

84096

1201 NEW YORK AVENUE, N.W. WASHINGTON, D.C. 20005-3919 (2023) 789-3400 FAX (202) 789-1158

KECK, MAHIN & CATE

FILE NUMBER 48189-001

DELET DIAL 202-789-8931

May 23, 1996

3

To: Ms. Elaine K. Kaiser Firm/Company: Surface Transportation Board Fax No.: 202-927-6225 Confirmation No.: 202-927-6212

From: Paul H. Lamboley Fax No.: 202-789-1158 Total pages including cover page: 3

MESSAGE:



ENTERED Office of the Secretary	1
'JUN - 7 1996'	
5 Part of Public Record	

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98/52/98

1201 NEW YORK AVENUE, N.W. WASHINGTON, D.C. 20005-3919 (202) 789-3400 FAX (202) 769-1158

KECK, MAHIN & CATE

FILE NUMBER 48189-001

DIRECT DIAL 202-789-8931

May 23, 1996

VIA FAX AND MAIL

Ms. Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board 1201 Constitution Ave., N.W. Washington, D.C. 20423

Re: F.D.No. 32760 UPSP/Merger (Environmental Impact Statement and Conformity Determination)

Dear Ms. Kaiser:

On behalf of the City of Reno, a party participant in the above proceeding, I request that an environmental impact statement (EIS) and conformity determination be undertaken for the environmental impacts in the Reno/Sparks/Truckee Meadows Basin.

The "EIS" request is based on the Surface Transportation Board's (STB) responsibilities under the National Environmental Policies Act (NEPA) 42 USC 4321 et seq. specifically 4332(2) and applicable regulations thereunder in 40 CFR Parts 1500-1508.

The "conformity determination" request is based on STB responsibilities under the Clean Air Act (CAA), 42 USC 7401 et seq., specifically 7506(c)(1), and regulations in 40 CFR Part 51, Subpart W. 51.850-.860.

After the site visit in the Reno/Sparks/Truckee Meadows Fasin I am reasonably certain that the SEA should conclude that only an EIS undertaking will fully and fairly address the significant and adverse impacts to the public health, safety and environment of

A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

CHICAGO, ILLINOIS HOUSTON, TEXAS LOS ANGELES. CALIFORNIA NEW YORK, NEW YORK PEORIA, ILLINOIS SAN FRANCISCO, CALIFORNIA OAKBROOK TERRACE, ILLINOIS SCHAUMBURG, ILLINOIS

KECK, MAHIN & CATE

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Ms. Elaine K, Kaiser May 23, 1996 Page 2

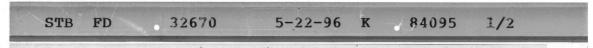
that area. A conformity determination is also consistent with the non-attainment status of the area for air quality pollutants PM_{10} , CO and O₃. Please advise me of your decision on these requests at the earliest opportunity so that the City may ensure compliance with these NEPA and CAA requirements

Very truly yours,

Paul Lamboley

PHL/dph

KAISER.LTR



Law Department

N. 30

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UNION PACIFIC RAILROAD COMPANY

1416 DODGE STREET ROOM 830 CMAHA, NEBRASKA 68179-0001 FAX (402) 271-5610

5-122196 2:24:47pm



May 20, 1996

Ms. Phyllis Johnson-Ball Section of Environmental Analysis Surface Transportation Board 12th and Constitution Avenue, N.W. Washington, D.C. 20423



84095

Re: UP/SP Control Application Finance Docket 32760

Dear Ms. Johnson-Ball:

Enclored please find copies of additional comments received by Dames & Moore and Union Pacific from federal and state agencies in response to previous notices and the Environmental Report.

Very truly yours,

Homme hoenling

Thomas E. Greenland Environmental Counsel

Enclosures

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G: LAWADM TEG BALL TEG

DAMES & MOORE

ONE CONTINENTAL TOWERS, 1701 GOLF ROAD, SUITE 1000, ROLLING MEADOWS, ILLINOIS 60008 (847) 228-0707 FAX: (847) 228-1115

May 15, 1996

Mr. Tom Greenland Union Pacific Railroad Company 1416 Dodge Street Omaha, Nebraska 68179 LAW DEPT. MAY 1 3 1996 REC'D UPRR

Re: Comments from Agencies Union Pacific/Southern Pacific Merger Environmental Report

Dear Tom:

a 30 1

Please find enclosed one copy of letters (agency comments regarding UP/SP merger notification) received but veen April 19 and May 14, 1996. We will continue to send any additional letters, which we may receive to you. If you have any questions, please feel free to contact me at (847) 228-0707 ext. 364.

Sincerely, DAMES & MOORE, INC.

Vulu Dome

Julie Donsky Project Manager

cc: D. Hargis, D&M J. Feigenbaum, D&M BOB MILLER Governor

STATE OF NEVADA

JOHN P. COMEAUX Director

5/22/96 2:36:55 PM



DEPARTMENT OF ADMINISTRATION **Capitol Complex** Carson City, Nevada 89710 Fax (702) 687-3983 (702) 687-4065

May 2, 1996

Julie Donsky Environmental Scientist Dames & Moore **One Continental Towers** 1701 Golf Road, Suite 100 Rolling Meadows, IL 60008

Re: SAI NV # 963C0104-2

Project: SCOPING - Addendum to the Environmental Report for the Union Pacific and Southern Pacific Railroad Merger

Dear Ms. Donsky:

Enclosed are the comments from the Nevada State Historic Preservation Office and the Nevada Department of Transportation concerning the above referenced project. These comments constitute the State Clearinghouse review of this proposal as per Executive Order 12372. Please address these comments or concerns in your final decision. If you have any questions please contact either me, at 687-6382, or Julie Butler, Clearinghouse Coordinator/SPOC, at 687-6367.

Sincerely,

Terri Rodefer, Environmental Advocate Nevada State Clearinghouse

Enclosures



308 MILLER Governor

JOAN G. KERSCHNER Department Director STATE OF NEVADA DEPARTMENT OF MUSEUMS, LIBRARY AND ARTS STATE HISTORIC PRESERVATION OFFICE

Capitol Complex 100 Stewart Street Carson City, Nevada 89710

April 11, 1996

RONALD M. JAMES State Historic Preservation Officer

Julie Butler Clearinghouse Coordinator Nevada State Clearinghouse Dept. of Administration Budget and Planning Division Blasdel Building Rm 200 Carson City NV 89710

SUBJECT: Environmental Comments on the Potential Environmental Impacts of the Control and Merger Application between the Union Pacific and Southern Pacific Railroads--Rail Segment: Alazon, Nevada to Sacramento, California.

Dear Ms. Butler:

The Nevada State Historic Preservation Office (SHPO) has the following comments to make on the subject undertaking:

A number of historic and potentially historic railroad resources along the segment between Alazon, Nevada, and the Nevada-California border have not yet been surveyed. These resources include: the SP Rail Yard in Carlin and the UP Facility in Reno. In addition there may be other isolated resources along the segment that have not yet been identified.

There are numerous resources along the segment that have been surveyed and that the Nevada SHPO believes to be National Register eligible, including buildings and structures in Reno, Lovelock, and Winnemucca.

To date the documentation provided to the Nevada SHPO concerning the merger is unclear on the effects increased traffic could have on historic and potentially historic resources. However, documentation concerning the merger should address potential effects on these resources.

If you have any questions concerning these comments, please contact me at (702) 687-7601.

Sincerely,

neolette

Julie Nicoletta Architectural Historian



BOB MILLER, Governor

STATE OF NEVADA DEPARTMENT OF TRANSPORTATION 1263 S. Stewart Street Carson City, Nevada 89712

April 12, 1996

TOM STEPHENS, P.E., Director

In Reply Refer to:

Ms. Julie Butler, Coordinator Nevada State Clearinghouse Department of Administration Budget Division Blasdel Building, Room 204 Carson City, NV 89701

PSD 7.01

Dear Ms. Butler:

The Nevada Department of Transportation has reviewed the project titled SCOPING - Addendums to the Environmental Report for the Union Pacific and Southern Pacific Railroad Merger SAI#96300104-3.

Based on the information submitted, we have the following comments on the proposed project.

Could have major impacts on State Highway System in Reno if track relocation along the I-80 corridor is pursued.

Increased traffic may require more active railroad crossings (Gates) on the assorted railroad crossings along with possible upgrade of the physical crossing themselves.

Thank you for the opportunity to review this project.

Sincerely, Tung C. Hastine

Thomas J. Fronapfel, P.E. Assistant Director - Planning

TJF:PAF:dg

5/22/94 2:56:46 PM



United States Department of the Interior

NATIONAL PARK SERVICE Great Plains Systems Office 1709 Jackson Street Omaha, Nebraska 68102-2571

MAY 0 7 1996

96/0002 (GPSO-G)

Ms. Julie Donsky Dames and Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

We have reviewed the addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads.

We note that the new rail-line segment that is proposed for Texarkana, Arkansas, could impact a Land and Water Conservation Fund (L&WCF) site, Hobo Jungle Park, in the southern part of the city. The most recent L&WCF project for this site is project number 05-00481. The park is bounded on the north by a railroad line, on the south by Division Street, and is within 160 feet of Roberts Street to the west.

Section 6(f)(3) of the L&WCF Act, as amended, states:

"No property acquired or developed with assistance under this section shall, without the approval of the Secretary [of the Interior], be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location . . . "

The L&WCF program is administered in Arkansas by the Department of Parks and Tourism. The rail-line project should be brought to the attention of the following State official to determine its potential impacts on Hobo Jungle Park: Mr. Bryan T. Keller, Chief, Recreation Grants, Department of Parks and Tourism, 1 Capitol Mall, Little Rock, Arkansas 72201 (telephone 501-682-1523).

If we may be of further service, please contact Mr. James Grasso of this office at 402-221-3205.

Sincerely,

Francis A. Calabrese Superintendent

cc:

** *** **

Copy

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Mr. Brian T. Keller, Chief, Recreation Grants, Department of Parks and Tourism, 1 Capitol Mall, Little Rock, Arkansas 72201 Surface Transportation Board, 1201 Constitution Avenue, NW., Room 3219, Washington, D.C. 20423

JGrasso:mk 5/7/96 c:\wp51\files\er\upmerger.ltr

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ATHLEEN BABINEAUX BLANCO LIEUTENANT GOVERNOR

State of Collisiana Office of the Lieutenant Governor Department of Culture, Recreation & Tourism Office of Cultural Development Division of Archaeology

PHILLIP J. JONES SECRETARY

GERRI HOBDY ASSISTANT SECRETARY

5/22/96 3.20.3 1119



Ms. Julie Donsky Dames & Moore

May 6, 1996

One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Re: Addendum to the Environmental Report for the Proposed Merger of the Union Pacific and Southern Pacific Railroads Multiple Parishes, Louisiana

Dear Ms. Donsky:

Reference is made to your letter dated March 26, 1996, requesting our comments on the above. We have completed our review of the proposed plans and determined that significant cultural resources will not be affected. Therefore, we have no objections.

If we may be of further assistance, please contact Mr. Mike Mahady in the Division of Archaeology at (504) 342-8170.

Sincerely,

Gerri Hobdy State Historic Preservation Officer

GH:MM:s

5122-196 4:04:39 NM



DEPARTMENT OF THE ARMY NEW ORLEANS DISTRICT, CORPS OF ENGINEERS P.O. BOX 60257 NEW ORLEANS, LOUISIANA 70160-0267 May 7, 1996

ATTENTION OF:

Planning Division Environmental Analysis Branch

Ms. Julie Donsky Environmental Scientist Dames and Moore, Incorporated One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

The information below is provided in response to your letter of inquiry dated March 29, 1996, concerning the application for merger of the Union Pacific and Southern Pacific Railroads. Your letter was forwarded to us from our Lower Mississippi Valley Division office.

The rail segment identified in your letter between Avondale, Louisiana, to Beaumont, Texas, which may have an increase in rail activity, as a result of the proposed merger, is within the Department of the Army (DOA) regulatory jurisdiction of the U.S. Army Corps of Engineers (COE), New Orleans District, and the Galveston District. Any portion of that segment within the New Orleans District which may be proposed for area expansion to accommodate relocations, additional trackage, or facilities could, dependent on environmental impacts, require DOA permits for performance of required work. Any portion of that segment within the Galveston District is subject to their DOA regulatory jurisdiction and would require a separate response from them for any proposal.

The Shreveport, Louisiana, to Lufkin, Texas, segment and the Brinkley to Pine Bluff, Arkansas, segments are each subject to DOA regulatory jurisdiction of other COE districts and would require a separate response from each of them for any proposal. We have no response to other items of information requested over which we have no jurisdiction.

Please contact our office if we may be of further assistance.

Sincerely,

Ripchuely

R. H. Schroeder, Jr. Chief, Planning Division

5722176 4:14:29 pm



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, OMAHA DISTRICT TRI-LAKES PROJECT OFFICE, 9307 STATE HWY 121 LITTLETON, COLORADO 80123-6901

April 30, 1996

Ms. Julie Donsky Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000. Rolling Meadows, IL 60008

EPLY TO

Dear Ms. Donsky:

Reference is made to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads.

This letter is to inform you that prior to any excavation in or the placement of dredged or fill material into wetlands or streams, either temporary or permanent, our office should be contacted for proper Department of the Army permits pursuant to Section 404 of the Clean Water Act.

The rail segment within the state of Colorado falling under the jurisdiction of this office extends from Denver to the continental divide.

Regarding your concerns which involve the rail segment from the Continental divide to Dotsero, Colorado, a copy of your letter has been forwarded to the Corps of Engineers Regulatory Office at 402 Rood Ave, Room 142, Grand Junction, Colorado, 81501-2163. Telephone No. (970) 243-1199.

If there are any questions concerning this matter, please feel free to contact Mr. Terry McKee at (303) 979-4120.

Sincerely Timethy

Project Manager

COUNTY OF NEVADA STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City, California 95959-8617 Telephone: (916) 265-1480 • FAX: (916) 265-1234

BOARD OF SUPERVISORS



Christine (Wilcox) Foster, 1st District Karen Knecht, 2nd District Fran Grattan, 3rd District René Antonson, 4th District Sam Dardick, 5th District

> Cathy R. Thompson Clerk of the Board

April 23, 1996

Ms. Julie Donsky DAMES & MOORE, INC. One Continental Towers 1701 Gold Road, Suite 1000 Rolling Meadows, Illinois 60008

Re: Environmental Report for the Application for Merger of the Union Pacific & Southern Pacific Railroads

Dear Ms. Donsky:

Pursuant to your letter of March 26, 1996, please find enclosed a copy of the letter sent to the UP/SP Environmental Project Director listing the Board's concerns as well as a copy of the minutes for the March 5, 1996 Board meeting where this issue was discussed.

If you have any further questions, please contact this office.

Sincerely,

CATHY R. THOMPSON

Clerk of the Board

CRT:cf Attachments (2) cc: Planning Department Nevada County Transportation Commission

COUNTY OF NEVADA STATE OF CALIFORNIA

950 Maidu Avenue • Nevada City, California 95959-8617 Telephone: (916) 265-1480 • FAX: (916) 265-1234

BOARD OF SUPERVISORS

March 8, 1996



Christine (Wilcox) Foster, 1st District Karen Knecht, 2nd District Fran Grattan, 3rd District René Antonson, 4th District Sam Dardick, 5th District

> Cathy R. Thompson Clerk of the Board

> > ce: dos

Elaine K. Kaiser UP/SP Environmental Project Director Section of Environmental Analysis Surface Transportation Board 12th and Constitution Avenue, Room 3219 Washington, D.C. 29423-0001

RE: Finance Docket No. 32760 - Comments - Nevada County, California, Board of Supervisors

Dear Ms. Kaiser:

The purpose of this letter is to convey to you the concerns of the Nevada County Board of Supervisors regarding the proposed merger between the Union Pacific and Southern Pacific railroads.

The Board of Supervisors believes that any impacts caused by the merger and the resulting increase in train traffic should be fully mitigated.

The Nevada County Board of Supervisors is aware that the Town of Truckee plans to file statements containing specific detail concerning potential impacts of the proposed rail merger. The issues contained herein are of concern to the Nevada County Board of Supervisors and this letter is written in support of the more complete information that Truckee will transmit to you.

Impacts on Vehicle Traffic Utilizing California State Highway 267 Crossing of SP Donner's Summit Line

This highway grade crossing is located near downtown Truckee. Each time a train moves through the Town of Truckee, auto traffic comes to gridlock in the vicinity of the railroad crossing. During peak traffic times, the queues extend from the train tracks one to two miles south into the Martis Va'ley. On the north side of the crossing, emergency vehicles are frequently blocked from exiting the Truckee fire station. Proposed Merger between UP/SP Railroads March 8, 1996 Page 2

Truckee is the gateway to the North Lake Tahoe area and this region's economy is heavily dependent upon tourism. The extreme congestion, which occurs when trains move through the area, has a potentially negative economic impact on Truckee and the rest of the North Tahoe region.

Air Quality Issues

Eastern Nevada County is under the jurisdiction of the Northern Sierra Air Quality Management District and has a nonattainment air quality status. The increase in train traffic has the potential to increase particulate matter and other pollutants in the air. Also, the pollutant levels may increase from vehicles in traffic queues waiting for trains to clear the crossing.

Water Quality Issues

The railroad tracks in the Truckee area run along the Truckee River canyon which is a part of an important and sensitive watershed. The environmental impact analysis for this proposed merger should consider potential degradation of water quality in the Truckee River, and the potential for contamination that may occur if a train, carrying hazardous materials, has an accident near the river.

Potential Mitigations

In preparation of the environmental assessment for the proposed merger, it has been suggested that the following potential mitigations be considered:

(1) The geography of the State Highway 267 SP railroad crossing precludes the installation of a grade separated crossing at that location. However, there is an existing grade separated crossing on Highway 89, a short distance west of the Highway 267 crossing. Potential mitigation for the increased train traffic might be to provide funding to assist in a widening of the SR 89 grade separated crossing to allow more traffic to utilize that location during times when trains are moving through town.

(2) Another way that the railroad could help alleviate the impacts of increased train traffic would be to provide passenger rail service into the Truckee region. This would allow tourists to access the recreational facilities of the High Sierra without bringing vehicles into the area. In 1992, the Nevada County Transportation Commission prepared a rail feasibility analysis which indicated the potential viability of passenger rail operations from the San Francisco Bay Area into the Truckee/Reno area. We hope you will consider this information in the preparation of the environmental assessment.

(3) Nevada County and the State of California are working to complete plans for Highway 267 to bypass the Town of Truckee and bridge the Truckee River and the railroad. We have been working for years to obtain funding for this project and it continues to be at risk. Once this bypass is Proposed Merger between UP/SP Railroads March 8, 1996 Page 3

constructed, a significant amount of traffic will be moved out of Truckee. Consideration should be given to the railroad providing some funding to help with construction of the bypass as a mitigation measure.

If you need further information from the Nevada County Board of Supervisors, please feel free to contact the Board office at the address above or call directly to (916) 265-1480.

To enable the board to continue to track this important issue, please send copies of the Environmental Impact Statement to the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, CA 95959 and to the Nevada County Transportation Commission, 101 Providence Mine Road, Suite 102, Nevada City, CA 95959.

Thank you for the opportunity to share these comments.

Sincerely,

Fran Grattan, Chairman Nevada County Board of Supervisors

FG:nh

cc: Truckee Town Council Senator Diane Feinstein Senator Barbara Boxer Congressman Wally Herger Congressman John Doolittle Assemblyman Bernie Richter Senator Tim Leslie

Gounty of Nevada Board of Supervisors Minutes

Mr. Miller stated that had not been explored as yet because it was not an awarded contract. Once the contract had been awarded, he would put the question to County Counsel to determine whether a conflict of interest existed. He added that on the surface, he believed there may be a conflict; i.e., if you are contracting with someone, you ordinarily do not have them on an advisory committee. However, the formal question would have to be put forward to County Counsel.

Supervisor Antonson reiterated that was a major concern for him as he did not want to get six months down the line and have to go through the exercise again because there was a conflict. He wanted it settled prior to approving the contract.

Mr. Miller advised the Board that until they awarded the contract, there was no conflict of interest. If the contract was approved today, it needed to be resolved prior to Thursday as the Advisory Committee met that day. His only concern was delaying the type of work being looked at because of the very concise regulatory time frames that the County had, which could lead the County into some real performance problems with the State.

Mr. Sylvester offered background information on the issue. He anticipated that he would be leaving the Solid Waste Planning Committee if the contract was awarded because he did not want any evidence whatsoever of any conflict.

Chairman Grattan thanked Mr. Sylvester for his dedication and the many professional hours he contributed to the County at no charge and of great benefit to the citizens. Supervisor Knecht indicated that he had been a good addition to the Solid Waste Planning and Review Committee.

Motion made by Supervisor Knecht, seconded by Supervisor Foster, to adopt Resolution 96-92. On a roll call vote, the motion passed unanimously.

After a 10-minute recess, the meeting reconvened.

*CORRESPONDENCE: (Action)

17. Surface Transportation Board Request for Environmental Comments on the Potential Environmental Impacts of the Control and Merger Application Between the Union Pacific and Southern Pacific Railroads (Finance Docket No. 32760).

ACTION TAKEN: Chairman Grattan introduced the agenda item.

Mr. Dan Landon, Executive Director of the Transportation Commission, stated that he was able to provide the Board with information regarding the merger between Union Pacific and Southern Pacific Railroads, although he had not seen the addendum item. He asked if the Board planned to take action, and he offered to answer their questions.

Chairman Grattan believed that the Board would be taking action.

Supervisor Knecht indicated that the issue came up at the Transportation Commission that the response time was approaching quickly, and the Commission referred it to Mr. Landon for comment. She believed that the Board should have sent in comments to support Truckee, rather than referring it to Mr. Landon.

Mr. Landon outlined the situation for the Board stating that the Union and Southern Pacific were proposing to merge and would, on the basis of their combined traffic, approximately triple the trains traveling through Truckee on the Sierra Route. Union Pacific planned to heighten all of the tunnels across the Sierra so they could take larger double stacked container railroad cars

'sounty of Nevada Board of Supervisors Minutes

2

across the Sierra. He added that this would be a great benefit to the State in that it was determined that in order for the State to maintain its competitive position in the Pacific rim countries, they needed to triple the tonnage through the deep water ports (Port of Oakland and Los Angeles area). This would become a major economic route for the State. However, with only 8-10 trains per day through Truckee, they experience extreme traffic problems; i.e., each time a train moves through Truckee, auto traffic comes to grid lock. He discussed the traffic impact that the proposal would have on the Town of Truckee. They used that information as an indicator to the California Transportation Commission of the dire need to build the Truckee Bypass, giving the community an additional way to access the Martis Valley during those events. He sent a letter on behalf of the Commission to the Surface Transportation in Washington DC, indicating the nature of the traffic problems, and he asked them to very seriously consider the impacts in their environmental assessment. He noted that the assessment was due to be completed in the month of April, and the official time for preliminary comment was February 15; however, they indicated that if comments were forthcoming immediately, they would still accept them. Once the assessment was completed, they would have approximately 20 days to common on whatever was noted in the document. He encouraged the Board to support the Town of Truckee in their effort to ensure that the impacts of the merger were appropriately dealt with.

Discussion ensued regarding the importance of the Bypass.

Chairman Grattan asked if Mr. Landon could draft the letter, he indicated that he could.

Supervisor Dardick questioned the possibility of Truckee's recommendation for an interim solution to widen the "mouse hole" on Highway 89 to allow for movement down River Street. Mr. Landon stated that the feasibility of that alternative would be explored by the Commission in their preliminary projects for the next fiscal year, although the widening of that existing tunnel would be very complex and not an easy thing to deal with.

Supervisor Dardick suggested that another impact was the air quality concerns that were indicated by the Truckee attorney, and would be agendized for the Northern Sierra Air Quality Management District for the meeting next Wednesday. He noted that the District had not replied to the potential impacts of air quality, and he hoped that it would be mentioned in the Board's letter. He further indicated that the Planning Department also had environmental concerns regarding the area toward the Summit.

Mr. Landon indicated that there was somewhat of a silver lining to the potential dark cloud of additional train traffic; i.e., the potential of increased rail traffic providing some passenger rail into the Truckee area. If skiers could be moved effectively through the rail, they were not sitting at the intersection with their cars idling and adding pollutants to the air. He believed that they should move very carefully through the process, but to bring the issues forward so they would be considered. He noted that passenger rail was something that freight railroads tended not to be interested in, but if it was presented as a mitigation they may be more receptive to the idea and may be a part of the ultimate solution in helping Truckee have an adequate level of service.

Supervisor Dardick believed that the letter should mention some of the other areas of concern; i.e., he could see a potential stop at the Summit bringing skiers directly to that area.

Supervisor Antonson asked if Mr. Landon had discussed the issues with Reno, as it appeared they would have the same problem. Mr. Landon stated that Truckee had dealt with Reno, and they had also retained an attorney to express their concerns. He further advised the Board that two years ago he had a meeting on the Summit with ski operators, and they indicated to a CALTRANS representative that if CALTRANS would get the passenger rail trains to the Summit, they would provide for the construction of a station and would arrange for ground transportation to move the people to the ski areas.

County of Nevada Board of Supervisors Minutes

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Supervisor Knecht asked if there was a way to quantify the portion that the State had responsibility for with regard to the merger and the impacts to Truckee. She stated that when they were testifying before the CTC, one of the Commissioners suggested that the entire 267 Bypass should probably be a mitigation for the merger. She asked if they had been able to quantify the State's responsibility in the merger, and how it related to the Bypass.

Mr. Landon stated that it had not been quantified, although they had an intersection and a section of State highway at failure mode without a merger, and the State could not divorce itself from a major portion of the responsibility in that regard. He had sufficient data to indicate to the State the current problem and how much of the problem would be diverted by the Bypass. He believed that it would become a point of negotiation. He believed that the letter should include an expression of concern, a listing of the major issues, and then allow the environmental process to ferret out what the data was and to include it in the assessment.

