nonattainment areas being petitioned for redesignation to attainment.) Second, a demonstration that the emission budget for the action scenario is less than the emission budget for the no-action scenario (the scenario in which the measures committed to in the TIP are not implemented).

Due to the continual changeover of the automobile fleet to newer, cleaner-burning vehicles, it is unlikely that any future year build emissions budgets will be greater than the design year (1990) emissions budget. Therefore, it is unlikely that the first facet of an emissions budget analysis will



raise conformity issues in Washoe County/Truckee Meadows regardless of the effect of the UP/SP merger on air basin emissions.

However, the UP/SP merger does raise conformity issues with respect to the second facet of an emissions budget analysis (comparison of build and no-build scenarios). According to the Draft 1997 TIP, the CO emission budget for the 2002 and the NO<sub>x</sub> emission budgets for the 2002, 2007, and 2015 action and no-action scenarios are virtually equivalent. This suggests that small emission increases estimated for the build scenario would result in the build scenario emissions budget exceeding the no-build emissions budget. This would result in a failure of the TIP to meet the second conformity test. This is the case for the UP/SP merger, as described below.

To appropriately assess the build and no-build scenarios with respect to the approved UP/SP merger, the emissions budget analyses would be based on the following assumptions:

- Build scenario: 1) an increase in emissions due to increased railroad traffic (as a result of the UP/SP merger), 2) an increase in emissions due to increased automobile deceleration/idle/acceleration times associated with increased railroad gate closures, and 3) elimination of the transportation project (committed to in the Draft 1997 TIP) to depress the track at 12 intersections in downtown Reno. This scenario would be consistent with the STB's projection of increased railroad traffic and with the STB's mitigation measures which do not include the project to depress the track. The future emissions estimates presented in Section 3.4 that represent scenarios 24 trains in 2000, 24 trains in 2007, 24 trains in 2015, 36 trains in 2000, 36 trains in 2007, and 36 trains in 2015 are based on these "build" assumptions.
- No-build scenario: 1) no increase in emissions due to increased railroad traffic (i.e., assume the merger doesn't occur or has no impact on railroad traffic), 2) no increase in emissions due to increased automobile deceleration/idle/accelerations times as there would be no increase in railroad gate closures, and 3) elimination of the transportation project to depress the track at 12 intersections. This scenario would be consistent with continuation of the status quo, accounting for projected growth but no other significant changes in the transportation network. The future emissions estimates that represent scenarios 12.7 trains in 2000, 2007, and 2015 are based on these "no-build" assumptions.

The emissions calculations prepared for this analysis demonstrate that the emissions budget for all future build scenarios will exceed future no-build scenarios. Tables 5.1 and 5.2 show a direct comparison of CO and NO<sub>x</sub> emissions, respectively, for build and no-build scenarios for future years. Of the six future build scenarios analyzed, the build scenarios show a CO emissions increase over the no-build scenarios in the range of 69 to 149 tons per year. For NO<sub>x</sub> the build

scenarios show a NO<sub>x</sub> emissions increase over the no-build scenarios in the range of 239 to 806 tons per year. This comparison assumes that all other aspects of the future build and no-build scenarios remain the same. These estimates of emission increases suggest that the proposed railroad merger does not conform with the purpose of the SIP.

TABLE 5.1  
BUILD AND NO-BUILD CO EMISSIONS COMPARISONS  
(tons per year)

Planning Year	Train Traffic Scenarios Being Compared		Build Scenario Emissions	No-Build Scenario Emissions	Net Change
	Build	No-Build			
2000	24	12.7	147	79	68
	36	12.7	223	79	144
2007	24	12.7	145	77	68
	36	12.7	217	77	140
2015	24	12.7	151	80	71
	36	12.7	226	80	146

TABLE 5.2  
BUILD AND NO-BUILD NO<sub>x</sub> EMISSION COMPARISONS  
(tons per year)

Planning Year	Train Traffic Scenarios Being Compared		Build Scenario Emissions	No-Build Scenario Emissions	Net Change
	Build	No-Build			
2000	24	12.7	830	440	390
	36	12.7	1,245	440	805
2007	24	12.7	830	440	390
	36	12.7	1,245	440	805
2015	24	12.7	508	269	239
	36	12.7	760	269	491

### 5.3 Consistency with the Current TIP

The Draft 1997 TIP relies heavily on the implementation of three categories of transportation control measures (TCM) for its transportation model, its estimation of emissions, and its determination of conformity with the applicable SIPs. These categories are:

- traffic flow improvements,
- intersection geometric improvements, and
- traffic signal coordination.

All three of these TCM categories serve to improve the level of service offered by the road network and to enhance the flow of traffic (minimizing deceleration/idle/acceleration cycles and congestion).

The importance of investigating the STB's decision on the UP/SP merger in terms of consistency with the TIP lies in the fact that the projects included in the TIP form the basis for the transportation model and the emission budgets. The emission budgets are used to demonstrate conformity with the SIP. If projects in the TIP are not implemented then it is possible that the results of the transportation model and emission budgets would change. This could create difficulty in demonstrating conformity with the SIP.

The increase in railroad traffic associated with the UP/SP merger (without roadway improvements to depress the railway) would to some degree directly offset the traffic benefits and emissions improvements associated with these TIP measures. Federal funding is tied to these TCMs and a demonstration that these measures may not be as effective as expected (due to the UP/SP merger) and could jeopardize future federal funding of these programs.

Additionally, the Draft 1997 TIP specifically includes depressing the UP railway at 12 intersections from Keystone to Sutro Street. Funding for this TIP measures is through UP (\$119.572M), local sales tax increases (\$74.135M), and federal funds (discretionary (\$7.972M), FRA (\$7.972M), and EPA (\$7.972M)).<sup>21</sup> If the UP/SP merger results in increases in railroad traffic without improvements to the at-grade crossings, then the Draft 1997 TIP (and, potentially, its transportation modeling and emissions budgets) will have to be revised to reflect the dropping of this TIP element.

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<sup>21</sup> Draft Regional Transportation Improvement Program, Regional Transportation Commission of Washoe County, August 14, 1997, p. 48.



## **6.0 NEPA REQUIREMENTS ON THE STB AND RAILROAD ASSOCIATED WITH THE MERGER PLAN**

The merger will result in a net increase in emissions and ambient concentrations of regulated pollutants over current (status quo) levels. This report presents data that suggest that the net increase in regulated pollutants (in the case of CO and NO<sub>x</sub>) will exceed the de minimis thresholds found in the federal conformity rule (100 tons per year of CO or NO<sub>x</sub>) and will produce a future emissions budget that will not allow for the Transportation Improvement Plan to be shown to conform to the Nevada State Implementation Plans (SIPs). Either of these facts can be used to argue the significance of the air quality impacts due to the approved merger and the necessity for a comprehensive Environmental Impact Statement (EIS). In addition, Section 3.5. demonstrates that the railroad merger will result in immediate annual NO<sub>x</sub> emissions increases in the Truckee Meadows air basin that more than offset projected annual decreases in NO<sub>x</sub> emissions.

Further, two of the STB's positions regarding the adequacy of its air quality assessment are not valid to rule out the necessity of an EIS:

- The fact that the STB's rules (49 CFR 1105.6.b) typically only require an Environmental Assessment for actions such as mergers does not directly speak to the air emissions increases and ambient air quality impacts associated with the approved UP/SP merger in the Reno area. Evidence that the approved merger could significantly affect the quality of the human environment overrides the STB's rules on this matter.
- The mitigation measures specifically required for Reno (both during the mitigation study and beyond) do not mitigate emissions to the point where there will be no significant environmental effects. The revised technical analysis demonstrates that the status quo environment is not being preserved.

## 7.0 SUMMARY

- Because the dispersion characteristics of Truckee Meadows are poor, its air quality is particularly sensitive to increases in emissions.
- The area is designated non-attainment for carbon monoxide, ozone, and particulates.
- Emissions of CO during the mid-morning hours of winter days are of greatest concern for CO sources. Emissions of NO<sub>x</sub> during the summer days are of greatest concern for NO<sub>x</sub> sources.
- Under certain train-use scenarios there will be increases of more than 100 tons per year of CO. This represents less than 1 percent of the Truckee Meadows' inventory.
- Under the 24-train scenarios NO<sub>x</sub> emissions could increase approximately 400 tons per year which is about 5 percent of the Truckee Meadows air basin inventory. Under the 36-train scenario the emissions could increase NO<sub>x</sub> emissions in Truckee Meadows 800 tons per year, which is 10 percent of the inventory. These are significant increases.
- These increases may trigger a rewrite of the Truckee Meadows (and Washoe County) control plan for carbon monoxide and ozone. The plan may include additional control measures which carry a financial and lifestyle cost for the resident and business communities.
- The federal conformity rule requirements apply to the proposed merger due to the STB's ongoing responsibility for emission increases that can be directly attributed to the UP/SP merger.
- The federal conformity rule requirements are applicable to the UP/SP merger based on the fact that increases in direct and indirect emissions of CO and NO<sub>x</sub> due to the merger exceed the de minimis levels in the conformity rule.
- At a minimum, the STB is compelled to formally assess the conformity of the merger to the applicable SIP requirements. The technical analyses contained herein suggest that the merger does not conform with the purpose of the SIP.
- The NEPA requirements indicate a need to analyze air quality impacts due to the proposed merger in the comprehensive Environmental Impact Statement process.

## GLOSSARY

Air drainage	Air flowing down a V because it is colder than surrounding air
Ambient	Air conditions to which the public is exposed outside of buildings
AQMD	Washoe County District Health Department, Air Quality Management Division
At-grade intersection	Road/train track intersection at which the railroad crossing is the same level as the roadway
Attainment	Description of an area that meets the National Ambient Air Quality Standards (NAAQS)
Baseline year	The year serving as the basis for measurement or calculation
Build-scenario	Scenario incorporating any proposed action alternatives
CAA	Federal Clean Air Act
CO	Carbon monoxide
De minimis threshold	Level of emissions below which additional analysis is not required or useful
Dispersion	Bulk mixing caused by turbulent atmospheric motion
EIS	Environmental Impact Statement
Federal Conformity Rule	The federal rule that requires all federal actions to be analyzed to determine that the action conforms with all applicable requirements in the applicable State Implementation Plan
I & M	Vehicle Inspection and Maintenance Program
Inversion	A vertical region in which there is an increase of temperature with height
Mitigation	Measures designed and implemented to alleviate an adverse environmental impact
MOBILE5b	EPA's mobile source emission factor estimation software
NAAQS	National Ambient Air Quality Standards which are health-based ambient concentration limits
NAMS	National Air Monitoring Stations Network
NEPA	National Environmental Policy Act
NO <sub>x</sub>	Nitrogen Oxides
No-build scenario	Scenario in which no proposed action items are implemented or constructed
Nonattainment	Description of an area in which the National Ambient Air Quality Standards (NAAQS) are or have historically been exceeded.



O <sub>3</sub>	Ozone
Planning year	The baseline year upon which future planning decisions are made
PM <sub>10</sub>	Particulate matter less than 10 microns in diameter
Precursor	An intermediate chemical compound that will undergo a chemical reaction to form a different compound
RACT	Reasonably Available Control Technology
SIP	State Implementation Plans
SP	Southern Pacific
TCM	Transportation Control Measures
Temporal	Relating to time
TIP	Regional Transportation Improvement Program
Topographic	Describing land surface characteristics
UP	Union Pacific
U.S. EPA	United States Environmental Protection Agency
VOCs	Volatile organic compounds
VMT	Vehicle Miles Traveled
Wind rose	A diagram that shows, for a given location and time period, the intensity and frequency of winds from each of the sixteen ordinal directions



**"COMMENTS ON UNION PACIFIC'S  
*DOWNTOWN RENO & THE RAILROAD*"  
BY STUART M. PETERS, PH.D., CITY OF RENO**

**APPENDIX I**



## Comments on "Downtown Reno and The Railroad"

Stuart M. Peters, Ph.D., City of Reno

*In a study sponsored by the Union Pacific Railroad, Paul Starrs and his colleagues conclude that Reno's CBD is exceptional, indeed, perhaps unique, in its location and configuration. This condition they attribute to the City's development policies and to its "... failure to deal with the railroad . . . ". These conclusions are based upon the use of an analytical model of downtown development that is not well suited for this case (the Central Business District, or CBD, as developed principally by Raymond Murphy and Jay Vance), and to an interpretation of the role of the community and of local government that does not pay sufficient attention to the role of the Railroad in determining the initial form and build out of a city, its role as a downtown developer, or to Reno's repeated attempts to deal with the railroad problem.*

### The Center of Town Is **Not** the Railroad Track

In a recent work, Starrs, et.al. (n.d.) have drawn together published sources, interviews with Reno citizens, and press reports to produce an account of the role of the railroad in the growth and development of downtown Reno. It is here suggested that while the report provides useful insights into the role of the railroad in local development, use of the Central Business District (CBD) model, as described in some detail by Murphy and Vance in the early 1950s (e.g., 1954a, 1954b, and Murphy, Vance, & Epstein, 1955), as the explanatory framework for development in downtown Reno is inappropriate and leads to unsupportable conclusions.

First, it is instructive to question the use of the CBD, as a technical concept used by geographers, in explaining Reno's development. When Murphy and Vance (1954a:189) set about developing a standard method to delineate the CBD, the *sine qua non* of attaining "...real knowledge of the content and functioning..." of the CBD, the population of Reno was no more than 35,000. They chose to study only moderate size cities ( i.e., cities of about 90,000 to 200,000), because large cities "...have so much individuality as to make generalizations mean

little; and *in very small cities the CBD is not strikingly enough developed to show all the features that people have come to associate with the district*" (1954a:201 emphasis added). We should not then be surprised to find that Reno's downtown, which exists today in the same general location it has occupied since the early years of the century, is less specialized than a true CBD and is characterized by many uses specifically *excluded* by Murphy and Vance in their delineation of the CBD ( e.g., permanent residences, all public and governmental uses including parks and open spaces, churches, fraternal orders, etc.).

The report, having adopted the CBD as its analytical unit, then provides an account of its movement through time. Until the 1970s, it is claimed, the migration of the CBD followed an unremarkable course. At that time, however, the authors believe that Reno's CBD moved to the north, across the railroad tracks, and that "... from the perspective of the geographer or urban planner, this migration of Reno's CBD across the tracks is an exceptional development, violating Murphy's rule that the territory beyond the tracks is the 'zone of discard'"(Ibid:22). Had Reno a true CBD, and had that CBD *in fact* migrated across the tracks into a "zone of discard", the development might indeed be exceptional in the eyes of geographers and planners. That is not, in reality, the way the town developed.

In Reno, as in many other American cities, the downtown district gradually moved away from the tracks. By the early years of the twentieth century, downtown Reno was firmly established around Virginia Street and the Truckee River, *where it remains today*. 1905 saw the construction of a new reinforced steel bridge across the Truckee at Virginia Street as well as the new Masonic Building at First and Virginia. Rowley (1984:40) cites a remark in the 1907 City Directory, observing that the downtown was becoming characterized by "...four-and-five-story

brick, steel and stone buildings..." and notes that:

In 1907 the wooden Riverside Hotel came down to make way for a new impressive brick structure. Reno architect Frederic J. DeLongchamps won the bid for his design of the new Reno Post Office in 1907 and the Washoe County Court House *in the heart of downtown Reno* in 1910 (emphasis added).

The post office site was located on the north bank of the Truckee at Virginia Street, just a block west of City Hall (First and Center), and the Court House adjoined the new Riverside Hotel on the south bank of the Truckee at Virginia Street. The downtown was firmly anchored at the Virginia Street crossing of the river. During the Great Depression, a new Post Office on the South bank of the Truckee was built by the WPA. This pattern held through the twenties and thirties, as noted in the 1997 Reno Master Plan:

Just before the Second World War, Reno was a city with a center, surrounded by neighborhoods. On the south side of the Truckee, at South Virginia Street, stood the new post office, the County Court House, and a "town square". Directly across the river to the north were commercial districts and City Hall. The clubs stretched a few blocks up North Virginia. The distance from the Virginia Street bridge to the City limits--in any direction--was between a mile and a mile and a quarter and a mile and a half. (iii)

Following the war, and the adoption by the City of a zoning code modeled on Los Angeles, retail uses in the downtown--like those in virtually every other city--suffered a long slow decline. Retail uses followed the new suburban subdivisions. The new commercial areas, with ample, convenient parking, sprang up at a distance from the downtown--first in strip centers, then to Park Lane (which began as a shopping center and was later converted to a mall), then to Meadowood Mall. It is interesting to note then, that as our population grew to a point



where we *might* have developed a "true" CBD, the national trend to suburban sprawl took over and deprived the downtown of the retail uses and services that define such a district.

It is around this point in the growth of the downtown that the report claims that the "exceptional development" took place, i.e., that Reno's CBD migrated beyond the tracks to the "zone of discard" (Starrs, et. al., n.d.:22). In support of this interpretation, they cite the growth of hotel rooms north of the railroad after 1970. The growth of this sector is indeed impressive; with the completion of the Silver Legacy in 1995, nearly 6000 new hotel rooms have opened between the railroad and the freeway. The reason, of course, for the growth of hotel rooms to the *north* of the railroad, was the completion of the east-west freeway (I-80) through the City in the mid-1960s. Historically, most of Reno's visitors have come from Northern California and the Northwest, and they have arrived by car; the vast majority of these visitors come over Donner Summit (Donner Pass prior to the opening of the freeway). That the hotels these visitors occupy were drawn closer to the freeway on which they arrived is *not* remarkable--it is predictable. More, the report did not address the impact on railroad operations of the location of these 6000 rooms **and** the National Bowling Stadium, to the *north* of the tracks. Certainly, this must result in a **reduction** in the total number of vehicular and pedestrian crossings of the railroad.

It is useful also to look at the growth of other sectors in the same area during the same approximate period. During the period in question, about **277,000** square feet of non hotel-casino commercial/office development has taken place on about **12 acres**; the vast majority of this development is medically related and associated with Saint Mary's "campus" adjacent to the freeway (I-80). In contrast, *south* of the river, about **1.25 million** square feet of commercial/office development on approximately **22 acres** has been completed (Community Development

Department). This growth to the south has been accompanied by the construction of a new County Court House in addition to the historic one, and the move back to the downtown of the Federal Court House. There has then, been a slow continuous growth of the downtown to the *south* of the river during the period at issue. This growth, like the growth of hotel-casinos to the north of the tracks, does not conform to the criteria for the delineation of a CBD discussed above.

In sum, Reno certainly does have a downtown; that downtown does not now, nor has it ever, contained the mix of uses necessary to be considered a "true " CBD; and, the downtown is and has been since the early years of the century, centered on the river. What has, since 1970, moved to the *north* of the railroad has been hotel-casinos, and the National Bowling Stadium associated with the hotels. More, this movement has taken place largely because of the location of the freeway, and has resulted in fewer crossings of the railroad than would have occurred if the development had taken place south of the tracks.

### The City and The Railroad

The chronicle of the City's dealings with the Railroad is laid out in a chapter entitled "Conflict and Stalemate". This account notes the role of the railroad as a developer and outlines many of the City's efforts to mitigate the deleterious effects of having been born the creature of a transcontinental railroad; nonetheless, the reader is left with the impression that somehow the City is responsible for the "railroad problem" and should be unilaterally responsible for its solution. Clearly, this impression is not correct.

The chapter opens with a comparison of Reno's response to the 'railroad problem' to those of other Nevada Cities. Reno, they suggest, unlike Las Vegas, Elko, and Sparks, did not "choose" a "structural solution" to the problem. The original layout, size, type, and era of development of the cities cited are in many ways so dissimilar as to render this comparison less than instructive; more, the suggestion that municipal will or choice was the ruling factor in each community's response to the railroad greatly oversimplifies the situation and leads to misunderstanding.

The railroad used a symmetrical plan, which put their line through the center of town, when it planned Reno (Starrs, et.al., n.d.:3). In contrast, early plans for Las Vegas show a preponderance of development on the east side of the tracks. The actual development of the city followed the plan; as Moehring notes, the Westside subdivision, which thrived during the construction of the railroads in 1904, lost out to the Clark section on the east side after the opening of the main line in 1905 (1989:6). Thereafter, development of the City centered on the *east side*, with Fremont Street and the railroad station (in the 1970s the station was redeveloped in Frank Sinatra's Union Plaza project) anchoring the downtown. Thus, the original form of the town relative to the tracks, **a factor controlled not by the town but by the railroad**, determined the potential for downtown growth as well as for conflict between the two entities.

The divergent forms of growth characteristic of the two communities presents a further confounding variable in the attempt to compare Reno's railroad problem with that of Las Vegas. Hulse (1991:212) notes that Reno experienced a symmetrical growth pattern (with the downtown as its center), whereas Las Vegas "...burst its original municipal boundaries and spawned distant satellites..." in the less taxed and regulated unincorporated areas of Clark County. With this



pattern, Las Vegas (both City and metro) could grow without significant conflict with the railroad. This pattern, together with the difference in original form of the city and the growth of the downtown, make useful comparisons between the two cities impossible.