Supervisor Knecht noted that the Board had a letter from the Planning Department that showed they sent a response to Dames & Moore, the environmental consultant on the project. She asked if there was another letter sent out at a different time that dealt with habitat and wild life species. Mr. Bob Leggett, Assistant Director of Planning, stated that there was a letter that discussed water quality relative to the South Yuba River, and he then referred them to the Town of Truckee and copied Truckee on the letter.

Chairman Grattan believed that the Board was very interested in the issue, and anything that was sent out on behalf of the County should be sent out by the Board of Supervisors. It appeared to her that a response was sent directly, with the Board unaware and only one Supervisor advised. Supervisor Dardick stated that he did not see a copy of the letter.

Supervisor Dardick questioned whether hazardous spills should also be addressed in the letter, Mr. Landon would note that concern, indicating the County would want every assurance that the appropriate safety measures and precautions were taken.

Supervisor Knecht believed the Board should direct that the Chairman and Mr. Landon draft a comprehensive letter, fairly strongly stated, representing the Board's position on the merger.

Chairman Grattan sc directed, and she indicated that any impacts that could be mitigated should be mitigated, that they deal with the air quality impacts, track replacement issues, the economic advantages dealing with the passenger rail, and all other concerns with the project. She also felt that the Board strongly support the Town of Truckee and their concerns and let them know that the Board was cooperative in this matter and supportive of their concerns. She asked that copies go to the State and to the Town of Truckee.

Mr. Landon noted that Placer County also had concerns about the potential of moving passenger rail into the Auburn/Colfax area in concert with the merger and the upgrade of the rail lines. There may be a time where they would like to have a combined meeting, and he would be exploring that issue.

Mr. Hal DeGraw, Assistant County Counsel, suggested that the Board may wish to track the environmental document and when it was produced, perhaps it could be agendized to see if further response was needed.

Chairman Grattan asked that Mr. Leggett assist the Board in that regard.

5-123/56 8:36:569



United States Department of the Interior

FISH AND WILDLIFE SERVICE

IN REPLY REFER TO

Ecological Services Sacramento Field Office 2800 Cottage Way, Room E-1803 Sacramento, California 95825

1-1-96-TA-770

April 29, 1996

Ms. Julie Donsky Dames & Moore 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Subject:

t: Species List for Proposed Merger of the Union Pacific and Southern Pacific Railroads in California

Dear Ms. Donsky:

The enclosed list replies to your letter of March 26, 1996, requesting information on listed and proposed endangered and threatened species that may be present in or may be affected by projects in the subject project area (see Enclosure A). Information concerning the distribution, life history, and habitat requirements for the listed species is available upon request.

The Fish and Wildlife Service (Service) used your map(s) and/or other information to locate the proposed project on a U.S. Geological Survey (USGS) 7.5 minute quadrangle map. The species on the enclosed list are those species we believe may occur within, or be affected by projects within, the various quads where your project is planned. Some of the species on the list may not be affected by the proposed action. A trained biologist or botanist, familiar with the habitat requirements of the listed species, should determine whether these species or habitats suitable for these species may be affected by the proposed action.

Information and maps concerning candidate species in California are available from the California Natural Diversity Data Base, a program of the California Department of Fish and Game. Address your request to: Marketing Manager, California Department of Fish and Game, Natural Diversity Data Base, 1416 Ninth Street, Sacramento, California 95814 (916)322-2493.

All listed species identified in Enclosure A are fully protected under the mandates of the Endangered Species Act of 1973, as amended (Act). Section 9 of the Act and its implementing regulations prohibit the "take" of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such wildlife species. Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures. If a Federal agency is involved with the permitting, funding,

Ms. Julie Donsky

or carrying out of this project, then initiation of formal consultation between that agency and the Service pursuant to section 7 of the Act is required if it is determined that the proposed project may affect a federally listed species. Such consultation would result in a biological opinion that addresses anticipated effects of the project to listed and proposed species and may authorize a limited level of incidental take. If a Federal agency is not involved with the project, and federally listed species may be taken as part of the project, then an "incidental take" permit pursuant to section 10(a) of the Act should be obtained. The Service may issue such a permit upon completion by the permit applicant of a satisfactory conservation plan for the listed species that would be affected by the project.

If suitable habitat for federally listed species exists in the project area, we recommend that surveys for them be undertaken by qualified biologists during or prior to the environmental review process. We also recommend that surveys be undertaken for the proposed and candidate species included in Enclosure A if suitable habitat exists on site. The results of these surveys should be published in any environmental documents prepared for this project.

Should these surveys determine that federally listed or proposed species occur in the area and are likely to be affected by the proposed project, the Service recommends that the project proponent, in consultation with this office and the California Department of Fish and Game, develop a plan that mitigates for the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. The mitigation plan also should be included in the environmental document.

We also recommend addressing adverse impacts to candidate species. One of the benefits of considering these species early in the planning process is that by exploring alternatives, it may be possible to avoid conflicts that could develop, should a candidate species become listed before the project is complete.

The Service recently changed its policy on candidate species. The term candidate now strictly refers to species for which the Service has on file enough information to propose listing as endangered or threatened. Former candidate 2 species - species for which listing is possibly appropriate but for which the Service lacks sufficient information to support a listing proposal - are now called species of concern. They are no longer monitored by the Service. However we have retained them on the enclosed list for general information. We encourage consideration of them in project planning, as they may become candidate species in the future.

Ms. Julie Donsky

We appreciate your concern for endangered species. If you have further questions, please call Mr. Peter Cross, Central Valley Branch Chief, Mr. Michael Thabault, Coast-Bay-Delta Branch Chief, or Mr. Ken Sanchez, Forest Ecosystems Branch Chief, of this office at (916) 979-2725. For the fastest response to species list requests, address them to the attention of the section 7 office assistant at this address. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 979-2113. For questions concerning the endangered winter-run chinook salmon or the proposed threatened coho salmon, please contact the National Marine Fisheries Service's Protected Species Management Division, (310) 980-4015.

Sincerely,

Cary C. Gouds Joel A. Medlin

Field Supervisor

Enclosure

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF UNION PACIFIC TRACKS BETWEEN KEDDIE AND BIEBER, CALIFORNIA April 26, 1996

Listed Species

Birds

American peregrine falcon. Falco peregrinus anatum (E) bald eagle. Haliaeetus leucocephalus (T) northern spotted owl. Strix occidentalis caurina (T)

Fish

Modoc sucker, Catostomus microps (E)

delta smelt. Hypomesus transpacificus (T)

Invertebrates

Shasta crayfish. Pacifastacus fortis (E)

Proposed Species

Amphibians

California red-legged frog, Rana aurora draytoni (PE)

Plants

slender Orcutt grass. Orcuttia tenuis (PT)

Species of Concern

Mammals

pygmy rabbit. Brachylagus idahoensis (SC) spotted bat. Euderma maculatum (SC) greater western mastiff-bat. Eumops perotis californicus (SC) California wolverine, Gulo gulo luteus (SC) Sierra Nevada snowshoe hare. Lepus americanus tahoensis (SC) Pacific fisher. Martes pennanti pacifica (SC) small-footed myotis bat. Myotis ciliolabrum (SC) long-erred myotis bat. Myotis evotis (SC) fringed myotis bat. Myotis thysanodes (SC) long-legged myotis bat. Myotis volans (SC) Yuma myotis bat. Myotis yumanensis (SC) Pale Townsend's big-eared bat. Plecotus townsendi pallescens (SC) Sierra Nevada red fox. Vulpes vulpes necator (SC)

Birds

northern goshawk, Accipiter gentilis (SC) tricolored blackbird, Agelaius tricolor (SC) western burrowing owl, Athene cunicularia hypugea (SC) ferruginous hawk, Buteo regalis (SC) little willow flycatcher, Empidonax traillii brewsteri (SC) California spotted owl, Strix occidentalis occidentalis (SC) Columbian sharp-tailed grouse, Tympanuchus phasianellus columbianus (SC)

Reptiles

northwestern pond turtle. Clemmys marmorata marmorata (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF UNION PACIFIC TRACKS BETWEEN KEDDIE AND BIEBER, CALIFORNIA April 26, 1996

Species of Concern

Amphibians

foothill yellow-legged frog. Rana boylii (SC) Cascades frog, Rana cascadae (SC) mountain yellow-legged frog. Rana mucosa (SC)

Fish

rough sculpin, Cottus asperrimus (SC) Pit Roach, Lavinia symetricus mitrulus (SC) Eagle Lake rainbow trout, Oncorhynchus (=Salmo) mykiss aquilarum (SC) Goose Lake redband trout, Oncorhynchus (=Salmo) mykiss ssp. (SC)

Invertebrates

Siskiyou ground beetle, Nebria gebleri siskiyouensis (SC) Trinity Alps ground beetle. Nebria sahlbergii triad (SC) golden-homed caddisfly, Neothremma genella (SC)

Plants

Suksforf's milk-vetch. Astragalus pulsiferae var. suksdorfii (SC) Webber's milk-vetch, Astragalus webberi (SC) long-haired star-tulip. Calochortus longebarbatus var. longebarbatus (SC) clustered lady's-slipper, Cypripedium fasciculatum (SC) Webber's ivesia. Ivesia webberi (SC) Egg Lake monkeyflower. Mimulus pygmaeus (SC) closed-lip (closed-throated) beardtongue, Penstemon personatus (SC) Devil's Garden pogogyne, Pogogyne floribunda (SC)

Notes:

(1)

(P)

(C)

(E) Endangered

Species that is in danger of extinction throughout all or a significant portion of its range. Threatened

- Species that is likely to become endangered within the foreseeable future. Proposed
- Species that has been proposed in the Federal Register to be listed as endangered or threatened. (CH) Critical Habitat Area essential to the conservation of a species.
 - Species for which the Fish and Wildlife Service has sufficient biological information to support a Candidate proposal to list as endangered or threatened.
- (SC) Species of Concern

Species for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.

- (CR) Recommended for candidate status.
- Listing petitioned.
- Possibly extinct.

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN MARTINEZ AND OAKLAND, CALIFORNIA April 26, 1996

Listed Species

Mammals

salt marsh harvest mouse. Reithrodontomys raviventris (E) Birds

American peregrine falcon, Falco peregrinus anatum (E) California brown pelican, Pelecanus occidentalis californicus (E) California clapper rail, Rallus longirostris obsoletus (E) California least tern, Sterna antillarum (=albifrons) browni (E) Aleutian Canada goose, Branta canadensis leucopareia (T) western snowy plover, Charadrius alexandrinus nivosus (T) bald eagle, Haliaeetus leucocephalus (T) northern spotted owl. Strix occidentalis caurina (T)

Reptiles

giant garter snake, Thamnophis gigas (T)

Fish

tidewater goby, Eucyclogobius newberryi (E) winter-run chinook salmon, Oncorhynchus tshawytscha (E) winter-run chinook salmon crit. habitat. Oncorhynchus tshawytscha (E) delta smelt, Hypomesus transpacificus (T) delta smelt critical habitat. Hypomesus transpacificus critical habitat (T)

Invertebrates

mission blue butterfly, *Icaricia icariodes missionensis* (E) San Bruno elfin butterfly, *Incisalia mossii bayensis* (E) California freshwater shrimp, *Syncaris pacifica* (E) vernal pool fairy shrimp, *Branchinecta lynchi* (T) valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T) delta green ground beetle, *Elaphrus viridis* (T)

Plants

robust spineflower, Chorizanthe robusta (E) Presidio clarkia, Clarkia franciscana (E) California sea blite, Suaeda californica (E)

Proposed Species

Reptiles

Alameda whipsnake, Masticophis lateralis euryxanthus (PE) Amphibians

California red-legged frog. Rana aurora draytoni (PE)

Fish

(41-1.35-)

Coho salmon, Oncorhynchus kisutch (PT) Sacramento splittail, Pogonichthys macrolepidotus (PT)

Invertebrates

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN LATHROP AND SACRAMENTO, CALIFORNIA April 26, 1996

Species of Concern

Mammals

greater western mastiff-bat Eumops perotis californicus (SC) small-footed myotis bat, Myotis ciliolabrum (SC) long-eared myotis bat, Myotis evotis (SC) fringed myotis bat, Myotis thysanodes (SC) long-legged myotis bat, Myotis volans (SC) Yuma myotis bat, Myotis yumanensis (SC) San Francisco dusky-footed woodrat, Neotoma fuscipes annectens (SC) San Joaquin pocket mouse, Perognathus inoratus (SC) Pacific western big-eared bat, Plecotus townsendii townsendii (SC)

Birds

tricolored blackbird. Agelaius tricolor (SC) western burrowing owl. Athene cunicularia hypugea (SC) ferruginous hawk. Buteo regalis (SC) little willow flycatcher. Empidonax traillii brewsteri (SC) black rail. Laterallus jamaicensis (SC) white-faced ibis. Plegadis chihi (SC)

Reptiles

silvery legless lizard. Anniella pulchra pulchra (SC) northwestern pond turtle. Clemmys marmorata marmorata (SC) southwestern pond turtle. Clemmys marmorata pallida (SC) San Joaquin whipsnake. Masticophis flagellum ruddocki (SC) California homed lizard. Phrynosoma coronatum frontale (SC)

Amphibians

foothill yellow-legged frog. Rana boylii (SC) western spadefoot toad. Scaphiopus hammondi (SC)

Fish

green sturgeon, Acipenser medirostris (SC) river lamprey, Lampetra ayresi (SC) Kern Brook lamprey, Lampetra hubbsi (SC) Pacific lamprey, Lampetra tridentata (SC) longfin smelt, Spirinchus thaleichthys (SC)

Invertebrates

Antioch Dunes anthicid beetle, Anthicus antiochensis (SC) Sacramento anthicid beetle, Anthicus sacramento (SC) moestan blister beetle, Lytta moesta (SC) molestan blister beetle, Lytta molesta (SC)

Plants

Suisun Marsh aster. Aster lentus (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN LATHROP AND SACRAMENTO, CALIFORNIA April 26, 1996

Species of Concern

Plants

alkali milk-vetch Astragalus tener var. tener (SC) brittlescale. Atriplex depresse (SC) valley spearscale, Atriplex joaquiniana (SC) slough thistie, Cirsium crassicaule (SC) delta coyote-thistle, Eryngium racemosum (SC) Northern California black walnut, Juglans californica var. hindsii (SC) delta tule-pea. Lathyrus jepsonii var. jepsonii (SC) legenere, Legenere limosa (SC) Mason's lilaeopsis. Lilaeopsis masonii (SC) valley agittaria, Sagittaria sanfordii (SC)

Notes:

(P)

C)

- (E) Endangered Species that is in danger of extinction throughout all or a significant portion of its range. Threatened m
 - Species that is likely to become endangered within the foreseeable future.
- Proposed Species that has been proposed in the Federal Register to be listed as endangered or threatened. Area essential to the conservation of a species. (CH) Critical Habitat Candidate

Species for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.

Species for which existing information indicated may warrant listing, but for which substantial biological information to support a proposed rule is lacking.

Concern (CR) Recommended

SC) Species of

for candidate status.

Listing petitioned.

Possibly extinct.

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS FROM NEVADA TO SACRAMENTO, CALIFORNIA April 26, 1996

Listed Species

Birds

American peregrine falcon, Falco peregrinus anatum (E) Aleutian Canada goose, Branta canadensis leucopareia (T) bald eagle, Haliaeetus leucocephalus (T)

Reptiles

giant garter snake, Thamnophis gigas (T)

Fish

winter-run chinook salmon. Oncorhynchus tshawytscha (E) delta smelt. Hypomesus transpacificus (T) delta smelt critical habitat. Hypomesus transpacificus critical habitat (T) Lahontan cutthroat trout. Oncorhynchus (=Salmo) clarki henshawi (T)

Invertebrates

vernal pool tadpole shrimp. Lepidurus packardi (E) vernal pool fairy shrimp. Branchinecta lynchi (T) valley elderberry longhorn beetle. Desmocerus californicus dimorphus (T)

Plants

Truckee barberry. Berberis sonnei (E)

Proposed Species

Amphibians

California red-legged frog. Rana aurora draytoni (PE)

Fish

Sacramento splittail, Pogonichthys macrolepidotus (PT)

Plants

Stebbins' morning-glory, Calystegia stebbinsii (PE) Pine Hill ceanothus, Ceanothus roderickii (PE) El Dorado bedstraw, Galium californicum ssp. sierrae (PE) Layne's butterweed, Senecio layneae (PT)

Candidate Species

Birds

mountain plover, Charadrius montanus (C)

Amphibians

California tiger salamander. Ambystoma californiense (C)

Plants

Carson Range rock-cress, Arabis rigidissima var. demota (1)

Species of Concern

Mammals

spotted bat, Euderma maculatum (SC) greater western mastiff-bat, Eumops perotis californicus (SC) California wolverine, Gulo gulo luteus (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS FROM NEVADA TO SACRAMENTO, CALIFORNIA April 26, 1996

Species of Concern Mammals

Sierra Nevada snowshoe hare. Lepus americanus tahoensis (SC) Pacific fisher, Martes pennanti pacifica (SC) small-footed myotis bat. Myotis ciliolabrum (SC) long-eared myotis bat. Myotis evotis (SC) fringed myotis bat. Myotis thysanodes (SC) long-legged myotis bat. Myotis volans (SC) Yurna myotis bat. Myotis yumanensis (SC) San Joaquin pocket mouse. Perognathus inoratus (SC) Pale Townsend's big-eared bat. Plecotus townsendi pallescens (SC) Pacific western big-eared bat. Plecotus townsendi townsendii (SC) Sierra Nevada red fox. Vulpes vulpes necator (SC)

Birds

northern goshawk, Accipiter gentilis (SC) tricolored blackbird, Agelaius tricolor (SC) western burrowing owl, Athene cunicularia hypugea (SC) ferruginous hawk, Buteo regalis (SC) little willow flycatcher, Empidonax traillii brewsteri (SC) white-faced ibis, Plegadis chihl (SC) California spotted owl, Strix occidentalis occidentalis (SC)

Reptiles

northwestern pond turtle. Clemmys marmorata marmorata (SC) California horned lizard. Phrynosoma coronatum frontale (SC)

Amphibians

Mount Lyell salamander, Hydromantes platycephalus (SC) foothill yellow-legged frog, Rana boylii (SC) mountain yellow-legged frog, Rana mucosa (SC) western spadefoot toad, Scaphiopus hammondi (SC)

Fish

green sturgeon, Acipenser medirostris (SC) river iamprey, Lampetra ayresi (SC) Pacific lamprey, Lampetra tridentata (SC) longfin smelt, Spirinchus thaleichthys (SC)

Invertebrates

Antioch Dunes anthicid beetle, Anthicus antiochensis (SC) Sacramento anthicid beetle, Anthicus sacramento (SC) Sagehen Creek goracean caddisfly, Goeracea oregona (SC) Cold Spring caddisfly, Lepidostoma ermanae (SC) Shirttail Creek stonefly, Megaleuctra sierra (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS FROM NEVADA TO SACRAMENTO, CALIFORNIA April 26, 1996

Species of Concern

Invertebrates

spiny rhyacophilan coddisfly Rhyacophila spinata (SC) South Forks ground beetle, South Forks ground beetle (SC)

Plants

Red Hills soaproot, Chlorogalum grandiflorum (SC) hispid bird's-beak, Cordylanthus mollis ssp. hispidus (SC) Donner Pass buckwheat. Eriogonum umbellatum var. torreyanum (SC) Plumas ivesia, Ivesia sericoleuca (SC) legenere, Legenere limosa (SC) long-petaled lewisia. Lewisia longipetala (SC) Tahoe yellow-cress. Rorippa subumbellata (SC) valley sagittaria, Sagittaria sanfordii (SC) El Dorado mule-ears, Wyethia reticulata (SC)

Notes:

- (E) Endangered
- n Threatened
- Proposed ÷.

CH) Critical Habitat Candidate C

Species that has been proposed in the Federal Register to be listed as endangered or threatened. Area essential to the conservation of a species. Species for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.

Species that is in danger of extinction throughout all or a significant portion of its range.

Species for which existing information indicated may warrant listing, but for which substantial

Species that is likely to become endangered within the foreseeable future.

biological information to support a proposed rule is lacking.

(SC) Species of Concern

(CR) Recommended for candidate status.

Listing petitioned.

Possibly extinct.

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN NILES JUNCTION AND OAKLAND, CALIFORNIA April 26, 1996

Listed Species

Mammals

salt marsh harvest mouse. Reithrodontomys raviventris (E) San Joaquin kit fox. Vulpes macrotis mutica (E)

Birds

American peregrine falcon. Falco peregrinus anatum (E) California brown pelican. Pelecanus occidentalis californicus (E) California clapper rail. Rallus longirostris obsoletus (E) California least tern. Sterna antillarum (=albifrons) browni (E) western snowy plover. Charadrius alexandrinus nivosus (T) bald eagle. Haliaeetus leucocephalus (T)

Fish

tidewater goby. Eucyclogobius newberryi (E) winter-run chinook salmon. Oncorhynchus tshawytscha (E) winter-run chinook salmon crit. habitat. Oncorhynchus tshawytscha (E) delta smelt. Hypomesus transpacificus (T) delta smelt critical habitat. Hypomesus transpacificus critical habitat (T)

Invertebrates

Ionghorn fairy shrimp. Branchinecta longiantenna (E) mission blue butterfly. Icaricia icariodes missionensis (E) San Bruno elfin butterfly. Incisalia mossii bayensis (E) vernal pool fairy shrimp. Branchinecta lynchi (T) bay checkerspot butterfly. Euphydryas editha bayensis (T)

Plants

robust spineflower, Chorizanthe robusta (E) Presidio clarkia, Clarkia franciscana (E) palmate-bracted bird's-beak, Cordylanthus palmatus (E) California sea blite, Suaeda californica (E)

Proposed Species

Reptiles

Alameda whipsnake, Masticophis lateralis euryxanthus (PE)

Amphibians

California red-legged frog, Rana aurora draytoni (PE)

Fish

Cohe saimon, Oncorhynchus kisutch (PT) Sacramento splittail, Pogonichthys macrolepidotus (PT)

Invertebrates

callippe silverspot butterfly, Speyeria callippe callippe (PE)

Plants

Contra Costa goldfields. Lasthenia conjugens (PE)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN NILES JUNCTION AND OAKLAND, CALIFORNIA April 26, 1996

Proposed Species

Plants

pallid manzanita (Alameda manzanita) Arctostaphylos pallida (PT)

Candidate Species

Mammals

San Joaquin Valley woodrat. Neotoma fuscipes riparia (C) riparian brush rabbit. Sylvilagus bachmani riparus (C)

Birds

mountain plover, Charadrius montanus (C)

Amphibians

California tiger salamander, Ambystoma californiense (C)

Plants

Santa Cruz tarweed, Holocarpha macradenia (1)

Species of Concern

Mammals

Berkeley kangaroo rat. Dipodomys heermanni berkleyensis (SC) greater western mastiff-bat. Eumops perotis californicus (SC) small-footed myotis bat. Myotis ciliolabrum (SC) long-eared myotis bat. Myotis evotis (SC) fringed myotis bat. Myotis thysanodes (SC) long-legged myotis bat. Myotis volans (SC) Yuma myotis bat. Myotis yumanensis (SC) San Francisco dusky-footed woodrat. Neotoma fuscipes annectens (SC) San Joaquin pocket mouse. Perognathus inoratus (SC) Pacific western big-eared bat. Plecotus townsendii townsendii (SC) Alameda Island mole. Scapanus latimanus parvus (SC) salt marsh vagrant shrew. Sorex vagrans halicoetes (SC)

Birds

tricolored blackbird. Agelaius tricolor (SC) Bell's sage sparrow. Amphispiza belli belli (SC) western burrowing owl. Athene cunicularia hypugea (SC) ferruginous hawk. Buteo regalis (SC) little willow flycatcher. Empidonax traillii brewsteri (SC) saltmarsh common yellowthroat. Geothlypis trichas sinuosa (SC) black rail. Laterallus jamaicensis (SC) Alameda (South Bay) song sparrow. Melospiza melodia maxillaris (SC)

Reptiles

silvery legless lizard. Anniella pulchra pulchra (SC) northwestern pond turtle. Clemmys marmorata marmorata (SC) southwestern pond turtle. Clemmys marmorata pallida (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN NILES JUNCTION AND OAKLAND, CALIFORNIA April 26, 1996

Species of Concern

Reptiles

San Joaquin whipsnake Masticophis flagellum ruddocki (SC) California horned lizard, Phrynosoma coronatum frontale (SC)

Amphibians

foothill yellow-legged frog, Rana boylii (SC) western spadefoot toad, Scaphiopus hammondi (SC)

Invertebrates

Opler's longhorn moth, Adela oplerella (SC) sandy beach tiger beetle, Cicindella hirticollis gravida (SC) Bridges' Coast Range shoulderband snail, Helminthoglypta nickliniana bridgesi (SC) Ricksecker's water scavenger beetle. Hydrochara rickseckeri (SC) curved-foot hygrotus diving beetle, Hygrotus curvipes (SC) San Francisco lacewing, Nothochrysa californica (SC)

Plants

alkali milk-vetch. Astragalus tener var. tener (SC) valley spearscale, Atriplex joaquiniana (SC) San Francisco Bay spineflower, Chorizanthe cuspidata var. cuspidata (SC) South Bay clarkia, Clarkia concinna ssp. automixa (SC) northcoast bird's-beak, Cordylanthus maritimus ssp. palustris (SC) fragrant fritillary, Fritillaria liliacea (SC) Diablo rock-rose, Helianthella castanea (SC) Diablo rock-rose. Helianthella castanea (SC) pappose spikeweed, Hemizonia parryi ssp. congdonii (SC) Kellogg's (wedge-leaved) horkelia. Hori:elia cuneata ssp. sericea (SC) Northern California black walnut, Juglans californica var. hindsii (SC) delta tule-pea. Lathyrus jepsonii var. jepsonii (SC) adobe sanicle, Sanicula maritima (SC) most beautiful (uncommon) jeweiflower. Streptanthus albidus ssp. peramoenus (SC)

Notes:

- Species that is in danger of extinction throughout all or a significant portion of its range. (E) Endangered ന
 - Species that is likely to become endangered within the foreseeable future. Threatened
- (P) Species that has been proposed in the Federal Register to be listed as endangered or threatened. Proposed (CH) Critical Habitat

(C) Candidate

Area essential to the conservation of a species. Species for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.