Similar problems attend the comparison with Sparks. Like Las Vegas, and unlike Reno, the railroad created Sparks on **one** side of the tracks, not both. Adjacent to the tracks and yards, the railroad provided space for its support facilities, then a main street and a commercial district, and then housing. The railroad not only built its own operational facilities, it developed a seventy lot subdivision for its employees. The potential for conflicts, indeed not only the need but the possibility of at-grade crossings in Sparks, was further reduced because the railroad relocated the main line through the Truckee Meadows when it planned the town. In order to avoid the recurrent flooding, the railroad brought in large amounts of fill to elevate the yard where it now exists and raised above grade the lines leading to the yard (Brown Oral Interview in Starrs, et. al., n.d.; Earl, P., n.d.). Thereafter, crossing the tracks at grade was not only unnecessary, it was impractical.

Elko too presents a very different situation than Reno. Where Reno grew symmetrically, and Las Vegas "burst" its original boundaries, Elko grew hardly at all. Following a brief boom just after its birth, Elko's population began to decline. As Patterson, et.al. (1969:554) note, by 1885, the year the University of Nevada "...was moved to Reno when it appeared Elko had passed its prime", the population had fallen from a high of over 3000 to about 1000. By 1904, the population was down to about 800. Slowly, over the next half century, the town grew: City population was about seven thousand in 1960; seventy-six hundred in 1970, and about eighty-five hundred in the mid-1970s when the town, along with Lincoln, Nebraska and Wheeling, West

Virginia, became the beneficiary of funding from the Railroad Relocation Demonstration Program (Elko County Profile). Zoning, land division, and building ordinances were enacted in 1979 (Ibid.). Because of the size of the town and its layout, problems associated with the relocation of the main lines of the **two** transcontinental railroads (the Western Pacific Railroad had built its lines through town about two blocks from the Southern Pacific at the beginning of the twentieth century), to a largely undeveloped area adjacent to the Humboldt River, did not resemble in number, kind, or cost, those encountered in Reno.

Clearly, Reno did not "choose" a "structural solution" to the railroad problem as did the other cited cities, because its structural problem differed from theirs. Although the authors choose to compare, apparently unfavorably, Reno's response to the railroad problem with those of Las Vegas, Sparks, and Elko, the development and growth of those cities has been very different than that of Reno. Interestingly, the most significant difference may lie in the original form of the cities, a factor that was controlled by the railroad. In any case, it is clear that the comparison presented is not instructive.

There is much more to the story of the city and the railroad than the authors' apparent belief that the City is the party responsible for the railroad problem; that for the City "Going from discussion to action, and action to completion, is where the problem lies" (Ibid:39). In the foregoing, I have discussed some of the factors involved in creating the railroad problem, and suggested that Reno's situation was significantly different from the others cited. Here I will suggest that material presented in the report, and in its appendices, demonstrates that the City has

gone from discussion to action, and action to completion, in several significant efforts to deal with the problem.

First, let us deal with the question of railroad crossings: From the beginning, we are told, the City wanted them and the railroad did not. Keep in mind that "the beginning" means the age not of automobiles, but of horses and wagons. The battle for crossings began in the 1880s, when Reno had a population of about 1300, and continued in earnest through the 1940s, when the population was just over 20,000. Under continuous pressure from the City, including the appropriation of funds for litigation, slowly and successively the railroad "yielded", first by removing its yard, then its facilities, and finally in 1913 by opening the Virginia Street and then the other downtown crossings in place today. In other words, and contrary to the conclusion of the report, the City **has** gone from "...discussion to action, and action to completion..."

Moreover, given the transportation technologies dominant during the period, as well as the size and growth pattern of the City and surrounding area (pre auto-dominant urban sprawl), it would be anachronistic to suggest that the push for crossings was bad policy, or for that matter, poor planning. Rather, it was a reasonable response made necessary by the railroad's design for Reno.

The report then takes the City to task because the tracks were not depressed, although "The City's interest in lowering the Southern Pacific tracks through downtown dates back at least six decades to the Depression...". In 1938, the City had suggested that a federal proposal to *elevate* the tracks, be altered to *depress* the tracks. The proposal went nowhere, perhaps because the era of unprecedented federal spending on public works projects designed to end the Depression came to an end as the nation's resources were shifted to the war effort beginning in 1939. There is no discussion of any problems associated with the downtown crossings, or of any



mitigation plans in the post-war era until the seventies. The authors then quote the 1978 Nevada State Rail Plan, which notes that "...the City of Reno, in cooperation with various state and Federal agencies"(Ibid:27) studied the problem in the thirties, and conducted updates in 1944, 1968, 1972, and 1976. At least two, and possibly all, of the updates were initiated by the City. The City appointed an ad hoc committee to examine the options for grade separation, and in 1978 commissioned The Reno Railroad Study.

This is hardly a convincing demonstration that somehow the City was unable or unwilling to act on the railroad problem, or in fact that there was an acute "railroad problem" that warranted concerted, much less heroic action. The kind and amount of growth experienced by the city between the end of the war and the 1970s is typical of that experienced by most American cities. Population growth which had been virtually flat during the Great Depression (e.g., Reno's population grew only from 18,529 in 1930 to 21,317 in 1940) took off, as did the economy, in the post-war period. The population grew to 32,497 in 1950, 51,470 in 1960, and 72,863 in 1970. In other words, by 1970, Reno was still a small town--granted, a small but growing town. But Reno, like most other American towns in the age of the auto, grew out not up. And like other cities, the center suffered a decline as retail and service uses followed the population to subdivisions on the periphery. This growth pattern would have counterbalanced any increase in traffic associated with growth. Certainly, the railroad was an inconvenience and an impediment to north-south travel; how could it be otherwise in a town laid out on both sides of the tracks? But, there is no evidence presented that suggests that the "railroad problem" was a burning one during this period, or that the City should have made the kind of extraordinary effort or commitment associated with depressing the main line of a transcontinental railroad.

Finally, the authors blast the City for its proposed 1980 bond issue; drawing upon newspaper accounts and the recollections of two former local political figures, they characterize the effort as "...a butchered initiative, which...failed in a primary referendum"(Ibid:29). Interestingly, the authors present a wealth of evidence that suggests that any deficiencies in the actual execution of the initiative were *not* decisive in the outcome. The City Council, the City Manager, and the newspaper all supported the measure; the State Assembly agreed to help fund the project. But, as the authors point out, "...the timing was terrible".

In 1980, rampant antitax sentiment culminated nationally in Ronald Reagan's election as President. Several other tax issues were on the ballot, and they failed as well. Moreover, between January and June of that year, it was discovered that several counties and tax districts in Nevada had not been reassessed since the early 1970s. The resulting reassessment reinforced the local citizens' instinctive wariness toward government (Ibid:29).

More, Coe Swobe (an informant the report cites extensively) recalled that "...the railroad wasn't too excited about it [lowering the tracks] because they would have had to pay 10 percent. So, they threw a lot of technical and engineering monkey wrenches into the project". He also observed that although "...the mayor decided to put the matter on the bond issue sooner than we were ready for it...*in my opinion, I don't know if it really would have passed or not* (Swobe Interview, Starrs, et.al., n.d., emphasis added). The consultants who prepared the Reno Railroad Study were less tentative. "While this failure may have partially resulted from improper timing, the margin of defeat indicates that community support was not sufficient for passage"(Starrs, et.al, n.d.:Appendix H). Once again, the account of events presented in the report fails to support the notion of City culpability. Rather, it suggests that the effort fell victim to a major shift in

national politics, one that has persisted for a quarter of a century, and to the lax work of county assessors.

There is one final substantive area mentioned by the informants, touched upon by the authors, and yet apparently missing in the judgement laid by the report. Certainly, as the citizens of the Truckee Meadows face the consequences of a significant increase in rail traffic through Reno, it is fair to reflect upon the role of the railroad as a property owner and developer.

As noted by the authors, the early growth of the City follows the "North American Railroad Development" model. The Railroad, "...hoping to profit from land sales and generate business for its trains...platted the downtown street pattern that is still in use today, using a design that minimized wagon crossings of the railroad grade"(Ibid:Overview & Executive Summary). The authors acknowledge the similarities between this model and that of the "speculator's city", which is structured to "make money for its founder"(Ibid:3) , and note that Reno in fact fulfilled the Railroad's hopes and expectations by quickly becoming a prosperous "mercantile City"(Ibid:Overview & Executive Summary; p.3). Reno has remained prosperous, and the railroad has for almost 130 years been an active partner in, and beneficiary of, that prosperity.

Former Mayor Dibitonto recalled that by the 1970s, large areas of the right-of-way granted to the railroad in the previous century were no longer useful for operations and the railroad had become interested in using that right-of-way to generate income. He allowed that, although the proposed shopping center and casino to be built over the tracks were never constructed, a parking structure "...did come to fruition, its there right now..." (Ibid:Dibitonto Oral History). Interestingly, Coe Swobe also mentions this garage. Swobe ( who now



apparently opposes depressing the tracks primarily due to added costs) believes the parking structure, as well as other structures the railroad has permitted to be built in its right-of-way, so raise the costs of constructing shooflys during construction of the trench as to make the whole project impracticable. More recently, sales for development of right-of-way granted by The Charter Acts has continued. In 1994, a local title company lobbied for Congressional relief in clearing clouded title on seven parcels sold by the railroad between 1988 and 1994.

### Who is to Blame?

The bases of the authors' conjectures concerning the "cause" of Reno's purported ineffectiveness are as insecure as are the ones already mentioned. At the end of the day, the authors' argument pivots on the second of the seven points presented in the Overview & Executive Summary (the first point being that the railroad platted the town "Hoping to generate land sales and generate business for its trains...):

*From early on, Reno's citizens showed a deep distrust of government at all levels, aversion to any form of restraint on laissez faire activity, and a willingness to accept behavior repressed elsewhere, including easy divorce, prostitution, and what is now called "gaming". (emphasis added)*

To the extent this assessment of Reno's citizens might be true, it is neither more nor less true for Reno than it is for other Nevada communities (see, e.g., Ostrander, 1966), including those held up by the authors by way of example; but no real connection between these attitudes and the "railroad problem" is demonstrated.

Reno's residents are taken to task because they relied upon the County Commission for such local government as they might need for more "...than three decades after the CPRR platted the town and sold the first lots..."(Ibid:9). Not so the residents of Elko, despite the fact that Elko did not incorporate until 1917, more than four decades after the railroad. More, the attitude of the residents of each community sounds remarkably similar. The report cites John Townley (1983:269) who said: "Washoe's electorate firmly believed its best government was the least government". Interestingly, Patterson, et.al. (1969:562) note that the slogan of *Elko* residents during the same years was "The least government is the best government". Perhaps the reason neither community chose to incorporate in the early years has more to do with small population size, and the fact that local government was already in place in both towns (each is a County Seat). That, however, is not the kind of explanation offered in this report.

Instead, we are presented with a fact, that being that the railroad still runs through town, and with a narrative that blames the residents, the community, and finally the City, for that fact. As I have suggested, neither the information presented, nor the actual development of the community, support the conclusion of the narrative. Rather than present the context in which events and activities occurred, and so provide bases for analysis, the report appears to pick and choose "facts" that support the central thesis of the report--that the City is to blame. The result is a greatly oversimplified and inaccurate picture of why the tracks remain in town, one that does not do justice to the residents, the community, or the City.

*Literature Cited*

- Earl, Phillip I. n.d. *A History of Sparks* Sparks: Rainshadow Associates (prepared for the City of Sparks) Sparks Heritage Museum
- Hulse, James W. 1991 *The Silver State: Nevada's Heritage Reinterpreted* Nevada Studies in History and Political Science No. 31 Reno: University of Nevada Press. 371 pp.
- Moehring, Eugene P. 1989 *Resort City in the Sunbelt: Las Vegas 1930--1970* Reno: University of Nevada Press. 329 pp.
- Murphy, R.E. and J.E. Vance, Jr. 1954a Delimiting the CBD. *Economic Geography* 30:189-222.
- Murphy, R.E. and J.E. Vance, Jr. 1954b A Comparative Study of Nine Business Districts. *Economic Geography* 30: 301-336.
- Murphy, R.E., J.E. Vance, Jr., and B.J. Epstein 1955 The Internal Structure of the CBD. *Economic Geography* 31: 21-46.
- Ostrander, Gilman M. 1966 *Nevada: The Great Rotten Borough 1859--1964* New York: Alfred A. Knopf. 247 pp.
- Patterson, E.B., L.A. Ulph, and V. Goodwin. 1969 *Nevada's Northeast Frontier* Sparks: Western Printing & Publishing. 702 pp.
- Rowley, William D. 1984 *Reno: Hub of the Washoe Country* Woodland Hills: Windsor Publications. 128 pp.
- Starrs, Paul F., H. Van Wormer, and J. Harrah n.d. *Downtown Reno & The Railroad: A Railroad Runs Through It* Reno: University of Nevada Sponsored Projects Office (Prepared for the Union Pacific Railroad Chief Engineer-Design's Office, Omaha).
- Townley, J.M. 1983 *Tough Little Town on the Truckee: Reno, 1886-1900* History of Reno Series, Vol. 1. Reno:Great Basin Studies Center



Verified Statement of Eric J. Ruby, WESTEC, Inc. for *The Environmental Team*  
Verified Statement of Abbas Mohaddes, Meyer, Mohaddes Associates, Inc.  
Verified Statement of Jim Buntin, Brown-Buntin Associates, Inc.  
Verified Statement of Rodger G. Steen, Air Sciences Inc.  
Verified Statement of Stuart M. Peters, Ph.D.

**VERIFIED STATEMENTS**

**APPENDIX J**

United States of America  
Before the  
SURFACE TRANSPORTATION BOARD

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F.D. No. 32760

Union Pacific Corporation et al.--  
Control and Merger - Southern Pacific Corporation et al.

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VERIFIED STATEMENT OF Eric J. Ruby

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My name is Eric J. Ruby. I am a NEPA documentation project manager in the State of Nevada. I am currently Division Manager of Environmental Services with WESTEC, Inc. and maintain my offices at 5250 Neil Road, Suite 300, Reno, Nevada. My functional responsibilities include all aspects of NEPA document preparation and project management.

I have served as project manager for an environmental team evaluating a Preliminary Mitigation Plan prepared by the STB for the merger of the Union Pacific and Southern Pacific Railroads, and its affect on the City of Reno. The Environmental Team is composed of:

**WESTEC, Inc.**, Reno, Nevada, which serves as the prime consultant, providing NEPA compliance and engineering services with special emphasis on NEPA conformance and noise/air quality assessment.

**MADCON Consultation Services**, Reno, Nevada provides NEPA compliance and environmental document planning and analysis

services through Mark A. Demuth, Principal, with specific emphasis on NEPA conformance, NEPA document review and land use planning.

**Environmental Management Associates, Inc.**, Reno, Nevada, which provides NEPA compliance services through Colleen Henderson, Senior Environmental Specialist, with specific emphasis on NEPA conformance and air quality assessment.

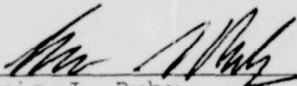
The attached document entitled "City of Reno Comment Document, Preliminary Mitigation Plan", dated October 14, 1997 was a joint collective product provided to the City by the project team working under my supervision.

The factual information contained in the report was obtained from identified public sources as well as statements provided by the various state and local officials in charge of agencies having public health, safety and environmental responsibilities.

The attached statements and correspondence contain information relevant to the comment document.

The contents of the comment document, executive summary and other items attached are incorporated herein for the purpose of this statement.

Respectfully Submitted,

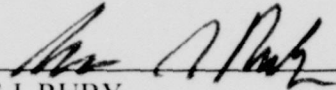
  
Eric J. Ruby



VERIFICATION

I, ERIC J. RUBY, declare under penalty of perjury that the foregoing statement and attachments hereto are true and correct. Further, I certify that I am qualified and authorized to file this statement, and attached documents on behalf of the City of Reno.

Executed on October 14, 1997.

  
\_\_\_\_\_  
ERIC J. RUBY

United States of America  
Before the  
SURFACE TRANSPORTATION BOARD

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F.D. No. 32760

Union Pacific Corporation et al.--  
Control and Merger -- Southern Pacific Corporation et al.

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VERIFIED STATEMENT OF ABBAS MOHADDES

---

My Name is Abbas Mohaddes. I am currently a Principal with Meyer, Mohaddes Associates and maintain offices at 3010 Old Ranch Parkway, Suite 350, Seal Beach, California. My functional responsibilities include all aspects of traffic analysis, document preparation and project management.

I have served as project manager for Meyer, Mohaddes Associates in the traffic analysis for the merger of the Union Pacific and Southern Pacific railroads, and its affect on traffic delays and levels of service in the City of Reno.

The attached document entitled, "Traffic/Delay Analysis Final Draft" dated October 3, 1997 was a product I prepared for and provided to the Nevadans for Fast/Responsible Action.

The factual information contained in the report was obtained from

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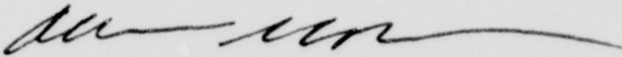


identified public sources as well as statements provided by the various state and local officials in charge of agencies having public health, safety and environmental responsibilities.

The attached report contains information relevant to the Preliminary Mitigation Plan for Reno Nevada dated September 15, 1997.

The contents of the "Traffic/Delay Analysis Final Draft" attached hereto are incorporated herein for the purpose of this statement.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Abbas Mohaddes', written in a cursive style.

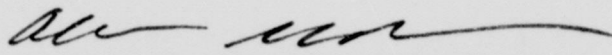
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Abbas Mohaddes

VERIFICATION

I, Abbas Mohaddes, declare under penalty of perjury that the foregoing statement and attachments hereto, are true and correct.

Executed on October 10, 1997.

A handwritten signature in dark ink, consisting of a series of loops and strokes, positioned above a horizontal line.

Abbas Mohaddes

United States of America

Before the

SURFACE TRANSPORTATION BOARD

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F.D. No. 32760

Union Pacific Corporation et al.--  
Control and Merger -- Southern Pacific Corporation et al.

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VERIFIED STATEMENT OF JIM BUNTIN

---

My Name is Jim Buntin. I am an acoustical consultant in the State of California. I am Vice President of Brown-Buntin Associates, Inc. (BBA), and maintain offices at 7996 California Avenue, Fair Oaks, California. My functional responsibilities include management of Brown-Buntin Associates, Inc., and preparation of environmental noise assessments.

I have served as project manager for BBA in evaluating noise and vibration issues in the Preliminary Mitigation Plan prepared by the STB for the merger of the Union Pacific and Southern Pacific railroads, and its effects on the City of Reno.


The attached document entitled, "Railroad Noise/Vibration Assessment, UP/SP Merger" dated October 6, 1997 was a product which I prepared and provided to Nevadans for Fast and Responsible Action.



The factual information contained in the report was obtained from independent analyses performed by BBA staff under my supervision, as well as identified public sources.

The contents of the noise/vibration assessment, executive summary and other items attached hereto are incorporated herein for the purpose of this statement.


Respectfully Submitted,

  
\_\_\_\_\_  
Jim Buntin

VERIFICATION

I, Jim Buntin, declare under penalty of perjury that the foregoing statement and attachments hereto, are true and correct. Further, I certify that I am qualified and authorized to file this statement, and attached documents on behalf of Nevadans for Fast and Responsible Action and/or the City of Reno.

Executed on October 9, 1997.

  
\_\_\_\_\_  
Jim Buntin

United States of America

Before the

SURFACE TRANSPORTATION BOARD

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F.D. No. 32760

Union Pacific Corporation et al.--  
Control and Merger -- Southern Pacific Corporation et al.

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VERIFIED STATEMENT OF RODGER G. STEEN

---

My Name is Rodger G. Steen. I am an air quality specialist and am employed by Air Sciences Inc., 12596 W. Bayaud Ave., Lakewood, Colorado.

My education is in engineering and geophysical sciences. I am a Certified Consulting Meteorologist (American Meteorological Society) and a Professional Engineer, registered in Colorado. The services I provide are entirely related to the technical and regulatory aspects of air pollution, and I have been providing these services, since 1973, to industry and government throughout the world. These technical services include advice on regulations, data collection, data analysis, pollution control technology, and dispersion meteorology. My functional responsibilities include the supervision of air quality analyses and quality control of the workmanship at Air Sciences.

I have served as project manager and principal investigator for the evaluation of the air quality aspects of the Preliminary Mitigation Plan and associated documents.

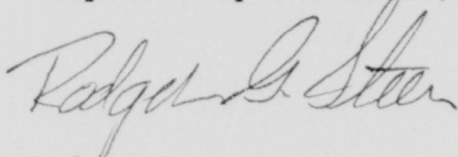


The attached document titled "Analysis of Air Emission Increases Resulting From the Union Pacific and Southern Pacific Railroad Merger and Effects on the Management of the Air Resource of the Truckee Meadows Nonattainment Area," dated October 1997, is Air Sciences' product provided to Nevadans for Fast and Responsible Action under my supervision.

The factual information contained in this report was obtained by independent analysis of data and regulatory information from identified public sources.

The contents of the above referenced report on the analysis of air emissions and executive summary attached hereto are incorporated herein for the purpose of this statement.