Species for which existing information indicated may warrant listing, but for which substantial (SC) Species of Concern biological information to support a proposed rule is lacking.

(CR) Recommended for candidate status.

Listing petitioned.

Possibly extinct.

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN LATHROP AND SACRAMENTO, CALIFORNIA April 26, 1996

Listed Species

Mammals

San Joaquin kit fox. Vulpes macrotis mutica (E)

Birds

American peregrine falcon, Falco peregrinus anatum (E) Aleutian Canada goose, Branta canadensis leucopareia (T) bald eagle, Haliaeetus leucocephalus (T)

Reptiles

giant garter snake, Thamnophis gigas (T)

Fish

winter-run chinook salmon. Oncorhynchus tshawytscha (E) winter-run chinook salmon crit. habitat. Oncorhynchus tshawytscha (E) delta smelt. Hypomesus transpacificus (T) delta smelt critical habitat. Hypomesus transpacificus critical habitat (T)

Invertebrates

Conservancy fairy shrimp, Branchinecta conservatio (E) vernal pool tadpole shrimp, Lepidurus packardi (E) vernal pool fairy shrimp, Branchinecta lynchi (T) valley elderberry longhorn beetle, Desmocerus californicus dimorphus (T) delta green ground beetle. Elaphrus viridis (T)

Plants

palmate-bracted bird's-beak. Cordylanthus palmatus (E)

Proposed Species

Amphibians

California red-legged frog, Rana aurora draytoni (PE)

Fish

Sacramento splittail, Pogonichthys macrolepidotus (PT)

Plants

slender Orcutt grass, Orcuttia tenuis (PT)

Candidate Species

Mammals

San Joaquin Valley woodrat. Neotoma fuscipes riparia (C) riparian brush rabbit. Sylvilagus bachmani riparius (C)

Birds

mountain plover, Charadrius montanus (C)

Amphibians

California tiger salamander. Ambystoma californiense (C)

Species of Concern Mammals

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN MARTINEZ AND OAKLAND, CALIFORNIA April 26, 1996

Proposed Species

Invertebrates

callippe silverspot butterfly Speyeria callippe callippe (PE)

Plants

soft bird's-beak. Cordylanthus mollis ssp. mollis (PE) Contra Costa goldfields. Lasthenia conjugens (PE) pallid manzanita (Alameda manzanita). Arctostaphylos pallida (PT)

Candidate Species

Mammals

San Joaquin Valley woodrat. Neotoma fuscipes riparia (C)

Birds

mountain plover, Charadrius montanus (C)

Amphibians

California tiger salamander. Ambystoma californiense (C)

Plants

Santa Cruz tarweed, Holocarpha macradenia (1) Santa Cruz tarweed, Holocarpha macradenia (1)

Species of Concern

Mammals

Berkeley kangaroo rat. Dipodomys heermanni berkleyensis (SC) greater western mastiff-bat. Eumops perotis californicus (SC) small-footed myotis bat. Myotis ciliolabrum (SC) long-eared myotis bat. Myotis evotis (SC) fringed myotis bat. Myotis thysanodes (SC) long-legged myotis bat. Myotis volans (SC) Yuma myotis bat. Myotis volans (SC) Yuma myotis bat. Myotis yumanensis (SC) San Francisco dusky-footed woodrat. Neotoma fuscipes annectens (SC) San Joaquin pocket mouse. Perognathus inoratus (SC) Pacific western big-eared bat. Plecotus townsendii townsendii (SC) Alameda Island mole, Scapanus latimanus parvus (SC) Suisun ornate shrew. Sorex ornatus sinuosus (SC)

Birds

tricolored blackbird. Agelaius tricolor (SC) Bell's sage sparrow. Amphispiza belli belli (SC) western burrowing owl. Athene cunicularia hypugea (SC) ferruginous hawk. Buteo regalis (SC) little willow flycatcher. Empidonax traillii brewsteri (SC) saltmarsh common yellowthroat. Geothlypis trichas sinuosa (SC) black rail. Laterallus jamaicensis (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN MARTINEZ AND OAKLAND, CALIFORNIA April 26, 1996

Species of Concern

Birds

Alameda (South Bay) song sparrow Melospiza melodia maxillaris (SC) San Pablo song sparrow, Melospiza melodia samuelis (SC) Suisun song sparrow, Melospiza melodia samuelis (SC)

Reptiles

silvery legless lizard, Anniella pulchra pulchra (SC) northwestern pond turtle, Clemmys marmorata marmorata (SC) southwestern pond turtle, Clemmys marmorata pallida (SC) California horned lizard, Phrynosoma coronatum frontale (SC)

Amphibians

foothill yellow-legged frog. Rana boylii (SC) western spadefoot toad, Scaphiopus hammondi (SC)

Fish

green sturgeon, Acipenser medirostris (SC) river lamprey, Lampetra ayresi (SC) Pacific lamprey, Lampetra tridentata (SC) longfin smelt, Spirinchus thaleichthys (SC)

Invertebrates

Antioch Dunes anthicid beetle. Anthicus antiochensis (SC) Sacramento anthicid beetle. Anthicus sacramento (SC) sandy beach tiger beetle. Clcindella hirticollis gravida (SC) Bridges' Coast Range shoulderband snail. Helminthoglypta nickliniana bridgesi (SC) Ricksecker's water scavenger beetle. Hydrochara rickseckeri (SC) curved-foot hygrotus diving beetle. Hygrotus curvipes (SC) San Francisco lacewing. Nothochrysa californica (SC)

Plants

Suisun Marsh aster, Aster lentus (SC) alkali milk-vetch. Astragalus tener var. tener (SC) San Francisco Bay spineflower, Chorizanthe cuspidata var. cuspidata (SC) northcoast bird's-beak. Cordylanthus maritimus ssp. palustris (SC) fragrant fritillary, Fritillaria liliacea (SC) fragrant fritillary, Fritillaria liliacea (SC) Diablo rock-rose, Helianthella castanea (SC) Diablo rock-rose, Helianthella castanea (SC) pappose spikeweed, Hemizonia parryi ssp. congdonii (SC) Kellogg's (wedge-leaved) horkelia. Horkelia cuneata ssp. sericea (SC) delta tule-pea, Lathyrus jepsonii var. jepsonii (SC) Mason's lilaeopsis, Lilaeopsis masonii (SC) adobe sanicle, Sanicula maritima (SC)

LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CANDIDATE SPECIES THAT MAY OCCUR IN OR BE AFFECTED BY PROJECTS IN THE AREA OF SOUTHERN PACIFIC TRACKS BETWEEN MARTINEZ AND OAKLAND, CALIFORNIA April 26, 1996

Species of Concern

Plants

most beautiful (uncommon) jewelflower, Streptanthus albidus ssp. peramoenus (SC)

Notes:

(P)

- (E) Endangered Species that is in danger of extinction throughout all or a significant portion of its range. (T)
 - Threatened Species that is likely to become endangered within the foreseeable future.
- Species that has been proposed in the Federal Register to be listed as endangered or threatened. Proposed (CH) Critical Habitat Area essential to the conservation of a species. Candidate
- Species for which the Fish and Wildlife Service has sufficient biological information to support a (C) proposal to list as endangered or threatened, (SC) Species of
- Species for which existing information indicated may warrant listing, but for which substantial Concern biological information to support a proposed rule is lacking.
- (CR) Recommended for candidate status.
- Listing petitioned. ()
- (*) Possibly extinct.

5/23/96 9:45:05 AM



United States Department of the Interior

FISH AND WILDLIFE SERVICE Division of Ecological Services 17629 El Camino Real, Suite 211 Houston, Texas 77058

April 26, 1996

Julie Donsky Dames & Moore 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

This responds to your April 19, 1996 letter requesting information on federally listed threatened or endangered species or their critical habitat that may occur within 5 miles of your proposed project sites. The proposed projects involve rail segments which may have an increase in rail activity due to the proposed merger of Union Pacific and Southern Pacific Railroads. The two affected rail segments occurring within this office's area of responsibility are the section of the Shreveport, Louisiana to Lufkin, Texas rail line located within Angelina County and the Texas section of the Avondale, Louisiana to Beaumont, Texas segment. The second rail line is located within Jefferson and Orange Counties, Texas.

A review of U.S. Fish and Wildlife Service files and your project map indicates that no federally listed species or critical habitat are known to occur within 5 miles of the rail segments. While it is not likely that any federally listed species occur at the proposed project site, the possibility exists that unknown populations occur within this 5-mile radius. Therefore; a list of, and general information on, each species known to occur within these three counties is enclosed.

The Texas Natural Heritage Program, 3000 I-35 South, Austin, Texas, 78744 (512-448-4311) can provide information on state listed species and other species of concern.

If you have any questions, or we can be of further assistance please contact Edith Erfling at 713/286-8282.

Sincerely

Frederick T. Werner Chief, Regulatory Activities

Enclosures

ANGELINA COUNTY

Listed Species

Birds: T BALD EAGLE (N) + (W) E RED-COCKADED WOODPECKER (R) Mammals: T LOUISIANA BLACK BEAR (H)

Haliaeetus leucocephalus Picoides borealis

Ursus americanus luteolus

Candidate Species

None Known

E = Federall	y listed	as end	langered
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- T = Federally listed as threatened
- C = Candidate species: species for which we have sufficient information to indicate that listing may be appropriate.
- H = historical occurrence
- M = migrant only
- N = nesting activity
- P = potential resident (where habitat exists)
- R = year-round resident
- W = winter concentration
- X = presumed extirpated
- ? = questionable locality or identification

JEFFERSON COUNTY

Listed Species

Reptiles:	
T	Green sea turtle
E	Hawksbill sea turtle
E	Kemp's ridley sea
T	Loggerhead sea turtle
E	Leatherback sea turtle
Birds:	
T	ARCTIC PEREGRINE FALCON (M)
T	BALD EAGLE (M)
E	BROWN PELICAN (M)
T	PIPING PLOVER (P)

Chelonia	a mydas
Letmoc	helys imbricata
	helys kempii
Caretta	caretta
Dermoci	helys coriacea

Falco peregrinus tundrius Haliaeetus leucocephalus Pelecanus occidentalis Charadrius melodus

Candidate Species

None known

- E = Federally listed as endangered
- T = Federally listed as threatened
- C = Candidate species: species for which we have sufficient information to indicate that listing may be appropriate.
- H = historical occurrence
- M = migrant only
- N = nesting activity
- P = potential resident (where habitat exists)
- R = year-round resident
- W = winter concentration
- X = presumed extirpated
- ? = questionable locality or identification

January 1996

ORANGE COUNTY

Listed Species

Birds: T

BALD EAGLE (M)

Haliaeetus leucocephalus

Candidate Species

None known

- E = Federally listed as endangered
- T = Federally listed as threatened
- C = Candidate species: species for which we have sufficient information to indicate that listing may be appropriate.
- H = historical occurrence
- M = migrant only
- N = nesting activity
- P = potential resident (where habitat exists)
- R = year-round resident
- W = winter concentration
- X = presumed extirpated
- ? = questionable locality or identification

January 1996

STATUS: Listed as endangered (1967;1973) without critical habitat in all contiguous 48 states except threatened in Washington, Oregon, Minnesota, Wisconsin, and Michigan. Southeastern States Bald Eagle Recovery Plan revised in 1989. Bald cagles are protected by Endangered Species Act, Bald Eagle Protection Act, and Migratory Bird Treaty Act.

Theread a

DESCRIPTION: Large howk-like bird with 6 7 feet wingspan. Adults (4-6 years of age and older) have a white head, neck, and tail, but otherwise dark-brown plumage. Immatures are mostly dark, and resemble golden eagles.

THREATS/REASONS FOR DECLINE: Past threats include pesticide-induced reproductive failure, loss of riparian habitat, and unrestricted killing by humans (shooting, poisoning, trapping). Current threats remain habitat loss and human encroachment on nest sites. Lead poisoning remains a concern; even low levels can cause behavioral dysfunction, anemia, and increased susceptibility to disease.

HABITAT: Information on bald cagle nesting in Texas has been developed by Texas Parks and Wildlife Department Preferred nesting habitat (TPWD). appears to be along river systems or within 1-2 miles of some large body of water, such as a lake or reservoir. Large, tall (40-120 feet) trees are usually needed; nests are often constructed in the dominant trees within an area (taller than general forest canopy, providing unobstructed flight path to nest). Bald cagles use a variety of tree species for nesting; in Texas, they have used oak. loblolly pine, baldcypress, cottonwood, and sycamore. Nearby (within 0.5 miles) wetland areas are necessary for

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April 1994

COCKARSE

feeding. Fish is generally the primary food, but eagles in Texas have used waterfowl, turtles, small mammals, and carrion.

Bald cagles also occur as wintering birds that migrate from northern areas. They utilize rivers, streams, reservoirs, and other areas of open water where fish, waterfowl, and carrion are available for food.

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DISTRIBUTION (see map):

NESTING populations are gradually increasing in Texas. As of 1994, bald cagle nests are known to occur (although not all are active or successful) in Angelina/[Nacogdoches], Bastrop, Bowie, Brazoria, Calhoun, Chambers, Colorado, Cooke, Fannin, Fayette, Fort Bend, Goliad, Grimes, Harris, Houston/[Cherokee], Jackson, Liberty, Limestone, Matagorda, Montgomery/[Walker], Newton, Polk/[San Jacinto], Refugio, Robertson, Sabine, San Augustine, San Saba, Shelby, Trinky, Victoria, and Wharton counties.

WINTERING bald eagles may occur statewide, usually December to March, but particularly in these areas: Buffalo Lake (Randall County), Garwood and Eagle Lake prairies (Colorado), Lake Buchanan (Burnet, Llano, San Saba), Lake Conroe (Montgomery, Walker), Lake Cooper (Delta, Hopkins), Lake Fairfield (Freestone), Lake Fork (Rains, Wood), Lake Livingston (Polk, San Jacinto, Trinity), Lake Meredith (Hutchinson, Moore, Potter), Lake o' the Pines (Marion, Upshur), Lake Palestine (Anderson, Cherokee, Henderson, Smith), Lake Pat Mayse (Lamar), Lake Tawakoni (Hunt, Rains, Van Zandt), Lake Texoma (Grayson), Lake Warren (Karris), Lake Whitney (Bosque, Hill), Palo Duro Lake (Hansford), Sam Rayburn Reservoir (Angelina, Jasper, Sabine, San Augustine), Toledo Bend Reservoir (Newton, Panola, Sabine, Shelby), and Wright-Patman Lake (Bowie, Cass).

Bald cagles may also occur throughout the state as SPRING and FALL MIGRANTS.

OTHER INFORMATION: Nesting in Texas is normally October to July, with peak egg-laying in December and hatching in January. Young generally fledge in April after 10-12 weeks of growth, but parental care continues another 4-6 weeks. Adults and young begin to migrate north in May (with a pair sometimes remaining all year). Bald eagles are vulnerable to disturbance throughout the nesting period. Habitat management guidelines designed to minimize or avoid disturbance to nesting eagles have been developed and are available from U.S. Fish and Wildlife Service (713-286-8282) or Texas Parks and Wildlife Department (512-723-2315/512-448-4311). LOUISIANA BLACK BEAR Ursus americanus luteolus

STATUS: Listed as THREATENED (57 FR 588; January 7, 1992) without critical habitat. Other free-roaming bears of Ursus americanus species found within the Louisiana black bear's historic range (Louisiana, southern Mississippi, and castern Texas) are designated as threatened due to similarity of appearance. A special rule allows for normal forest management activities to occur within the bear's range, except for activities causing damage to or loss of den trees, den tree sites, or candidate den trees.

DESCRIPTION: A large, bulky mammal with long black hair, some with a distinct white "blaze" on lower throat and chest. The tail is short and the facial profile is rather blunt, with small eyes and a broad nosepad. The muzzle is yellowish brown. Adult males may weigh 300 to 400 pounds or more, and adult females 120 to over 280 pounds. Body length ranges from 3 to 6 feet.

THREATS/REASONS FOR DECLINE: The current population is estimated to be 200 to 300 in Louisiana, 25 to 50 in Mississippi, and none in eastern Texas. The decline is attributed to historic killing by humans and, more significantly, the loss and fragmentation of over 80 percent of the bottomland forest habitat historically found within the bear's range. Continued loss of bottomland habitat and the conversion of timbered habitat to cropland and other agricultural uses are considered to be the primary current threats to the bear.

HABITAT: Bottomland hardwood and floodplain forests are the bear's favored habitat, although upland hardwood forest, mixed pine/hardwood forest, wetlands, and agricultural fields may also be used. Normal forest management activities, which support a sustained yield of timber products and wildlife habitats and maintain forested land conditions, are considered to be compatible with the Louisiana black bear, except that den trees and den tree sites should be preserved. Den trees are considered to be baldcypress and tupelo-gum trees with visible cavities, having a minimum diameter at breast height (DBH) of 36 inches, and occurring in or along rivers. lakes, streams, bayous; sloughs, and other water bodies

DISTRIBUTION (see map): Historic range of the Louisiana black bear was once all of Louisiana, southern Mississippi and Arkansas, and eastern Texas. Its current range in Louisiana now appears to be limited to the Tensas and Atchafalaya River basins. No extant populations are currently known to occur in Texas, but recent sightings have been reported from some castern counties. (Sightings can be reported to the U.S. Fish and Wildlife Service [713-286-8282) or Texas Parks and Wildlife Department [512-389-4771]).

OTHER INFORMATION: Although classified as carnivores, bears are not active predators. They are opportunistic feeders, cating almost anything that is readily available. Berries and acoms are typical food sources, but agricultural products (such as corn, wheat, and sugarcane) may also be taken. Bears are considered to be intelligent animals, but shy and secretive, usually trying hard to avoid contact with humans. Cubs (usually 1 to 3) are generally born every other year, remain with the mother the first year, and then strike out to establish new territories during their second summer. The young are vulnerable to threats and juvenile mortality can be high. In an effort to recover the Louisians black bear, a unique coalition of landowners, state and federal agencies, private conservation groups, forest industries, and agricultural interests has formed the Black Bear Conservation Committee (BBCC), which is supporting educational and research efforts for the bear, and developing management guidelines and a restoration plan. (The BBCC can be contacted at P.O. Box 4125, Baton Rouge, Louisiana 70821.)

REFERENCES:

Black Bear Conservation Committee. 1992. Black bear management handbook for Louisiana, Mississippi, and east Texas. Nowak, R.M. 1986. Status of the Louisiana bear. U.S. Fish and Wildlife Service special report. 17pp. Schmidly, D.J. 1983. Texas mammals east of the Balcones fault zone. Texas A&M Press, College Station, TX.

REV.DATE 2/94



5/23/76 10 :18:03 am

United States Department of Agriculture

Natural Resources Conservation Service 3737 Government Street Alexandria, Louisiana 71302

April 25, 1996

Ms. Julie Donsky Environmental Scientist Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

In response to your most recent letter dated March 26, 1996 for concerns to be addressed in the Addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads, the following comments are offered for your consideration:

- I am enclosing a copy of our initial letter to you dated December 15, 1996. Our comments in that letter still remain as valid comments or items of concern. See enclosure #1.
- 2. I am also enclosing a copy of our letter to Elaine K. Kaiser, UP/SP Environmental Project Director, Environmental Analysis Section, Surface Transportation Board, Washington, D.C. dated February 23, 1996. Our comments in that letter also still remain as valid comments or items of concern. See enclosure #2.
- 3. I would like to re-emphasize our concern regarding the transportation of hazardous wastes or materials over the existing and proposed routes. Of particular concern is the impact of spills or accidents involving hazardous wastes or materials on human life, domestic animals, wildlife, forests, farmlands and wetlands.

Ms. Donsky Page 2 April 25, 1996

Should you have any questions please feel free to contact E. J. Giering III, State Conservation Engineer, at (318) 473-7673.

Sincerely,

Bruce Sette Acting For

Donald W. Gohmert State Conservationist

encls (2)

CC: E. J. Giering III, State Conservation Engineer, NRCS, Alexandria, LA United States Department of Agriculture

Natural Resources Conservation Service 3737 Government Street Alexandria, Louisiana 71302

December 15, 1995

Ms. Julie Donsky Environmental Scientist Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

In response to your letter request dated November 27, 1995, for concerns to be addressed in your Environmental Report for the merger of the Union Pacific and Southern Pacific Railroads, the following comments are offered:

- If hazardous wastes or materials will be transported over these routes, all necessary precautions need to be taken. The local people in the affected areas need to be advised and educated regarding railroad safety plans and evacuation procedures.
- 2. The Iowa Junction, Louisiana to Beaumont, Texas route extends through the lower portion of Sabine Island Wildlife Management Area. The Louisiana Department of Wildlife and Fisheries, Refuge Division should be contacted.
- 3. The Calcasieu Parish Planning Division should be contacted as a number of gated crossings exist along the Iowa Junction, Louisiana to Beaumont, Texas route.
- 4. If construction is proposed as a result of the merger, there may be a need for compliance with the Farm Protection Policy Act which requires the completion of an AD 1006 form.

In addition to the above, the proposed merger, as far as the routes shown on the drawings are concerned, will have no known impact on any of our work or projects in the area.

Sincerely,

signed

Donald W. Gohmert State Conservationist

cc: E. J. Giering, III, State Conservation Engineer, NRCS, Alexandria, LA Clay Midkiff, District Conservationist, NRCS, Lake Charles, LA

The Natural Resources Conservation Service.

United States Department of Agriculture

Natural Resources Conservation Service 3737 Government Street Alexandria, Louisiana 71302

February 23, 1996

Elaine K. Kaiser UP/SP Environmental Project Director Section of Environmental Analysis Surface Transportation Board 12th and Constitution Avenue, Room 3219 Washington, D.C. 20423-0001

Attention: Finance Docket No. 32670 - comments

Re: Surface Transportation Board Request for Environmental Comments on the Potential Environmental Impacts of the Control and Merger Application between the Union Pacific and Southern Pacific Railroads

In response to your letter dated January 29, 1996, requesting our views and comments on the above referenced subject, the following comments are offered for your consideration:

- I am enclosing a copy of our letter to Julie Donsky, Environmental Scientist, with Dames and Moore dated December 15, 1995. (Enclosure #1)
- NRCS has no proposed work in the impacted area in Northwest Louisiana.
- 3. Any proposed construction should consider drainage and flooding impacts.
- 4. As indicated on the maps and sketches provided for review some wetlands will be affected.
- 5. The twenty-five (25) new rail line connects that would require construction outside existing right-of-way will have the potential to convert important farmland to nonagricultural uses.
 - a. Important farmland includes prime, unique, and farmland of statewide or local importance. Prime farmlands are

Elaine K. Kaiser Page 2 February 23, 1996

> those whose value derives from their general advantage as cropland due to soil and water conditions. The land does not have to be presently in row crops to be classified as prime farmland. Prime farmland can be cropland, pastureland, forestland, but not urban built-up land.

- b. Unique farmland is land other than prime farmland that is used for production of specific high-value food and fiber crops such as citrus and sugarcane.
- 6. The U.S. Department of Agriculture has published final rules for implementation of the Farmland Protection Policy Act (FPPA). Enclosed is a copy of the Act and the rules which became effective August 6, 1984. (See Enclosure #2). Also enclosed is a copy of amendments to this rule published June 17, 1994. See Enclosure #3.
 - a. The purpose of the Act and rules is to minimize the extent to which federal programs contribute to the unnecessary and irreversible conversion of important farmlands to nonagricultural uses. Section 658.4 describes the actions federal agencies are to take to comply with the rules. Form SCS-CPA-106 should only be used for those actions that will cause the conversion of important farmlands to other uses.
 - b. Form SCS-CPA-106 for corridors, should only be completed if a federal agency or federal funds are involved in the proposed activity. Enclosure #4 is a copy of this form.
- 7. To determine the area of prime, unique, and statewide and local important farmland that may be converted, more detailed information is required. The width of additional rights-of-way along corridors to be expanded is needed to determine potential conversion of important farmland. Enclosed are copies of applicable soil survey reports for Jefferson, Iberville, Allen, Pointe Coupee, and St Charles Parishes, with soil legends that identify mapping units classified as important farmland. See Enclosures #5, 6, 7, 8 & 9. The soil survey for Jefferson Davis Parish has not been published at this time but the soil survey has been completed. If the exact location for work in Jefferson Davis Parish is provided, a determination regarding prime, unique or important farmland can be made by this agency.

Elaine K. Kaiser Page 3 February 23, 1996

Should you have any questions please contact E. J. Giering III, State Conservation Engineer, at (318) 473-7673.

ille K. Moare

Donald W. Gonmert State Conservationist

Encls (9)

cc: E. J. Giering III, State Conservation Engineer, NRCS, Alexandria, LA

5/23/96 9:47:58 AM



DEPARTMENT OF THE ARMY U.S. ARMY ENGINEER DISTRICT, SACRAMENTO CORPS OF ENGINEERS 1325 J STREET SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO ATTENTION OF

April 24, 1996

Regulatory Branch

Ms. Julie Donsky Environmental Scientist Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

We received a copy of your letter dated March 26, 1996 mentioning the proposed merger of the Union Pacific and Southern Pacific Railroads and the expected increase in rail activity on certain rail segments. You identified one of these segments as "Denver, Colorado to Dotsero, Colorado" and asked for our comments.

The eastern boundary of the Corps of Engineers, Sacramento District in Colorado is the Continental Divide. We administer the Regulatory Permit Program under Section 404 of the Clean Water Act. You must receive a permit from the Corps of Engineers Water Act. You must receive a permit from the Corps of Engineers to discharge dredged material (including excavation) and fill material in waters of the United States. In western Colorado, you should contact this office about permit requirements.

Thank you for the opportunity to comment. If you have any questions, write to the address below and telephone (9700 243-1199.

Sincerely McNure ady L.

Chief, Northwestern Colorado Regulatory Office 402 Rood Avenue, Room 142 Grand Junction, Colorado 81501-2563

USFWS/ES CORPUS

5/23/96 7: 35:50 AM 2002

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DAMES & MOORE

ONE CONTINENTAL TOWERS. 1701 GOLF ROAD. SUITE 1000. ROLLING MEADOWS. ILLIN 015 0008 FIDS - 00 (847) 228-0707 FAX: (847) 228-1115

February 26, 1995

RECEIVED

U.S. FISH AND WILDLIFE SERVICE Region 2 P.O. Box 1306 500 Gold Avenue, SW - Room 4000 Albuquerque, NM 87102

MAR 13 1996

USFWS ClearLake ES

Dames & Moore is preparing an addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads. The attached list and maps show additional construction projects which have been identified within your state.

To prepare our addendum to the Environmental Report, we are requesting that you inform us of any concerns you have and provide information regarding:

- protected species information (State, Federal) within 5 miles of each site.
- listing of critical habitats within 5 miles of each site.
- locations of parks and refuges in proximity to the proposed projects.
- citations to any permitting/approval authority which you believe your state has over the actions identified.
- any other information you would like to provide regarding environmental matters or local concerns at these sites.

We would appreciate receiving the requested information at your earliest convenience. We would further appreciate it if the information could be supplied in writing or orally to the undersigned at the address and phone/fax numbers on this letterhead.

We very much appreciate your assistance.

Very truly yours,	NO EFFECT FINDING Based on our review of the project activity as procosed. It is		
DAMES & MOORE, INC	in the taderativ listed species. U. Uthet the		
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Julie Donak	Jais 7. 207.10	5	./
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Environmental Scientist	U.S. FISH and WILDLIFE SERVICE, CORPUS CHRISTI, T	1	
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NEW CONSTRUCTION

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The following are proposed construction projects which have been identified within your state.

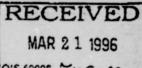
- Robstown. Texas The proposed project is to construct a new connection which will involve a timber crossing over Sixth Street. The proposed project is located in Nueces County.
- <u>Sealy. Texas</u> The proposed project is to install two (2) No. 10 turnouts (a turnout is a rail line that veers off the main line). This proposed project is located in Austin County.

USFAS/ES CUNTUS 4001 UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE ECOLOGICAL SERVICES c/o TAMU-CC, Campus Box 338 6300 Ocean Drive Corpus Christi, Texas 78412 FAX FORM ulie Monsky TO: OFFICE PHONE NUMBER: 228-1115 FAX NUMBER: SUBJECT: acific & Southern Hrado nera Barrera FROM: OFFICE: U.S. FISH AND WILDLIFE SERVICE, ECOLOGICAL SERVICES CORPUS CHRISTI, TEXAS PHONE NUMBER: (512) 994-9005 FAX NUMBER: (512) 994-8262 NUMBER OF PAGES (INCLUDING HEADER ANY PROBLEMS WITH THIS FAX PLEASE CALL NUMBER ABOVE **ENDANGERED** WHOOPING CRANE

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DAMES & MOORE

ONE CONTINENTAL TOWERS. 1701 GOLF ROAD. SUITE 1000. ROLLING MEADOWS. ILLE DIS 50005 FOS - CC (847) 228-0707 FAX: (847) 228-1115

February 26, 1995

RECEIVED

U.S. FISH AND WILDLIFE SERVICE Region 2 P.O. Box 1306 500 Gold Avenue, SW - Room 4000 Albuquerque, NM 87102

MAR 13 1935

USFWS ClearLake ES

Dames & Moore is preparing an addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads. The attached list and maps show additional construction projects which have been identified within your state.

To prepare our addendum to the Environmental Report, we are requesting that you inform us of any concerns you have and provide information regarding:

- protected species information (State, Federal) within 5 miles of each site.
- listing of critical habitats within 5 miles of each site.
- locations of parks and refuges in proximity to the proposed projects.
- citations to any permitting/approval authority which you believe your state has over the actions identified.
- any other information you would like to provide regarding environmental matters or local concerns at these sites.

We would appreciate receiving the requested information at your earliest convenience. We would further appreciate it if the information could be supplied in writing or orally to the undersigned at the address and phone/fax numbers on this letterhead.

We very much appreciate your assistance.

Very truly yours,	NO EFFECT FINDING Based on our review of the project activity as proposed. It is		
DAMES & MOORE, INC.	and wildlife resources will be impacted.	1 534	
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NEW CONSTRUCTION

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TEXAS

The following are proposed construction projects which have been identified within your state.

- Robstown. Texas The proposed project is to construct a new connection which will involve a timber crossing over Sixth Street. The proposed project is located in Nucces County.
 - <u>Sealv. Texas</u> The proposed project is to install two (2) No. 10 urnouts (a turnout is a rail line that veers off the main line). This proposed project is located in Austin County.



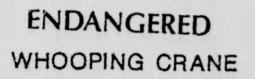
UNITED STATES DEPARTMENT OF THE INTERIOR FISH AND WILDLIFE SERVICE ECOLOGICAL SERVICES c/o TAMD-CC, Campus Box 338 6300 Ocean Drive Corpus Christi, Texas 78412

USTINS, ES CURTOS



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FAX FORM lie Dorsky TO: OFFICE: PHONE NUMBER: 228-1115 FAX NUMBER: SUBJECT: Unin c E Aduthers trades INA Barrera FROM: OFFICE: U.S. FISH AND WILDLIFE SERVICE, ECOLOGICAL SERVICES CORPUS CHRISTI, TEXAS PHONE NUMBER: (512) 994-9005 FAX NUMBER: (512) 994-8262 NUMBER OF PAGES (INCLUDING HEADER ANY PROBLEMS WITH THIS FAX PLEASE CALL NUMBER ABOVE



5/23/96 10:12:01 Am



April 23, 1996

ARKANSAS HISTORIC PRESERVATION PROCRAM

Ms. Julie Donsky Environmental Scientist Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling, Meadows, Illinois 60008

RE: Mulit-County - General Section 106 Review - ICC Tracking No. #26035 Proposed Addendum To Environmental Report For Rail Segment Increase From Brinkley To Pine Bluff Arkansas

Dear Ms. Donsky:

This letter is written in response to your inquiry, regarding properties of architectural, historical, or archeological significance in the area of the proposed referenced project.

In order for the Arkansas Historic Preservation Program (AHPP) to complete its review of the proposed project, we will need the additional information checked below:

a 7.5 topographic project location map delineating the project boundary.

- _____ a project description detailing all aspects of the proposed project.
- the location, age, and photographs of structures (if any) to be renovated, removed, demolished, or abandoned as a result of this project.
- ____ photographs of any structures on property directly adjacent to the project area.

Once we have received the above information, we will complete our review as expeditiously as possible. If you have any questions, please contact me at (501) 324-9785.

Sincerely,

Randy Jeffery 106 Review Coordinator

CS\GM\ss

1500 Tower Building • 323 Center • Little Rock, Arkansas 72201 • Phone (501) 324-9880 Fax (501) 324-9154 A Division of the Department of Arkansas Heritage



5/23/96 10:37:0 HM

UNITED STATES DEPARTMENT OF AGRICULTURE Natural Resources Conservation Service Room 5404 Federal Building 700 West Capitol Avenue Little Rock, Arkansas 72201

APR 2 2 1956

Ms. Julie Donsky Environmental Scientist Dames & Moore One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

We have reviewed the proposed action for the merger of the Union Pacific and Southern Pacific Railroads from Brinkley, Arkansas to Pine Bluff, Arkansas. We do not anticipate these additions will adversely impact prime farmland or erosion rates, the primary concerns of the Natural Resources Conservation Service. Thank you for providing us with the opportunity to comment on potential significant effects. If further information is required, please call Belinda Bell at (501) 324-5509.

Sincerely,

hull MITCHELL L.

Assistant State Conservationist (Programs)



aging.dcx(04/96)

The Natural Resources Conservation Service, formerly the Soil Conservation Service, works hand-in-hand with the American people to conserve the natural resources on private lands.

AN EQUAL OPPORTUNITY EMPLOYER

All programs and services of the Natural Resources Conservation Service are offered on a nondiscriminatory basis without regard to race, color, national origin, religion, sex, marital status, age, or handicap.

5/23/46 10:20:47 Am



United States Department of the Interior

FISH AND WILDLIFE SERVICE Division of Ecological Services 17629 El Camino Real, Suite 211 Houston, Texas 77058

April 18, 1996

Julie Donsky Dames & Moore 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

This responds to your February 26, 1995 letter requesting information on federally listed threatened or endangered species or their critical habitat that may occur within five miles of your proposed project sites. The proposed projects are associated with the proposed merger of Union Pacific and Southern Pacific Railroads. The proposed project located within this office's area of responsibility involves the installation of two turnouts at Sealy in Austin County, Texas.

A review of U.S. Fish and Wildlife Service files and your project map indicates that no federally listed species or critical habitat are known to occur within five miles of the proposed project site. While it is not likely that any federally listed species occurs at the proposed project site, the possibility exists that unknown populations occur within this five mile radius. As shown on the enclosures, the proposed project is located within a zone containing suitable habitat for the endangered Houston toad *Bufo houstonensis*. Unfortunately, most of this area has not been surveyed to determine where the Houston toad may occur.

According to Section 7(a)(2) of the Endangered Species Act, it is the responsibility of each federal agency to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any listed species. Based upon an inventory of listed species and those species proposed for listing received from the Service, the federal agency, or its designated agent, determines if any endangered or threatened species may be affected by the proposed action. If a "may affect" decision is reached, then formal Section 7 consultation is initiated with this office.

The Texas Natural Heritage Program, 3000 I-35 South, Austia, Texas, 78744 (512-448-4311) can provide information on state listed species and other species of concern.

If you have any questions, or we can be of further assistance, please contact Edith Erfling at 713/286-8282.

Sincerely

Erederick T Werner Chief, Regulatory Activities

Enclosures



DETERMINING POTENTIAL OCCURRENCE OF THE HOUSTON TOAD

Within the U.S. Fish and Wildlife Service's (FWS) Clear Lake Field Office Area of Responsibility [March 1995]

HABITAT REQUIREMENTS OF THE HOUSTON TOAD:

Houston toad habita" consists of rolling uplands with a surface layer and very deep subsurface horizon of LOOSE, FRIAELE SANDY OR LOAMY SANDY SOILS (into which the toad can easily burrow to hibernate [winter] or aestivate [summer]). Ideally, the sandy soil should be 40 inches or more deep and part of a fairly contiguous, large block of such soils. These deep sands are associated with the CARRIZO, GOLIAD, QUEENS CITY, SPARTA, and WILLIS geologic formations, which occur within a fairly narrow strip through southeastern Texas, generally running diagonally northeast to southwest.

The vegetation type of known Houston toad sites is PINE OR POST-OAK WOODLAND OR SAVANNAH, WITH NATIVE GRASSES AND FORBS. Although the direct benefit of forested cover to the Houston toad is unknown, a closed or semi-closed canopy probably makes a site unfavorable for other toad species that could compete with the Houston toad for food and water resources. Some clearing of an unnaturally danse understory would probably be beneficial to the Houston toad. However, the herbaceous (grassy) cover should consist of native bunchgrasses, which allow free movement of the Houston toad (and other species), as opposed to non-native sod-forming grasses (bermuda or babia) which inhibit or prevent movement.

Also required are POOLS OF WATER THAT PERSIST FOR AT LEAST 50-60 DAYS Also required are FOOLS OF WATER THAT FERSIST FOR AT LEAST SU-to Data during the spring breeding season. This source of water should be located near (but may be as far away as a half-mile from) the toad's hibernation/foraging habitat. Wetlands used by Houston toads may include ephemeral rain pocls, backwater eddies of slow-flowing creeks, or the shallow edges of more permanent wetlands. The edges of some man-made ponds may also be used, but their construction, or the conversion of shallow wetlands into deeper ponds, is not recommended since they may produce conditions more favorable to predators of toads or to other toad species that can compete with Houston toads. The introduction of fish that prey on toad eggs and tadpoles would also be detrimental to the Houston toad.

KNOWN OCCURRENCE OF THE HOUSTON TOAD:

Due to searches conducted by the Texas Parks and Wildlife Department (TPWD), Houston toad populations are known to exist in the following Texas counties: AUSTIN, BASTROP, BURLESON, COLORADO, LAVACA, LEON, MILAN, and ROBERTSON. [The species once occurred in Fort Bend, Harris, and Liberty counties, but no populations are currently known to exist in these areas.]

POTENTIAL OCCURRENCE OF THE HOUSTON TOAD:

The Clear Lake Field Office of FWS has identified the potential range of the Houston toad within its area of responsibility (see map). This determination is primarily based on published soil surveys, from which our office has identified a number of soil types that may be suitable to the Houston toad (see list below), information from TPWD, and the possible occurrence of other habitat conditions. Within the Clear Lake Field Office's area of responsibility, the Houston toad is known to occur at three sites in Austin and Colorado counties. The species may occur in additional areas of AUSTIN and COLORADO counties, and possibly in WALLER county as well, where habitat is suitable.

SUITABLE HABITAT FOR THE HOUSTON TOAD INCLUDES AREAS THAT:

- (1) are largely upmodified from historic habitat conditions;
- (2) contain one or more of the soil types identified below, or some other type of deep, friable, sandy soil; appear to meet other habitat requirements described above; and
- (3)
- (4) do not appear to support large populations of the Woodhouse's toad.

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HOUSTON TOAD (Bufo houstonensis)

[July 1994] ...

STATUS: Listed as ENDANGERED (35 FR 16047; October 13, 1970) with critical habitat designated in portions of Bastrop and Burleson counties. Recovery plan completed in 1984, but undergoing revision.

DESCRIPTION: A small (2-3.5 inches long) toad similar in appearance to the American toad (Bufo americanus). General coloration varies from light brown to gray, purplish gray, or red, sometimes with green patches. Pale ventral surfaces often have small, dark spots in the pectoral region. Males have a dark throat.

THREATS/REASONS FOR DECLINE: The species is threatened by loss and degradation of habitat due to agricultural and urban expansion and watershed alteration. Much former Houston toad habitat has been cleared and converted to bermuda-grass (which inhibits toad movement), and its breeding ponds altered. The species may also be unable to reproduce and survive during extreme, long-term drought conditions.

HABITAT: The Houston toad occurs in southeastern and east-central Texas on rolling uplands characterized by mainly pine or oak woodlands and native grasses (where openings occur). It apparently requires the presence of a wide, deep horizon of sandy or loamy sandy soils in which it can easily burrow for hibernation (winter) or acstivation (summer) purposes. It also requires (for various stages of breeding activity. including egg and tadpole development) non-flowing pools of water that persist for at least 40-50 days. These water sources can include temporary or permanent shallow water bodies such as



rain pools, flooded fields, backwater eddies of slow-flowing creeks, or the shallow edges of larger, more permanent ponds.

DISTRIBUTION (see map): Due to searches conducted by Texas Parks and Wildlife Department (TPWD), populations are currently known to exist in the following Texas counties: AUSTIN, BASTROP, BURLESON, COLORADO, LAVACA, LEON, MILAM, and ROBERTSON counties). The species historically occurred in Fort Bend, Harris, and Liberty counties, but no extant populations are currently known to exist. Additional unknown populations may exist where suitable habitat is present. Therefore, areas which lie within the species' apparent range, and appear to meet its habitat requirements, should be considered potential range of the Houston toad.

OTHER INFORMATION: The Houston toad is a year-round resident where found, but its presence usually can only be detected during the breeding season, when the very distinctive call (a long, high-pitched trill) of males can often be heard from near sources of water. Houston toads breed from January to June (but primarily early spring), followed by millsummer aestivation until the next spring rains. Toads will only emerge to breed if conditions are suitable. Some toats, especially juveniles, may remain active year-round if conditions are suitable. The majority of the Houston toad's dist appears to be insects and other invertebrates.

REFERENCES:

Brown, L.E. 1975. The status of the nearly extinct Houston toad (Bufo houstonensis) with recommendations for its conservation. Herpetological Review 6:37-38.

Garret, J. and D.G. Barker. 1987. A field guide to the reptiles and amphibians of Texas. Texas Monthly Press, Austin, TX. 225pp.

Hillis, D.M., A.M. Hillis, and R.F. Martin. 1984. Reproductive ecology and hybridization of the endangered Housen toad (Bufo houstonensis). Journal of Herpetology 18:56-72.

Price, A. 1990. Houston toad status report. Prepared for U.S. Fish and Wildlife Service, Albuquerque Regional Office, Albuquerque, NM.

U.S. Fish and Wildlife Service. 1984. Houston toad recovery plan. U.S. Fish and Wildlife Service, Endangeral Species Office, Albuquerque, NM.

5/3/96 10:33: 48 HMI



DANNY DUMAS, PRESIDENT DISTRICT 10 930 JAPONICA LANE SHREVEPORT, LA 71116

DONALD M. AYTCH, SR., VICE PRESIDENT DISTRICT 7 P. O. BOX 19124 SHREVEPORT, LA 71149-0124

BOB BROWN DISTRICT 9 1509 CAMBRIDGE DRIVE SHREVEPORT, LA 71105

FORREST & DAVIS DISTRICT 12 7211 BEAUFORT WAY SHREVEPORT, LA 71129

KEN EPPERSON DISTRICT 6 1111 WEST 70th STREET, APT. NO. 9 SHREVEPORT, LA 71106

JOHN ESCUDE DISTRICT 8 334 MOCKINGBIRD LANE SHREVEPORT, LA 71105

GILFORD L. "GIF" GILLEN DISTRICT 4 645 DALZELL STREET SHREVEPORT, LA 71104

JAMES H. "JIM" MORRIS DISTRICT 1 225 GRAY STREET BELCHER LA 71004-0225

RON WEBB DISTRICT 11 2406 HELMSDALE COURT SHREVEPORT, LA 71118

MICHAEL D. WILLIAMS DISTRICT 3 2101 CARVER PLACE SHREVEPORT, LA 71103

HERSEY D. WILSON DISTRICT 2 2723 PLUM ST. SHREVEPORT. LA. 71107

DAVID WYNDON DISTRICT 5 3601 SUNSET DRIVE SHREVEPORT, LA 71109

> IERRY C. SPEARS COMMISSION CLERK 318-226-6596 FAX 318-226-6994

PARISH OF CADDO

CADDO PARISH COMMISSION BUILDING 525 MARSHALL STREET - THIRD FLOOR SHREVEPORT, LOUISIANA 71101

April 24, 1996

JUDY DURHAM CADDO PARISH ADMINISTRATOR AND CHIEF EXECUTIVE OFFICER 318-228-6800 FAX NO. 318-429-7630

> DANNYE W. MALONE PARISH ATTORNEY 318-228-6947 FAX NO. 316-429-7630

Ms. Julie Donsky Environmental Scientist Dames & Moore, Inc. One Continental Towers 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

In response to your letter request to me dated April 9, 1996, my departmental directors inform me we have no concerns based on the five information topics contained in your letter.

Our Parks Director indicated that a Parish Nature Park is within three miles of the railway but indicated that no apparent impact to the Park should result from the merger. A copy of his memo is attached.

Thank you for the opportunity to respond to your request. If there is anything I can do for you in the future, please do not hesitate to contact me.

Yours truly,

ulam

Judy Durham Caddo Parish Administrator and Chief Executive Officer

JD/cp

5/23/96 10:29:17 MM

ONE CONTINENTAL TOWERS, 1701 GOLF ROAD, SUITE 1000, ROLLING MEADOWS, ILLINOIS 60008 (847) 228-0707 FAX: (847) 228-1115

.

February 26, 1995

Andrew Sansom Executive Director Parks and Wildlife Commission 4300 Smith School Road Austin, TX 78744

Dames & Moore is preparing an addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads. The attached list and maps show additional construction projects which have been identified within your state.

To prepare our addendum to the Environmental Report, we are requesting that you inform us of any concerns you have and provide information regarding:

- protected species information (State, Federal) within 5 miles of each site.
- listing of critical habitats within 5 miles of each site.
- locations of parks and refuges in proximity to the proposed projects.
- citations to any permitting/approval authority which you believe your state has over the actions identified.
- any other information you would like to provide regarding environmental matters or local concerns at these sites.

We would appreciate receiving the requested information at your earliest convenience. We would further appreciate it if the information could be supplied in writing or orally to the undersigned at the address and phone/fax numbers on this letterhead.

We very much appreciate your assistance

Very truly yours,

DAMES & MOORE, INC.

Julie Julie Donsky

Environmental Scientist



Review of the project activity as proposed indicates minimal impocts to fish and wildlife resources. Reviewood

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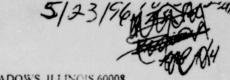
Texas Parks & Monthle Dept.

MAR 1 1996

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OFFICES WORLDWIDE



ONE CONTINENTAL TOWERS, 1781, OOLF, ROAD, SUITE 1000, ROLLING MEADOWS, ILLINOIS 60008

DAMES & MOORE

March 26, 1996

U.S. FISH & WILDLUE CEAN. VICKSBURG, MS

Dames & Moore is preparing an addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads. The attached list and maps show rail segments, identified within your state, which may see an increase in rail activity (increase in the number of trains per day) due to the proposed merger.

To prepare our addendum to the Environmental Report, we are requesting that you inform us of any concerns you have and provide information regarding:

- protected species information (State, Federal) within 5 miles of each segment.
- listing of critical habitats within 5 miles of each site.
- locations of parks and refuges in proximity to the proposed projects.
- citations to any permitting/approval authority which you believe your state has over the actions identified.
- any other information you would like to provide regarding environmental matters or local concerns at these sites.

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We very much appreciate your assistance.

Very truly yours,

DAMES & MOORE, INC.

Julie Donsky Environmental Scientist

No Significant advorsa watland lungerts 113 listed, proposed or candidate satisfas prosent

Environmental Comminitar

U.S. Fish & Wildlife Service

5-/23/96 10:41:37am



DEPARTMENT OF THE ARMY NEW ORLEANS DISTRICT, CORPS OF ENGINEERS P.O. BOX 60267 NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO ATTENTION OF:

Operations Division Operations Technical Support Branch

Ms. Julie Donsky Environmental Scientist Dames & Moore, Inc. One Continental Towers 1701 Golf Road Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

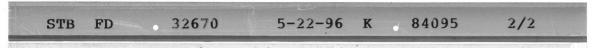
This is in answer to your telephone inquiry which requested information about your letter of request dated November 9, 1995 that was received in our offices for response on December 1, 1995 and answered by letter on December 26, 1995.

A copy of our response to your letter is attached. The scope of our response is limited to relevant factors within our D.O.A. jurisdiction.

Sincerely

R.V. Uter

R.V. Utes S.O.V. Manager





DEPARTMENT OF THE ARMY NEW ORLEANS DISTRICT, CORPS OF ENGINEERS P.O. BOX 60267 NEW ORLEANS, LOUISIANA 70160-0267

ATTENTION OF:

ACC 9 6 '3**

Operations Division Operations Technical Support Branch

Ms. Julie Donsky Dames & Moore One Continental Towers Suite 1000 1701 Golf Road Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

This is in response to your inquiry of November 9, 1995, regarding the proposed increases in the level of rail traffic in rail yards located in Lake Charles/Westlake and Dequincy areas of Calcasieu Parish and Livonia area of Pointe Coupee Parish.

The proposed increase in traffic level, should it result in need for increases of rail yard areas and trackage could be subject of Department of the Army (D.O.A.) regulatory jurisdiction and result in an impact on a D.O.A. project. There are lands classified as wetlands, that are subject to D.O.A. regulatory jurisdiction, in close proximity to each of these rail yards.

Any agency proposing to perform work for which D.O.A. permits could be required should apply for those permits well in advance of need for permits or performance of any work for which permits could be required. Applications for permits should, in each instance, include sufficient detailed maps, drawings data and information for effective evaluation of the proposal.

Should you have questions concerning wetlands determinations or a need for on-site evaluations by D.O.A. personnel you may contact Dr. J. D. Bruza at (504) 862-1288 or -2270. Should you have questions concerning D.O.A. regulatory permits and performance of the proposed work in Calcasieu River you may contact Mr. Pete Serio Jr. at (504) 862-2044.

Sincerely,

R. V. Ulter

R. V. Utes S.O.V. Manager

Copies Furnished:

Ms. Karen Kirkland Federal Program Review Coordinator Post Office Box 3355 Baton Rouge, Louisiana 70821

5/23/94 10:40:08 00



DEPARTMENT OF THE ARMY GALVESTON DISTRICT, CORPS OF ENGINEERS P.O. BOX 1229 GALVESTON, TEXAS 77553-1229

EPLY TO

April 18, 1996

Environmental **Resources Branch**

Ms. Julie Donsky **Environmental Scientist** Dames & Moore 1701 Golf Road, Suite 1000 Rolling Meadows, Illinois 60008

Dear Ms. Donsky:

This is in response to your letter with supporting project information and map concerning an addendum to the Environmental Report for the application for merger of the Union Pacific and Southern Pacific Railroads, as submitted to us for review and comment. The rail segments with portions under our jurisdiction are Shreveport, Louisiana to Lufkin, Texas and Avondale, Louisiana to Beaumont, Texas. The activities involve an increase in the number of trains per day moving along these two segments. When have no comment with regard to an increase in traffic on rail segments already in place which will not require any additional construction for operations.

We appreciate the opportunity to review and comment upon the proposed changes in operations and trust that this response facilitates your planning and implementation process.

Sincerely, Aber J. Beers

Richard Medina Chief, Environmental **Resources Branch**

57/23/56 10:37:25 am

TEXAS HISTORICAL COMMISSION P.O. Box 12276 * Austin, Texas 78711 * 512/463-6094

State Historic Preservation Office (SHPO) Review of Federal Undertaking (funded or licensed), under the

National Historic Preservation Act of 1966 (16 USC 470) as amended.