Respectfully submitted,

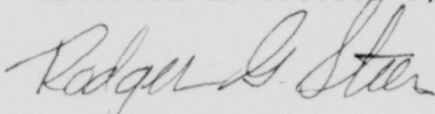
A handwritten signature in cursive script, appearing to read "Rodger G. Steen".

Rodger G. Steen  
Principal

VERIFICATION

I, Rodger G. Steen, declare under penalty of perjury that the foregoing statement and attachment hereto are true and correct. Further, I certify that I am qualified and authorized to file this statement and attached documents on behalf of Nevadans for Fast and Responsible Action and for the City of Reno.

Executed on October 9, 1997.

A handwritten signature in cursive script, reading "Rodger G. Steen". The signature is written in dark ink and is positioned above the printed name and title.

Rodger G. Steen  
Principal

United States of America  
Before the  
SURFACE TRANSPORTATION BOARD

---

F.D. No. 32760

Union Pacific Corporation et al.--  
Control and Merger -- Southern Pacific Corporation et al.

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VERIFIED STATEMENT OF STUART M. PETERS

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My name is Stuart M. Peters, Ph.D. I am a land use planner in Reno, Nevada. I am currently the Principal Strategic Planner with the City of Reno and maintain offices at Reno City Hall, 490 South Center Street, Reno, Nevada. For the past twelve years my functional responsibilities have included all aspects of long range, strategic, and land use planning.

I have served as reviewer and author of the City of Reno's Comment on the Paul F. Starrs et al. *Downtown Reno & The Railroad: A Railroad: A Railroad Runs Through It* prepared for the Union Pacific Railroad Chief Engineer - Design's Office, Omaha for the merger of the Union Pacific and Southern Pacific railroads, and its affect on the City of Reno.

The attached document entitled, "Comments on Union Pacific's



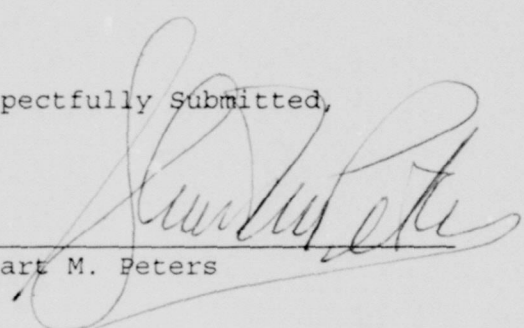
Downtown Reno & the Railroad" dated September 9, 1997 was a product which I prepared and provided to the City of Reno.

The factual information contained in the report was obtained from identified public sources as well as statements provided by the various state and local officials in charge of agencies having public health, safety and environmental responsibilities.

The attached statements and correspondence contain information relevant to the comment document.

The contents of the report and other items attached hereto are incorporated herein for the purpose of this statement.

Respectfully Submitted,

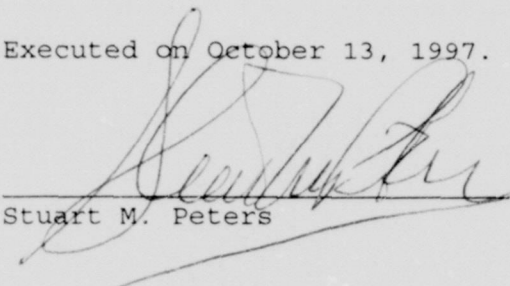


Stuart M. Peters

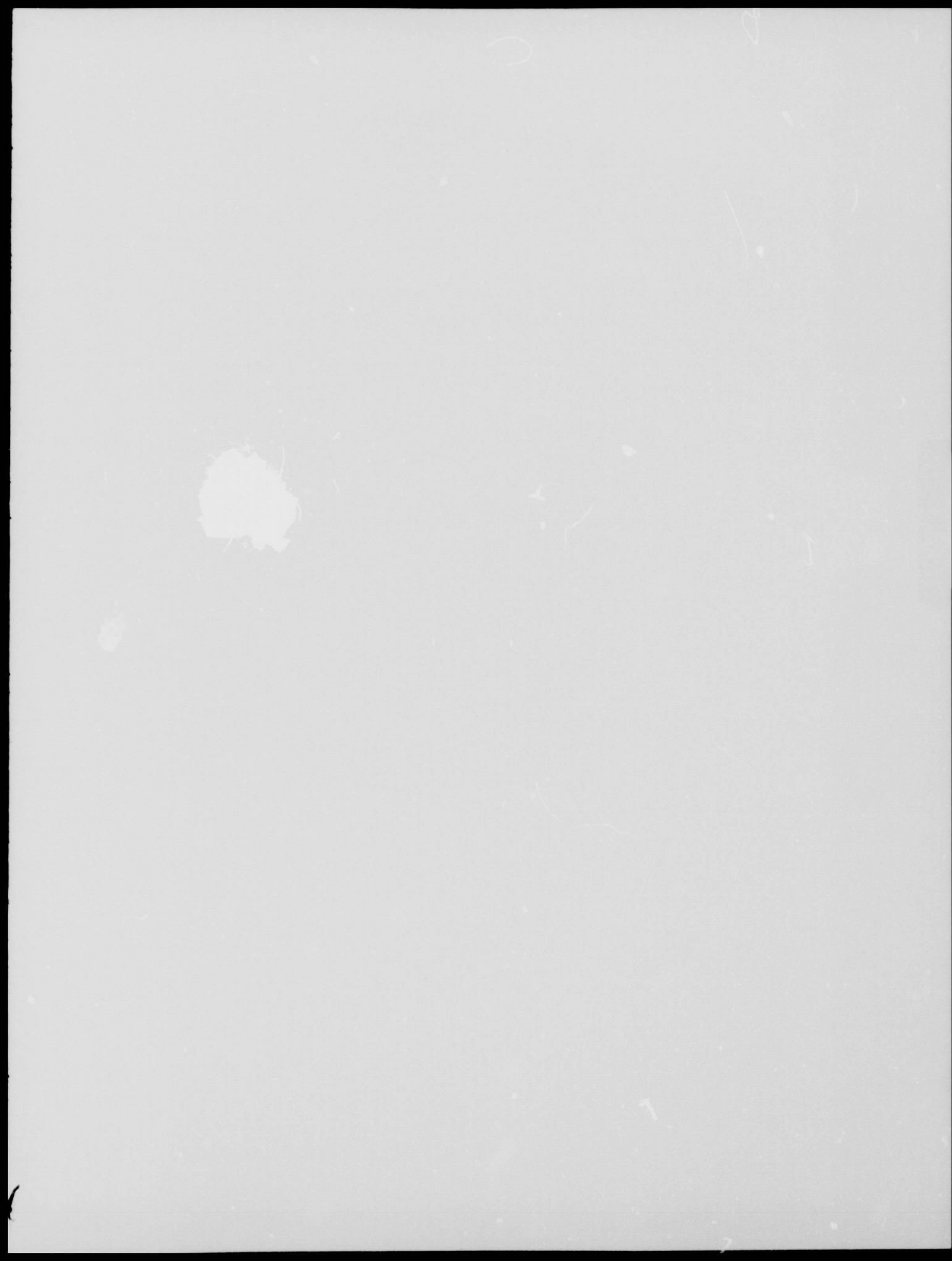
VERIFICATION

I, Stuart M. Peters, declare under penalty of perjury that the foregoing statement and attachments hereto, are true and correct. Further, I certify that I am qualified and authorized to file this statement, and attached documents on behalf of the City of Reno.

Executed on October 13, 1997.



Stuart M. Peters





**TRANSCRIBED COMMENTS  
FROM THE OCTOBER 7, 1997  
RENO CITY COUNCIL MEETING**

**APPENDIX K**

City of Reno  
CITY COUNCIL  
Special Session

480 South Center Street  
Reno, Nevada

October 7, 1997

Transcribed by: Donna Davidson, CSR, RPR

1                   MAYOR GRIFFIN: Item 5, staff report regarding  
2 the preliminary mitigation plan from the Surface  
3 Transportation Board regarding the UP/SP merger.

4                   MS. BELAUSTEGUI: Good afternoon, everyone.  
5 For those of you who may not know me, I'm Merri Belaustegui  
6 with the City Attorney's Office, and for the last 18 months  
7 Patricia has graciously donated my time, I suppose, to  
8 working on this project.

9                   As a very brief background, in 1995, December  
10 of '95, the Union Pacific filed an application to merge with  
11 the Southern Pacific. In order to do so, they had to ask  
12 permission from the Surface Transportation Board.

13                   The Surface Transportation Board is the  
14 successor to the Interstate Commerce Commission, which we  
15 know as the I.C.C., and this was their very first act they  
16 ruled on.

17                   On August 12 of '96, the Surface  
18 Transportation Board saw fit to approve the merger. The  
19 City of Reno did not oppose that merger and still today does  
20 not oppose it.

21                   What we're asking for is that all of our  
22 environmental concerns be adequately remedied, which they  
23 are required to do by law.

24                   In decision number 44, as I put forth in the  
25 staff report to you, it specifically required what's called



1 a section on environmental analysis, and that's SEA. I'm  
2 going to refer to them as SEA today, the acronym S-E-A, to  
3 determine the precise number and location of underpasses or  
4 overpasses for the City of Reno.

5 They were also specifically required to come  
6 up with what they call a tailored mitigation plan to address  
7 the unique needs of both Reno and Wichita.

8 Interestingly, when the preliminary mitigation  
9 plan came out on September 15th, and I might add, SEA was  
10 gracious enough to send each of you your own copy; so what  
11 I've given you today is just the executive summary for a  
12 brief reference.

13 Seven of the eleven mitigation measures for  
14 Wichita, which is supposed to be a unique community, and so  
15 is Reno, are identical in the plan.

16 And what I'm going to do right now is I'm  
17 going to go briefly through these for you and tell you what  
18 the 16 mitigation measures for Reno were; and then I'm going  
19 to have Mark Demuth and Steve Varela speak to you a little  
20 more specifically about this.

21 The very first condition, number one, major  
22 required -- and I use the word "required" for a reason --  
23 mitigation for Reno will be to increase the train speed to  
24 30 miles per hour.

25 If you look at your staff report, though, SEA

1 specifically notes, though, that this speed will only be  
2 done if it's consistent with safe operating practices  
3 dictated by conditions present at the time each train  
4 traverses a segment.

5           What that means in English is just like a  
6 speed limit on a street, we all know a speed limit may be 30  
7 miles an hour but a car is not required to go that fast;  
8 they only go that fast if it's safe to do so. That's the  
9 same thing with this mitigation, and yet it's called  
10 required. And we now know from reading the report that they  
11 are not actually required to go 30 miles a hour, they're  
12 just told to do so if it's safe.

13           Our studies in February show, when we  
14 monitored the traffic coming through Reno at the time when  
15 the Feather River route had flooded, the trains are  
16 actually going between 11 and 15 miles a hour. And there's  
17 a reason for that.

18           The reason is because the conditions downtown  
19 dictate that the trains go slowly. Sometimes they have  
20 night vision problems, sometimes there's people on the  
21 track, sometimes they're not sure what the condition is, so  
22 they need to go safely through town.

23           The second and third mitigation for Reno is  
24 they want the UP to be required to put in a train location  
25 color video display and a rail line color video display.

1           What that means is that if you see they're at  
2   the emergency dispatch, they're proposing, with the City's  
3   permission, and again this is supposed to be required  
4   mitigation, that when we do -- if and when we do put in our  
5   emergency dispatch center by the downtown that the railroads  
6   are required to put in video display monitors.

7           All they've required the UP to do is put the  
8   equipment in. They have made no provisions for maintaining  
9   that equipment, for monitoring the equipment, for training  
10   for the equipment.

11           And I'm going to let Mark, when he gets a  
12   chance to talk to you, tell you what that equipment could  
13   do, if it's used properly.

14           The next one is required mitigation is  
15   supposed to be to discontinue UP's practice of adding helper  
16   trains at Woodland Avenue. If you guys will think up in  
17   your heads, past Keystone there's a little intersection  
18   called Woodland Avenue. There's a housing development out  
19   there and some warehouses. They have one access across the  
20   tracks. And back in the days when the FC was coming through  
21   town, they used to stop right in front of that intersection  
22   and put their helper locomotives on to help the trains get  
23   over the path. It was a good, flat easy place to stop. And  
24   sometimes those residents were blocked for up to ten  
25   minutes, maybe longer.



1           In the report, though, SEA concedes that UP  
2 realizes this is not a good business practice to put their  
3 helper trains on at that location, so they stopped doing it  
4 anyway. So that's really not a required mitigation.

5           The next issue is, as we all know, if we can  
6 just think about this logically, if you increase the train  
7 speed through Reno, you're going to increase the severity of  
8 accidents and you're going to increase the fatality risks.  
9 SEA concedes that when they write this report. And their  
10 solution to that is what we're going to do for you is  
11 instead of your two gate guards that come down at each  
12 intersection, we're going to put two more gate guards down,  
13 so that if a vehicle was in the intersection and they were  
14 going to try to beat the train, they could make an S-curve  
15 through the gate. Well, if you put two more gates guards  
16 down in the opposite direction, it's supposed to reduce the  
17 likelihood of a car being able to make that S-curve through  
18 the gate. And that's how they're going to protect us  
19 safetywise from the trains racing through town.

20           The next thing they're going to do is provide  
21 an enhanced rail safety program, and if all of you have been  
22 reading about it in the paper, you'll note that the Federal  
23 Railroad Administration has some serious concerns about the  
24 UP's safety record. In fact, they've done a study over ten  
25 cities, and I might note Reno was not included, even though

1 we specifically requested to do so, to address their very  
2 serious safety issues.

3 So again, UP probably would have been doing  
4 that anyway.

5 (Inaudible comment.)

6 MS. BELAUSTEGUI: It's not defined in the  
7 report. It's just enhancing what they're already doing.

8 The next item is to help us with our safety  
9 issues. They're going to put in pedestrian gate skirts.  
10 And I provided a picture for you of that in your staff  
11 report. It's kind of hard to see because it's a black and  
12 white picture.

13 COUNCILMEMBER PEARCE: It's hard to tell what  
14 it is.

15 MS. BELAUSTEGUI: Basically what it is,  
16 Councilwoman Pearce, is you have a gate guard that's already  
17 coming down, an arm. There's two chains and a second little  
18 bar coming down below it. And I believe the thinking there  
19 is, it's supposed to make it more difficult for pedestrians  
20 to scoot under a gate once it's down. But if you'll look at  
21 that picture, you can still crawl under it, if you want to.

22 The next item is SEA recognizes in their  
23 report that we have a huge pedestrian traffic for traffic  
24 downtown, and they need to address that for safety reasons.  
25 So what they've proposed is that UP is required to construct

1 two pedestrian overpasses or underpasses at Virginia and  
2 Sierra Streets.

3 Now, for Virginia Street, what they've said is  
4 that if UP can get -- and again, this is required  
5 mitigation -- if you can get the Fitzgeralds to agree to  
6 modify their Rainbow Ridge, to feed the pedestrians back out  
7 to the street, then that's good enough for this  
8 intersection.

9 If you can't, then they want them to actually  
10 build a second pedestrian overpass, at both Virginia and  
11 Sierra Street.

12 Now, the problem there, and I'll just tell you  
13 this initially what we see with that, is that these are not  
14 proposed at the intersection, they're proposed mid block.  
15 So what this group is asking the tourists and the employees  
16 downtown to do is go to the intersection, go down the block,  
17 get on the walkway, go up and over, or under, come back out,  
18 and go back down to the intersection where you were trying  
19 to get across.

20 And as all of you guys know, we have an  
21 overpass out on Oddie, and I doesn't get used very often,  
22 and I kind of question the effectiveness of this when you're  
23 proposing it mid-block.

24 The next two items are interesting. When UP  
25 puts in these underpasses or overpasses for pedestrians,



1 they're supposed to conduct prehistoric/historic survey for  
2 the underpasses and consult with the native Americans.

3 Well, actually all this is saying is you need  
4 to comply with the law, because that is the law. If they're  
5 going to do this work, they have to do these next two  
6 mitigation measures.

7 The next one and the one on my next sheet I'm  
8 going to talk about together.

9 UP is being required to install a high, wide,  
10 shifted load detector at milepost 240 on both sides of the  
11 track and install an additional hot box. What this means is  
12 they're asking UP to put additional equipment on their  
13 trains to alert them sooner if the load is shifting, which  
14 might increase the risk of derailment and the installation  
15 of an additional hot box.

16 I believe what that means is it warns them  
17 ahead of time in their brakes are running hot, if they're  
18 having a problem. And again, these are just good, solid  
19 business practice UP probably would have done anyway.

20 Next they're going to --

21 COUNCILMEMBER NEWBERG: (Inaudible)

22 MS. BELAUSTEGUI: I'm not sure. Mark, do you  
23 know where milepost 240 is? I think it's somewhere before  
24 Truckee, but it wasn't delineated in the report.

25 COUNCILMEMBER NEWBERG: (Inaudible)

1 MS. BELAUSTEGUI: No, oh, no, it's down the  
2 tracks, outside of town. And I believe the location  
3 probably makes sense because it's when a risk of derailment  
4 is high because of the way they're coming on the curvature  
5 of the track.

6 The next mitigation is to establish a  
7 Community Advisory Panel. Again, this is required  
8 mitigation for UP, and that's asking a lot of this community  
9 to participate. If the community decides not to  
10 participate, then UP is off the hook on that one.

11 And the last two, self regulation by UP  
12 through Certificate of Compliance. What that means is UP is  
13 going to tell the board, yes, we have complied with these  
14 conditions, and that's what self regulation means.

15 And finally, those self regulation reports  
16 are going to be sent quarterly to the City of Reno and the  
17 County of Washoe.

18 So what we're here today to do is to explain  
19 what these mitigation measures were and to seek direction  
20 from council for the City of Reno to file its comment  
21 document which is supported by sound scientific evidence  
22 that refutes the conclusions reached in the SEA's report.  
23 We've done a number of studies, and we believe we can do  
24 that.

25 But before I ask for a motion, I'd like to

1 present Mark Demuth and Steve Varela, so they can answer any  
2 technical questions you may have. And I'd be happy to  
3 answer any questions, also. Thank you.

4 MAYOR GRIFFIN: Thank you, Merri.

5 MS. BELAUSTEGUI: And lest I forget, we are  
6 fortunate today to have our lead attorney from Washington  
7 D.C. Mr. Paul Lamboley here with us today. He would be more  
8 than happy to help out with this conversation. And he is  
9 going to be speaking to you directly on the next item on the  
10 agenda. Thanks.

11 MAYOR GRIFFIN: Candy?

12 COUNCILMEMBER PEARCE: Are we at question  
13 time?

14 MAYOR GRIFFIN: No, I think Mark has got  
15 something, and then I think we want to hear from Paul. You  
16 know, if you've got questions in the end --

17 MARK DEMUTH: If you have questions to direct  
18 us towards this morning, if there are points I don't think  
19 we've hit on, I'll be glad to touch on them.

20 COUNCILMEMBER PEARCE: My question would be  
21 on the potential environmental impacts of the SEA study, the  
22 point we're at where they're talking about what they're  
23 going to do, we're going to give input, can we, to go back  
24 and be a broken record, can we say that they haven't  
25 addressed any of the issues that are real issues.



1 I mean, to start with, downtown Reno is not  
2 all that's happening. We've got our main water source  
3 between Truckee and Reno. We've got environmental issues.  
4 We've got a negotiated settlement which we talked to them  
5 about when they were here that apparently has been ignored.

6 The native Americans in this community have  
7 some legal rights. They set the quality of the water.  
8 They've totally ignored that, which I find offensive, and  
9 the fact that if there was a problem, we would have no -- I  
10 mean, we know what the impact would be on our water supply.  
11 In addition to, excuse me, do we not deal with endangered  
12 species? Do we not deal with the cuiui. Do we not deal  
13 with sacred sites? I mean, this is just, the whole thing is  
14 appalling.

15 MS. BELAUSTEGUI: And those are very good  
16 observations. I might add that the majority if not all of  
17 the concerns that were raised during the nine-month task  
18 force process were addressed summarily as what they call  
19 tier two mitigation, which means if we want to pay for it,  
20 then yes, then those conditions will be resolved for us.  
21 The other --

22 COUNCILMEMBER PEARCE: Excuse me, though.  
23 Why would the citizens of Reno have to pay to protect their  
24 water supply so that a railroad that is going to make a  
25 fortune -- all we keep reading about is how they can't even

1 handle the amount of shipping they have now. Why should the  
2 citizens of Reno have their water supply at risk so that a  
3 group like that can make money?

4 MS. BELAUSTEGUI: And Councilwoman Pearce,  
5 that's an outstanding observation, and all I can really say  
6 to address that is to allow us to write a comment to address  
7 that and also to remind you and anyone who might be watching  
8 this that the Surface Transportation Board section on  
9 environmental analysis will be here Thursday, which is in  
10 two days. They're going to host two public meetings.  
11 There's an open house followed by a meeting at 2:30. The  
12 same thing will repeat again at 6:00. And they're looking  
13 for those kind of comments.

14 COUNCILMEMBER PEARCE: But, you know, I guess  
15 my question is, will they listen this time? They didn't  
16 listen before. I mean, this is like we have a report that  
17 on many levels is useless, but these are the things, you  
18 know, that I was focused on and have just been totally  
19 ignored.

20 MARK DEMUTH: I'd like to jump in. My name is  
21 Mark Demuth, and I'm the principal environmental consultant  
22 for Madcon, and we're part of a consortium of firms working  
23 on this project, for the record.

24 There is some discussion as opposed to the  
25 first time when things were totally ignored, there are

1 definitely some discussions. The problem is that certain  
2 assumptions that went into that we feel are false, and we  
3 have very good signs to prove they are false.

4 And probably most importantly to answer to  
5 your question about the endangered species they admit in the  
6 process that they are currently still looking at that and it  
7 won't be done for a while, and our comment to that effect  
8 is, "Well, fine, bring back your document once you know  
9 these things, but certainly don't ask the citizens of Reno  
10 to look at something with incomplete information."

11 So that's how they dealt with them, because  
12 clearly we've made the comment a number of times, specific  
13 to your request, that we wanted the water looked at and we  
14 wanted endangered species.

15 The answer in the report is, "We're going to  
16 look at it in the future."

17 COUNCILMEMBER PEARCE: Well, my other question  
18 is, how in the world do you ignore a negotiated settlement  
19 that has taken the amount of time this has taken and has  
20 taken congress and everybody else in the world to get it  
21 done, how do you just ignore the quality of our water?

22 This isn't like the Sacramento River or  
23 something; I mean, this is the Truckee River, and we've gone  
24 through millions of dollars and years and years of  
25 negotiations, and it's a very tenuous situation with the



1 native Americans, and they have the right to set the  
2 quality.

3 And the railroad may want to fight with us,  
4 but I don't think they're on real good grounds with the  
5 native Americans. I mean, when is somebody going to sit  
6 down and be realistic about what we have at risk?

7 And my last comment would be, I was in New  
8 Orleans last week and I was sharing with the mayor the  
9 solution in Reno is that the trains go how fast though?

10 MS. BELAUSTEGUI: Thirty miles an hour. Up  
11 to.

12 COUNCILMEMBER PEARCE: I was reading in New  
13 Orleans, going through their tourism area there were stories  
14 in the paper on how the solution to their issue of safety is  
15 the trains can't go more than 15 miles an hour. And I think  
16 it's really interesting -- of course, you know -- but I had  
17 to laugh. I thought, boy it really depends on what's going  
18 on at the time.

19 MAYOR GRIFFIN: Let me ask a question. You  
20 know, at the end of this, we're going to end up with a  
21 recommendation, but I think that as each of the folks, as  
22 Candy has, makes their comments, please embrace that as part  
23 of your response. I don't think we're going to be able to  
24 wrap up in one motion, other than perhaps at the end saying  
25 everything you've heard, that's it.

1 COUNCILMEMBER PEARCE: Because we all have our  
2 own things.

3 MAYOR GRIFFIN: Absolutely. I mean, my point  
4 is, I don't want us to have to try and go back and craft a  
5 motion. I think the comments are valid, legitimate, and  
6 should be noted in terms of staff direction. That's okay?

7 MR. McNEELY: We will obviously take the  
8 comments that come from the council. We also have some  
9 specific actions that we're requesting once you --

10 MAYOR GRIFFIN: Okay. Dave, then Tom.

11 COUNCILMEMBER AIAZZI: What I didn't see in  
12 the report, and maybe I'm wrong, but is there an upper limit  
13 on the number of trains that can come through Reno?

14 MS. BELAUSTEGUI: Absolutely none.

15 COUNCILMEMBER AIAZZI: I mean, we're talking  
16 about 28 trains, but there actually could be 60 in 10 or 20  
17 years.

18 MS. BELAUSTEGUI: That's correct. In fact, we  
19 had specifically asked during the task force meetings for  
20 the Surface Transportation Board section on environmental  
21 analysis. When they made it known to us very late in the  
22 task force proceedings that they were seriously considering  
23 speed as the mitigation for Reno, we asked them if that was  
24 an operational aspect under consideration they should also  
25 seriously consider and study shortening the number of trains

1 through town, because that would have the same effect,  
2 shorter trains versus faster trains, and also the number of  
3 trains coming through Reno.

4 That was not considered in the report. They  
5 note in an appendix that we asked for it, but nowhere in the  
6 document is it addressed. They did not study those two  
7 operational aspects.

8 COUNCILMEMBER AIAZZI: You sort of touched on  
9 my second question, there's no limit to the length of  
10 trains --

11 MS. BELAUSTEGUI: Correct.

12 COUNCILMEMBER AIAZZI: -- going through here  
13 either. There's no control of that.

14 Now, as I understand it, so people out there  
15 can understand why we're concerned is, they are rebuilding  
16 the port in Oakland; correct? So that will be another major  
17 West Coast shipping center. So the option of bringing more  
18 trains through Reno is a very, very valid option. They're  
19 spending a hundred million dollars in Oakland to upgrade  
20 that.

21 MS. BELAUSTEGUI: As well as their Roosevelt  
22 Yard, which is on our path. They're spending millions to  
23 improve that rail yard.

24 MARK DEMUTH: It's our understanding that the  
25 Port of Oakland, recently through a bond of their citizens,



1 a vote, passed somewhere near six hundred million dollars  
2 worth of bonding capacity just to improve the Port of  
3 Oakland.

4 We're making the assumption, since they have  
5 not filed such comments, that their intention is to expand  
6 their operation. I don't think you spend six hundred  
7 million dollars to maintain your operation. You clearly  
8 want to compete with the fact that in the papers we're  
9 hearing daily that Long Beach Port and the L.A. Port are  
10 having difficulties keeping up. And there's clearly  
11 capacity that needs to be met. And the Port of Oakland  
12 appears that they would like to be that.

13 They're also looking at a joint intermodal  
14 terminal which would combine B in Santa Fe -- UPB in Santa  
15 Fe and SP all have their own little facilities there. Now  
16 it really is just UP and BN, they're now saying, "Well, why  
17 don't we look at one, and that would also increase the  
18 capacity," and that is being studied, as well as it was  
19 studied by Union Pacific themselves in a report.

20 So we clearly -- you know, these are on the  
21 table. They are totally ignored in the report as saying  
22 that they are too far in the future to be considered.

23 COUNCILMEMBER AIAZZI: So we're probably wrong  
24 in telling people that the train traffic could go up to 28  
25 trains a day?

1 MS. BELAUSTEGUI: That's always been the City  
2 of Reno's belief, but that is not what the UP has reported.  
3 I might also add that the UP just filed an operating report  
4 on October 1st. We received it yesterday. And in part of  
5 their reporting to the Surface Transportation Board, they  
6 have noted their problems with getting cargo from point A to  
7 point B. I think you've all been reading about it in the  
8 papers. One of their solutions they've now come up with  
9 is -- in fact, their statement was, "We no longer have the  
10 luxury of running shorter trains."

11 So I think it would be a reasonable assumption  
12 that our trains are going to be longer, because they need to  
13 get that cargo moved, and they're having trouble doing  
14 that.

15 COUNCILMEMBER AIAZZI: How often, now, does a  
16 train have to stop because of a -- in Reno because of a  
17 malfunction they have on the train or an accident or  
18 something like that? I mean, is that something that we can  
19 be quantify or have quantified?

20 MARK DEMUTH: I believe we could probably  
21 check with both the police and fire because they are  
22 notified when a train has to stop for a reason for blocking  
23 an intersection, I think, longer than 15 minutes. They have  
24 to notify the police department.

25 You bring up a valid point. I mean, there's

1 going to -- you know, you increase capacity, you increase  
2 number of trains, length of trains. You certainly would  
3 anticipate there are going to be problems accommodating all  
4 of that in the Sparks yard.

5 And since every train has to stop in Sparks to  
6 change a crew or every train starts from a dead stop in the  
7 Sparks yards going west that yes, those kind of incidents  
8 could become more frequent.

9 I apologize, we have not quantified that  
10 number because it hasn't fit into one of the specific  
11 studies we're working on, but certainly we can look into  
12 that and note just over, say, the study period how many  
13 times a train has had to stop and block. Because I know  
14 there has been a number of those where they were required to  
15 stop for 15 or more minutes.

16 COUNCILMEMBER AIAZZI: Those are all my  
17 questions.

18 COUNCILMEMBER HERNDON: First when we talk  
19 about the Port of Oakland my understanding is they plan to  
20 quadruple the capacity of that (inaudible)

21 And the other question is, in this report they  
22 talk about they're going to install some additional hot box  
23 rating equipment detectors, which are fine. At the point  
24 that they detect this hot box, the train is traveling 30  
25 miles an hour. The normal stopping procedure is going to be



1 blocked and they come from Reno by the time they stop  
2 (inaudible) those hot boxes (inaudible) particularly it  
3 would have to be towards the tail end of this mile-long  
4 train.

5 And further my understanding is (inaudible)  
6 emergency stop requires a full inspection of the train.

7 MARK DEMUTH: I believe that --

8 COUNCILMEMBER HERNDON: We're talking about an  
9 hour if they have to stop for any kind of emergency, it will  
10 take an hour to inspect that train.

11 MARK DEMUTH: I agree there are a number of  
12 factors that would actually require longer blockages. And  
13 the reason for notifying our public safety officials is so  
14 that they can actually go into a different operating mode  
15 and entirely plan on nothing can cross the tracks except at  
16 Wells and at Stoker and Second. So that would, you know,  
17 possibly become more of a problem.

18 I think the main thing that you're saying is  
19 that the solution has as many problems as it seems to solve.

20 COUNCILMEMBER HERNDON: It all requires -- it  
21 presupposes maintenance of these mechanics (inaudible) and  
22 could not be with (inaudible) with what (inaudible) I  
23 suppose hadn't been (inaudible) at that point. From a  
24 official standpoint. But their maintenance safety record is  
25 (inaudible)

1 MARK DEMUTH: I guess it would be hard to say  
2 that if the report wasn't coming out now, would they not be  
3 still doing some of these things in light of the amount  
4 of --

5 COUNCILMEMBER HERNDON: (Inaudible) I don't  
6 think that particular one is board's fault.

7 But the part that really bothers me, we're  
8 talking about environment. Environment is everything that  
9 affects Reno.

10 There is nothing in there that deals with our  
11 economy, specifically the part of the environment, and one  
12 of the things that clearly sets us apart, for instance from  
13 Wichita, is the -- our 24-hour tourism. And there's nothing  
14 in there to address the economic impact of any sort of an  
15 accident on that 35 percent of our economy, which is to the  
16 extent that we're (inaudible) I believe it would be  
17 affecting home values and the equity of everyone within  
18 miles around, and to me that is a huge environmental impact  
19 that is not only possible but quite likely at some point to  
20 happen.

21 MARK DEMUTH: And I think the way that we have  
22 been instructed from the STB, and you've got to remember  
23 that we're not running the process, the STB is running the  
24 process, we're participating as fully as we can for the  
25 City.

1           We've tried to bring these issues up, and  
2       since we frequently get rebuffed, that's purely an economic  
3       issue that's not on the table, we feel that it's not an  
4       economic issue to discuss how noise, which is an impact,  
5       affects business as well as residential and how a  
6       derailment, spill, or accident would affect business as well  
7       as residents in the area that it does.

8           So we are bringing those things back  
9       constantly to the table. We have had very little luck on --  
10      and there is one interesting little pass, one of the few  
11      times they take about economics in the entire report is a  
12      one-line sentence that cautions that the shoe fly for the  
13      depressed train way may impact the economics of the  
14      railroad.

15           And we found that kind of interesting that  
16      that snuck in there but yet the obvious impacts to all other  
17      businesses are clearly left out and explained why they're  
18      left out frequently in the report.

19           MS. BELAUSTEGUI: I might also add, Councilman  
20      Herndon, that SEA has acknowledged in their report that the  
21      reason they don't address the economic impacts on the  
22      community is ironically because decision 44, which told them  
23      to come here and do the study, does not address economics,  
24      it just says look at the environment.

25           I just find that a little curious, because the



1 decision 44 also directly told them to come here and  
2 determine the precise number and location of underpasses,  
3 yet they failed to do so under required mitigation.

4 MAYOR GRIFFIN: We do have Steve Varela still  
5 as part of this report.

6 MS. BELAUSTEGUI: Yes.

7 STEVE VARELLA: I'm just here to answer any  
8 questions.

9 MAYOR GRIFFIN: Oh, okay. Any other  
10 questions? I've got one, actually. I've got some comments,  
11 but I think we'll wait for that.

12 Aside from the fact that I think, you know,  
13 just deciding that the mitigation is going to be  
14 accomplished with increasing the speed, which I disagree  
15 with completely, I think that's an absurd response to a  
16 really vexing problem, who says they're going to go 30 miles  
17 an hour? I mean where does this happen? Is it our  
18 obligation to make sure that they are going 30 miles an  
19 hour, or it's a hoped for upper limit, or what is this  
20 thing --

21 MARK DEMUTH: It's a very valid question.  
22 First of all, our comment document is going to address --  
23 and this is just because this has been coming up for months  
24 and months -- it's going to address -- you know, you always  
25 have to look at the effectiveness of a mitigation measure.

1           Is it clearly going to replace something that  
2   you're taking out, X number of acres or something with X  
3   number of acres, then you can clearly say there's been a  
4   hundred percent effectiveness with that.

5           The problem with this is how do you determine  
6   effectiveness as something that's entirely discretionary?  
7   So we're trying to quantify, you know, how much time, what  
8   percentage of the time is it reasonable to think that I'm  
9   not going to be able to do 30 because of safety? What  
10   percentage of the time are they not going to be able to do  
11   30 just because of pure tonnage starting or stopping.

12           What we're doing is we're having them  
13   demonstrate, okay, if this thing really is only 50 percent  
14   effective and we're only mitigating 50 percent, that's not  
15   mitigation then. You failed under the definition of  
16   mitigation. You are not offsetting the impacts you're  
17   creating.

18           MAYOR GRIFFIN: I've got a more substantive --  
19   is this a compulsion that they go 30, or is this if you go  
20   30 --

21           MARK DEMUTH: Clearly indicated it's an  
22   operational parameter based on the condition --

23           MAYOR GRIFFIN: It allows 30?

24           MS. BELAUSTEGUI: What it says is --

25           MAYOR GRIFFIN: Help me with the language.

1 I'm trying to find out is --

2 MS. BELAUSTEGUI: Here's exactly what the  
3 report says. UP shall then operate and require BNSF --  
4 that's their --

5 MAYOR GRIFFIN: Yes.

6 MS. BELAUSTEGUI: -- to operate all trains  
7 over the described rail line segment at a speed of 30 miles  
8 per hour, consistent with safe operating practices dictated  
9 by the conditions present at the time each train traverses  
10 the segment.

11 MAYOR GRIFFIN: I'm not trying to be absurd  
12 myself or sarcastic, but if you said 60, then we could even  
13 mitigate it further, assuming it was in --

14 MS. BELAUSTEGUI: Ostensibly, yes.

15 MAYOR GRIFFIN: As long as it was safe.

16 MS. BELAUSTEGUI: As long as it was safe.

17 MARK DEMUTH: This is a paper solution. So  
18 you're right, I guess if you needed to go 60 to make the --

19 MAYOR GRIFFIN: Of course my response has been  
20 well, you know zero would fix the whole problem, a speed of  
21 zero, that would be the end -- we would be happy with that  
22 speed.

23 MARK DEMUTH: If it required to run 40 to make  
24 the effects look on paper that they went away, I would  
25 suggest that you would probably be seeing a report that



1 would say 40. But it would say, "as safety dictates," which  
2 I think we can all predict, since they're not presently  
3 running it at 30, and time is money, it's only logical to  
4 think if they had not been doing it in the past, there was a  
5 good reason they were not doing it in the past. And we've  
6 heard nothing that says this has changed, now it's going to  
7 be easier to run 30 than it was before.

8 MAYOR GRIFFIN: And Councilman Herndon was  
9 just asking the question, I mean 30 miles an hour where?

10 MARK DEMUTH: Yes.

11 MAYOR GRIFFIN: As it's pulling into Sparks  
12 yard, pulling east, or as it's going by Keystone on the west  
13 or --

14 MARK DEMUTH: We would interpret that to mean  
15 probably 30 during all of those crossings they're claiming  
16 to mitigate. So the entire length of the train must be  
17 doing 30 between Keystone and Lake.

18 So my argument would be picture it as what  
19 used to be the caboose and now isn't the caboose anymore  
20 goes flying by at 30 and leaves Lake Street, at that point  
21 they can then begin slowing down, and we would argue you end  
22 up in Fernley, you don't end up in Sparks.

23 MAYOR GRIFFIN: Last technical question. Is  
24 there any evidence or studies analysis that indicate the  
25 increase in likelihood of an accident and indicates the

1 increase of the severity of an accident based on speed?

2 MARK DEMUTH: Yes. There's two discussions in  
3 the document on vehicle accidents. Vehicle accidents, the  
4 frequency should not increase, because theoretically the  
5 timing of the gate events is exactly -- you have the same  
6 amount of time warning that you did regardless of speed.  
7 It's determined by the speed so that they come down 20  
8 seconds before they arrive.

9 But they clearly state the severity of  
10 accidents at 30 is substantially more than at 20; and they  
11 go further to say what that means, which is an increase in  
12 fatality. So if you might have lived through a car accident  
13 at 20, you now have less likelihood to live through it at  
14 30.

15 MAYOR GRIFFIN: I guess my question also is,  
16 is it more about finding yourself on the tracks. I'm  
17 talking about the likelihood of derailment at a higher speed  
18 and then obviously the severity of the derailment at a  
19 higher speed.

20 MARK DEMUTH: That derailment has an increase  
21 in both frequency and severity at higher speeds, as well as  
22 the pedestrians. They claim they don't know what the  
23 pedestrian problem is now, because they didn't study it  
24 adequately, so therefore they can't tell if it will get  
25 worse or not, but I think it's clearly been published in the

1 FRA reports that if you get hit by a train, probably the  
2 difference between 20 and 30 miles an hour is --

3 MAYOR GRIFFIN: Academic.

4 MARK DEMUTH: -- is not going to be the  
5 issue.

6 MAYOR GRIFFIN: But I mean, it goes to Candy's  
7 question, which I think his is a good one. I'm more  
8 concerned about derailment. I'm more concerned about one of  
9 those propane tanks or sulfuric acid tank cars. And my  
10 concern is that if we've got a hot box, you know, and I can  
11 conceptually understand what that is, I don't know what it  
12 looks like, but a detector, I mean now this thing is moving  
13 at twice the speed that it -- potentially it was before.  
14 The reaction time is obviously cut in half, the ability to  
15 actually slow this monster down, I would imagine, it is a  
16 little bit geometric in the sense that, you know, slowing  
17 something down that's that mass and that momentum at 30 is  
18 considerably longer than it is at 15, those kinds of  
19 elements. I guess my -- there is in -- I would like to see  
20 as part of our response, in other words, that that kind  
21 of -- not just observation and comment be made, but that  
22 there -- that whatever (inaudible) we might have available  
23 to us, that you could tie likelihood or frequency, if you  
24 will, and severity with increased speeds. I mean, it's got  
25 to be there. I would think if a train derailed, you're



1 going to be in a lot worse shape at 30 than you would be at  
2 10 or 15.

3 Tom?

4 COUNCILMEMBER HERNDON: Along those lines, I  
5 didn't see anything in my reading of the report that covered  
6 the actual make-up of the trains. And the reason that's  
7 important is that in a crash when this thing compresses, if  
8 there are empties, empty cars in the middle of that train  
9 with heavy cars behind them, they tend to get popped out, if  
10 you will, in any sort of an emergency stop. And I didn't  
11 see anything that would require the railroad to put all the  
12 empty cars on the back of the train and then take the extra  
13 step for them of them having to sort it out wherever they're  
14 doing their switching, rather they just put them wherever  
15 it's convenient for them in their operation and  
16 distribution. And it seems to me that if we're going to  
17 address safety in mitigation, that would be a factor, a  
18 large factor.

19 MARK DEMUTH: There is. And my  
20 understanding -- and we are -- you know, I apologize. We  
21 are learning as we go through some of this, because we are  
22 not railroad experts, we are environmental experts. So some  
23 of the questions on technical aspects of the trains, I  
24 apologize, I do not have a technical expertise in railroad  
25 operations. We're environmental specialists.

1                   We have been exploring -- there are  
2 requirements for certain commodities, and those would be the  
3 hazardous ones on how they are arranged on trains, how many  
4 there are, so there are -- certainly that's getting more  
5 attention than the other.

6                   The problem would be -- and I think Larry Farr  
7 once stated it here before you -- is that frequently they  
8 have a difficulty telling us what's even on their trains,  
9 let alone where they're placed, and though you might have  
10 requirements that suggest certain things, whether they are  
11 being complied with, we are not aware of that. And  
12 certainly in the few times there have been incidents and  
13 Washoe County has had to respond, the haz mat team, there  
14 has been delays in getting the list of what is on the train  
15 so they know what to do. And we see nothing in this that  
16 says that will be solved. So it's certainly a comment we're  
17 making.

18                   And I agree with you that there is so many  
19 variables to determining what's going to happen in a  
20 derailment. It's amazing.