SECTION 106 (36 CFR 800).

/ Jamie Wise Technical Review **REVIEWER:** Amy Dase Bruce Jensen TRACK CODE: N2 N10 DATE: 4/18/96 ATTN: JULIE DONSKY ENVIRONMENTEL SCIENTIST RE: DAMES + MODE, ONE CONTINENTAL TOWERS 1701 GOLF ROAD SUITE 1000 ROUNE MEADOWS, 111. 60008

The Section 106 review process is intended to protect historic properties from adverse effects by Federal agencies. Federal agencies, or their designated representatives, must notify the Texas State Historic Preservation Officer (SHPO) if they are considering taking action themselves or if they are assisting, permitting or licensing an action that will affect a property built before 1950, including archeological sites.

SECTION 106 PROCESS IS NOT YET REQUIRED FOR BUILDINGS BUILT AFTER 1950

STEP A: DETERMINATION OF ELIGIBILITY - projects with standing structures will be reviewed by the National Register Department staff, and projects with below ground sites will be reviewed by the Department of Antiquities Protection staff. See contact list on reverse.

1.) Provide information on the property: PLEASE PRANDE INFORMATION ABOUT AU STEEL CONCRETE AND MASONA BRIDGES IN PROJECT

- A. Address (street, city, county)
- B. Construction date
- C. Architect/builder
- AREA. ANSO INCLUDE INFORMATION ABOUT BULGARE
- D. A brief history of the building
- E. Photographs of at least two elevations and one streetscape / Acurany CULLERTS AND ACUTINENTS. F. A location map
- G. A USGS map for archeological sites, accurately plotted.
- Send SHPO that information along with description of intended work.
- 3. Based on the information provided, the SHPO will determine within 30 days if the building, structure, object, or site is eligible for listing in the National Register. Possible responses from the SEPO are: NOT ELIGIBLE. If the building or site is not eligible, your agency can proceed with the intended action
- without further consultation with the SHPO.
- MORE INFORMATION REQUIRED (any combination of items in #1). If more information is required, your agency must send the requested information and await a determination of eligibility. Determination will be made within 30 days.
- ELIGIBLE. If the building is eligible, your agency must contact the Department of Architecture at the SHPO (see contact list) for a "determination of effect" the action will have on the building.
- LISTED in the National Register. If the building is already listed in the National Register, the agency must contact the SHPO Department of Architecture for a determination of effect; GO TO STEP B. For archeological sites, the SHPO will respond:
- NOT ELIGIBLE. Your agency can proceed with the intended action.
- ____MORE INFORMATION REQUIRED. Your agency must send a survey report and/or conduct a test excavation and await a determination of eligibility.
- ELIGIBLE. If the archeological site is eligible; GO TO STEP B.
- 4. If the agency does not concur with the determination, it must request a determination from the Keeper of the National Register of Historic Places (see contact list).

WITHIN THE RIGHT OF WAY

SECTION 106 Procedures Page 2

STEP B: DETERMINATION OF EFFECT - standing structures determined eligible will be reviewed by he Department of Architecture staff, and eligible archeological sites will be reviewed by the Department of Antiquities Protection staff. See contact list below.

1. If a property is eligible or is listed in the National Register, the Department of Architecture must be notified. The SHPO may need:

A. Drawings

- **B.** Specifications
- C. A work write up sheet
- D. A description of effect on the property.
- 2. If an archeological site is eligible, the SHPO may request:
 - A. Avoidance of the archeological site
 - B. Data recovery
 - C. The recording and removal of as much data as possible.
- 3. After review of the planned action, the Department of Architecture will determine the effect on the building. Possibilities are:
 - A. No effect

1/93

- B. No adverse effect
- C. Adverse effect.
- 4. If there is no effect, work can proceed without further consultation.
- 5. If there is no adverse effect, your agency must request concurrence from the Advisory Council on Historic Preservation, an independent Federal agency (see contact list below), and the SHPO.
- If there is an adverse effect, then the SHPO and the agency must consult and try to reach an agreement. The Council must also be notified, and may participate in the consultation.
- 7. An agreement is reached, the Advisory Council concurs, and work proceeds; or, if conditional provisions and compromises are necessary, a Memorandum of Agreement is formulated in which the SHPO concerns and expectations are detailed.
- 8. When an agency and the SHPO cannot agree, the agency must request comment by the Advisory Council. If the Advisory Council is called to arbitrate, their decision is usually final.

IF YOUR AGENCY REQUIRES FREQUENT REVIEW, WE ENCOURAGE YOU TO CONTACT THIS OFFICE TO NEGOTIATE A PROGRAMMATIC AGREEMENT.

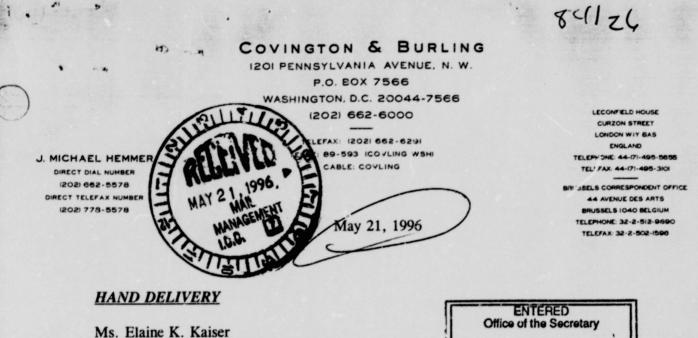
Contacts:

National Register Department Deputy SHPO - James W. Steely P.O. Box 12276 • Austin, Texas 78711 • 512/463-6094 Department of Architecture Deputy SHPO - Stanley O. Graves P.O. Box 12276 • Austin, Texas 78711 • 512/463-6094 Department of Antiquities Protection Deputy SHPO - Dr. James E. Bruseth P.O. Box 12276 • Austin, Texas 78711 • 512/463-6096

Keeper of the National Register of Historic Places, National Park Service P.O. Box 37127 • Washington, D.C. 20013-7127 • 202/343-9536

> Advisory Council on Historic Preservation 730 Simms Street, Rm. 401 * Golden, CO 80401 * 303/231-5320





Ms. Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board Room 3219 12th and Constitution Avenue, N. W. Washington, D.C. 20423

Γ	ENTERED Office of the Secretary
	JUN - 7 1996
	5 Part of Public Record

Re: Union Pacific/Southern Pacific Control Proceeding (F.D. 32760)

Dear Ms. Kaiser:

Pursuant to a request from Harold McNulty of your office, Applicants provide the following additional information regarding their recent settlement agreement with CMA: The CMA settlement, which grants BN/Santa Fe trackage rights over additional UP and SP line segments between East St. Louis and Houston, will not result in abandoment of any line segments, require any additional construction or change projected activity at UP or SP freight yards. Because Applicants assumed that BN/Santa Fe would provide fully competitive service in competition with UP/SP between Houston and the St. Louis gateway as a result of the original BN/Santa Fe settlement, Applicants' projections of traffic levels as reflected in UP/SP-194 are not affected, except to a very minor extent, by the CMA settlement.

Although the total amount of UP/SP's rail traffic or overall rail traffic is not expected to change, except to a very minor extent, as a result of the CMA settlement, BN/Santa Fe may decide to use the trackage rights provided by the settlement to reroute some of its traffic to UP/SP trackage. Based on recent submissions, it appears that BN/Santa Fe has not yet determined the extent to which it will use the new trackage rights acquired under the CMA settlement. Attached is a report by Applicants' environmental consultants, which evaluates the environmental effects on UP/SP rail line segments should BN/Santa Fe elect to make maximum use of the new trackage rights. For purposes of this report, Applicants and their consultants assumed that BN/Santa Fe

COVINGTON & BURLING

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Ms. Elaine K. Kaiser May 21, 1996 Page 2

would operate all trains between Houston and Memphis or St. Louis on a directional basis with the flow of UP/SP trains in the same corridor and that BASSanta Fe would operate trains between Houston and the St. Louis area on UP/SP lines, rather than using its own line along the Mississippi River.

With this information, combined with information previously provided, SEA should be in a position to evaluate the full range of BN/Santa Fe routing choices Please call the undersigned if this report raises any additional questions.

Sincerely,

nike Hennie

J. Michael Heminer

Attachments

SUPPLEMENTAL REPORT RAIL LINE SEGMENTS UNION PACIFIC/SOUTHERN PACIFIC MERGER

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(1)

Prepared by: Dames & Moore 1701 Golf Road Suite 1000 Rolling Meadows, Illinois 60008

May 20, 1996

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1.0 INTRODUCTION

1.1 OVERVIEW OF THE PROPOSED MERGER

This document supplements the six-part Environmental Report (ER) (dated November 30, 1995) prepared in connection with the Railroad Merger Application submitted to the Interstate Commerce Commission (ICC) in Finance Docket No. 32760, <u>Union Pacific Railroad Company and Missouri Pacific Railroad Company - Control and Merger - Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company¹ and the related PDEA filed on March 29, 1996.</u>

1.2 OVERVIEW OF THE SUPPLEMENTAL REPORT

This report analyzes potential environmental impacts on rail line segments in the UP/SP system that might result from Applicants' agreement with the Chemical Manufacturers Association (CMA). Applicants do not expect UP/SP's rail traffic levels or overall rail traffic levels to change, except to a very minor extent, as a result of the CMA agreement. However, BN/Santa Fe may decide to use the trackage rights provided by the CMA agreement to reroute some of its traffic to UP/SP trackage. Based on Applicants' assumptions as to the traffic changes that would result if BN/Santa Fe made maximum use of the trackage rights provided by the CMA agreement, there are three rail line segments on the UP/SP system which might experience increased train traffic. All five segments were previously identified and analyzed for air quality and noise impacts in Part 2 of the ER and/or in the PDEA filed March 29, 1996. These line segments that exceed the STB threshold for noise study are summarized in Table 1-2.

The ail line segments are generally described in Section 2.0. The air quality and noise effects of increased operations on the affected rail line segments are described in Section 3.0. Suggested mitigation actions are described in Section 4.0.

Appendix A presents a list of acronyms and abbreviations, as well as a glossary.

The Surface Transportation Board ("STB") succeeded to the functions of the ICC on January 1, 1996.

1.3 POTENTIAL IMPACT AREAS AND METHODOLOGIES

This report summarizes the types of potential environmental impacts associated with changes in traffic activity on the rail line segments referred to above. These impacts pertain to air quality, noise, and safety. Increases in rail traffic are not expected to cause physical disturbances to land use, water, historical, archeological or biological resources and, accordingly, these issues are not addressed.

The methodologies used for this Supplemental Report were similar to those previously described in Part 6 of the ER.

1.3.1 Air Quality Impacts

Air quality impacts are defined as the increase or decrease in emissions from a source to the ambient air. The source evaluated for rail segment traffic changes is diesel locomotive engine emissions. Diesel locomotives are a mobile rather than a stationary source of emissions. The U.S. Environmental Protection Agency (USEPA) has developed National Ambient Air Quality Standards (NAAQS) for the following six criteria pollutants to protect human health and welfare:

•Sulfur Dioxide (SO ₂)	•Carbon Monoxide (CO)				
•Nitrogen Dioxide (NO ₂)	•Lead (Pb)				
•Ozone (O ₁)	•Particulate Matter (TSP and PM,				

10)

Table 3-3 shows air emissions in hydrocarbons (HC), carbon monoxide (CO), nitrogen oxides (NO_x), Sulfur Dioxide (SO₂), and Particulate Matter (PM). Ozone (O₃) is formed during complex photochemical reactions between nitrogen oxides (NO_x) and volatile hydrocarbons (HC) in the presence of sunlight. Lead (Pb) is present in trace quantities in fuel oils. However, for purposes of this study, the magnitude of lead emissions associated with diesel fuel combustion is not anticipated to be significant and therefore, is not shown in the table.

Contiguous areas of the country having similar topography and air quality management needs are grouped into Air Quality Control Regions (AQCRs). The ambient air quality concentrations in a given AQCR may exceed these NAAQS, making the AQCR a nonattainment area. If pollutant concentrations are less than the standards, the AQCR is referred to as an attainment area. Part 6 of the ER presents the attainment status of the AQCRs in all states affected by the proposed UP/SP merger. Air quality impacts associated with the proposed merger were evaluated for each affected AQCR. In some cases, a rail line segment crosses more than one AQCR. For purposes of this analysis, a conservative approach was taken; if a portion of an AQCR is designated as nonattainment for one or more pollutants, the entire AQCR is assumed to be nonattainment.

Some areas of the country, such as National Parks and National Wildlife Areas, are further designated as Prevention of Significant Deterioration (PSD) Class I air quality areas. There are no rail line segments in PSD Class I areas which will experience increases exceeding STB thresholds.

The threshold values which determine whether the impact to ambient air quality adjacent to a rail segment must be assessed are specified in 49 CFR 1105.7(e)(5) and summarized below.

ACTIVITY	THRESHOLD					
Attainment Areas [49 CFR 1105.7(e)(5)(i)]						
Rail line segment	Increase of 8 trains/day or 100% as measured in gross-ton miles annual					
Nonattainment Areas or PSD Class I Areas [49 CFR 1105.7(e)(5)(ii)]						
Rail line segment	Increase of 3 trains/day or 50% as measured in gross-ton miles annually					

STB AIR QUALITY THRESHOLDS FOR IMPACT ANALYSIS

1.3.2 Noise

The STB regulations require the performance of noise studies for all rail line segments on which traffic will increase by at least 100% as measured by gross ton miles annually or at least eight trains per day. Noise-sensitive land uses where the weighted 24-hour sound exposure level L_{dn} will increase by 3 decibels (dBA) or will meet or exceed 65 dBA are required to be identified. Methodologies used to evaluate noise impacts along rail line segments were previously discussed in Part 6 of the ER. For this study, any increase in L_{dn} less than 2 dBA was considered insignificant, and only segments where the projected change in traffic would cause at least a 2 dBA increase in L_{dn} were evaluated. Details of the approach used to identify noise impacts on the above-threshold segments and the models used to project noise exposure were previously presented in Part 6 of the ER. Following is a summary of the steps taken:

- 1. Noise-sensitive land uses near line segments were identified. When possible, the towns that the rail segments pass through were visited to inventory the noise-sensitive land uses. For towns that were not visited, land use along the line was analyzed on the basis of USGS 7.5-minute quad maps. In some locations it is unclear from the USGS maps whether land use is residential or commercial/industrial. In most cases, residential land use was assumed, to ensure that potential noise impacts are not overlooked.
- 2. L_{dn} 65 contours were drawn on the USGS maps for each community. For the noise projections, the average train was assumed to be pulled by 3.5 locomotives, 5,000 feet long, and traveling at 50 mph. It was assumed that train horns are sounded starting ¼ mile before all grade crossings and continuing until the locomotive is through the grade crossing. Where, based on either a site visit or information on USGS maps, buildings along the tracks act as acoustical shielding for buildings farther from the tracks, an assumption, based on available data was made. It was assumed that the acoustical shielding reduces levels of train noise by 5 dBA. This is an important assumption since acoustical shielding by buildings can greatly reduce the extent of noise impacts.
- Approximate counts were made of the number of residences, schools, nursing homes and libraries and churches within the L_{dn} 65 contour for both the premerger and post-merger train volumes.

Table 1-2 summarizes the two line segments that exceed the STB threshold for a noise study and reevaluates one segment previously analyzed in the PDEA. Also shown in Table 1-2 are the total number of trains using the line segment for the pre- and post-merger cases, the estimated sound exposure increase caused by the increase in train traffic, and whether the increase is greater than 2 dBA requiring tabulation of the noise impacts. With the information available, it was not feasible to estimate the number of noise-sensitive land uses where L_{dn} will increase by 3 dBA in addition to counting the number where L_{dn} will exceed 65 dBA.

1.3.3 Safety

Public safety considerations related to rail line traffic increases include accidents at highway grade crossings, spills and releases of hazardous materials.

The proposed merger, including the settlement with BN/Santa Fe and the agreement with CMA, will result in a rerouting of train traffic within the consolidated system, generating increased train traffic densities on some line segments and decreases on other segments. On a particular rail line, the number of accidents/incidents related to train/vehicle collisions is statistically likely to vary in relation to rail and vehicle traffic volumes as well as with the number of grade crossings.

TABLE 1-1

RAIL SEGN		TR	PERCENT CHANGE IN			
ORIGIN	DESTINATION TO	LENGTH (MILES)	PRE MERGER	POST MERGER		GROSS TON-MILES PER YEAR
DEXTER JUNCTION, MO	PARAGOULD, AR	69	16.0	23.3	7.3	49
PARAGOULD, AR	FAIR OAKS, AR	69	11.4	20.7	9.3	77
FAIR OAKS, AR	BRINKLEY, AR	26	11.4	22.7	11.3	106
"BRINKLEY, AR	PINE BLUFF, AR	71	22.6	29.6	7.0	71
"SHREVEPORT, LA	LUFKIN, TX	116	8.3	9.8	1.5	-26

SUMMARY OF RAIL LINE SEGMENTS MEETING STB EVALUATION THRESHOLDS

Notes:

Includes BN/Santa Fe trains.

** These rail segments (Brinkley to Pine Bluff and Shreveport to Lufkin) exceeded the STB thresholds in previous analyses but would not exceed the thresholds using Applicants' assumptions as to traffic changes that would occur if BN/Santa Fe made maximum use of the trackage rights provided by the CMA agreement. These segments are discussed in detail in Sections 3.4 and 3.5 of this report, respectively.

TABLE 1-2 RAIL SEGMENTS EXCEEDING STB TRAFFIC THRESHOLDS FOR NOISE ASSESSMENT

RAIL SEGMENT			Т	RAINS PER D			
ORIGIN	ORIGIN DESTINATION TO		PRE MERGER	POST MERGER	CHANGE IN TRAINS PER DAY	dB" INCREASE	NOISE IMPACT ASSESSMENT
PARAGOULD, AR	FAIR UAKS, AR	69	11.4	20.7	9.3	2.6	Yes
FAIR OAKS, AR	BRINKLEY, AR	26	11.4	22.7	11.3	3.0	Yes
"BRINKLEY, AR	PINE BLUFF, AR	71	22.6	29.6	7.0	1.2	No

Notes:

- Includes BN/Santa Fe trains.
- ** dB sound exposure increases in decibels. Only segments with a minimum of 2 dBA sound exposure increases were evaluated for noise impacts.
- *** This rail segment (Brinkley to Pine Bluff) exceeded the STB thresholds in previous analyses but would not exceed the thresholds using Applicants' assumptions as to traffic changes that would occur if BN/Santa Fe made maximum use of the trackage rights provided by the CMA agreement. This segment is discussed in detail in Section 3.4 of this report.



TABLE 1-3 NOISE ASSESSMENT PROJECTIONS

	TRAIN VOLUME (trains per day)									
		ES FROM		MODIFIED VALUES						
SEGMENT	Exist	Future	Incr	ease	Future	Increase				
			Trains	dB	1	Trains	dB			
Paragould, AR to Fair Oaks, AR	11.4	19.7	8.3	2.4	20.7	9.3	2.6			
Fair Oaks, AR to Brinkley, AR	11.4	21.7	10.3	2.8	22.7	11.3	3.0			
"Brinkley, AR to Pine Bluff, AR	22.6	31.6	9.0	1.5	29.6	7.0	1.2			

Notes:

Includes BN/Santa Fe trains.

** This rail segment exceeded the STB thresholds in previous analyses but would not exceed the thresholds using Applicants' assumptions as to traffic changes that would occur if BN/Santa Fe made maximum use of the trackage rights provided by the CMA agreement. This segment is discussed in detail in Section 3.4 of this report.

2.0 RAIL LINE SEGMENTS

Rail line segment traffic increases proposed as part of the UP/SP merger, including Applicants' estimates of BN/Santa Fe trains operating on the UP/SP system as a result of the settlement, were described in detail in Part 2 of the ER. The three rail line segment traffic increases and two rail line segment decreases addressed in this report reflect estimates of the trains BN/Santa Fe would operate on the UP/SP system if it made maximum use of the trackage rights provided by the CMA agreement, combined with prior estimates of Applicants' and BN/Santa Fe's traffic on the UP/SP system. Air quality and noise impacts related to the individual rail line segments are described in Section 3.0.





3.1.2 Noise

The projected increase in train volume on this segment does not meet the STB analysis threshold for noise.

3.2 PARAGOULD, ARKANSAS TO FAIR OAKS, ARKANSAS

3.2.1 Air Quality Analysis

This rail segment (refer to Figure 3-1) will experience an increase of 9.3 trains per day (previously shown in Part 2 of the ER as 8.3 trains per day). It crosses one state and one AQCR (20). AQCR 20 is designated as attainment for all criteria pollutants. The revised projected increases in pollutant emissions on this rail segment are estimated in tons per year, as follows: HC 19.42, CO 60.39, NO, 452.01, SO₂ 32.75, and PM 9.80.

3.2.2 Noise

This rail segment currently has an average of 11.4 trains per day and is expected to experience an increase of 9.3 trains per day and an increase of 77 percent in gross ton-miles per year as a result of the proposed merger. The change in train volume would result in an Ldn increase of 2.6 dB. Train horns sounded before grade crossings are the dominant noise source in most of this corridor. It is projected that, with the existing train traffic, there are 857 residences, one school, and 14 churches along this segment exposed to noise levels exceeding Ldn 65 dBA. With the projected increase in train traffic, the noise-sensitive land uses within the Ldn 65 contour are projected to include 1,178 residences, 2 schools, and 18 churches.

TABLE 3-1

COMMUNITY	NUMBER OF SENSITIVE RECEPTORS										
	PF	RE-MERGER	2	POST-MERGER							
	RESIDENCE	SCHOOL CHURCH		RESIDENCE	SCHOOL	CHURCH					
Paragould, AR	284	1	2	402	1	3					
Bethel, AR	8	0	1	9	0	1					
Brookland, AR	75	0	2	104	0	2					
Jonesboro Jct., AR	4	0	0	4	0	0					
Jonesboro, AR	168	0	2	232	0	4					
Otwell, AR	11	0	0	19	0	0					
Weiner, AR	10	0	0	30	0	1					
Waldenburg, AR	10	0	1	13	0	1					
Fisher, AR	109	0	3	148	0	3					
Prittinger, AR	14	0	0	19	0	0					
Hickory Ridge, AR	150	0	2	182	I	2					
Tilton, AR	8	0	0	8	0	0					
Fair Oaks (North), AR	6	0	1	8	0	1					
TOTAL	857	1	14	1178	2	18					

NOISE SUMMARY FARAGOULD, ARKANSAS TO FAIR OAKS, ARKANSAS

3.3 FAIR OAKS, ARKANSAS TO BRINKLEY, ARKANSAS

3.3.1 Air Quality Analysis

This rail segment (refer to Figure 3-1) will experience an increase of 11.3 trains per day (previously shown in Part 2 of the ER as 10.3 trains per day). It crosses one state and one AQCR (20). AQCR 20 is designated as attainment for all criteria pollutants. The revised projected increases in pollutant emissions on this rail segment are estimated in tons per year, as follows: HC 10.02, CO 31.16, NO, 233.28, SO₂ 16.90, and PM 5.06.

3.3.2 Noise

This rail segment currently has an average of 11.4 trains per day and is expected to experience an increase of 11.3 trains per day and an increase of 106 percent in gross ton-miles per year as a result of the proposed merger. The change in train volume would result in an Ldn increase of 3.0 dB. Train horns sounded before grade crossings are the dominant noise source in most of this corridor. It is projected, that with the existing train traffic, there are 158 residences and 6 churches along this segment

exposed to noise levels exceeding Ldn 65 dBA. With the projected increase in train traffic, the noise sensitive land uses within the Ldn 65 contour are projected to include 223 residences and 8 churches.

TABLE 3-2

COMMUNITY	NUMBER OF SENSITIVE RECEPTORS									
	PI	RE-MERGE	2	POST-MERGER						
	RESIDENCE	SCHOOL	CHURCH	RESIDENCE	SCHOOL	CHURCH				
Fair Oaks (South), AR	9	0	1	13	0	1				
Hillemann, AR	11	0	0	19	0	0				
Hunter, AR	53	0	1	78	0	1				
Zent, AR	5	0	0	8	0	0				
Fargo, AR	4	0	0	4	0	0				
Brinkley, AR	76	0	4	101	0	6				
TOTAL	158	0	6	223	0	8				

NOISE SUMMARY FAIR OAKS, ARKANSAS TO BRINKLEY, ARKANSAS

3.4 BRINKLEY, ARKANSAS TO PINE BLUFF, ARKANSAS

This rail segment exceeded STB thresholds in previous analyses, but would not exceed the thresholds based on the assumptions described above concerning the CMA agreement. Therefore, an additional analysis for air quality and noise impacts was conducted and is presented below.

3.4.1 Air Quality Analysis

This rail segment (refer to Figure 3-1) will experience an increase of 7.0 trains per day (previously shown in the PDEA as 9.0 trains per day). It crosses one state and two AQCRs (16 and 20) which are designated as attainment for all criteria pollutants. The revised projected increases in pollutant emissions on this rail segment are estimated in tons per year, as follows: HC 22.25, CO 69.17, NO_x 517.78, SO₂ 37.52, and PM 11.23. These increases in emissions (change in emissions from pre- to post merger) are less than the increases (change in emissions from pre- to post merger) presented in Table 3-5 of the PDEA, due to the projected reduction in train traffic. These absolute reductions can be quantified in tons per year as follows: HC 6.56, CO 20.42, NO_x 152.82, SO₂ 11.07, and PM 3.31.

3.4.2 Noise

This rail segment will experience an increase of 7.0 trains per day (previously shown in the PDEA as 9.0 trains per day). The increase in train volume would cause a 1.2 dBA increase in the noise exposure (previously shown in the PDEA as 1.5 dBA increase in the noise exposure), which is below the 2 dBA threshold for a detailed noise assessment.

3.5 SHREVEPORT, LOUISIANA TO LUFKIN, TEXAS

This rail segment exceeded STB thresholds for air quality in previous analyses, but would not exceed the thresholds based on the assumptions described above concerning the CMA agreement. Therefore, an additional analysis for air quality was conducted and is presented below.

3.5.1 Air Quality Analysis

This rail segment (refer to Figure 3-1) will experience an increase of 1.5 trains per day (previously shown in the PDEA as 3.5 trains per day). It crosses two states and two AQCRs (22 and 106). AQCR 22 is designated as attainment for all criteria pollutants. AQCR 106 is designated as attainment for all criteria pollutants. AQCR 106 is designated as attainment for all criteria pollutants except ozone. The revised projected change in pollutant emissions on this rail segment are estimated in tons per year, as follows: HC -8.86, CO -27.54, NO_x -206.17, SO₂ -14.94, and PM -4.47. These changes in emissions (change in emissions from pre- to post merger) are less than the increases (change in emissions from pre- to post merger) presented in Table 3-5 of the PDEA due to the projected reduction in train traffic. These absolute reductions can be quantified in tons per year as follows: HC 9.75, CO 30.32, NO_x 226.98, SO₂ 16.45, and PM 4.87.

3.5.2 Noise

The projected increase in train volume on this segment does not meet the STB analysis threshold for noise.



TABLE 3-3

	SEGMENT DESTINATION	AFFECTED		TRAINS PER DAY CHANGE	GROSS TONS PER YEAR CHANGE	CRITERIA POLLUTANT EMISSIONS IN TONS PER YEAR				
SEGMENT ORIGIN			ATTAINMENT STATUS			нс	со	Nox	502	PM
		T	T	7.3	13.91	16.81	52.27	391.25	28.35	8.48
	PARAGOULD, AR	138	NA			7.90	24.57	183.89	13.32	3.99
DEXTER JUNCTION, MO		20	A	1		8.91	27.70	207.36	15.03	4.49
PARAGOULD, AR	FAIR OAKS, AR	20	A	93	16.07	19.42	60.39	452.01	32.75	9.80
FAIR OAKS, AR	BRINKLEY, AR	. 20	A .	11.3	22.01	10.02	31.16	233.28	16.90	5.06
TAIR OARD, AR	PINE BLUFF. AR		1	7.0	17.89	22.25	69.17	517.78	37.52	11.23
		20	A			14.24	44.27	331.38	24.01	7.19
BRINKLEY, AR		16	A			8.01	24.90	186.40	13.51	4.04
		1	T	1.5	-4.36	-8.86	-27.54	-206.17	-14.94	-4.47
SHREVEPORT, LA	LUFKIN, TX	22	A			-3.19	-9.91	-74.22	-5.38	-1.61
SHREVEPORT, LA	LUTKIN, TA	106	NA	T		-5.67	-17.63	-131.95	-9.56	-2.86

SUMMARY OF RAIL LINE SEGMENT EMISSION CHANGES

Notes:

Emission Factors (lb/1,000 gallons diesel fuel consumed):

Pollutant	Emission Facto
HC	22
со	68.4
Nov	512
SO2	37.1
PM	11.1

Emission Factors adapted from "Locomotive Emission Study," Booz, Allen, & Hamilton, January 1991.

Fuel efficiency factor = 528 (gross-ton miles/gallon)

TABLE 3-4

. .

RAIL SEGMENT			NOISE-SENSITIVE RECEPTORS		
ORIGIN	DESTINATION TO	LENGTH (MILES)	PRE MERGER	POST MERGER	INCREASE
PARAGOULD, AR	FAIR OAKS, AR	69	872	1198	326
FAIR OAKS, AR	BRINKLEY, AR	26	164	231	67
BRINKLEY, AR	PINE BLUFF, AR	71	••	**	**

NOISE IMPACT ASSESSMENT FOR RAIL LINE SEGMENTS

Notes:

(The Part

- L_{dn} exceeds 65 dBA at noise-sensitive receptors (residences, schools and churches). Less than a 2 dBA increase in noise exposure *
- **

4.0 MITIGATION

4.1 AIR QUALITY

The air emissions which have been calculated for each of the AQCRs from increases in train activity are from diesel locomotives operating on these line segments. Calculations were made on the basis of a 1991 study which calculated emission factors for pounds of HC, CO, NO_x , SO_2 and PM per 1000 gallons of diesel fuel consumed. These factors will change as improvements in locomotive fuel efficiency and controls are implemented. Changes in emission regulations, under the Clean Air Act currently under consideration, if implemented, will require significant reductions in emission factors for some criteria pollutants, most notably NO_x . UP/SP continues to study ways to reduce emissions and intends to work with all appropriate agencies as well as locomotive builders to reduce air emissions from locomotives.

4.2 NOISE

It is important to recognize that the increase in noise impacts along the evaluated segments are spread out over hundreds of miles of track and that they will be, in some circumstances, partially counterbalanced by decreases in noise impact on lines that will be abandoned or will see a decrease in train traffic. The majority of noise impacts are in neighborhoods within 1/4 mile of grade crossings. For the noise analysis it was assumed that all trains sound their horns for the full 1/4 mile before all grade crossings. This may not be the case at all crossings, however, since local or state requirements may prohibit train whistles. Recent research by the Federal Railroad Administration has shown that the accident rate is higher at grade crossings where warning horns are not sounded.

Any effort to mitigate the principal noise impacts from train operations must focus on the noise from the train horns. In most cases, the elimination of train whistles or reduction in decibel levels could create safety concerns for vehicular or pedestrian traffic.

5.0 REFERENCES

5.1 AIR QUALITY

5.1.1 References

40 CFR Part 81, Designation of Areas for Air Quality Planning Purposes, Appendix A to Part 81.

40 CFR Part 81, Designation of Areas for Air Quality Planning Purposes, Sub Part C Section 107, Attainment Status Designation.

40 CFR Part 52, Approval and Promulgation of Implementation Plans.

40 CFR Part 70, State Operating Permit Programs.

40 CFR Part 1105, Procedures for Implementation of Environmental Laws.

Booz, Allen, & Hamilton, Inc., 1991 Locomotive Emission Study (Emission Factors for Locomotives), Provided by the Santa Fe Railway Company.

Booz, Allen, & Hamilton, Inc., 1991. "Locomotive Emission Study," California Air Resources Board.

EPA Mobile Emissions Factors for 1995 (Heavy Duty Trucks), Provided by the Santa Fe Railway Company.

National Emissions Report, 1985. National Emissions Data System of the Aerometric and Emissions Reporting System, EPA, Research Triangle Park, North Carolina, September 1988.

Union Pacific Railroad Company, 1995 and 1996. Data for rail line segments base case and post-merger scenarios.

United States Environmental Protection Agency, 1995. "Compilation of Air Pollution Emission Factors," Volume 2, January 1995.

United States Environmental Protection Agency, 1985. "Compilation of Air Pollution Emission Factors," Volume 2, January 1985.

5.2 NOISE

5.2.1 References

Union Pacific Railroad Company, 1995 and 1996. Data for rail line segments base case and post-merger scenarios.



APPENDIX A

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Day-night equivalent level	Da	y-nigh	t equiva	lent	level
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Day-night equivalent level	2	LI	STI
United States Department of Transportation			
The Denver and Rio Grande Western Railroad Comp	a 10 lo	g	Lo
Department of Toxic Substances Control	А		At
Environmental Protection Agency	ADT		Av
Environmental Report	AHP	P	Ar
Emergency Response Notification System	AQC	R(s)	Aiı
Federal Emergency Management Agency	BMP	S	Be
Federal Highway Administration	BN		Bu
Flood Insurance Rate Maps	BN/S	anta Fe	Th of
Federal Railroad Administration	СВС		Ca
Hydrocarbons (in air)	CER	CLIS	Co
Harris, Miller, Miller & Hanson, Inc.			Inf
Interstate Commerce Commission	CFR		Co
Illinois Historic Preservation Agency	CI		Co
Kansas State Historical Society	со		Ca
Day-night equivalent sound level	COE		Un
Maximum sound level during train passby, dBA	COF	С	Co
State Inventory of Leaking Underground Storage Tanks	s CPC		Co
Non-attainment	СТ		Co
National Ambient Air Quality Standards	СТС		Ce
Portion of AQCR designated as non-attainment	CU		Cc
National Historic Preservation Act of 1966	db		De
Nitrogen dioxide	dBA		De

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	NOi	Nitrogen oxides	
)	NPDES	National Pollution Discharge Elimination System	
	NPL	National Priorities List	
	NRCS	Natural Resources Conservation Service	
	NRHP	National Register of Historic Places	
	NS	Not Significant	
	NWI	National Wetlands Inventory	
	O,	Ozone	
	OBS	Office of Biological Services/United States Fish and Wildlife Service	
	OSHA	Occupational Safety and Health Administration	
	PM ₁₀	Particulate Matter (under 10 microns in diameter)	
	РОТО	Power Operated Turnout	
)	PSD	Prevention of Significant Deterioration	
	RCRA	Resource Conservation and Recovery Act	
	ROW	Right of Way	
	SCS	Soil Conservation Service (currently named Natural Resources Conservation Service, Division of United States Department of Agriculture)	
	SEL	Source sound exposure level at 100 feet, dBA	
	SHPO	State Historic Preservation Office	
	SO ₂	Sulfur dioxide	
	SP	Southern Pacific Rail Corporation, includes SPT, SSW, SPCSL and DRGW	
	SPL	State Priority List	
	STATSGO	State Soil Geographic Database	
)	SWLF	State Inventory of Solid Waste Facilities	

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торс '	Trailer on flat car
TSD	Treatment, Storage, or Disposal sites
TSP	Total Suspended Particulates
U	Unclassifiable
UP	UPRR, MPRR, and CNW
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VISTA	VISTA Environmental Information, Inc.

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GLOSSARY

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(English

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/	borrow material	Earthen material used to fill depressions to create a level right-of-way.
	construction footprint	The area at a construction site subject to both permanent and temporary disturbances by equipment and personnel.
	criteria pollutant	Any of six substances (i.e., lead, carbon dioxide, sulfur dioxide, nitrogen dioxide, ozone and particulate matter) regulated under the Clean Air Act, for which areas must meet national air quality standards.
	dBA	Adjusted decibel level. A sound measurement that adjusts noise by filtering out certain frequencies to make it analogous to that perceived by the human ear.
	decibel	A logarithmic scale that comprises over one million sound pressures audible to the human ear over a range from 0 to 140, where 0 decibels represents a reference sound level necessary for a minimum sensation of hearing and 140 decibels represents the level at which pain occurs.
	endangered	A species that is in danger of extinction throughout all or a significant portion of its range and is protected by state and/or federal laws.
)	fill	The term used by the United States Army Corps of Engineers that refers to the placement of suitable materials (e.g., soils, aggregates, formed concrete structures, sidecast material, etc.) within water resources under Corps jurisdiction.
	flat yard	A system of relatively level tracks within defined limits provided for making up trains, storing cars, and other purposes which requires a locomotive to move cars (switch cars) from one track to another.
	Flood Insurance Rate Maps	Maps available from the Federal Emergency Management Agency that delimit the land surface area of 100-year and 500-year flooding events.
	floodplain	The lowlands adjoining inland and coastal waters and relatively flat areas and flood prone areas of offshore islands including, at a minimum, that area inundated by a 1 percent (also known as a 100-year or Zone A floodplain) or greater chance of flood in any given year.
	frog	A device used where two running rails intersect that provides flangeways to permit wheels and wheel flanges on either rail to cross the other.
)	habitat	The place(s) where plant or animal species generally occur(s) including specific vegetation types, geologic features, and hydrologic features. The continued survival of that species depends upon the intrinsic resources of

the habitat. Wildlife habitats are often further defined as places where species derive sustenance (foraging habitat) and reproduce (breeding habitat).

haulage right

hump yard

interlocker

L,

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lift

The limited right of one railroad to operate trains over the designated lines of another railroad.

A system of tracks within defined limits provided for making up trains, storing cars, and other purposes which utilizes an artificial hill or "hump" to use gravity to sort cars into classification tracks.

An arrangement of switch, lock, and signal appliances interconnected so that their movements succeed each other in a predetermined order.

intermodal facility A site or hub consisting of tracks, lifting equipment, paved areas, and a control point for the transfer (receiving, loading, unloading, and dispatching) of intermodal trailers and containers between rail and highway or rail and marine modes of transport.

intermodal train A train consisting or partially consisting of highway trailers and containers or marine containers being transported for the rail portion of a multi-modal movement on a time-sensitive schedule. Also referred to as piggyback, TOFC (Trailer on Flat Car), COFC (Container on Flat Car), and double stacks (for containers only).

Level of noise (measured in decibels) averaged over the daytime period (0700-2200).

Nighttime noise level (L_n) adjusted to account for the perception that a noise level at night is more bothersome than the same noise level would be during the day.

A lift is defined as an intermodal trailer on container lifted onto or off of a rail car. For calculations, lifts were used to determine the number of trucks using intermodal facilities.

locomotive, road One or more locomotives (or engines) designed to move trains between yards or other designated points.

locomotive, switching Locomotive (or engine) used to switch cars in a yard, industrial, or other area where cars are sorted, spotted (placed at a shipper's facility), pulled (removed from a shipper's facility), and moved within a local area.

merchandise train A train consisting of single and/or multiple car shipments of various commodities.

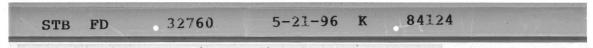
National Wetlands An inventory of wetland types in the United States compiled by the United Inventory States Fish and Wildlife Service. An area that does not meet NAAQS specified under the Clean Air Act. nonattainment To add one or more cars to a train from an intermediate (non yard) track pick up designated for the storage of cars. A track that diverges from a main line, also known as a spur track or rail rail spur siding, which typically serves one or more industries. right-of-way The right held by one person over another person's land for a specific use; rights of tenants are excluded. The strip of land for which permission has been granted to build and maintain a linear structure, such as a road, railroad, or pipeline. To remove one or more cars from a train at an intermediate (non yard) set out location such as a siding, interchange track, spur track, or other track designated for the storage of cars. take Loss of individuals of a plant or wildlife species and/or any direct or indirect action that results in mortality and/or injury. Further defined to include actions that disrupt normal patterns of wildlife species behavior; specifically those that reduce the survival and reproductive potential of an individual. Also refers to loss and/or degradation of species' habitat. threatened A species that is likely to become an endangered species within the foreseeable future throughout all or part of its range, and is protected by state and/or federal law. The right or combination of rights of one railroad to operate over the trackage right designated trackage of another railroad including, in some cases, the right to operate trains over the designated trackage, the right to interchange with all carriers at all junctions, and the right to build connections or additional tracks in order to access other shippers or carriers. A track arrangement consisting of a switch and frog with connecting and turnout operating parts, extending from the point of the switch to the frog, which enables engines and cars to pass from one track to another. A train consisting of cars carrying a single commodity, e.g., a coal train. unit train All-inclusive term that refers to many types of permanent and seasonally water resources wet/dry surface water features including springs, creeks, streams, rivers, pond, lakes, wetlands, canals, harbors, bays, sloughs, mudflats, and sewage-treatment and industrial waste ponds.

wetland

wye

As defined by 40 CFR 230.3, wetlands are "those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

A principal track and two connecting tracks arranged like the letter "Y," on which locomotives, cars, and trains may be turned.



84124



Churchill County Administration Office

5-21-96

May	15	1996	
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Office of the Secretary
JUN - 7 1996'
5 Part of Public Record

Elaine Kaiser, Esquire Chief Section of Environmental Analysis Surface Transportation Board 12th and Constitution Avenue NW Washington, DC 20423-0001

Re: Union Pacific Control and Merger Finance Docket No. 32760

Dear Ms. Kaiser:

The Board of Churchill County Commissioners, Fallon, Nevada, submits these comments and requests for consideration. Churchill County, Nevada consists of approximately 4,900 square miles or approximately 3,144,320 acres. Topography consists of the typical basin and range features found in much of northern Nevada. Vast tracks of this acreage were a part of ancient Lake Lahontan dating to North America's last glaciation period which ended some 10,000 years ago.

At this time there is only one major population center in the county. There are approximately 22,000 inhabitants in Churchill County. The City of Fallon, the County seat, has approximately 8,000 inhabitants with the balance of the county's population (approximately 14.000 residents) located within a 15 mile radius of the city.

The railroad played an important role in Churchill County aiding the development of the first U.S. Bureau of Reclamation irrigation system to be implemented in this country shortly after the adoption of the Reclamation Act of 1902. At that time the railroad was the main transportation medium serving Churchill County at the mainline terminal located at Hazen, Nevada, also in Churchill County. Hazen at one time had 10,000 inhabitants and was the disembarkation point for workers on the dam and irrigation system, settlers and miners going eastward to farms around Fallon and further to gold and silver boomtowns. Now, Hazer, is nothing more than a memory with a few residences and a small general store.





Elaine Kaiser, Esquire Chief Section of Environmental Analysis May 15, 1996 Page 2

The Southern Pacific mainline enters Churchill County on the northern boundary between Churchill County and adjoining Pershing County and traverses Churchill County generally from the northeast to the southwest. Southern Pacific has 41.84 miles of mainline track in Churchill County according to the State of Nevada Department of Taxation, Division of Central Assessments for a solution on U.S. Highway 95. This crossing located approximately 28 miles north of the County allon on U.S. Highway 95. This crossing is protected by gates and flashing lights. Traffic County and Highway 95 at this point the potential for accidents may rise. Two branchlines originate in Hazen off the mainline and are not part of these comments.

Although the mainline is a considerable distance from the major population center in Churchill County (the City of Fallon), we are concerned that the increases expected in railroad traffic, especially the number of trains carrying hazardous materials, may intensify the level of potential injury exposure to our residents as a result of hazardous materials accidents involving the railroad. More specifically, we are concerned that the volunteer fire department which serves the needs of our residents may be sorely put upon as first responders in the event of a railroad accident, especially those accidents involving hazardous materials. A similar case in point a number of years ago, involved an over-theroad truck and tractor traversing Churchill County on Interstate 80 on the northern boundary of our county. The truck was involved in an accident spilling its cargo of hazardous material requiring a response by the Fallon Volunteer Fire Department. Although a hazardous materials management firm. was dispatched to the accident site by the trucking firm, the initial exposure and subsequent potentially fatal consequences of incorrectly re-packaging the spilled materials due to a mistake by the hazardous materials specialist, unnecessarily exposed our volunteer fire department members to injury. Additionally, equipment utilized by our fire department in controlling the accident scene was damaged by exposure to the materials to the point they were no longer usable. To add insult to injury, the county, in order to recover the costs expended in controlling this accident, was forced to go to court resulting in additional costs for legal counsel as well as delay in reimbursement for our out-of-pocket costs.

The readiness and training of our volunteer fire department is superior and allows us to enjoy some of the lowest ISO (Insurance Services Office) ratings in the state of Nevada, including a number of paid departments, resulting in relatively low fire insurance rates. Yet, the unnecessary exposure to potentially harmful or fatal hazards resulting from the increased likelihood of railroad accidents involving hazardous materials has our Board of County Commissioners concerned. In the board Elaine Kaiser, Esquire Chief Section of Environmental Analysis May 15, 1996 Page 3

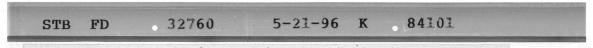
members' minds, the potential harm to our volunteers coupled together with the possible loss of equipment are of primary concern in this merger proposal. Furthermore, the question of liability and reimbursement of out-of-pocket costs for providing equipment and necessary training for our volunteer fire crews is likewise of paramount importance. Therefore, we respectfully request that the Surface Transportation Board, prior to taking an action to confirm the proposed merger, seek answers to the questions posed with regard to hazardous materials exposure and liability for control of accidents on the railroad mainline requiring response by our volunteer fire department. Implementation of insurance and bonding requirements plus provision of safety training, equipment and response protocols should be mandated for the new carrier.

Sincerely . SELINDER

BJORN P. SELINDE County Manager

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BPS:wg



JAN-83-'88 TUE	E 84:27 ID: TEL NO: 84/101 #812 F81 Date 5-21-96 Time 9:15 Total Pages 2
KANSAS STATE HISTORICAL SOCIETY	To: Name <u>ELaine K. Haiser</u> Business <u>Surface Transportation Bot</u> Volce Phone # Volce Phone # NAY 2 1 1996 MAY 2 1 1996 MAN 2 1 1997 MAN 2 1997
6425 S.W. 6th Avenue Topeka, Kansas 66615-1099 PHONE#(913)272-8682 FAX#(913)272-8683 TTY#(913)272-8683	From: Name_ <u>Richard Parknatz</u> Voice Phone #_ <u>272-8681</u> FAX Phone (913) 272-8682
KANSAS HIST JRY CENTER Administration Cancer for Historical Remarch Culturel Resources Bacestion / Outreach Historic Sites Kanses Muscum of History Library & Archives HISTORIC SITES Adair Cabin Constitution Hall Constitution Hall Constitution Hall	Upcoming Events: June 1 - 16 Kancas Archeology Training Program Field School Kanopolis vicinty, Ellsworth County Fort Ellsworth and Fort Harker June 3 - July 14 Forty-Two Days Along the Trail Camp Sites Along the Trail T75 Anniversary of the Santa Fe Trail Kansas City to Elkhart June 10 - July 26
Kay Mission Marsis des Cygnas Massacre	Summer Workshops for Kids Kansas Museum of History, Topeka

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Native American Hericage Museum Pawnee Indian Village Pawnos Rack

Mine Creek Basslefield

Richard Pankratz page -3

FAX REPLY to : 202/927-6225

To:

Elaine K. Kaiser, Chlef Section of Environmental Analysis Surface Transportation Board Washington DC 20423-0001

From:

Richard Pankratz, Kansas State Historic Preservation Officer

Signature 5/21/46 Date

Re:

Section 106 Consultation Comments regarding Proposed Merger of Union Pacific and Southern Pacific Railroads Finance Docket 32760

_____I concur with the Surface Transportation Board's (STB) findings regarding historic and cultural resources as described in STB's letter of May 14, 1996.

____ I concur with the Surface Transportation Board's (STB) findings regarding historic and cultural resources as described in STB's letter of May 14, 1996, with the following comments:





STATE OF NEW MEXICO OFFICE OF CULTURAL AFFAIRS HISTORIC PRESERVATION DIVISION

84100

5-21-96

ENTERED Office of the Sacretary

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May 17, 1996

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

Dear Ms. Kaiser:

I am writing in response to your letter dated April 3, 1996 a copy of which I just received from Myra Frank and Associates. Thank ou for the information that we requested concerning the Union 'acific/Southern Pacific railroad merger undertaking. I can now give you our recommendations on the undertaking pursuant to Section 106 of the National Historic Preservation Act, 'as amended, and its implementing regulations 36 CFR 800.

The undertaking, as defined within the state of New Mexico, will involve ground disturbing activities within existing railroad rights-of-way associated with new rail line segment construction resulting in capacity improvements such as double tracking and siding extensions. These activities have the potential to effect both known and unknown historic properties that are eligible for listing on the National Register of Historic Places.

For the Cochise, AZ to Lordsburg to El Paso TX corridor, a second track one train length long will be constructed at Aden, Afton, Akela, Carne, Dona, Gage, Lanark, Strauss, and Tunis. At Deming a double track six miles long will be built. From Lizard to Anapra and from Lordsburg to Ulmoris a second main track will be built. Lastly, from Separ to Wilna a double track and an additional crossover will be constructed. Deming contains two buildings listed on the National Register of Historic Places that are in the vicinity of the proposed second track. Known archaeological sites are located in Deming, the Lizard to Anapra area, the Separ to Wilna area, and in the vicinity of Strauss, New Mexico.

For the El Paso, TX to Dalhart, TX corridor, five new sidings 9,700 feet long (each) will be constructed at Arabella, Leoncito, Oscura, Robsart, and Tularosa. At Palomas that existing siding will be extended by 3120 feet. One known archaeological sites is near Tularose, New Mexico. For each of the proposed line constructions, I recommend that an archaeological survey be conducted to identify all cultural resources that may be affected by the undertaking as required under 36 CFR 800.4. This will involve hiring an archaeologist who meets the professional qualifications contained in Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (FR, 48:190, September 29, 1983). The archaeologist is to conduct a pedestrian survey within the proposed right-of-way and along the lengths of each proposed rail segment and record all cultural resources encountered using Laboratory of Anthropology Site forms available at this office for all new sites and an update form for all previously recorded sites. After the survey has been completed, a survey report must be prepared detailing the results of the survey and containing copies of the site forms. This report mus be submitted to my office for review. At that point, we will provide you with our recommendations on site eligibility and effect as required under 36 CFR 800.4 and 800.5. All sites found not to be eligible to the National Register of Historic Places will require no further consideration. However, all sites that are determined to be eligible, and that will be affected by the undertaking, will require treatment of effect prior to construction in accordance with the provisions of 36 CFR 800.5.

If you have any questions, please contact me.

Thank you.

Sincerely,

Wishmen un

David Cushman Acting Deputy State Historic Preservation Officer

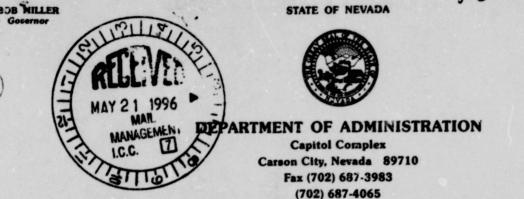
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cc: Rick Starzak Myra Frank and Associates 811 W. 7th Street Suite 800 Los Angeles, CA 90017



5-21-96 84029

JOHN P. COMEAUX Director



May 15, 1996

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Ms. Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1201 Constitution Avenue, NW, Rocm 3219 Washington, DC 204.

ENTERED Office of the Secretary	
JUN - 7 19961	
5 Part of Public Record	

Re: Nevada SAI NV# 96300161 – Environmental Assessment for the Union Pacific and Southern Pacific Railroad Merger (Finance Docket No. 32760)

Dear Ms. Kaiser:

Enclosed are additional comments from the Nevada Division State Lands and the Division of Conservation Districts of that was received after our previous letter to you. Please incorporate this comment into you decision making process. If you have any questions, please contact me, at (702) 687-6382, or Julie Butler, Clearinghouse Coordinator/SPOC, at (702) 687-6367.