21                   Now, the two reports, the one that they did  
22 and the one that James Carr, professor at UNR did for Sierra  
23 Pacific Power clearly tried to define those, get those down  
24 to manageable numbers so that we can truly tell people like  
25 yourselves, you know, it's going to happen one in

1 twenty-nine years, and that's a reasonable thing for you to  
2 then make a decision based on.

3 The problem is that everybody's study looks at  
4 assumptions a slightly differently, and as each one of those  
5 is manipulated, you get different results. And that's  
6 clearly what we have here is a report that was put out long  
7 before this was an issue that has one set of findings, and  
8 now we're getting reports that are coming out specific to  
9 this that magically come out with substantially less risk.

10 And we've certainly question why when Union  
11 Pacific in a statement said they embraced the Carr report as  
12 being solid science, and that was in the Reno Gazette  
13 Journal, when the report came out, now suddenly it doesn't  
14 hold enough water to be used and a new report was required,  
15 and the new report doesn't come up with nearly as much risk.

16 So your comments are certainly noted and being  
17 dealt with in the environmental document we're putting  
18 together.

19 MAYOR GRIFFIN: Pierre?

20 COUNCILMEMBER HASCHEFF: Could you help me out  
21 with the number 44. And the (inaudible) Surface  
22 Transportation Board (inaudible) In 44 they seem to  
23 validate the studies that have been done up to the point  
24 where decision 44 was rendered, and then it seems to me that  
25 there's some backtracking in decision 71.



1           It indicates that they were trying to clarify  
2     the mandated mitigation. But again, it seems to me that  
3     what they came up with in decision 71 again was kind of a  
4     retreat based on the studies that had been done to date.

5           It says accordingly -- this is decision 44 --  
6     studies will identify the appropriate number and precise  
7     locations of grade separations and pedestrian grade  
8     separations in the City of Reno and then also there must  
9     have been some other studies with grade crossings, et  
10    cetera.

11           What was staff's perspective on that? It  
12    seems to me that they clarified, but it's something that's  
13    substantially less than what they were originally going to  
14    do, or at least direct.

15           MS. BELAUSTEGUI: I'll go ahead and address  
16    that, if I may. That's one of our major concerns and why we  
17    really need a comment document. The clear mandate, the  
18    requirement, if you will, of decision 44 was the result of  
19    an environmental assessment and a post-environmental  
20    assessment.

21           They use those two documents to reach the  
22    conclusion -- which is called a FONSI, a finding of no  
23    significant impact. Interestingly, even though they found  
24    there was no significant environmental impact in Reno, they  
25    felt there was enough problem here that they needed to come

1 and conduct this 18-month study.

2 So what I believe happened, although I'm not  
3 speaking for the board, decision 44 directed SEA to look at  
4 something specific. They said, "We know there's a FONSI  
5 finding here in town, it's not that significant, but we also  
6 know your impacts are severe enough that we need to know  
7 where to put these overpasses or underpasses to help you  
8 out."

9 And of course, as you read the report, that's  
10 not required. If we want underpasses, we're going to have  
11 to help pay for it.

12 Decision 71 is another interesting bird all by  
13 itself. My perspective on this is the City of Wichita was  
14 concerned about the language in decision 44 that noted that  
15 some of these mitigation options might require some shared  
16 funding, it has to be paid for by the community.

17 Wichita filed a motion with the Surface  
18 Transportation Board back in March or April of last year and  
19 asked for clarification on that language. The City of Reno  
20 was not notified of this motion, nor were we have given an  
21 opportunity to participate. Instead, the board issued  
22 what's decision 71, and I quoted that for you. In decision  
23 71 specifically Wichita's motion requesting clarification  
24 and it ostensibly is a clarification of Wichita's question  
25 about what does shared funding mean.

1                   What they said in decision 71 was for both  
2                   Reno and Wichita, we're going to come up with two plans.  
3                   Plan one, or tier one, is going to be baselined or mandated  
4                   mitigation. That means that only the railroad is  
5                   responsible, because that's all they have jurisdiction to  
6                   do.

7                   But while they're at it, if they note  
8                   something while they're here that might be another option  
9                   that mitigates more than the merger impacts, that would be a  
10                  solution that the community would have to help pay for.

11                  In the report almost every concern the City  
12                  of Reno raised ended up in tier two or shared funding and  
13                  encompasses both the underpasses, the overpasses, and the  
14                  depressed train way, along with some discussion about noise.

15                  Although, I might say tier one completely  
16                  ignores our noise impacts.

17                  COUNCILMEMBER HASCHEFF: All right. So it's  
18                  the staff's conclusion that 71 and 44 are more inconsistent  
19                  than they are by way of clarification?

20                  MS. BELAUSTEGUI: Yes. I'm still struggling  
21                  with what they mean.

22                  COUNCILMEMBER HASCHEFF: All right. Also,  
23                  what happens -- they indicate that upper train operation  
24                  speed only is the mitigation that's required. What happens  
25                  a year from now if we determine that speed is not the proper



1 mitigation, it creates more problems than it solves? Is  
2 there a de facto result, or we just live with the mistake?

3 MARK DEMUTH: It appears from the document  
4 that there is no request to return to these topics; that  
5 once the board orders mitigation in March, this is over, the  
6 cap is removed, run your trains.

7 COUNCILMEMBER HASCHEFF: Right. Then the last  
8 question I have is on the numbers that they came up with,  
9 the 15 million dollars that looks like must be funded by the  
10 railroad. How good are those numbers? Are they simply  
11 estimates? What happens if they finally do the engineering  
12 studies and it turns out that 15 million dollars is really  
13 going to cost them something in excess of that?

14 MS. BELAUSTEGUI: My guess on that is whatever  
15 it costs, they have to complete this required mitigation.  
16 And those numbers were based on reports done by the Union  
17 Pacific, and they incorporated Union Pacific's reports on  
18 what it would cost to implement them.

19 For instance, to increase the train speed  
20 through Reno, Union Pacific determined they would have to do  
21 about 7.3 million dollars in improvements.

22 COUNCILMEMBER HASCHEFF: Right.

23 MS. BELAUSTEGUI: I think we attached a number  
24 next to the chart.

25 COUNCILMEMBER HASCHEFF: Right.

1 MS. BELAUSTEGUI: That was a memo that was  
2 prepared by Union Pacific officials, and they said if we  
3 spent 7.34-million dollars, we could do enough improvements  
4 to our Sparks rail yard to consistently run trains through  
5 Reno at a maximum speed of 30 miles per hour. So that's how  
6 the dollar figures, I believe, have been assigned to this.

7 COUNCILMEMBER HASCHEFF: So, in other words,  
8 if we were able to convince the railroad that in fact their  
9 mandated mitigation is going to cost them something  
10 substantially in excess of 15 million dollars, that would  
11 increase the price, so to speak, or the amount that they  
12 would be willing to contribute toward solving whatever other  
13 problems we had?

14 MS. BELAUSTEGUI: That could very well be,  
15 although I think most of these numbers came directly from  
16 the UP.

17 COUNCILMEMBER HASCHEFF: That's all I have,  
18 Mr. Mayor.

19 MAYOR GRIFFIN: Candy?

20 COUNCILMEMBER FEARCE: One last question. The  
21 fact that they ignored the whole issue of noise and  
22 vibration, from reading everything, it appeared to me there  
23 was a strong implication that because we're a tourism  
24 economy and property had been converted to tourism and hotel  
25 rooms that it wasn't an issue, it was like that's your

1 problem.

2 At any point in time, is anybody going to  
3 address the fact that the people that sold the property were  
4 the railroad to start with and that business made the most  
5 money out of it? I mean, I understand that tourism may need  
6 to put some money into this pot, but the idea that noise is  
7 not an issue, that vibration is not an issue because of  
8 tourism is sort of like the -- you know the scarlet S or  
9 something, or G for gaming. I mean, what is -- what's going  
10 on here? It's crazy.

11 MARK DEMUTH: You bring up two points. First  
12 of all, the assumption that the problem is brought on by  
13 ourselves or the community through the location of these  
14 entities. And I think yes, we have addressed it a number of  
15 times, specifically that -- you know, had that railroad not  
16 wanted anybody in the right of way, they certainly had that  
17 control since they were the primary property holder since  
18 the 1880's. So clearly --

19 COUNCILMEMBER PEARCE: Does it acknowledge  
20 that at all?

21 MARK DEMUTH: The report does not acknowledge  
22 that at all. We have certainly filed substantial amounts of  
23 information.

24 MAYOR GRIFFIN: Candy, if I may, let me just  
25 repeat a phrase that you've heard me say a lot in a



1 conversation with Mr. Jerry Davis, who is the president of  
2 the Union Pacific Railroad. His comment, which is etched in  
3 my memory is America's railroads in America's cities have  
4 not done a very good job of growing up together sometimes.  
5 And it was his observation that the worst example of that  
6 was the City of Reno and the Southern Pacific Railroad.  
7 Your point exactly. He's made that comment, and it appears  
8 nowhere in the report. You brought up a great point.

9 MARK DEMUTH: And we've provided title  
10 information showing exactly how those all happen to be and  
11 the fact that they're literally selling off the last little  
12 bits of feet that they could, because that was how SP was  
13 surviving at times.

14 COUNCILMEMBER PEARCE: Right.

15 MARK DEMUTH: And then the second part of your  
16 question, if I understood it correctly, was that the kind of  
17 not willing to acknowledge that hotels or I guess anything  
18 other than a residence is a sensitive noise receptor.

19 We filed a substantial amount of information  
20 and continue in our comment document to discuss the fact  
21 that this is one of the only federal agencies that has such  
22 limited regulation on what is a sensitive noise receptor.  
23 It's a church, a school, a retirement home, and a full-time  
24 residence, such as a house or apartment.

25 Clearly we've argued that the nature of our

1 housing stock here is somewhat unique, in the sense that a  
2 number of the older motels on what used to be Highway 40,  
3 have now become permanent residences, and it's clearly  
4 indicated by the fact that they're no longer paying hotel  
5 taxes that those are permanent residences of those people,  
6 yet they have been ignored in both this report and previous  
7 reports and councils' sensitive receptors, because, you  
8 know, it's got a label out front that says Fourth Street  
9 motel or something so therefore it cannot be counted under  
10 theirs.

11 We have counted all of those and will be  
12 filing in our comment document corrected numbers of  
13 receptors, which we think shows that there's a substantial  
14 significant impact created from noise, regardless of the --  
15 you know, even if you want to get down to the point you  
16 start counting all of the hotel rooms adjacent to it.

17 I mean, just if you look at their definitions  
18 and correctly apply permanent living situations to what we  
19 know exists in our housing stock, the numbers rise. We  
20 argue completely that -- you know, that there's nothing that  
21 says that you can disturb somebody who is here on an nightly  
22 basis but you can't disturb somebody who permanently lives  
23 here. I mean, disturbance is disturbance.

24 COUNCILWOMAN PEARCE: Well, and there's some  
25 legal issues we've dealt with at the table of rights that

1 people have when they rent a room of privacy and other  
2 things.

3 MARK DEMUTH: It is (inaudible)

4 COUNCILMEMBER PEARCE: But the bigger issue is  
5 we wouldn't have the problem if the railroad still owned the  
6 property.

7 MARK DEMUTH: True, we would have a buffer.

8 COUNCILMEMBER PEARCE: And no one -- you can  
9 say the casinos ultimately benefitted from that or the  
10 resorts or whoever bought the property, but the first  
11 benefactor was the railroad system. So you know, I just  
12 think that it's really ridiculous in this report. They  
13 don't say they're ignoring it, but it's very clear they're  
14 ignoring it, and they really are sort of stamping us with  
15 the big tourism, forget them, they don't matter, they don't  
16 have any quality-of-life rights in this community because  
17 they make their money off of tourists.

18 And I don't know if it's even worth  
19 addressing again, because it sounds like everything we bring  
20 up they ignore. But I would like to see us address that.

21 MS. BELAUSTEGUI: And we will.

22 MARK DEMUTH: And we will.

23 MS. BELAUSTEGUI: You know, I might also add  
24 before we wrap this up that we've also tried very seriously  
25 to inform the public of this decision and to embark on a



1 very aggressive public awareness campaign.

2 We've spoken at no less than 15 service groups  
3 over the last two weeks, and I'm ready, willing, and able,  
4 if you know of anybody else that would like to hear from us.  
5 We've also prepared a brochure with the City of Reno's major  
6 environmental concerns, and contained in that brochure is a  
7 little punch-out postcard with a blank space. It's self  
8 addressed to the Surface Transportation Board, postage  
9 prepaid.

10 We're trying to make it as simple as possible  
11 for residents to express their concerns, if they have any,  
12 over this issue. And it's not a form, it's just a blank  
13 postcard so you can put in whatever you feel your concerns  
14 are. Heck, if you're pleased with the report, you can say  
15 that, too.

16 COUNCILMEMBER PEARCE: Are we distributing  
17 those?

18 MS. BELAUSTEGUI: Yes, those are going out as  
19 direct mailers to 89,000 residents. And we have many copies  
20 of these available here. We'll have them available Thursday  
21 night, or you can pick them up at the City Manager's  
22 Office.

23 COUNCILMEMBER PEARCE: You might want to  
24 consider distributing those at the churches and -- I mean,  
25 to actively -- sometimes it's harder to get people at home

1 to read their mail, you know, you tend to throw it away, but  
2 at a church service or something or to be there where you  
3 can fill them out and you don't have to mail it, that  
4 somebody else will mail it for you --

5 MS. BELAUSTEGUI: I might add, these are  
6 postage prepaid. They just need to put them in the mailbox.

7 COUNCILMEMBER PEARCE: The truth is, I think a  
8 lot of people pick them up and throw them away, sadly  
9 enough, but the more we can --

10 MS. BELAUSTEGUI: I think that's a good  
11 observation. We're just trying to do everything we can to  
12 give folks an opportunity to say what they think.

13 The last thing I might say is we only have  
14 until October 16th to fill these out. We've been given a  
15 very short 30-day deadline to comment. The STB apparently  
16 needs 60 days to review our comments, and then they're going  
17 to put a final draft out in December.

18 I might caution, though, that if the STB  
19 doesn't hear from the residents, they -- I would be tempted,  
20 if I were them, to just take the word "preliminary" off this  
21 report and write the word "final."

22 So if you're pleased with the way the report  
23 is, that's what we can get; and if you think that more work  
24 needs to be conducted, then I would highly encourage you to  
25 fill out the postcard and let them know what your specific

1 concerns are.

2 MAYOR GRIFFIN: Thank you. Candy?

3 COUNCILWOMAN PEARCE: I was just going to  
4 suggest to the city manager, I'd like to see us -- we have  
5 an excellent PR staff. I'd like to see us have them get  
6 together and put together a program to go on all the talk  
7 shows and -- the whole point of it just being you're going  
8 to get this in the mail, just fill it out, we don't care  
9 what you think, fill it out don't complain, just fill it  
10 out --

11 MS. BELAUSTEGUI: In fact, that's an excellent  
12 opportunity -- Terry McCann's here. He's actually the one  
13 that spear-headed this community awareness program. He  
14 scheduled much time on SNCAT for many of their shows. We're  
15 on several radio talk shows. And we're trying to hit as  
16 many service groups as would be interested in hearing from  
17 us.

18 But Terry McCann can probably explain the full  
19 program, if you'd like to hear it.

20 TERRY McCANN: I think Merri just did it.  
21 Your words are well-taken. We realize that when people get  
22 something like this in the mail that the general inclination  
23 might be to throw it out; so we've taken advantage of a  
24 number of opportunities with radio and television  
25 appearances to warn the public, and the media has been very



1 helpful with us in doing that.

2 I've done one or two stand-ups with our folks  
3 from Channel 2 over here to show that and to warn people  
4 that it was coming.

5 In addition to those that are being mailed,  
6 we are sending them by mail to the 89,000 residents of Reno,  
7 we are also making arrangements to add about 36,000 of them  
8 inserted into the newspaper that will reach the zip codes  
9 that reach those who are beyond Reno but are still within  
10 the impacted area.

11 But, no, your words are well taken, and I  
12 think we put a pretty good effort out in getting people on,  
13 to warn people that this thing is coming.

14 Any other questions for me?

15 MR. McNEELY: We will follow up on the church  
16 suggestion, because I think that's an excellent idea.

17 COUNCILMEMBER PEARCE: And I think the  
18 university would be real good.

19 MR. McNEELY: The meeting on Thursday night at  
20 six p.m., where is that going to be held?

21 MARK DEMUTH: It will be held here in the  
22 chambers. It is sponsored by the Surface Transportation  
23 Board. There is an hour open house for displays to be  
24 available, and then the consultants from the federal agency  
25 will be here to answer questions, and then the actual

1 meetings start at 2:30 and at 7:00.

2 It is our understanding that everybody will  
3 have an opportunity to speak and have their comments placed  
4 into the public record.

5 COUNCILMEMBER HERNDON: Will SNCAT be  
6 broadcasting that?

7 MARK DEMUTH: It's our understanding that  
8 SNCAT will be broadcasting it live, and then it will be  
9 repeated.

10 MAYOR GRIFFIN: We do have a couple of  
11 attendance cards. The first will be Sam Dehne, followed by  
12 John Frankovich.

13 SAM DEHNE: Sam Dehne, a Reno citizen. Boy,  
14 oh boy, do I have empathy for the problems you're going  
15 through right now.

16 I've been coming down to you folks for three  
17 years with the same -- not the same, worse problems about  
18 the airport, and to listen to you --

19 MAYOR GRIFFIN: This is on the subject --

20 SAM DEHNE: It's on the subject -- and to  
21 listen to you talking about the railroad -- I'm going to  
22 give you my analysis of what I think about the railroad.

23 MAYOR GRIFFIN: Then don't mention the word  
24 airport.

25 SAM DEHNE: I can mention the word airport

1 because you use -- sometimes you use correlations to try to  
2 analyze something.

3 And I loved the frustration in your voice, it  
4 did the my heart good, because now you know the frustration  
5 I've been going through with you folks and the folks at the  
6 airport authority. You're worried about 20 trains, you've  
7 got 214 airplanes and increasing every single day.

8 The analysis -- I mean, it just doesn't make  
9 any sense why you would be so worried about that and yet so  
10 indifferent to the airport problems. Okay, I won't go into  
11 that. You get my point.

12 COUNCILMEMBER AIAZZI: Do we need a motion if  
13 we believe he's off the agenda item? What do we have to  
14 do?

15 MAYOR GRIFFIN: I tell you what. Why don't  
16 you just stick on the subject, a comment on the railroad. I  
17 will cut you off if you wander off into the airport.

18 SAM DEHNE: Uh-oh. I'm in trouble now. Let's  
19 see. I've never done that before. I've never been up here  
20 before and not talked about the A word. Let me see.

21 You know, I'm not speaking for or against the  
22 trains or for or against any of this, to tell you the truth.  
23 I don't know what position to take because it's -- the  
24 airport -- I mean, the railroad does own the land and yet,  
25 you know, and all this kind of stuff, but I can understand



1     how terrible noise can be to people. It is a horrible  
2     thing, and they want to have this thing corrected. There's  
3     no doubt about it.

4                 One of the main reasons I'm up here is what  
5     bothers me, as a citizen, is where this all came from. I  
6     never saw anything on a ballot where the citizens all  
7     wanted -- I would have to say a million and a half dollars  
8     probably has been spent, not counting your \$680,000  
9     propaganda staff that you've got out there, but probably --

10                MAYOR GRIFFIN: Sam, you're overstepping the  
11     bounds.

12                SAM DEHNE: No, I'm asking a question as where  
13     it --

14                MAYOR GRIFFIN: I don't want to hear you refer  
15     to our communications department as a propaganda machine, or  
16     I'll cut you off.

17                SAM DEHNE: Okay. Can I say brainwashing  
18     machine then?

19                MAYOR GRIFFIN: Try that and I will cut you  
20     off.

21                SAM DEHNE: Okay. Everybody knows what they  
22     are anyway. They should. Let's see.

23                My question is, where is all this money coming  
24     from to pay for this propaganda thing? It's just a  
25     rhetorical --

1 MAYOR GRIFFIN: That's it.

2 SAM DEHNE: Goodbye.

3 MAYOR GRIFFIN: Mr. Frankovich.

4 JOHN FRANKOVICH: John Frankovich appearing  
5 today as a member of NFFRA and a representative of NFFRA,  
6 which I think you're familiar with is a broad-based  
7 community group of businesses throughout the community,  
8 community organizations and citizens groups that was formed  
9 earlier this year for the purpose of supporting the City in  
10 the efforts to get appropriate mitigation for the railroad  
11 merger.

12 NFFRA did have a representative on the task  
13 force that you've heard about. Mr. Bob Burn from Washoe Med  
14 was the principal task force member, and I served as an  
15 alternate; and I'm appearing today in that capacity also.

16 We have reviewed the mitigation plan, as I'm  
17 sure you all have, and we have a great many concerns, most  
18 of which have been expressed today in many areas.

19 I think it's important to keep in mind that  
20 Reno has been identified as the single-most impacted  
21 community in this entire line, from the Pacific Ocean to  
22 Chicago.

23 The reason for that is it's highly congested  
24 24 hours a day with pedestrians and with vehicles. The  
25 solution, double the train, double the speed, what's your

1 problem.

2           You don't need a lot of technical expertise.  
3 I'm sorry. That doesn't make sense. It certainly was not a  
4 recommendation that was sponsored or endorsed by the task  
5 force. You have trains stopping and starting in Sparks.  
6 It's not a solution that's achievable, it's not a solution  
7 that's enforceable, it's a solution that has very, very  
8 little concern for public safety and has no concern for the  
9 tourism industry in this community.

10           Part of the problem, as I see it, is this  
11 entire study is based on the railroad's estimate of an  
12 average number of trains of 24 to 25 a day. That average  
13 will be achieved in 2000. It's supposed to be a five-year  
14 projection, but it started in '95. But 2000 is a little  
15 more than two years away right now, so we're there very  
16 quickly.

17           But it's not the average, it's how many you're  
18 going to have on one day versus the other, because if you  
19 have an average, half of the time you're going to exceed  
20 that. We never could get a handle on what the top number  
21 is.

22           The other day in the newspaper for the first  
23 time the railroad admitted that some days you'll have as  
24 many as 38 trains. I would suggest that that's in the next  
25 two years.



1                   Beyond that, when the open comes on, nobody  
2 knows how many they're going to have. But if you have an  
3 average of 38, the day you have 38, those impacts are going  
4 to be much greater than this average 24. And maybe the  
5 average is the way you're supposed to look at it, but if  
6 you're living in this community, the day they're 38 you're  
7 going to be very severely impacted.

8                   You mentioned the noise. Absolutely no  
9 mitigation with respect to noise at all. They admit in the  
10 report that the principal source of noise is the whistle.  
11 They're going to substantially increase the number of  
12 whistles. They say it will increase the noise level but not  
13 significantly. Again, based on 24-hour average, they say  
14 it's not significant.

15                   It's like a minor injury is an injury to  
16 somebody else. I'm sorry, if you have 38 trains going  
17 through on that day, blowing that whistle, that is a  
18 significant increase, and it's going to cause problems.

19                   I'm not going to go on with all of the other  
20 issues, because there are many of them, but NFFRA believed  
21 that this issue was so important to this community and had  
22 so many concerns about the report that we have undertaken to  
23 get independent studies by independent experts relating to  
24 four subject matters; traffic, air quality, noise, and  
25 public safety.

1           Those reports are being prepared as we speak  
2           and will be submitted by NFFRA to the Surface Transportation  
3           Board as part of the comment process. They are also being  
4           made available to the City so that the City can incorporate  
5           them with your technical consultants and experts to submit  
6           in the comments with the City.

7           And we would -- we're really here today to  
8           encourage the City to continue this struggle and take  
9           whatever action is necessary to continue this fight, to see  
10          if we can't get some appropriate mitigation for Reno,  
11          because I believe, and I think many people in this community  
12          believe, that the very future of this community is at stake  
13          on this particular issue.

14          And I'll be glad to respond to any questions  
15          that any councilmember has. Thank you.

16                 MAYOR GRIFFIN: I've got one. You had four  
17          elements or four areas of study?

18                 JOHN FRANKOVICH: Yes.

19                 MAYOR GRIFFIN: Have you contracted someone to  
20          analyze those separate from our efforts?

21                 JOHN FRANKOVICH: Yes.

22                 MAYOR GRIFFIN: Okay. Thank you. We do have  
23          one more attendance card. Jack Feters.

24                 JACK FETERS: If it may please the Council,  
25          my name is Jack Feters. I'm the state legislative director

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1 for the United Transportation Union.

2 I represent approximately 250 railroad  
3 engineers, locomotives and conductors in the state, and as a  
4 matter of fact a good majority of them live in Sparks and  
5 run through --

6 MAYOR GRIFFIN: They probably live in Reno,  
7 actually, and work in Sparks, don't they?

8 JACK FETTERS: I' sorry. They live in Reno  
9 and work in Sparks, that's correct. My mistake.

10 I just wanted to clarify a few things that you  
11 were talking about, hot boxes and stuff like this. I've  
12 ridden freight trains for 21 years, so I know what a hot box  
13 is and I know what derailments are like, and I've hit people  
14 at crossings, and I'll leave it at that.

15 But let me start with the first thing that the  
16 lady had with her overhead projection, the speed up to 30  
17 miles an hour. If you got the power, you'll go 30. If you  
18 don't have the power, you won't go 30. If you're going  
19 uphill, you'll go slower; if you're going downhill, you may  
20 go faster.

21 If I'm driving, maybe I'm comfortable at 25.  
22 If Mr. Griffin is driving, maybe he's comfortable at 30.  
23 That's a speed you will not go over. That's not a speed  
24 that you will do. You have to understand that.

25 Down at line 5, it enhanced rail safety

1 program. The City of Reno lobbyist, in conjunction with my  
2 union, the United Transportation Union, lobbied the  
3 legislature hot and heavy this past session for two more  
4 railroad inspectors. One would be stationed in Reno at the  
5 Sparks area, Reno-Sparks, the other one would be in Las  
6 Vegas.

7 The railroad lost this fight. They thought  
8 that they had enough inspectors, and they lost. We got two  
9 more inspectors. They haven't been hired yet. The railroad  
10 says if they have to pick up the costs of these two  
11 inspectors, they're going to go to court. I've been told  
12 that by Mr. Wayne Horiuchi, Larry Bennett, Joe Gill.

13 So an enhanced safety program, I don't really  
14 know what that means. If you let the railroad inspect their  
15 own stuff, they've had nine fatalities this year. They had  
16 a guy coupled up in Elko here a couple months ago, 28 years'  
17 service. So enhanced safety, I'd look at with a jaundiced  
18 eye when they say they'll enhance their safety programs.  
19 Right now the UP has no safety program, in my mind.

20 I do not know where milepost 240 is, but I  
21 know what a hot box detector is. A hot box detector has  
22 nothing to do with hot brakes. A hot box detector has  
23 things to do with axles, bearings that are freezing up  
24 that's being -- a car is being drug, the wheel is not  
25 turning like it should, it heats up, they melt like butter.

1 I've seen axles melt right in half, they get so hot.

2 A hot box detector will tell you, and I will  
3 give it voice for voice, because I know what they're like in  
4 Las Vegas, where I railroad. "UP detector milepost 341."  
5 That's all you hear. You run your train over it. It could  
6 be a 7,000 foot train, it could be a 2000 foot train. A  
7 minute or two later you'll hear, "UP detector milepost 341,  
8 first hot box, axle 345 from head of train. North side."

9 So you get out your pencil and paper and you  
10 start thinking, gosh, 345 axles, I wonder where the heck  
11 that's at. So you get out your manifest and you start,  
12 well, the locomotive's got six axles and I got four  
13 locomotives, so there's twenty-four axles; so now I got to  
14 go -- and there's four axles per car, supposedly, so you  
15 know, you go down 345 axles, or wherever, and you're back in  
16 the middle of your train somewhere.

17 You stop your train. I walk back, because  
18 there's no caboose, there's just an engineer and conductor,  
19 so I'm going to do the UP stroll. I'm in no big hurry to  
20 get back there, you know, to be honest with you.

21 I get back there, and I'm looking for this hot  
22 box. Well, this may be number 345, I may be off an axle or  
23 two. But the rule states you will check five cars ahead and  
24 five cars behind. So basically you've looked at ten cars.

25 And you'll go along and you'll feel the axle.



1 If it's too hot, okay, it must be a hot box. You'll set it  
2 out. If you don't find any hot axle, you stroll back up to  
3 the head of your train and you get back on and continue on  
4 your way.

5 If you go over another detector and it tells  
6 you the same thing, the car has to be set out, whether it's  
7 hot or not. If you get two indications that says it's a hot  
8 box, okay, set it out.

9 If it's a dangerous load, and it says it's a  
10 hot box, chlorine, sulfuric acid, whatnot, that car has to  
11 be set out no matter what. That's a safety issue.

12 Now, I'm not are here to throw darts at the  
13 Union Pacific Railroad, but you have to understand that  
14 these people, and I agree with you, they've kind of run  
15 roughshod over the good citizens of Reno in this merger.

16 If I can answer any questions, I'd be more  
17 than happy to.

18 MAYOR GRIFFIN: Quick question. I'm sorry.  
19 Go ahead, Tom.

20 COUNCILMEMBER HERNDON: Well, Mr. Feters, I  
21 heard just recently from my brother-in-law, who just retired  
22 as a conductor, I guess the UP -- that UP wants to eliminate  
23 the conductors now and apparently have the engineers do the  
24 company stroll.

25 JACK FETERS: Well, that has been bandied

1 about at times. I know in Canada, Viarail is phasing out  
2 conductors to where there will only be one man on a train;  
3 but I think that's passenger train.

4 Now, if it comes to the point of getting rid  
5 of the conductors, I can assure you the UTU will fight hot  
6 and heavy to keep -- I believe we should -- they've cut into  
7 muscle, instead of making themselves a lean, mean machine.  
8 They have gotten rid of too many people, they have cut  
9 corners, and safety has suffered as a result.

10 COUNCILMEMBER HERNDON: My other question has  
11 to do with -- because I -- what happens when you did pull  
12 that train, as far as -- you know, if you have a light -- an  
13 empty boxcar in the middle and you lock them up on that  
14 engine, what happens to those light cars in the middle?

15 JACK FETTERS: Well, it all depends if you're  
16 going uphill or downhill, if you're on level ground. I  
17 would be more concerned if it was an empty flat car, because  
18 those are really light cars compared to covered top --

19 COUNCILMEMBER HERNDON: More so than a --

20 JACK FETTERS: They pop off the rail rather  
21 easy. You brought up a mention about train placement of  
22 stuff. If I'm working the head end of a train and I have to  
23 pick up a car, I'm going to pick it up on the head end. I'm  
24 not going to set it -- a hazardous car, like I said,  
25 chlorine, oxidizers, anything that's hazardous, cannot be

1 nearer than the sixth car from the head end of a train. It  
2 can be the rear car. But it can't be any closer than the  
3 sixth head car. That is a federal guideline, federal  
4 rights. Hazardous Material Act is what it's called.

5 COUNCILMEMBER HERNDON: That's to protect you  
6 guys, isn't it?

7 JACK FETTERS: Yeah, basically. It used to be  
8 you couldn't be from the sixth car from the caboose, but  
9 there's no cabooses no more; so as long as it's not nearer  
10 than the sixth car, it can be anywhere in the train.

11 I might also add that in April of this year  
12 there was a derailment in the Arden yard outside of Las  
13 Vegas. Three loaded chlorine cars from Pioneer Chemicals  
14 were tipped on their sides. The outer skin of one chlorine  
15 car was punctured.

16 Now, a tank car is basically a thermos bottle  
17 on wheels. They have an outer skin, then you have  
18 fiberglass insulation, then you have the tank itself. So  
19 it's not like a tanker in a ship or something. It's got two  
20 skins, basically.

21 The outer skin was ruptured, was cut. There  
22 was no chlorine leaked or not. The Union Pacific Railroad  
23 did not call anybody. They did not call Pioneer Chemical,  
24 they did not call Chem Trek, who is the hazardous response  
25 team that they were supposed to do, they basically went and



1 cleaned the mess up and didn't tell anybody in the City of  
2 Las Vegas what happened in the Arden yard.

3 That's a possibility that can happen here.  
4 I'm not saying that it will. But when UP starts talking  
5 safety, I would look at them with a jaundiced eye. I really  
6 would. And that's my own personal opinion.

7 COUNCILMEMBER PEARCE: I just have a  
8 question. You were talking about like if you identify --  
9 you trigger two of those things and the car that you have  
10 has chemicals in it, that you set out the car. Now, explain  
11 to me what that means if you're like -- well, if you're  
12 coming into Reno or something.

13 MAYOR GRIFFIN: You're thinking of ability to  
14 do it in the yard.

15 JACK FETTERS: There's no hot box detectors in  
16 yards.

17 COUNCILMEMBER PEARCE: No, no, but what I'm  
18 asking is -- okay, you're -- because I don't quite  
19 understand. You're going along a track and it takes you a  
20 while to stop because it takes all this time to figure out  
21 where it is. Now you stop, now you figure out you need to  
22 set it out, as you put it. How do you do that right there?

23 JACK FETTERS: You don't. You take it to the  
24 next siding, and you set it out there, or the next track.

25 COUNCILMEMBER PEARCE: That's what I didn't

1 understand. Okay.

2 JACK FETTERS: You could be two or three miles  
3 between sidings. You'll leave part of your train there and  
4 take the bad order, we call it, up to the siding along with  
5 the rest of the train, whatever is, behind 20 deep or  
6 whatever, you'll set that car out, and then you'll go back  
7 to your train and continue your journey.

8 COUNCILMEMBER PEARCE: And then in the course  
9 of this, you're communicating with the railroad so they know  
10 that there's part of a train sitting on a track somewhere?

11 JACK FETTERS: There's signals that let you  
12 know that the block is occupied, is what they call it. You  
13 just don't go -- yes, in something like that you would you  
14 call the dispatcher, which is in Omaha, and you would say  
15 such and such train we got a hot box, I got to set it out,  
16 and they'll say okay, go do your thing, and you go set it  
17 out, and you come back and get your train all together and  
18 you tell them you're ready to go, and then you go on your  
19 way.

20 COUNCILMEMBER PEARCE: You are aware -- I  
21 guess I should ask, are you aware of the terrain that the  
22 train follows from Truckee to Reno?

23 JACK FETTERS: No, I'm not.

24 COUNCILMEMBER PEARCE: Okay. It's very  
25 mountainous there, and it's right on the river. And you

1       were saying your concern would be the empty cars in  
2       between.

3                   COUNCILMEMBER NEWBERG:   This is -- and it's  
4       more of a comment overall, because there's been a lot of  
5       attention, especially nationally now with the Wall Street  
6       Journal's bringing this about with the Union Pacific's  
7       safety problems and the handling of the merger and, as you  
8       had mentioned already, that they had cut through the muscle  
9       I think at this point, and that they're having a lot of  
10      difficulty to the point of where they don't know where all  
11      the cars are, they don't know what cars are on what siding,  
12      and so you don't actually know what product would be at what  
13      siding.   And I think that's another issue that if it isn't  
14      already being addressed, I'm sure it is, and our staff is  
15      covering it, but I think that it's something important that  
16      if they can't handle the merger and they can't track their  
17      own railroad cars where things are going, the delays that  
18      they're having in servicing their customers, it's obvious  
19      that this is something that they can't handle in our area  
20      and their assurances or their Certificates of Compliance  
21      obviously aren't worth the paper that they would be written  
22      on, if they can't even take care of their own lines and  
23      their employees and safety now.

24                  JACK FETTERS:   An industry like that  
25      definitely needs oversight.   You don't want to say trust me.



1 I mean, it's like you want to build a house, you're going to  
2 be there and watch what's going on. You ain't going to say  
3 okay, call me in six months, I'll move in. You don't do  
4 that.

5 And especially with the railroad. They're  
6 getting ready to haul nuclear materials, they're hauling --  
7 UP is the biggest shipper of hazardous materials in the  
8 nation, railroadwise. I can't say about trucking or not,  
9 but railroadwise there are. And there's a lot of nasty  
10 stuff going over rails.

11 COUNCILMEMBER NEWBERG: What if you get a hot  
12 box alert? You know, we talked about the nuclear shipments  
13 that are coming through. Would you set the car off?

14 JACK FETTERS: I would. I would.

15 COUNCILMEMBER NEWBERG: And we're going to set  
16 the car off somewhere around Woodland Avenue or something?

17 JACK FETTERS: I imagine if these nuclear  
18 shipments, when they do come, they're going to be heavily  
19 guarded; and if you set a car out, I imagine there will be  
20 somebody there with some kind of authority to stop  
21 trespassers.

22 COUNCILMEMBER NEWBERG: So there's not a good  
23 likelihood that UP will lose it somewhere and not know where  
24 it is?

25 JACK FETTERS: I wouldn't think something like

1       that. I would hope not, anyway.

2               COUNCILMEMBER PEARCE: Will that be up to the  
3 engineer, though? That's an interesting question. If what  
4 Councilman Newberg said happened, would it be a decision of  
5 the engineer?

6               JACK FETTERS: It's the decision of the  
7 conductor.

8               COUNCILMEMBER PEARCE: The conductor.

9               JACK FETTERS: The conductor is the boss on  
10 the train. The engineer gets all the glory, but me, being  
11 the conductor, I have the last say, you know, because I know  
12 what's back there.

13              And I want to mention something that was  
14 brought up also, something about manifests, that we don't  
15 know what we're hauling. When I look at a car -- I'll go to  
16 work and I'll get a wheeler, what we call them, it's a list  
17 of the train. We call them a wheeler. It will say such and  
18 such car, a load, how many tons it weighs. It will say  
19 mixed freight, you know, or FAK, freight all kinds. Mixed  
20 hazard.

21              If it's an absolute dangerous car, like  
22 chlorine, something like that, it will say -- you'll have a  
23 weigh bill that says chlorine, how many tons or how many  
24 gallons of this stuff is, you know, and where it's at in the  
25 train.

1                   There's federal regulations that they have to  
2     let you know if it's a dangerous load where this dangerous  
3     load is in your train and where it's carrying. So it's not  
4     like you get on a train, oh, there's a tank car, I wonder  
5     what's in that. If it's dangerous, it will say -- you know,  
6     there will be a placard on the side of the car, for one  
7     thing, and on your manifest it will also say dangerous and  
8     what it contains and whatnot.

9                   COUNCILMEMBER PEARCE: But to get back to what  
10    Councilman Neberg says, if there was a problem with any  
11    variety of that, and you're on the train, you don't, like,  
12    call Washington from the train and say what am I'm going to  
13    do, it's up to the conductor to make the decision. I didn't  
14    know that.

15                  JACK FETTERS: Something like a nuclear train,  
16    maybe you --

17                  MAYOR GRIFFIN: Those are exclusive  
18    trains, though --

19                  JACK FETTERS: I would almost bet those are  
20    accompanied by half of the army.

21                  COUNCILMEMBER PEARCE: Probably.

22                  JACK FETTERS: You know, but I would say if  
23    the car is bad ordered, set it out. I mean, why jeopardize  
24    the rest of your train for one car. I mean, that's the  
25    thinking.



1                   MAYOR GRIFFIN: I have one technical question,  
2 Mr. Feters. If I can, just by way of deduction here,  
3 milepost 240, 242 is at Keystone and 238 is at Woodland, so  
4 somewhere around where McCarran crosses, I think, would be  
5 probably it.

6                   I'm just -- I'm just curious on this whole  
7 process. When you go over one of these detectors and a  
8 hot -- and it indicates a hot box, I guess there's two  
9 questions -- what's your experience in terms of the  
10 frequency of that actually happening?

11                  JACK FETERS: Not very often.

12                  MAYOR GRIFFIN: Oh, okay. And what would be  
13 the process? In other words, you pass something and it says  
14 you've got a melting axle or the equivalent of it, do you  
15 stop it right then and there, as soon as you get --

16                  JACK FETERS: Well, we're supposed to. It  
17 says -- like your 345th axle, well you figure out where  
18 that's at, you'll stop the train -- you know, if you're  
19 doing 50 miles an hour, it's going to take you a mile or two  
20 to stop.

21                  MAYOR GRIFFIN: But I mean, you're going to  
22 stop it? You don't try to keep going to some convenient  
23 place to stop?

24                  JACK FETERS: No, no, no, no. The rule  
25 states you're supposed to stop the train, walk back, check

1 the car out; and if it's bad ordered --

2 MAYOR GRIFFIN: But the frequency of that is  
3 not that great, but it happens?

4 JACK FETTERS: One in twenty.

5 MAYOR GRIFFIN: One in twenty is a lot.

6 JACK FETTERS: That's just my experience. I  
7 mean, it doesn't happen a whole lot, I'll be honest with  
8 you, it really doesn't.

9 MAYOR GRIFFIN: Because if we're talking  
10 about 28 a day, that would be one a day when we stop that  
11 monster somewhere around Keystone.

12 JACK FETTERS: These hot boxes are not  
13 dependable either.

14 MAYOR GRIFFIN: I'm just personally concerned.  
15 I cross at Keystone all the time.

16 JACK FETTERS: Yeah, a hot box will say  
17 integrity failure, also. Well, that means the hot box is  
18 not working. So you got to go to the next one. And you  
19 reduce your speed to 35 miles an hour unless somebody,  
20 another employee is giving you a roll-by that says, you  
21 know, your train is okay to go.

22 MAYOR GRIFFIN: Okay. Great Appreciate it,  
23 Mr. Feters.

24 JACK FETTERS: Thank you, sir.

25 MAYOR GRIFFIN: Thank you. Okay. We do have

1 a motion, and I know that that there will be an opportunity  
2 for any other comments at that particular time, but it  
3 sounds like we've pretty much given some here.

4 Care to make a motion, which is to give staff  
5 direction?

6 COUNCILMEMBER PEARCE: Councilman Herndon  
7 is our railroad authority.

8 COUNCILMEMBER HERNDON: I'll move to direct  
9 staff to prepare comprehensive comments to the SEA's PMP  
10 addressing significant health and safety concerns and file  
11 these comments on or before October 15th, 1997. I further  
12 move to direct the City's legal counsel to continue pursuing  
13 litigation and to seek a full environmental impact  
14 statement.