Sincerely,

Terri Rodefer, Environmental Advocate Nevada State Clearinghouse

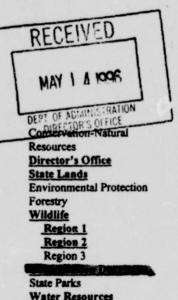
Enclosures

NEVADA STATE CLEARINGHOUSE

Department of Administration Budget and Planning Division Blasdel Bldg., Rm. 200 (702) 687-4065 fax (702) 687-3983

DATE: April 22, 1996

Governor's Office Nuclear Projects Office Business & Industry <u>Agriculture</u> <u>Minerals</u> Energy Economic Development Tourism Fire Marshal Human Resources Aging Services Health Division Colorado River Commission Legislative Counsel Bureau Communications Bd. Emp. Training & Rehab. Research Division <u>PSC</u> <u>Transportation</u> <u>UNR Bureau of Mines</u> UNR Library UNLV Library Wild Horse Commission <u>Historic Preservation</u> Emergency Management Washington Office



Water Resources Water Planning Natural Heritage

Nevada SAI # 96300161

Project: EA – Union Pacific Corporation & Southern Pacific Rail Corporation Control & Merger

CLEARINGHOUSE NOTES:

See Related SAI #s.96300061 & 96300104

May 17, 1990: Tool and the second comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than <u>7</u>. Use the box below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. If you have any questions, please contact either Terri Rodefer, Clearinghouse Environmental Advocate, at 687-6382, or Julie Butler, Clearinghouse Coordinator, 687-6367.

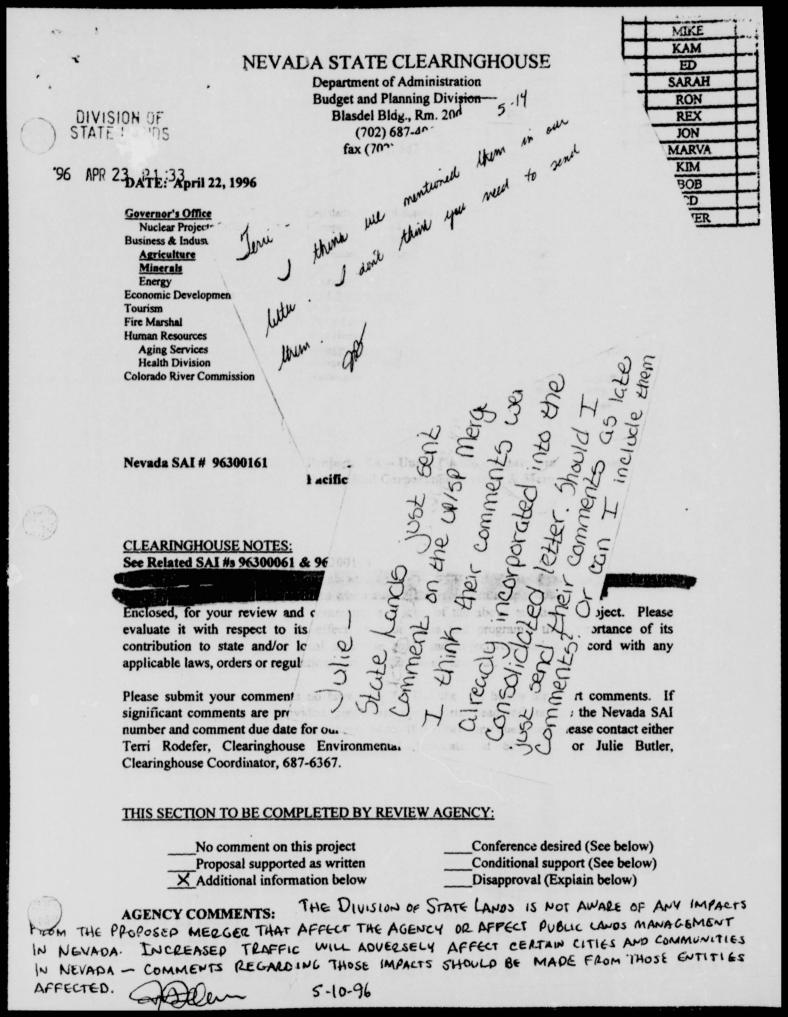
THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

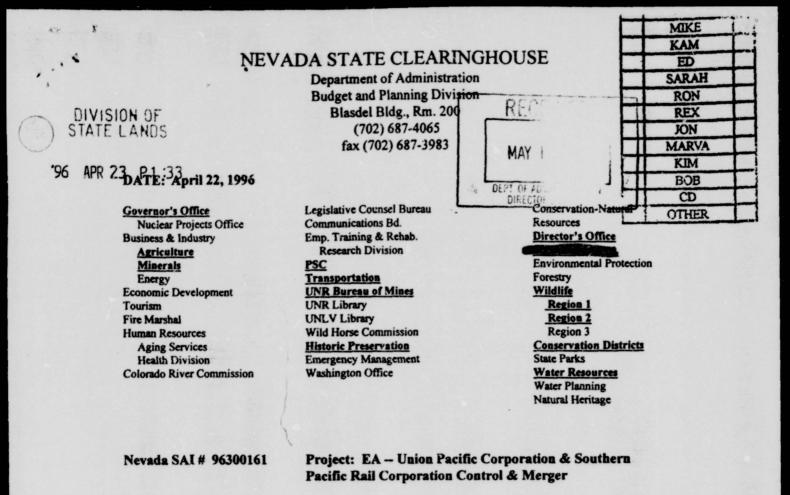
No comment on this project Proposal supported as written

Proposal supported as written Additional information below Conference desired (See below) Conditional support (See below) Disapproval (Explain below)

AGENCY COMMENTS:

- Recommend all proposed abandonments be considered for the rails to trails program.
- 2. Recommend a weed control program be set up for the rail right of ways.





CLEARINGHOUSE NOTES: See Related SAI #s 96300061 & 96300104

Enclosed, for your review and comment, is a copy of the above mentioned project. Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than ?. Use the box below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference. If you have any questions, please contact either Terri Rodefer, Clearinghouse Environmental Advocate, at 687-6382, or Julie Butler, Clearinghouse Coordinator, 687-6367.

THIS SECTION TO BE COMPLETED BY REVIEW AGENCY:

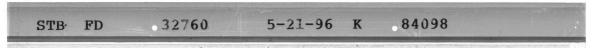
	No comment on this project
	Proposal supported as written
>	Additional information below

AFFECTED.

Conference desired (See below) Conditional support (See below) Disapproval (Explain below)

AGENCY COMMENTS: THE DIVISION OF STATE LANDS IS NOT AWARE OF ANY IMPACTS FROM THE PFOPOSED MERGER THAT AFFECT THE AGENCY OR AFFECT PUBLIC LANDS MANAGEMENT IN NEVADA. INCREASED TRAFFIC WILL ADVERSELY AFFECT CERTA'S CITIES AND COMMUNITIES IN NEVADA - COMMENTS REGARDING THOSE IMPACTS SHOULD BE MADE FROM THOSE ENTITIES

5-10-96



21-96



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Anadarko Area Office P.O. Box 368 Anadarko, Oklahoma 73005

MAY 0 7 1996



IN REPLY REFER TO:

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1201 Constitution Avenue, NW Room 3219 Washington, D.C. 20423

Attn: Harold McNulty, Environmental Specialist

RE: Environmental Assessment, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company - Control and Merger - Southern Pacific Rail Corporation, Sout ern Pacific Transportation Company, St Louis Southwester Railway Company, SPCSL Corporation, and The Denver and Pio Grande Western Railroad Company (Finance Docket No. 32760).

Dear Ms. Kaiser:

This office has received the environmental assessment for the proposed referenced control and merger between the Union Pacific and Southern Pacific Railroad Companies. Staff from this office have reviewed the assessment. We have no further comment beyond what was provided in our earlier letter of February 20, 1996. We continue to see no evidence of consultation with Tribal governments regarding impacts to Tribal lands or areas considered important to the Tribes from a historical or cultural standpoint.

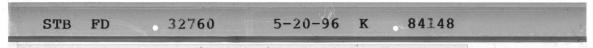
Thank you for the continued opportunity to review and comment on the referenced environmental assessment.

Sincerely,

~ W Collier

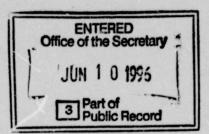
Area Director

Γ	ENTERED Office of the Secretary
	'JUN - 7 1996'
	5 Part of Public Record



84148





FAX REPLY to : 202/927-6225

Dr. Kathryn Eckert

page 3

To: Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1201 Constitution Avenue Washington DC 20423-0001

From:

Kathryn Eckert/Michigan State Historic Preservation Officer

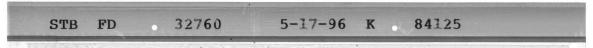
Date Signature_

Re:

Section 106 Consultation regarding Proposed Merger of Union Pacific and Southern Pacific Railroads Finance Docket 32760

I concur with the finding of the Surface Transportation Board's Section of Environmental Analysis (SEA) that the proposed merger would have no effect to historic and cultural resources in Michigan, as described in SEA's letter of May 2, 1996.

L concur with the finding of the Surface Transportation Board's Section of Environmental Analysis (SEA) that the proposed merger would have no effect to historic and cultural resources in Michigan, as described in SEA's letter of May 2, 1996, with the following comments:



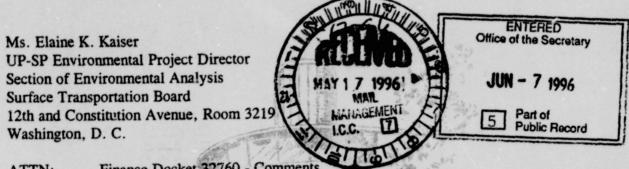
84125



Y OF OREGON CITY

CTTY MANAGERS OFFICE n City, OR 97045 1096 773 001

May 13, 1996



Finance Docket 32760 - Comment ATTN:

Dear Ms. Kaiser:

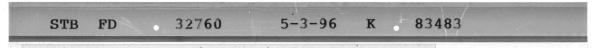
Thank you for the opportunity to comment on the proposed merger of the Union Pacific and Southern Pacific railroads.

The City of Oregon City would like to have more information regarding the proposed increase in traffic volumes on the Southern Pacific line which runs through the county. We are concerned that increased train traffic will have an adverse safety impact at all the grade crossings in the City.

If you have any questions or can send us additional information on traffic volume impact, please contact the City Engineer, Henry Mackenroth, PO Box 321, Oregon City, Oregon 97045. He can be reached by telephone at (503) 657-0891.

Sincerely yours

CHARLES LEESON City Manager





83483 Environmental Domments The Fremont Cattlemen's Association

P.O. Box 2134 CANON CITY, COLORADO 81215

SINCE 1867

April 29, 1996

ENTERED Office of the Secretary MAY 1 5 1996 5 Part of Public Record

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1201 Constitution Avenue, NW-Room 3219 Washington, DC -20423-0001

Dear Ms. Kaiser

The following comments are of particular interest to this Association:

- In Volume 1, Section 5.4, page 5-7 and Volume 3, Section 4.1.6, page 4-13 the US Forest Service talks about hazardous materials coming in contact with trail users. An analysis needs to be done by the National Environmental Policy Act (NEPA) before anyone else, namely Governor Romer's "Heart of the Rockies Historic Corridor Steering Committee" can proceed with proposed abandoned rail corridor activities. Title I of NEPA states the responsibility of the Federal government to assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
- 2. Volume 3, Section 4.1.4, page 4-7 says the proposed abandonment would not affect any prime farmlands. Also stated in Section 4.2.3, page 4-17 is that no prime agriculture land has been identified adjacent to the rail line. This is absolutely incorrect. We believe there is prime agricultural land along the rail corridor, which will be profoundly affected by trail use.
- 3. Volume 3, Section 4.2.3, page 4-18 discusses water resources and that the rail line does not cross flood plains. In 1957 portions of the present track were under flood waters.
- 4. No account of herbicide spraying of the tracks in the last 100 years has been mentioned in the EIS. Regional Environmental Review Coordinator Michael P. Jansky states in his letter to you that Section 309 of the Clean Air Act and the Council on Environmental Quality (CEQ) regulations require EPA to review and comment on projects that may significantly impact the quality of the human environment.
- 5. Volume 3, Section 4.2.7, page 4-28 states that "People for the West," who also represents cattlemen, is for the trail system. The letter in Volume 5, page E-73 proves the <u>opposition of the trail</u>.
- In Volume 3, Section 4.2.6, page 4-28 salvage of hazardous materials is what is being addressed, not the disposal of railroad ties and/or buildings.

Furthermore, there will be economic hardship if the rail is abandoned because of the reduction of the tax base. Maintenance of the trails would come from tax payers. The proposed abandonment and trails system changes an income into an expense for the community.

Our biggest concern is the problems it would cause the property owners along the corridor. The irrigation ditches would soon be full of rocks and trash, not to mention the increase of trespassing. We also feel that private property r ners along the corridor will suffer unwarranted liability over instances of damage



Elaine K. Kaiser, April 29, 1996 Page 2

due to public trespass and misbehavior. We feel the National Trails System Act should be repealed because of the assault on private property rights.

Also the highway traffic would increase to accommodate trucks hauling what the railroad has been transporting. The statement in Volume 3, Section 4.2.4, page 4-25 concurs with this.

Finally, we received the EIS on April 22, 1996. This gives our Association 12 days to review five volumes of gobbledygook and fine print. "EPA requires that the information made to the public be of high quality. A set to scientific analysis, expert agency comments, and public scrutiny are set to to implementing NEPA. We feel the aforementioned categories at the SIS have not been met by NEPA standards. Let it be known we are strong apposed to the proposed rail line abandonment and the proposed trail system for the rail corridor.

Sincerely

Fremont Cattlemen's Association Private Property Rights & Environment Committee Dave Nash, Chairman Rod Carpenter, President Denzel Goodwin Tim Canterbury

ln

c: US Senator Hank Brown US Senator Ben Nighthorse Campbell US Representative Joel Hefley US Representative Scott McInnis Governor Roy Romer State Senator Linda Powers State Senator Larry Schwarz



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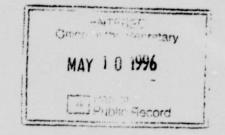
City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

(510) 372-3505 FAX (510) 229-5012

May 1, 1996

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board, Room 3219 1201 Constitution Avenue, NW Washington D.C. 20423



Dear Ms. Kaiser:

The City of Martinez has the following comments on the Draft Environmental Assessment prepared for the Union Pacific- Southern Pacific merger (Finance Docket No. 32760):

We have reviewed the Environmental Assessment, and the proposed Operating Plan. The merger will result in a dramatic increase in freight trains through downtown Martinez. This conclusion is based on UP's intent to consolidate traffic from UP lines onto SP lines: Donner Pass Line (Sparks to Roseville), Sacramento Line (Roseville to Oakland), Mococo Line (Martinez to Stockton), and consolidate all UP/SP intermodal traffic at a new Joint Intermodal Terminal in the Port of Oakland.

In addition, UP has granted trackage rights to the Burlington Northern Santa Fe over many of the same lines. This will not only increase the number of trains in downtown Martinez, but will divert them from the BNSF Franklin Canyon Line (portion of Stockton to Richmond), which is a much safer alignment from Martinez to Richmond because it has no grade crossings.

The specific impacts the City anticipates from the merger are:

 The increased number of freight trains through downtown Martinez will cause a localized significant decrease in air quality. Although the San Francisco Bay Area has recently been redesignated as an Attainment Area by the federal government, that status is currently being reviewed.

We believe this impact could be mitigated by a UP/SP contribution to the City to encourage use of railroad passenger trains as an alternative to single occupant vehicles. This contribution could take the form of dedicating the site of our proposed new Intermodal Project (new Amtrak station, parking, bus transfer facility, bicycle lockers). The site is currently owned by the SP. Surface Transportation Board May 1, 1996 Page 2

The City plans to begin construction of our Intermodal Project next year. We are investing a total of \$13 million in Phases 1 and 2. We expect to begin construction of Phase 3 in 1999 or 2000. We feel that it would be an appropriate mitigation measure for the new railroad to contribute a portion of this investment in the form of land, and other facilities (see below).

• According to the Southern Pacific, the increase in freicing through downtown Martinez will interfere with existing and proposed passed of a in service, requiring the addition of a third track to allow freight trains to bypass the passenger station. Our Amtrak station is currently served by approximately 20 passenger trains per day: the Amtrak Coast Starlight, Amtrak California Zephyr, California/Amtrak San Joaquins, and California/Amtrak Capitols. The daily number of passenger trains is expected to increase to 40 by 2010.

This impact could be mitigated by the UP agreeing to install the third track for freight, at its expense, along with the required bridge over Alhambra Creek.

• The increase in freight trains through downtown Martinez will also result in more frequent blockages of our grade crossings at Ferry Street and Berrellesa Street, which are the only roads accessing our Waterfront Park, our City Marina, the Regional Shoreline of the East Bay Regional Park District, the waterfront Horse Arens and Joe Dimaggio Ballfields complex, as well as the future Phase 3 of the Intermodal Project and the future City ferry terminal. These blockages will be more frequent not only because there will be more trains, but because there will be more train switching and blocking at the SP Ozol Yard, just west of these grade crossings. Ozol yard activities invariably result in switcher trains blocking these crossings.

This impact could be mitigated by the UP agreeing to build their new Alhambra Creek Bridge (for the freight bypass track) wide enough to also provide two-way vehicle access from Berrellesa Street to North Ferry Street.

• The increase in trains in downtown Martinez will result in unsafe pedestrian access to the various waterfront park facilities, and to the future Phase 3 of the Intermodal Project. We need safe pedestrian crossings for the Bay Trail and the Bay Ridge Trail. These are regional trails which connect the City Waterfront Park and the Park District Regional Shoreline to the City's open space in the Franklin Hills and the Park District's Carquinez Regional Park. Surface Transportation Board May 1, 1996 Page 3

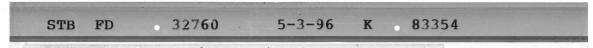
This impact can be mitigated by the UP agreeing to fund grade separated pedestrian crossings at the City's Intermodal Project, the Park District's Nejedly Staging Area, and at the east end of the Regional Shoreline, near the Marina Vista/Escobar intersection.

For further information, please contact Richard Pearson, Transportation Projects Manager, at (510) 372-3525; fax (510) 372-3534.

Sincerely Jake James Jakel

City Manager

cc: Richard Pearson Transportation Projects Manager



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TEL:9165827710

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P. 002

Town Council

Don McCormack, Mayor

Embree B. (Breeze) Crass Sieve A. Carpenter Kathleen Eagan Robert Drake



Stephen L. Wright, Town Manager Jill R. Fax, Director of Finance

J. Dennis Crabb. Town Attorney

Department Heads

Jon Lander, Town Engineer Thomas Covey, Public Works Director Tany Lashbrook, Community Development

May 2, 1996

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board 1201 Constitution Ave, NW Washington, DC 20423

ENT: Office of the Secretary Part of 4 Public Record

Re: Environmental Assessment-Finance Docket 32760

Dear Ms. Kaiser:

The Town of Truckee has reviewed the environmental assessment prepared to address the impacts of the Union Pacific Southern Pacific Rail Corporations merger. The concerns of the Town all relate to the expected increase in rail traffic on the Donner corridor resulting from the merger and are outlined in detail in the three verified statements submitted by the Town of Truckee (Christensen, Wright and Shaw). These reports are part of the formal record for this proceeding and will not be repeated in this letter.

Our primary concern with the environmental assessment is the daily rail traffic assumption used for the environmental assessment and particularly for the various technical studies including traffic, air quality and noise impacts. The environmental assessment is based upon a total of 25.1 train trips through Truckee per day on the line between Sparks, Nevada and Roseville, California. Information developed by our railroad consultants indicates that rail trips through Truckee will increase from the current level of 14 trips to 36 trips per day (including B.N.S.F. traffic). It is imperative that the technical studies and their conclusions be based upon an accurate projection of the increase in rail traffic expected to result from the merger to avoid a fatal flaw in the validity of the environmental documentation. This issue must be addressed before the environmental assessment is accepted.

Beyond our concern with the validity of the rail traffic estimates and the technical studies contained in the environmental analysis, we support the mitigation measures established on page 4-43 and 4-44 of volume 2 of the environmental assessment. In fact the Town is artively negotiating with Union Elaine Kaiser, Surface Transportation Board May 2, 1996

Pacific within the context of Air Quality mitigation measure 1 and Transportation and Safety mitigation measure 1. We are optimistic that we will reach an agreement with UP/SP on these issues in the very near future. We request that these mitigation measures be retained within the final environmental assessment. They provide the only mechanism to insure that significant environmental impacts created by increased rail traffic associated with the merger are adequately mitigated.

Thank you for considering our comments. Should you have questions or need more information, please give me a call.

Sincerely, Stephen LWright

Town Manager

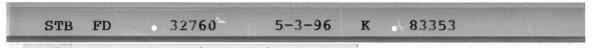
cc: Bill Wimmer, Union Pacific Town Council



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Telephone (916) 582-7700

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CURTIS TUNNELL EXECUTIVE DIRECTOR

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TEXAS HISTORICAL COMMISSION (FAX) 512-475-4872 (RELAY TX) 1-800-735-2989 (TDD)

P.O. BOX 12276

AUSTIN, TEXAS 78711-2276

(TELEPHONE) 512-463-6100

ENTERED NATIONAL REGISTER DEPARTMENOIffice of the Secretary

May 3, 1996

Elaine K. Kaiser, Chief Section of Environmental Analysis Surface Transportation Board Washington, D. C. 20423-0001

Re: Union Pacific/Southern Pacific Railroad Merger, Section 106 Compliance Finance Docket No. 32760 (STB, N10)

Dear Ms. Kaiser:

The State Historic Preservation Office [SHPO] reviewed the federal undertaking referenced above under Section 106 of the National Historic Preservation Act, 36 CFR 800. The SHPO's National Register Department and the Department of Antiquities Protection review properties to determine their historical significance.

The National Register Department and Department of Antiquities Protection conducted a review of the above referenced undertaking by applying state and federal criteria for historical designation and would like to defer comment until after the environmental assessment and survey of historic properties is completed.

For questions about eligibility of standing structures contact Jamie Wise, National Register Department, at 512/463-6006 and for archeological concerns contact Sergio Iruegas, Department of Antiquities Protection at 512/463-6096:

Thank you for your interest in the cultural heritage of Texas, and for your compliance with this federal review process.

Sincerely.

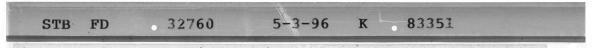
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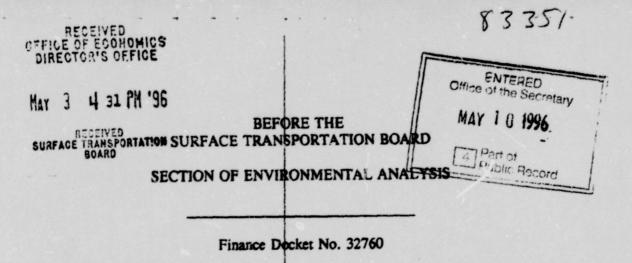
Tac National Register Department

cc: Sergio Iruegas, THC Department of Antiquities Protection

JWS/JLW

The State Agency for Historic Preservation





UNION PACIFIC CORPORATION, UNION PACIFIC RAILROAD COMPANY AND MISSOURI PACIFIC RAILROAD COMPANY --CONTROL AND MERGER--SOUTHERN PACIFIC RAIL CORPORATION, SOUTHERN PACIFIC TRANSPORTATION COMPANY, ST. LOUIS SOUTHWESTERN RAILWAY COMPANY, SPCSL CORP. AND THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY

COMMENTS TO ENVIRONMENTAL ASSESSMENT OF COUNTY OF PLACER AND PLACER COUNTY TRANSPORTATION PLANNING AGENCY

The County of Placer and Placer County Transportation Pla. ting Agency hereby submits it Comments to the Section of Environmental Analysis regarding the proposed merger of Union Pacific Railway Company with the Southern Pacific Railros ⁴ Compa. y. The proposed Union Pacific and Southern Pacific merger will result in a considerate in train activity in the post-merger environment. Rail traffic is expected to increase "ubstate jally on the Roseville to Sparks route (Donner Route) and the Roseville to Marysville ...cute (Marysville route). This increase in rail activity along these routes has the potential to create significant impact on the County and various jurisdictions within the County.