15 You know, I have a little problem with this,  
16 though. We just say health and safety concerns, and  
17 personally I think we need to address environmental -- or  
18 economic concerns, also.

19 MAYOR GRIFFIN: Your motion noting all the  
20 comments --

21 COUNCILMEMBER HERNDON: Yeah, noting  
22 specifically all the comments and discussions that have been  
23 taking place at this table.

24 MAYOR GRIFFIN: Is there a second?

25 COUNCILMEMBER PEARCE: Second.



1 MAYOR GRIFFIN: Discussion? Dave?

2 COUNCILMEMBER AIAZZI: The only discussion  
3 I'll make, coming late, this started before I got into  
4 office, but I'm a bit confused about this report.

5 In January Union Pacific came to us and said  
6 we think that burying the tracks would be the best idea. We  
7 just also agreed that burying the tracks would be the best  
8 idea. So I thought at that time we had some sort of  
9 agreement as to mitigation would be to put the tracks  
10 underground.

11 They gave us the letter in January stating  
12 that they would be able to do this without any impact  
13 financially to the City of Reno; although everyone agreed  
14 that this is the reasonable thing to do was just finding the  
15 money. We didn't particularly believe them that they would  
16 find the money, so we went to our legislature and found  
17 sales tax money to do this.

18 So this report to me, it sort of stymies me,  
19 because I thought we had the solution. I thought we had  
20 come to an agreement with the UP as to what the best  
21 solution for this was, and this is sort of superfluous.  
22 All of this stuff would go away if we just agree that what  
23 we have to do is depress the tracks, and I thought that's  
24 what we had agreed to do is depress the tracks and now we're  
25 trying to find the money to do it.

1 I think that this report is -- I don't know if  
2 feeble is too big of a word, but I think it is, in what --  
3 even UP has agreed that their requirements are up to 35  
4 million dollars, and this report says 17.

5 The example that they're giving here, if I  
6 could equate that to a school zone, it's like if we increase  
7 the speed limit of the school zone to 45 miles an hour the  
8 kids will be safer crossing the street. I don't think that  
9 that's realistic.

10 What we're actually trying to do here is --  
11 the railroad is the developer, and they're building a huge  
12 development in California that's going to increase the  
13 traffic through Reno, and we're just asking them to pay  
14 their mitigation fees, just like we would with any developer  
15 that's building something in Reno.

16 I don't think we're asking for anything  
17 exorbitant or anything out of line here. In fact, we're  
18 even offering to pay for half or near to it.

19 So I guess my only comment is I think that  
20 this is far short of what is necessary, even by the UP's  
21 standards, or by Reno City Council's standards, or the Reno  
22 citizens' standards, and I hope that the Surface  
23 Transportation Board looks at that as far less than was even  
24 agreed to by the Union Pacific Railroad months ago.

25 COUNCILMEMBER HERNDON: Give me my letter

1 back.

2 COUNCILMEMBER PEARCE: Mr. Mayor, that's also  
3 the main thing that we're -- our parallel path is the legal  
4 path.

5 MR. McNEELY: As far as what the Surface  
6 Transportation Board, the committee out here, has urged us  
7 to meet with Union Pacific to work out a settlement  
8 agreement and try to negotiate. But the same time we have a  
9 document like this, that does nothing but hurt that effort.  
10 So it's going to counter everything that even the Surface  
11 Transportation Board has urged us to do.

12 COUNCILMEMBER AIAZZI: I haven't seen anything  
13 where we are actually opposing the merger or opposing Union  
14 Pacific. We're just trying the get them to pay for the  
15 mitigation of increased traffic, because, like you say, if a  
16 developer built a huge development and traffic on the road  
17 is increased, we would ask them to pay to fix the roads. It  
18 seems fairly clear-cut to me.

19 COUNCILMEMBER PEARCE: And we want somebody to  
20 address our quality-of-life issue.

21 COUNCILMEMBER AIAZZI: Yes.

22 MAYOR GRIFFIN: Any other comments?

23 (No response.)

24 MAYOR GRIFFIN: A couple if I can, just to add  
25 a little more fuel to this whole thing. I think the thing



1 that's interesting in all of this is the burden -- in the  
2 tier one mitigation suggestions or compulsions, the burden  
3 seems to be substantially, if not exclusively, shifted to  
4 the City.

5 If one of these monsters blows up, well, we'll  
6 see it on television, as near as I can tell, is their safety  
7 concern. I think that this whole thing also grossly  
8 understates, vastly understates the increase in traffic. It  
9 is simply a question that not only the railroad has dodged  
10 consistently, but the Surface Transportation Board has  
11 dodged.

12 I think that it was significant that when this  
13 merger was approved preliminarily that the existing level of  
14 traffic was the limitation placed on them, yet here we find  
15 now -- I assume if they're going from 14 to 28 and we need  
16 to cut it in half by going 30 miles an hour, if they go to  
17 56, it will be 60 miles an hour, it is absurd on the face of  
18 it.

19 And the last thing that is really bothering me  
20 is, I believe the Surface Transportation Board in this case  
21 has acted as a lobbying group for America's railroads.  
22 Their obligation is to America's citizens, not to the  
23 industry they're supposed to regulate. And this report  
24 seems to me to indicate how can we help this railroad make  
25 this merger work.

1                   That is not, in my view certainly, what their  
2                   obligation is. Their obligation is to the citizens of this  
3                   country and particularly to the citizens of the City of  
4                   Reno.

5                   I would like those comments embraced somewhere  
6                   in there that in my view the Surface Transportation Board  
7                   has acted more as an ex officio part of the railroad  
8                   industry, and I think that's entirely inappropriate.

9                   MS. BELAUSTEGUI: So noted.

10                  MAYOR GRIFFIN: All those in favor, please  
11                  signify by saying aye.

12                  (Councilmembers responded.)

13                  MAYOR GRIFFIN: Opposed?

14                  (No response.)

15                  MAYOR GRIFFIN: Motion carries unanimously.

16                  COUNCILMEMBER PEARCE: Mr. Mayor, would you  
17                  compliment staff? I think that --

18                  MAYOR GRIFFIN: I mean, it goes without saying  
19                  that the staff has done just an outstanding job of not only  
20                  following this kind of activity and putting in all the  
21                  hours, but keeping a group of people who quite frankly are  
22                  not railroad experts, are not technical or legal experts,  
23                  you've done an outstanding job of keeping us informed, and  
24                  also the citizens informed, as to the concern and the impact  
25                  that this will have.

1                   This is an issue that I think is government at  
2     its best, in the sense that what we don't want to have  
3     happen is that we have a practical example of the impact of  
4     this railroad merger by an accident indicating the health  
5     and safety concerns that you have so well stated, but that  
6     you are leading the charge that said this can happen, and  
7     you're to be complimented. I think the council feels that  
8     way unanimously as well.

9                   Okay. Let's see. We are going to move on.

10                  Okay. We're going to move on to item 6, the  
11     presentation by our legal counsel in Washington, Paul  
12     Lambole, on issues associated with the railroad merger.

13                  PAUL LAMBOLEY: Mr. Mayor, Members of the  
14     Council, thank you very much. And I want to be the first to  
15     echo the complimentary commentary that you offered to the  
16     staff. I will have to tell you that I have had as much  
17     pleasure in working with the staff, Stu and Stuart, Terry  
18     and Mark and Steve and others, but most particularly, I have  
19     to say to the city attorney that Merri Belaustegui-  
20     Traficanti has been an absolute delight, and I'm very  
21     pleased that the city manager has made her kind of a point  
22     person on all of this, because she signs off every telephone  
23     communication with, "Thank you for your help."

24                  But I want to say simply, thank you for your  
25     help, because without this, as you've just pointed out, you



1 would not have been able to advance the City's interests as  
2 much as you have. This is a tremendously difficult case,  
3 and many of you were asking questions, and in this discourse  
4 that you just had, and my suggestion right away would be, if  
5 there is a transcript to be made of this, I would suggest  
6 and recommend that this kind of dialogue and conversation be  
7 made a part of the record to be submitted to the board as a  
8 post-review, if you will, knowing that it is as much  
9 free-wheeling, as much unrehearsed, but as genuine a  
10 conversation about the concerns and where you are really  
11 coming from.

12 So Mr. Mayor, I would make a suggestion, for  
13 your consideration, that the afternoon's discussion on this  
14 be transcribed and submitted to the board so that they can  
15 have the benefit, should they wish to, of reading -- they  
16 didn't have the pleasure of being here, but reading at least  
17 the record that you've developed on the fairness of your  
18 concerns and the roundness of your consideration of  
19 issues.

20 MAYOR GRIFFIN: Would they like the video?

21 PAUL LAMBOLEY: Well, that maybe, too. Visual  
22 impacts are tremendously important.

23 I will also make the observation that in  
24 response to the mayor, I think you -- your comment was well  
25 directed in many respects. It hurt a bit, because I have

1 served as a member of this very same regulatory agency, its  
2 predecessor agency, and there was always the fear that the  
3 regulators get too close to the industry they regulate; that  
4 the economic interest that you regulate drive some of the  
5 decision making.

6 What's at issue here is not the regulatory,  
7 economic regulatory interests of the rail industry but  
8 rather the public health and safety of the communities that  
9 are involved with that rail transportation service. And it  
10 includes not only the human environment, it does include the  
11 interrelated economic environment and the impacts of the  
12 society in which this operates. So there are very clear  
13 ground rules of what to look at.

14 The Council in Environmental Quality, CEQ, as  
15 it's called, has published the standing rules that govern  
16 what you do when you take a look at environmental  
17 assessments and environmental impact statements.

18 The reason why we're always behind the gun the  
19 30 days that we have to respond to this report, it is  
20 because if this were an EIS, the rules require minimum 45  
21 days, but because they at the outset, the board at the  
22 outset, has determined that there is no significant impact  
23 as a result of this merger, the FONSI determination, the  
24 FONSI allows them to make any set of rules they wish, and  
25 it's an ad hoc investigation. And that's what we've been

1 dealing with.

2 So when you compliment your staff, you must  
3 truly compliment them of coming on a learning curve that is  
4 terribly steep and time is very, very short. And none of  
5 them are railroad operations people. And all of this, as  
6 you heard from Mr. Fetters, is rail op material.

7 Hot boxes, mile posts, you know, it's one  
8 thing for us as -- when we were children to put pennies on  
9 the railroad and watch it get squashed, it's another thing  
10 to understand exactly what was going on in the entire  
11 system.

12 This system has 34,000 miles in 25 states.  
13 Reno lies at the center of the most important corridor that  
14 is a part of this system, and that's what's called the  
15 overland or central corridor. It links the Pacific Coast  
16 with the Midwest directly.

17 And we don't need to go through the history,  
18 but the profiling is terribly important, because as a matter  
19 of litigation, it's taken us a while to get people to  
20 appreciate precisely why rail service in this community is  
21 different in terms of the analysis, and it ought to have  
22 been because the railroad is no stranger to this community  
23 by a long shot. Been here a long time.

24 And interestingly enough, I remember  
25 anecdotely that when the railroad made the observation one



1 day that they were here first, reminding the City that they  
2 were here before the City became existent, that some of our  
3 friends from the trikal colony made the point that remember,  
4 white man, the native American was here first, in this  
5 territory.

6 And I think it was very important to kind of  
7 get a sense of what we're talking about and what we're  
8 doing. You can't make those global statements and make them  
9 stick with any sense, because they don't solve problems.  
10 All they do is drive people into advocacy. And that's where  
11 I will take you right now.

12 The advocacy situation that the City has been  
13 facing has been one that has been somewhat ongoing. After  
14 we filed our original notice of intention to participate, we  
15 promptly, in March of 1996, provided them with -- provided  
16 the board with a profile of the City and our community and  
17 why you have to take a good look at the City of Reno. That  
18 is a site specific difference between Reno and all other  
19 cities that may be evident on the system that's involved.

20 And I think we made a very good presentation.  
21 Your staff put it together with the help of many of the  
22 community, and it's important that -- I should add hastily  
23 that it's important that there is a community involvement  
24 which your outreach has proven to be a very significant,  
25 very diligent, and it has been very valuable.

1           It has always been a situation that if this  
2 community wants the solution to this problem, it can be  
3 achieved. If this community does not want it to be solved,  
4 it will not be that way. And I think we generally all know  
5 that.

6           There isn't -- in my judgment, I will have to  
7 tell you -- probably any agency, whether it's traditional or  
8 administrative, who is going to order certain things. It's  
9 just beyond their capacity to think about doing something  
10 like that. They will be -- the solution that we will  
11 probably best obtain for the future is one that will put a  
12 premium on our negotiations. But in order to effect them,  
13 we've had to become very serious and substantive litigators  
14 and advocates.

15           We have currently not only participated  
16 throughout the course of the proceedings before the Surface  
17 Transportation Board since March of 1996, providing not only  
18 our initial fact-finding summary to alert them to our  
19 community and our concerns, we have also provided them with  
20 initial comments on the first go-around, which were very  
21 substantial and, weighty about why you are probably going to  
22 miss the boat, but interestingly enough, and we say miss the  
23 boat, because at the outset the applicants identified the  
24 thresholds of air quality and noise that would be exceeded  
25 by their own proposed operation.

1                   So it isn't something that was brand new. The  
2 applicants knew that in certain areas the threshold that  
3 measured rail operations would be exceeded. Reno was  
4 clearly one of those. And noted as being a nonattainment  
5 area for air quality for three air quality pollutants.  
6 We emphasized that to say take a good hard look, which is  
7 the requirement.

8                   We commented again on the environmental  
9 reports. We have filed briefs. And we've also filed a  
10 petition for review. But during the course of the  
11 proceeding, we also filed a case against the board seeking  
12 to compel the ongoing study to be done under identified  
13 recognized ground rules for environmental investigation and  
14 documentation. The consequence of what I've just said to  
15 you is that the Surface Transportation Board in the City of  
16 Reno seemed to be always on collision courses over issues.

17                  We have proceedings in both the 9th Circuit,  
18 which is in San Francisco, as well as the D.C. Circuit in  
19 Washington D.C. The case proceeding in the D.C. Circuit was  
20 one we initially filed in San Francisco in the 9th Circuit.  
21 It was the petition to review decision number 44. That's  
22 the decision which approved the merger and conditionally  
23 imposed certain anti-competitive conditions as well as some  
24 environmental responsibilities, most being the two studies;  
25 the study for Wichita and the study for the City of Reno,



1 in addition to a series of conditions that are generic.

2 They are essentially conditions, as you've  
3 seen, which can be translated into either consult with the  
4 people in the areas that you're operating with and the  
5 agencies that are affected, both federal and state, and  
6 follow the law; compliance. The suggestion is you have the  
7 right not to follow the law and not to comply with public  
8 health and safety requirements.

9 So the proceeding that we filed in San  
10 Francisco was consolidated with the proceeding that was  
11 filed by the City of Wichita. They filed in the D.C.  
12 Circuit. The consequence was the lottery occurs and, walla,  
13 the D.C. Circuit turns out to be the selected form of  
14 choice, not our choice, by a long shot, but the choice  
15 nonetheless.

16 The District Court here in Reno which was  
17 considering our mandamus request was faced with a motion to  
18 transfer, which we filed, to say remove this case to San  
19 Francisco to companion with our petition for review; that  
20 is, we want to consider not only the FONSI determination and  
21 the proceedings leading up to it, but we also want  
22 protection over the ongoing, continuing study that was going  
23 to occur after decision 44.

24 The government, for its part, filed a motion  
25 to dismiss. The government's position, I will tell you a

1 little bit about it, only because it's important in that you  
2 will see the inconsistency, as you've already touched on the  
3 inconsistency in other attributes of this.

4 Before the District Court here in Reno, in  
5 response to the City's motion to transfer, the government  
6 filed a motion to dismiss, arguing that the decision is now  
7 final, there is no intermediary, interlocutory ongoing  
8 internal relief necessary that is all subsumed by the final  
9 decision, decision number 44, and the review of that  
10 decision, which is now moved from San Francisco to  
11 Washington.

12 Well, we filed, after the District Court  
13 denied our motion to transfer, granted the government's  
14 motion to dismiss, we filed a request to appeal, and that's  
15 where the litigation is in the 9th Circuit, and that's what  
16 the subject is; and the subject is whether or not the Court  
17 of Appeal had a right to hear the case and hear the  
18 interlocutory interim remedies that we're seeking to sort  
19 out what the ongoing mitigation study was to be conducted by  
20 one of the ground rules.

21 We have filed our opening brief, the  
22 government's replied, and we filed on the 15th our reply. I  
23 will tell you this, that when you read the government's  
24 reply in San Francisco, they try and uphold the notion that  
25 this is a final decision.

1           As soon as the case, however, that we have  
2       filed in San Francisco was removed to Washington, by virtue  
3       of the lottery system, the government promptly moved before  
4       the D.C. Court of Appeals to sever the Reno case and to hold  
5       in it abeyance, arguing first that Reno is unique. The  
6       environmental questions for Reno are different than the rest  
7       of the questions that are presented by the other cases, and  
8       so they ought not to be consolidated.

9           Secondly, they argued to hold the matter in  
10      abeyance and delay review until a final decision is rendered  
11      by the board. Now, out here in the west, the decision was  
12      final. I guess in Washington it's not final.

13          There is a certain revolving-door attribute of  
14      positions taken by the government in this proceeding. If  
15      decision number 44 is not final, then there is no appellate  
16      jurisdiction anywhere.

17          What we did is file a contingency motion  
18      pointing that out not only opposing the severance or  
19      opposing the delay, but arguing that if indeed the  
20      government is right, that their decision is not final, then  
21      this whole matter ought to be dismissed or it ought to be  
22      transferred back to San Francisco where the proper venue was  
23      to start with.

24          That's going to be part of the proceedings in  
25      Washington, because typical of perhaps some of the things



1 and hold in abeyance that the government filed without  
2 prejudice making us respond to that during the briefs.

3 Now, there's a limitation on pages and words,  
4 which almost everybody hopes that lawyers would follow, but  
5 now we have to address an issue that I think is unnecessary,  
6 but the court wants to hear about it, and it's going to come  
7 out of the space available for us to talk about the FONSI  
8 determination and the absence of proper environmental  
9 investigation and documentation under EIS procedures; that  
10 is, the preparation of environmental impact under recognized  
11 investigative structure.

12 It isn't an ad hoc arrangement, it isn't we'll  
13 try this, if you respond we'll try something else. It is a  
14 very well defined and laid out procedural examination of  
15 public health and safety and the related social, economic,  
16 and historic, as well as endangered species, and  
17 particularly with that, the environmental impacts on  
18 biological species.

19 And I would hasten to add quickly that we  
20 signaled at the outset, and the railroad knew, that the  
21 cuiui fish and the Lahonton cutthroat trout were endangered  
22 species in this area, and they also knew that the native  
23 Americans with respect to the cuiui believed that it was a  
24 sacred fish and the waters which form the Truckee fishery  
25 for that fish are sacred waters. It's part of the water

1 compact and the water dispute.

2 This isn't something we're jumping up and  
3 making out later as being an issue. These are issues that  
4 this community has struggled with for a long time, everybody  
5 has been aware of it, and the railroad has people on site  
6 and on the ground, in country, as they say, and they've  
7 known it all along.

8 The consequence has been to have all these  
9 things ignored. They've known all about our community for a  
10 long, long time. But we've done a very good job and your  
11 staff, again the compliment is owed them in adequately  
12 profiling why Reno has such a unique claim to attention in  
13 this environmental impact and, as you've pointed out, the  
14 issue has not been opposition to the merger but rather the  
15 post-merger operations.

16 In fact, we have many people who have  
17 supported the merger and on record and the council has  
18 always supported the record on merger -- on merger on record  
19 saying, "We do not oppose the merger. In fact, we think  
20 that improved efficient safe rail transportation is an  
21 appropriate consideration and is an appropriate business  
22 change, and not only will the railroad itself be the  
23 beneficiary of that, this community would be the beneficiary  
24 of those opportunities.

25 There are many things that are of value. But

1 what has been of troubling concern is the public health and  
2 safety and the environmental questions which we consistently  
3 presented, we have the litigation in the 9th Circuit, we  
4 have litigation in the D.C. Circuit, they are all coming to  
5 a head at the same time in terms of briefing. Decisionally,  
6 they will probably start moving down the same parallel paths  
7 in time, we will probably not have decisions for six to  
8 eight months.

9 By then, we will have the second decision of  
10 the Surface Transportation Board, and you can surely  
11 anticipate what they will do now is move to introduce the  
12 new decision, the second decision, and it's going to be --  
13 see, the argument will be very simple. We're entitled to  
14 two bites of the apple. We may have missed the first  
15 go-around with the FONSI, but we've cured it because we've  
16 spent 18 months studying the problem, and so they're going  
17 to say, "Your Honors, while we did not choice to do an EIS,  
18 we did the equivalent of the EIS, kind of an EIS light, you  
19 know, one of those kinds of things." And hopefully we will  
20 be persuasive enough to say the obligation at the outset was  
21 not to make the determination that there was no significant  
22 impact but to make the determination with all that record  
23 that was committed to you at the time that there was a  
24 significant adverse impact on public health and safety which  
25 under law requires that you do an EIS, and the fact that you



1 did some other study and you called it a mitigation study is  
2 not the equivalent and is not the functional equivalent and  
3 is not the legal equivalent of an EIS, and we're asking that  
4 you do it and do it over, and the time will have to be  
5 invested to do the investigation and documentation process  
6 under an EIS properly.

7 I would suspect that the litigation will  
8 occupy some time, but what is going to develop really is the  
9 ongoing proceedings that continue before the board. For  
10 instance, not only are we going to file comments next week  
11 in the Reno mitigation plan, we are going to -- we have  
12 already asked if -- there are a series of letters and  
13 inquiries that the manager has made in the course of this  
14 process to say, "Tell us what's going on, give us some  
15 database, give us some information so we, too can evaluate  
16 what you are relying on, because if it's correct, fine, if  
17 it is not or needs some further evaluation, let us maybe  
18 supplement it, augment it, or explain it, if you don't  
19 understand it."

20 Many of those answers have not been  
21 forthcoming. One of the answers, one of the questions we  
22 posed and we posed at the outset, was to have the board tell  
23 us what the compensation was both in terms of its basis and  
24 the amount that was being paid to the independent  
25 consultants.

1           The independent consultants are authorized by  
2 law to be engaged by an agency. The independent consultants  
3 are generally engaged by the agency, presumed to work under  
4 the supervision and direction of that agency, but frequently  
5 then the resources available to fund that independent  
6 consultant for environmental investigation is paid for by  
7 the applicant. Not much different than, perhaps, you're  
8 familiar with in our gaming investigations. Licensee  
9 holders must as a part of their application fee fund the  
10 investigation of their background.

11           Well, similarly, the use of an environmental  
12 investigative third party consultant is authorized by law,  
13 was engaged in this case by the board, the railroad pays the  
14 fees. As a part of what we think was appropriate  
15 supervision, one would ask and think that the question could  
16 be answered. Well, what are these people being paid, and  
17 how are they being paid, and what's the basis for the  
18 compensation?

19           The response to that question that we posed in  
20 the fall came the first part of the year in January, and  
21 that was, "We don't get into those things. We can't tell  
22 you what they're being paid because we are not involved in  
23 the compensation of a third-party consultant."

24           We asked, again, through one of the manager's  
25 letters, if we could set aside a little time in the task

1 force meetings to cover some of this, just by way of  
2 information, to be helpful, to perhaps clear up some  
3 concerns and some confusions.

4 The answer was, "We're having no -- we're no  
5 longer having any more meetings." And so they reiterated  
6 the fact that on that issue we don't have any further  
7 information than what we gave you in January.

8 So we have now filed interrogatories, formal  
9 interrogatories, to ask the railroad if they would tell us  
10 what they have been paying the independent consultants and  
11 how they have been paying them, and what's the frequency and  
12 the basis for the payment.

13 We've also asked them to provide us with the  
14 databases and traffic studies and other things for a window  
15 period well beyond the five years that seem to be going on  
16 and identify those and tell us whether or not you have  
17 shared those with the independent consultant or whether the  
18 independent consultant has asked for them.

19 Because it's our general belief that no one  
20 spends five billion dollars without doing some studies, some  
21 business studies and business plans and can tell you how  
22 many trains they expect and what the traffic and tonnage and  
23 the revenue is going to be. They certainly can project the  
24 revenue, they certainly have to be able to understand the  
25 specifics that underlie the revenue projections.



1           We think there are an awful lot of studies  
2   that have not been evaluated, but that are probably in the  
3   railroad's office manuals -- or office manuals, office  
4   files, and can tell us an awful lot about what they plan on  
5   doing.

6           In response, we've also asked them to provide  
7   us traffic studies specifically with relationship to the  
8   Port of Oakland. Oakland has, as you know by reading this  
9   report, been publicly diminished as being any significant  
10   port on the West Coast. In about three paragraphs in the  
11   recent report from the board, they indicate that it's almost  
12   really too speculative to credit.

13           Now, some of you may have seen the Chronicle  
14   or other reports in which the -- I think there's about 300  
15   acres from the naval property that was just really  
16   transferred over to the Port of Oakland. Oakland has, as  
17   the market's reported, undertaken a bond issue that there is  
18   a very ambitious program at the Port of Oakland to expand  
19   and become a significantly larger and important port.

20           The reason why that it should concern us is  
21   very simple. In the Ports of Los Angeles, Long Beach have a  
22   tremendous amount of what is referred to as domestic  
23   container traffic, and that is because of the high density  
24   of population, 40 to 50 percent of the traffic that comes in  
25   there stays within 500 miles for distribution. The rest of

1 it is the discretionary traffic that's carried by rail  
2 essentially a land bridge across the country to other parts,  
3 either the Midwest or East.

4 As you can quickly see, northern California  
5 does not have that same kind of domestic content. But as  
6 Asian-rim countries develop and as manufacturing and trade  
7 have increased, the Port of Oakland has understood that it  
8 can be a major, major player, and the traffic that would  
9 come into Oakland is traffic that would obviously be  
10 intermodal container traffic destined for other places than  
11 northern California.

12 Simply put, it's on the central corridor, over  
13 Donner, through Reno, on to the rest of the United States.  
14 This is the main line. It is now, because of the merger,  
15 400 miles shorter than it was before in its bits and  
16 pieces. It has tremendous deficiencies, and Oakland  
17 understands.

18 In short, we are on the line that is the exit  
19 strategy for the Port of Oakland's development; and we've  
20 been talking seriously with the Port of Oakland about what  
21 is going on, but it has been diminished, and I think in very  
22 public ways, in this last report to suggest that they should  
23 not even be considered as being a contributor to increase  
24 traffic plans and projections for the central corridor in  
25 which we lie.

1           These are the kinds of issues that not only  
2           have we presented before leading up to decision 44, these  
3           are the kinds of issues we've been continually presented and  
4           will present again, as you heard from the staff, in the  
5           comments that are due next week.

6           We have been somewhat disappointed that they  
7           have not been fielded with -- and perhaps accorded the  
8           respect that we think they should be, and I hope, Mayor,  
9           that you are wrong, that the agency is not the -- too close,  
10          if you will.

11           MAYOR GRIFFIN: The Lobbying group was the  
12          term --

13           PAUL LAMBOLEY: I was just going to try to  
14          move a little different direction -- too close to the  
15          industry and is capable of making an independent assessment  
16          of what really is at stake in the Reno circumstance and the  
17          site-specific activities that we have emphasized and  
18          underlined and have done so, I think, with not only great  
19          science but really some great writing.

20           You do have some people on board that have not  
21          only gathered together some very well-documented scientific  
22          and databased presentations, but also have been able to  
23          effectively and persuasively write and make the  
24          presentations necessary to underline and emphasize why Reno  
25          is involved in this and why we are concerned and why these



1 interests should be attended to.

2 I would conclude by simply saying that it is  
3 too soon to tell when we're going to get decisions and what  
4 those decisions are. But if history is any indicator of the  
5 future or the past is prolonged for the future, I'm worried,  
6 frankly, that the effort in which we were involved in in the  
7 mitigation study will be treated in the same fashion as the  
8 original efforts that we've put forth that resulted in and  
9 are still the continuing views of the board, that there is  
10 no significant impact that's occasioned to this community as  
11 a result of the merger. Could not be farther from the  
12 truth. But it seems to be the current operative view by the  
13 board. And I think it will be very difficult to dislodge.

14 I'll answer some questions.

15 COUNCILMEMBER HERNDON: Well, it's my  
16 understanding that there was another merger back East,  
17 Conrail and several others, and that this -- the Surface  
18 Transportation Board either directly ordered or participated  
19 in the ordering of a full environmental impact.

20 Is that the case, number one; and what would  
21 differentiate them in some way to receive that treatment  
22 where we, who went out and requested it, can't get?

23 PAUL LAMBOLEY: Well, I think that the short  
24 answer -- well, first of all, for the Conrail acquisition  
25 case, an EIS, a full EIS was ordered by the board even

1 before the application was filed. The formal application  
2 had not been filed when the board entered an order, ordering  
3 the EI -- indicating that an EIS would be conducted.

4 The difference, the rules under which the  
5 board operates are the same. No difference there. The  
6 difference, probably when you have ten billion dollars on  
7 the table you ask for an EIS and you embrace the notion of a  
8 EIS and say to the board, please do an EIS because you can  
9 bring some closure to the issue.

10 And you may not have a continued litigation  
11 over whether or not to do an EIS, but if there is an EIS,  
12 then all the parties understand what the ground rules are  
13 for the investigation and they know what they have to  
14 present and what issues are going to be dealt with in terms  
15 of formal scoping, formal definition. All the ground rules  
16 that we have been arguing ought to be in play here are now  
17 in play elsewhere.

18 And perhaps they looked at the Reno UP/SP  
19 experience and thought that, you know, it is better,  
20 perhaps, to have started out the right way when there is  
21 some demonstration. Except, for the life of me, there  
22 wasn't any record yet upon which there's a demonstration due  
23 an EIS over the entire system. We only asked for an EIS for  
24 Reno. We did not ask for an EIS for any other part of the  
25 system. But they are going to do one for the entire system.

1           Beyond that, and even those comments I think  
2           were a degree of speculation, but I think they're fairly  
3           closely grounded to what was the thinking.

4           COUNCILMEMBER HERNDON:   Something we haven't  
5           touched on in our deliberations --

6           PAUL LAMBOLEY:   We surely are pointing that  
7           out, and we have already pointed it out to the 9th Circuit  
8           that -- why we're here asking for some of this, by the way,  
9           this is a final decision, but there's an ongoing mitigation  
10          investigation effort, and we think it ought to be done in  
11          the ground rules. And by the way, they agreed, too, but not  
12          in this case.

13          COUNCILMEMBER HERNDON:   It's only for other  
14          people.

15          PAUL LAMBOLEY:   Yeah, it's like it's final in  
16          the west but not final in the east. It works for them.

17          COUNCILMEMBER AIAZZI:   Just quickly, one  
18          question. If UP stepped up and funded this depression of  
19          the railroad tracks, would all these legal issues go away?  
20          Is that what we're saying?

21          PAUL LAMBOLEY:   The short answer to your  
22          question is if we had a hundred and eighty million dollars  
23          from a lottery or whatever and came in and said put it on  
24          the table, no one would raise an issue about anything; we  
25          would be underway with evaluating how to do the project, not



1 whether to do the project.

2 COUNCILMEMBER AIAZZI: Thank you.

3 MAYOR GRIFFIN: Pierre?

4 COUNCILMEMBER HASCHEFF: Just quickly on the  
5 staff report that referred to decision 71, and they talked  
6 about the two phases or the two tiers with respect to  
7 funding.

8 Tier one is really what the board has  
9 jurisdiction over with the mandated mitigation, at least  
10 that's the way I read my staff report, and then tier two is  
11 one where you have to get consent from two parties.

12 What jurisdiction -- does the STB have any  
13 influence over the railroad to at least facilitate if not  
14 force the railroad to come up with some type of mutual  
15 agreeable funding mechanism where they just leave it at tier  
16 one and basically don't do anything further after that?

17 PAUL LAMBOLEY: Well, see we're accepting --  
18 you know, the short answer to your question is we don't  
19 accept the notion of tier one's and tier two's because we  
20 don't know -- that's a manufacturer's decision, which, as  
21 Merri points out, we weren't a party to.

22 But if you read the decision, you will have a  
23 chance to see that the general counsel for the Surface  
24 Transportation Board called the lawyers for the railroad  
25 after the petition was filed. They say it right there, and

1 we confirmed certain things.

2           The first we knew about that is when it was  
3 served. What it does or attempts to do is attempts to say,  
4 "We are limiting the mitigation jurisdiction. We are saying  
5 there is tier one jurisdiction and tier two. Tier one, we  
6 will oversee and exercise authority. Tier two, we don't.  
7 You're on your own."

8           The reason why the issue is important is  
9 ordinary environmental investigation documentation under any  
10 structure, and particularly under an EIS, is that there is  
11 no such thing as levels of mitigation that you look at or  
12 don't look at. You look at all of them and you make some  
13 recommendations regarding choices. Some may have different  
14 cost consequences than others and some of them may have  
15 different beneficial results than others, but you don't  
16 exclude any from the outset or exclude any from the possible  
17 recommendations.

18           And what this is, is nothing more than an  
19 attempt to limit board jurisdiction over mitigation, which I  
20 think is frankly contrary to law. And that's precisely what  
21 we will argue, that you cannot do a neat -- a statutory  
22 investigation and limit your jurisdiction, nor may you do  
23 things that influence people to limit the impacts while the  
24 investigation is ongoing.

25           But the larger question that you asked,

1 Councilman, is this: Really, what is the extent of the  
2 board's jurisdiction? The board has jurisdiction over  
3 Interstate Commerce. It has jurisdiction over some  
4 attributes of environmental investigation and documentation  
5 and solutions as it relates to Interstate Commerce.

6 It is attempting to limit that. I'm not sure  
7 that it can. And it's not precisely clear exactly where the  
8 board has jurisdiction and where the board loses  
9 jurisdiction. I will give you an example.

10 We have asked the board to do an air quality  
11 conformity study under the Clean Air Act. The board's  
12 answer to that was, "We have no jurisdiction over the  
13 operations of railroad and the emissions of air quality  
14 pollutants. So we don't have to do one." I guess that's  
15 interesting because the statute, in our view, is very point  
16 blank. An agency has the responsibility to do a conformity  
17 determination to transportation operations that's approved  
18 by an agency.

19 But they say they don't have responsibility  
20 for air quality. That's an EPA and state agencies. So now  
21 that's somebody else's table; ain't my table, is that  
22 answer.

23 Now, if you notice when we get into safety at  
24 the outset the FRA was responsible for safety, rail safety,  
25 and indeed they are, they're the principal federal agency



1 responsible for rail safety. But you notice that the  
2 Surface Transportation Board is engaging in an awful lot of  
3 safety-related analysis here. They didn't invite FRA into  
4 this as a part of the process; that is, as a lead agency,  
5 STB would normally be obligated to bring in the FRA and say,  
6 "In your area of expertise, tell us what we need to know of  
7 about rail ops or EPA on the area of air quality. Come in  
8 and tell us how the analysis ought to work."

9 So there is a blurring of this jurisdictional  
10 line constantly, and sometimes it is how does it suit us for  
11 the purposes in which we were pursuing. Okay.

12 I'm overall concerned at the end because they  
13 say in the conclusion that we will continue jurisdiction  
14 over this proceeding, and so if we impose conditions that  
15 are recommended by -- as a result of the study, that we will  
16 continue our jurisdiction over implementation of those  
17 recommendations and conditions. That also assumes very  
18 candidly that the board continues its own existence,  
19 because, as you know, the I.C.C. Termination Act gave the  
20 board a three-year lease on life.

21 The substitute of the Surface Transportation  
22 Board for the Interstate Commerce Commission was a  
23 three-year deal, and it will be up for reauthorization next  
24 year.

25 Also pending are considerations of reform of

1 the shipping act and the potential merger of the Federal  
2 Maritime Commission with the Surface Transportation Board,  
3 changing the make-up and potentially the responsibility of  
4 now a combined board, depending on how the legislation comes  
5 up.

6 The question then becomes, "What happens to a  
7 case such as this, where there's continued oversight and  
8 argument that is potentially arising over implementation?"  
9 We're not sure.

10 The long and the short of all that was  
11 councilmen to say that jurisdictional lines are blurred on  
12 the present study, jurisdictional lines over continued  
13 implementation jurisdiction is also blurred.

14 MAYOR GRIFFIN: Thank you.

15 COUNCILMEMBER HASCHEFF: That's all I have,  
16 Mr. Mayor.

17 MAYOR GRIFFIN: Anything else? We have one  
18 attendance card. Frank Partlow.

19 PAUL LAMBOLEY: Thank you very much.

20 MAYOR GRIFFIN: Thank you. We may bring you  
21 back up, Paul.

22 FRANK PARTLOW: Mr. Mayor, Members of the  
23 Council, my name is Frank Partlow, and I still, I think,  
24 although I haven't been home in a while, reside at 15  
25 Scattergun.

1           It's with great trepidation that you follow  
2 someone like Paul Lamboley, and I didn't intend to do that,  
3 that's why I tried to get in on the last item, which is  
4 where this properly should have been.

5           You all were doing so well, from my point of  
6 view, and covering all of the issues that I didn't feel any  
7 necessity to burden you with whatever I might have to say.

8           But after hearing David Aiazzi and then Pierre  
9 Hascheff talk, I am -- I am, as you may have forgotten,  
10 because of some other things I've been accused of in the  
11 community, I am primarily an analyst, and I was for two  
12 years a negotiator with a negotiating partner that might  
13 even be a little tougher than the Union Pacific, and that's  
14 the old Soviet Union.

15           And when I get into a negotiation, you like to  
16 see what sort of ammunition you have on your side of a  
17 negotiation. In the negotiations I was in, for example, we  
18 were negotiating to give away air (inaudible) nuclear forces  
19 missiles while we deployed them. It gave us a certain  
20 negotiating leverage.

21           There's a point to all this. David Aiazzi  
22 asked what happened to the negotiation. In essence, that's  
23 what you asked. And I'm going to tell you what my analysis  
24 showed happened to the negotiations, because I, like you,  
25 David, thought that we could get and we still may get a



1 negotiated settlement to all of this.

2 I went to most all of the meetings, and there  
3 was a reasonable expectation from decision 44 and from going  
4 to all the meetings that sooner or later tier one; that is,  
5 the mandatory requirements laid out by this government  
6 agency, under their own rules, Paul, not mine, theirs, that  
7 tier one would direct that the railroad do certain things to  
8 mitigate the effects of the increased traffic that was being  
9 projected through downtown Reno. Their own rules. Tier  
10 one.

11 And any participant in these studies would  
12 have began -- and this is all about money, folks. I hope  
13 this is no surprise to you, but it's all about money. Any  
14 reasonable participant would have thought that this number  
15 that they were going to come up with, the independent third  
16 party analysts were going to come up with, or third party  
17 whatever they call them, consultants, were going to come up  
18 with, would have been someplace in the order of something  
19 over 35 million, probably less than 100 million.

20 That's negotiating ammunition. That gets you  
21 very, very close to saying and we can be partners in this  
22 project because we, the City of Reno, through private and  
23 public sources, can come up with our half, roughly, of this  
24 project.

25 Now, why did I come up with those numbers?

1 Well, decision 44 says you're going to have to do a couple  
2 of grade separations, it looks to us like. I mean, any  
3 reasonable reader of the English language would have that.

4 And when you listen to the engineers talk  
5 about grade separations in a built-up area like our  
6 downtown, they were talking in terms of, you know, someplace  
7 between 20 and 30 million dollars for each one of these. A  
8 grade separation, incidentally, can be the track over the  
9 road or the road over the track.

10 So you add all this up and you come up with  
11 somewhere in the order of 70, 75 maybe, some number millions  
12 of dollars as a minimum out of all of this.

13 And the thing about the preliminary mitigation  
14 plan that screws the negotiations is that tier one always  
15 was going to drive tier two; the bigger the number in tier  
16 one, the better chance you had to accomplish something in  
17 negotiations under tier two. And they took my number from  
18 somewhere between 70, 75, 80 million dollars and they took  
19 it down to 15 million dollars, by your own -- by our staff's  
20 own analysis.

21 And guess what, as a negotiator? I'm screwed.  
22 I have nothing to work with anymore. I don't have something  
23 out there that says hey, you're already going to have to pay  
24 70, 80-some-odd million dollars, why don't you join with us,  
25 pay that and a little bit more and we'll solve this problem

1 for once and for all, as Paul has suggested 180-some-odd  
2 dollars might do.

3 So that's the benefit of my analysis, and I'm  
4 sorry to burden you with it, but tier one always drove your  
5 potential under tier two, and what they did to tier one with  
6 this preliminary mitigation plan is ludicrous. And to even  
7 say that you even have a chance after they gave you that  
8 preliminary mitigation plan to do anything under tier two,  
9 and that's the central issue that bothers me most. And I  
10 felt constrained, I'm sorry, Mr. Mayor, to rise. I'll go  
11 back to 15 Scattergun and watch you guys on T.V.

12 MAYOR GRIFFIN: I don't think that there's  
13 necessarily a need for any kind of a motion, but I would ask  
14 the council what their view is about one element that Mr.  
15 Lamboley mentioned that may need some concurrence from this  
16 body, and that was the one about a transcript for part of  
17 the record.

18 What's your pleasure on that? And I talked to  
19 the city manager. He doesn't think it's an enormously  
20 expensive operation to transcribe the audio recordings.

21 COUNCILMEMBER HERNDON: Mr. Mayor, I would  
22 make a motion that we do submit a factual transcription and  
23 accompany it with a copy of the videotape.

24 COUNCILMEMBER NEWBERG: Second.

25 MAYOR GRIFFIN: Choose which one.



1                   There's a motion and a second. Any further  
2 discussion?

3                   (No response.)

4                   MAYOR GRIFFIN: All those in favor, please  
5 signify by saying aye.

6                   (Councilmembers responded.)

7                   MAYOR GRIFFIN: Opposed?

8                   (No response.)

9                   MAYOR GRIFFIN: Great. Mr. Lamboley, it's  
10 always a pleasure to see you here. Okay.

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