As a small suburban/rural county along both the Donner Summit and Marysville rail routes, Placer jurisdictions would be disproportionately affected by the proposed merger. The merger would increase the number of trains traveling through Placer County from the present twentyeight trains to as many as fifty. Union Pacific proposes to use the Roseville rail yard as its Northern California freight hub. This increased route and yard traffic would have an adverse impact on passenger rail and traffic congestion due to increased noise, air pollution and delay at grade crossings, degradation of water quality and reduced public safety. These impacts were previously documented in a March 28, 1996, Piacer County submission to the Federal Surface Transportation Board as Comments to Finance Docket Number 32760 regarding the Union Pacific/Southern Pacific rail merger, and include:

- IMFACTS ON THE LOCAL AND REGIONAL TRANSPORTATION SYSTEMS. Thirty-eight at-grade rail crossings exist along the Donner and Marysville Routes. Fifteen of these occur on routes which are considered to be regionally significant. For most, no parallel roadways exist which would offer residents and businesses a way to avoid delays caused by increased train traffic. Increased delays at these crossings would affect both regional and local road traffic. Based on the data made available to us, that delay at atgrade crossings could increase by as much as 1,527 hours-an increase more than twentythree (23) times the observed pre-merger delay. We estimate that 18,350 more vehicles (approximately 26,400 more people) would experience delays at crossings. This means that ten percent (10%) of the total population of Placer County would experience delays at rail crossings at some time of the day.
- AIR EMISSIONS AND AMBIENT AIR QUALITY CONDITIONS. Most of Place County falls within the federal and State ozone non-attainment boundaries. Portions of the County are also designated by the State as non-attainment for PM-10. Increased train activity would lead to an increase in PM-10 emissions and an increase in ozone precursor emissions. Increased on-road delay at grade crossings would result in increased vehicular emissions.
- TRANSIENT CRIME PROBLEM. Transients who use trains as transportation into Placer County pose a major problem for residents and businesses in the City of Roseville. Forty percent of the individuals using local free meal programs have arrived in Roseville using rail. The City's Police Department has the equivalent of 1.5 police officers assigned to deal with transient-related crimes and disturbances. Union Pacific's plan to establish the Roseville yard as a hub will have the potential to substantially increase the number of transients in Placer County.
- NOISE. Increased train activity will lead to an increase in noise in the vicinity of at-grade crossings from engine noise, and whistles or horns which provide advance warning.
- PUBLIC HEALTH AND SAFETY. Many of the at-grade crossings occur on roadways that provide the only access to large rural and forested areas of Placer County. Delays at these crossings may prevent fire, police, and medical vehicles from reaching an emergency in a timely manner. Where minutes can mean the difference between life and death, this represents a major public health and safety concern. Increased transport of flammable and hazardous materials also poses a potential public health hazard due to spillage from accidents. Of major concern, as well, is the safety at railroad crossings for automobiles and buses. The increase in train traffic will increase the potential for collisions between trains and automobiles.
- URBAN COMMUTER AND INTERCITY RAIL SERVICE. Southern Pacific Rail Corporation has been working with the Placer County Transportation Planning Agency (PCTPA) and Placer jurisdictions to deliver rail service to the fast-growing Placer area. Caltrans and Placer County have identified four intercity rail station sites (Colfax, Auburn, Rocklin, and Roseville) and four additional commuter rail station sites (Bowman, Newcastle, Penryn, and Loomis). Intercity service to Auburn and Colfax may begin as

soon as 1997. Although rail improvements proposed by Union Pacific as part of the merger may improve service in the long-term, the merger itself may delay implementation of station improvements and, thereby, extension of service to the County.

• WATER QUALITY CONDITIONS. Increased train activity could increase the risk of the contamination of the Placer regional water system. Many of the water system delivery and storage facilities between the community of Alta and the City of Rocklin are located below the Donner rail route and are especially vulnerable to toxic spills.

The County and Placer County Transportation Planning Agency are presently working with Union Pacific to address the unmitigated elements of the Environmental Assessment. We hope to have an agreement in place by the time the final environmental document is released. However, in light of these impacts, the County and the Placer County Transportation Planning Agency suggest the following mitigation measures.

1) REGIONALLY SIGNIFICANT AT-GRADE CROSSINGS AND PROPOSED GRADE SEPARATIONS.

Although there are a number of county wide issues that need to be resolved at a more regional level, most are local impacts that can be resolved through the implementation of specific mitigation measures. Placer jurisdictions have identified the highest priority at-grade crossings in Placer County. These projects are either: (1) regionally significant with the highest overall traffic delay; or (2) significant safety/access problems.

- PLACER COUNTY AT-GRADE CROSSING IMPROVEMENTS AT LUTHER ROAD. Luther Road is an important access between State Highway 49 and Interstate 80. This rail crossing on Luther Road is presently rough asphalt. The two-lane, atgrade crossing is inadequate to handle local traffic with increased rail traffic. Placer County staff have identified the crossing as a priority candidate for improvement. The improved County-proposed design includes the addition of two turnout lanes and a center turn lane. This crossing design will also include a standard concrete crossing reinforcement. The redesign of all needed improvements of the at-grade crossing is estimated to cost at least \$500,000. The County would like Union Pacific to participate in the funding of the needed construction or to work with the County and PCTPA to identify other funding sources for the project.
- TOWN OF LOOMIS PROPOSED GRADE SEPARATION OF SIERRA COLLEGE BOULEVARD CROSSING. Sierra College Boulevard is a principal two-lane arterial at-grade crossing of the future Union Pacific Rail lines. The Sierra College Boulevard at-grade crossing is presently in poor condition. Loomis proposes that the at-grade crossing be improved to grade separation. Preliminary PCTPA analysis of the present and future traffic information has supported this request.

Sierra College Boulevard is presently a regional, two-lane primary arterial with a daily count of 7,180 vehicles. The highway will be expanded to a four- and six-lane facility over its entire length in the near future. It is expected that with this expansion, the daily counts will increase substantially to 25,300. To minimize the impact of future rail activity, it is proposed that Sierra College Boulevard be converted to a grade separated crossing. Preliminary estimates suggest that an over crossing of Sierra College Boulevard would cost about \$5 million.

The Town of Loomis would like Union Pacific to participate with the Town and other affected jurisdictions to fund the needed construction or work with Placer jurisdictions and the PCTPA to identify new funding sources for the project.

CITY OF ROCKLIN ARGONAUT AVENUE OVER CROSSING. Argonaut Avenue is one of the City's residential collector streets. Argonaut Avenue is presently dead-end street ending approximately 400 feet from the eastbound tracks. The City of Rocklin proposes to extend Argonaut Avenue to Delmar Avenue. The tracks in this location are depressed by about 18 feet. With minimum road work, it could be elevated to accommodate approximately 24 feet of clearance from the track bed. This grade separation proposal is the most cost-effective emergency service connection to the Delmar neighborhood and could eliminate the at-grade crossing at Yaukee Hill Road.

As part of the train traffic mitigation, the City of Rocklin would like Union Pacific to participate with the City of Rocklin to fund an overcrossing at this location. The cost of this over crossing is estimated to be \$2,000,000.

TRAFFIC CONGESTION MITIGATION ON YOSEMITE, BERRY, AND ATLANTIC STREETS AND LAND DEDICATION TO THE CITY OF ROSEVILLE FOR THE ATLANTIC STREET WIDENING RIGHT-OF-WAY. A number of streets in Roseville will be affected by both increased rail activity and Roseville rail yard activities, including Yosemite and Berry Streets that cross the rail yard and Atlantic Street that feeds into Yosemite and Berry Streets. The City of Roseville has determined that the most efficient way to address the traffic congestion delay at Yosemite and Berry Streets is to install right turn stacking lanes to minimize intersection congestion. The rail crossings at Berry and Yosemite Streets are in poor condition. It is expected that these crossings will have to be replaced with standard concrete crossing improvements. improvements will cost \$300,000. The addition of the turning lanes on Atlantic at both Berry and Yosemite Streets needed to handle traffic congestion caused by rail activity will cost an additional \$200,000.

Although the construction of Atlantic Street will proceed in part with the use of local Roseville transportation funds, the City of Roseville proposes that Union Pacific dedicate sufficient easement right-of-way to the City of Roseville as its share in the mitigation project. This right-of-way request roughly includes a strip of land between the current curb line of Atlantic Street and 50 feet of the future Union Pacific track beginning near Harding Boulevard extending to near Folsom Road. The dedication could be made through actual title transfer or through dedication of an easement to the City of Roseville. Union Pacific has agreed in initial discussions to grant an Atlantic Avenue easement to the City of Roseville.

CONSTRUCTION OF AN OVERPASS IN THE CITY OF LINCOLN. The present at-grade crossing situation has created a potential safety problem. Increased rail traffic on the Marysville route could effectively isolate the western part of Lincoln from emergency service providers. The City of Lincoln proposes to address this problem through the construction of a grade separated overpass. This will cost approximately \$2,000,000.

The City of Lincoln would like Union Pacific to participate with Lincoln to fund the needed construction of the project or work with PCTPA to identify alternative funding sources for the project.

2) IMPROVEMENT PROGRAM FOR OTHER PLACER AT-GRADE CROSSING.

In addition to the five regionally significant grade improvements addressed above, there are roughly thirty eight at-grade crossings in Placer County. Many of these roads cross double tracks. Most of these crossings are rough asphalt and are in poor condition. To minimize traffic delay and address safety concerns, Placer jurisdictions have proposed that (1) all at-grade crossings be upgraded to concrete and (2) Union Pacific review and update when necessary the crossing warning systems as part of this program. A preliminary working estimate of \$75,000 per track crossing has been used to develop cost estimates. The total cost for this crossing improvement program is approximately \$4,000,000.

- AT-GRADE CROSSING IMPROVEMENTS AT VARIOUS STREETS IN UNINCORPORATED PLACER COUNTY. There are twenty at-grade crossings in unincorporated Placer County. The total cost to up-grade these crossings is estimated at \$1,800,000. State Route 65, Athens Road, Wise Road, and Chamberlain Road crosses the Roseville-Marysville Route at-grade in the unincorporated portion of the County. English Colony Road crosses the Donner Summit eastbound track and Auburn Ravine Road crosses the Donner Summit westbound track. Main Street (Newcastle), Chubb Road (Bowman), Ponderosa Way (Weimar), East Cape Horn Road, Lincoln Road, Sacramento Street, Alta Bonny Nook Road, Dutch Flat Road, and Soda Springs Road cross both the Donner Summit westbound and eastbound tracks. The State Route 65 crossing has recently been reconstructed. Other crossings will be analyzed individually.
- AT-GRADE CROSSING IMPROVEMENTS AT VARIOUS STREETS IN THE CITY OF COLFAX. There are two at-grade railroad crossings in the City of Colfax: Grass Valley Road and Gearhart Street. These roads cross both sets of the Donner Summit tracks. Grass Valley Road was recently improved by Southern

Pacific Railroad but additional improvements may be needed. The estimated cost to improve these crossings is \$300,000.

AT-GRADE CROSSING IMPROVEMENTS AT SIX STREETS IN THE CITY OF LINCOL^{**}. The City of Lincoln is on the Marysville route. The rail line partilels State Route 65 through the entire length of town. The track is only 140 feet from State Route 65. There are six unimproved at-grade crossings along this route in Lincoln (1st Street, 3rd Street, 5th Street, 6th Street, 7th Street, and Moore Streets). The crossings are presently composed of rough asphalt; most have a grading problem. The combination of these problems has created a public safety problem. It will cost about \$800,000 to improve these at-grade crossings.

The Lincoln at-grade crossings are often used by pedestrians and wheelchair bound individuals. The City of Lincoln would also like to explore the feasibility of making one or more of the at grade crossings "wheelchair accessible". The cost to make these improvements has not been estimated at this time.

AT-GRADE CROSSING IMPROVEMENTS AT VARIOUS STREETS IN THE CITY OF ROCKLIN. There are five at-grade crossings in Rocklin: Rocklin Avenue, Midas Street, Yankee Hill Road, Delmar Avenue and at the spur serving Sierra Pine. Rocklin Road and Midas Street have been recently upgraded by the City but may require signalization improvements. Delmar Avenue and Yankee Hill Road should be upgraded to standard concrete reinforced crossings. The total cost to address these problems has been estimated at \$200,000.

Both the westbound and eastbound Donner Summit tracks cross Midas Avenue. There is approximately a seventy-foot separation between the tracks at Midas Avenue. These crossings operate with two separate sets of signals. The signal arms work simultaneously, allowing the traffic to vacate the area between the two tracks, but the distance between the tracks has a potential safety problem. School and transit busses are required to stop at any railroad crossing. In doing so, it is possible that the combination of one or more busses and other vehicles could create a backup across the tracks during the passage of a train. To address this problem, the City of Rocklin would like to see that tracks be brought closer together to allow the elimination of one of the two signals.

- * AT-GRADE CROSSING IMPROVEMENTS AT VARIOUS STREETS IN THE CITY OF AUBURN. There are four unimproved at-grade crossings in the City of Auburn. All of these are presently in poor condition and should be upgraded to standard concrete reinforced crossings. The total cost to address this problem has been estimated at \$300,000. These include Blocker Street, Agard Street, Pleasant Avenue, and Sacramento Street.
- IMPROVEMENT OF THE WEBB AND KING ROAD AT-GRADE CROSSING IN THE TOWN OF LOOMIS. Webb Street is an important local street at-grade crossing of the future Union Pacific lines. This crossing is an alternative emergency

vehicle crossing to King Street. This road also alleviates congestion on King Road. The Webb Street at-grade crossings are presently in very poor condition. Loomis requests that these crossings be improved with standard concrete reinforcements. It is expected that the improvements will cost about \$100,000, Webb Street is presently a two-lane local road. To minimize the impact of expected increased rail activity, Loomis has proposed that Webb Street be expanded to four lanes across the tracks. This expansion will cost about \$100,000, an extra \$100,000 for the cement at-grade crossing, and additional funds for the extra crossing gates.

King Road is an arterial at-grade crossing of the future Union Pacific lines. The King Road at-grade crossing is presently in very poor condition. Loomis requests that the at-grade crossing should be improved with standard concrete reinforcements. It is expected that the improvement will cost about \$100,000. King Road is presently a two-lane arterial. To minimize the impact of advanced rail activity, it is proposed that King Road be expanded to four lanes across the tracks. This expansion will cost about \$400,000, an extra \$100,000 for the cement at-grade crossing, and additional funds for the extra crossing gates.

3) INTERCITY AND COMMUTER RAIL PROJECTS.

Placer County is located in a State and federal ozone non-attainment area. Increased rail activity will further degrade air quality, ultimately leading to more stringent requirements on local area and mobile sources of emissions. Placer jurisdictions propose to mitigate some of these impacts through the implementation of intercity rail passenger service and eventual development of a passenger commuter rail service.

The Cities of Auburn, Rocklin, and Roseville are to be provided rail service as part of the Proposition 116 bond measure passed by California voters in 1990. This rail service is part of the California Capitol Corridor rail service. Service is expected to begin in 1997. Senator Tim Leslie of the California First District has proposed a budget amendment in this session of the California Legislature to provide a morning and afternoon train to Roseville, Rocklin, and Auburn with a layover in Colfax. Union Pacific actions to advance the intercity passenger rail service would mitigate the impact of increased freight train activity associated with the Union Pacific and Southern Pacific Rail merger.

DEDICATION OF RIGHT-OF-WAY TO COLFAX CAPITOL CORRIDOR RAIL STATION. Colfax is presently a station stop on the Amtrak California Zephyr and has been chosen as a logical layover facility for one of the trains of the California Capitol Corridor rail service. To that end, Colfax has been successful in obtaining: (1) federal funds to restore the historic Colfax rail station and to develop parking facilities; and (2) State funds to build a passenger platform. The Colfax station has been proposed as an intermodal facility to allow connections between the Capitol Corridor rail service and station and parking facilities will require approximately 18.5 acres of land bound by Main Street, Depot Street, Railroad Avenue, and Newman. The proposed platform location will require Union Pacific Rail to move two unused rail spurs. Colfax requests Union Pacific Rail to move these tracks as part of the merger agreement.

DEDICATION OF THE HISTORIC COLFAX RAIL DEPOT AND RELOCA-TION OF UNION PACIFIC RAIL YARD MANAGEMENT OFFICES OUTSIDE OF THE HISTORIC RAIL DEPOT. Southern Pacific Lines made a commitment to Colfax to dedicate the historic Colfax Rail Depot to the City as a condition of a Federal Transportation Enhancement Activities (TEA) Grant to restore the station. Colfax agreed to lease a portion of the station back to Southern Pacific as offices to avoid relocation costs. Union Pacific has agreed to uphold the Southern Pacific agreement.

Union Pacific has indicated that, as it modernizes its facilities, standard practice calls for them to build temporary facilities rather than renovate existing dated facilities. As it modernizes its railroad operations in the Colfax rail yard. Union Pacific has agreed to move its offices to a new structure as it modernizes its railroad operation. It would vacate the historic depot as part of this modernization. Union Pacific will not charge Colfax any relocation costs.

- LAND DEDICATION TO AUBURN FOR CAPITOL CORRIDOR INTERCITY RAIL STATION. The City of Auburn has been identified as a station site for the California Capitol Corridor rail service. Auburn has obtained a federal CMAQ grant with the PCTPA to develop a parking lot facility for the future Auburn Capitol Corridor station. Auburn has also received a State Transit Capital Investment (TCI) grant to partially fund the construction of an Intermodal center at the Auburn site. The Auburn passenger rail station and parking facility will require approximately 13.5 acres of land paralleling Nevada Street on both sides of the eastbound Donner Route tracks. This land is bounded by Blocker Street on the north and Interstate 80 on the south. This property includes an historic 1920 vintage rail station and fruit packing shed that will be restored as part of the rail program.
- LAND DEDICATION TO THE CITY OF ROCKLIN FOR THE ROCKLIN INTERCITY RAIL STATION. The City of Rocklin has been identified as a station site for the California Capitol Corridor rail service in Proposition 116--the legislation that defined the Capitol Corridor service boundaries. Rocklin was awarded a federal CMAQ grant with the PCTPA to develop a parking lot facility at the future Rocklin Capitol Corridor station. Union Pacific has agreed to dedicate sufficient right-of-way to: (1) build the Rocklin intercity passenger rail station; (2) develop an adequate passenger parking lot; and (3) restore the site of the historic Rocklin round house.
- LAND DEDICATION TO THE CITY OF ROSEVILLE FOR PARKING AT THE ROSEVILLE INTERCITY RAIL STATION. Roseville is the current eastern-most station of the California Capitol Corridor rail service. One of the four Capitol trains presently lays over at the Roseville station. The Roseville station building was complete in 1994 and a 1,000-foot long platform will be completed in 1996. The station parking facilities have not been completed to date. Roseville was

successful in obtaining federal CNIAQ funds to partially develop a parking facility. The grant will not completely cover the cost of the facility. The Union Pacific agrees to dedicate to the City of Roseville adequate right-of-way to complete the parking facilities of the existing intercity rail station. The City has identified a possible site located at the intersection of Church and Grant Streets. This site or an equivalent site adjacent to the station should be dedicated through actual title transfer or through a long-term lease (99 years) at no annual charge.

- PLATFORM LEASES FOR INTERCITY RAIL STATIONS AT ROCKLIN, AUBURN, AND COLFAX. The Cities of Rocklin, Auburn, and Colfax will require a lease of the track right-of-way to produce a 1,000-foot platform as required by Caltrans for passenger intercity rail service. This platform lease falls within the Union Pacific 50-foot wide operation right-of-way. This right-of-way lease should be provided by Union Pacific to the service provider at no cost. The platform leases will be developed simultaneously with the passenger rail station program. Easements for pedestrian crossings may also be required to allow access to proposed station parking.
- UNION PACIFIC OPERATION ADJUSTMENTS TO FACILITATE INTER-CITY RAIL SERVICE TO AUBURN. The City of Auburn splits the westbound and eastbound tracks. This has created a situation where Auburn would have to maintain two rail stations to address intercity rail service on the two one-way tracks. As part of the merger, Union Pacific proposes to install CTC that will allow trains to travel in both directions on either track. The City of Auburn requests that Union Pacific allow the Intercity Capitol Corridor Service to run reverse-direction service on the eastbound track until CTC service is installed. This operation adjustment will allow Auburn to build and operate a single, permanent passenger rail station.
- IOINT PCTPA and UNION PACIFIC COMMUTER PASSENGER RAIL SERVICE FEASIBILITY REPORT. PCTPA and Caltrans have completed studies evaluating the feasibility of commuter and intercity rail service from: (1) Roseville to Marysville; (2) San Francisco to Reno; and (3) Davis to Colfax. The lack of money for station development has limited the feasibility of the service. PCTPA requests that Union Pacific and PCTPA jointly examine the feasibility of Commuter Rail in Placer County along the Donner Pass and Marysville Routes. This study will identify: (1) potential station sites in the City of Lincoln, Town of Loomis, and Placer unincorporated communities; (2) individual station requirements; (3) Union Pacific freight scheduling conflicts; (4) commuter service rolling stock requirements; and (5) necessary track improvements.
- POSSIBLE FUTURE UNION PACIFIC DEDICATION OF RIGHT-OF-WAY FOR COMMUTER RAIL STATIONS. On the basis of this commuter rail feasibility study developed above. PCTPA would like to explore the possibility of Union Pacific dedicating about seventeen acres for future commuter rail stations. The dedication could be made through years) with no annual charge. These include: (1) two acres of right-of-way in

Sheridan; (2) five acres in the North Auburn/Bowman area near 1-80; (3) two acres in Nevada County near the Norden off-ramp in the I-80 corridor, where Soda Springs Road crosses the Donner Summit Route; (4) one acre in the Sugar Bowl Ski Resort where the chairlift crosses the Southern Pacific tracks; (5) two acres of right of way near the Twelve Bridges Project in Lincoln; and (6) five acres in downtown Newcastle, south of Taylor Road. Final dedication of right-of-way would be contingent upon the identification of funding for the station construction and service operation.

4) UNION PACIFIC PARTICIPATION IN PLACER ECONOMIC DEVELOPMENT AND ANTI-BLIGHT PROGRAMS.

The Donner Pass and Marysville lines bisect all of the Placer incorporated cities and many of the unincorporated communities. These properties have been neglected by Southern Pacific Rail in the past and often represent a blighted area with abandoned buildings and unimproved area. Placer jurisdictions hope that Union Pacific will work with them to eliminate these blighted areas in a manner consistent with the jurisdictions' general and redevelopment plans. Rail operation noise is also a significant impact on neighborhood blight.

- LAND DEDICATION TO THE TOWN OF LOOMIS TO ASSIST IN THE REDEVELOPMENT OF THE CENTRAL BUSINESS DISTRICT. The Town of Loomis requests the dedication of six acres of Union Pacific right-of-way to help mitigate the impacts of the merger. This property is bounded by Walnut Street on the west, the westbound Donner Route track on the north, Taylor Road on the south, and King Road on the east. This property includes an historic 1920 vintage rail station and fruit packing shed that will be restored as part of Loomis' economic development program. The Town would like to be assured that, as it completes its traffic, circulation, and parking analysis, Union Pacific will be willing to grant either rightof-way or dedication of property south of Walnut Street for the construction of a roadway that would the back into Taylor Road. The Town believes that the economic benefit to Union Pacific would be substantial as it would provide improved access to its property, affording it greater opportunity to lease it for other uses at a potentially greater return.
- LOOMIS SIGNAGE ON UNION PACIFIC RIGHT-OF-WAY. Loomis would like to develop a "Gateway" program in the near future. Signage for this program would require an easement on the future Union Pacific right-of-way. As part of the merger mitigation, Loomis requests that Union Pacific allow them to place Gateway signs along Taylor Road at the Town boundary.
- LAND DEDICATION TO THE CITY OF ROCKLIN TO ASSIST IN THE REDEVELOPMENT OF THE ROCKLIN CENTRAL BUSINESS DISTRICT. The City of Rocklin requests the dedication of 28 acres of Union Pacific right-of-way to complete the Rocklin Capitol Corridor rail station and to help mitigate the impacts of the merger. This property is bounded by Pacific Street, Yankee Hill Road, Second

Street, and Rocklin Road. This property includes an historic turn-of-the-century roundhouse that will be restored, and dilapidated wood processing shed that will be removed and turned into clean industrial sites as part of Rocklin's economic development and blight elimination programs. It is requested that where possible, that Union Pacific deed the property to the City of Rocklin.

5) MITIGATIONS SPECIFIC TO ROSEVILLE RAIL YARD OPERATIONS.

Union Pacific has proposed to convert the Roseville rail yard to its northern California distribution center. As the hub of these operations, the increased yard activity will have a disproportionate effect on the Cities of Roseville and Rocklin and the Town of Loomis.

- NOISE IMPACTS ON THE LOOMIS' DELMAR AND ROCKLIN'S ANTELOPE OAKS NEIGHBORHOODS. Southern Pacific presently exchanges engines and crew before entering the Roseville yards. This exchange occasionally occurs in Loomis adjacent to the Delmar neighborhood and in Rocklin adjacent to the Antelope Oaks neighborhoods. This delay and engine changes results in considerable noise and pollution as the trains idle in a residential neighborhood during the entire 24-hour period. This practice often blocks Boulder Ridge Road and creates a public safety problem. Union Pacific agrees to change this practice and to localize train stacking and crew changes within the Roseville yard to avoid adverse impacts on residential neighborhoods.
- UNION PACIFIC ENFORCEMENT OF TRESPASSING LAWS IN THE ROSEVILLE YARDS AND ON FREIGHT TRAINS. The City of Roseville has a major crime problem associated with transients entering Roseville through the Roseville rail yards. Transient-related crime has been identified as the most serious crime problem in Roseville by both the Roseville City Council and the Roseville Police Department. Roseville requests that the Union Pacific security forces work closely with the Roseville Police Department and the Placer County District Attorney to prosecute repeat offenders of the trespass laws and to develop a specific program to address this problem.
- ROSEVILLE STACKING ZONES. Union Pacific should coordinate with the City to determine "Stacking Zones" for trains that cannot enter the main yard to avoid residential areas. This policy would be included as part of the rail yard operations mitigation program.
- IMPACTS ON ROSEVILLE STREET MAINTENANCE. There are a number of conditions occurring in the Roseville rail yard that affect the condition of Roseville streets. Union Pacific should identify the following yard maintenance projects as high priority once the merger is executed: (1) repair of cracks in the rail yard surface that allow water to drain into the Washington Boulevard underpass; (2) cooperation with the City street crews to clean the drainage ditches that run through the rail yards; and

(3) stabilization of the rail yard bank along Vernon Street to prevent slippage. This policy would be included as part of the rail yard operations mitigation program.

- ROSEVILLE RAIL YARD FENCING. Union Pacific should review the existing fencing along Church Street and investigate the feasibility of replacing the existing fencing with a soundwall. This replacement would mitigate the noise impact of added rail activity on the Old Town neighborhood. This policy would be included as part of the rail yard operations mitigation program.
- COMPLIANCE WITH THE ROSEVILLE NOISE ORDINANCE. Union Pacific should adhere to the City's Noise Ordinance. This ordinance regulates the amount of noise generated by rail yard activities. This policy would be included as an element of the rail yard operations mitigation program.

6) COUNTYWIDE PUBLIC HEALTH AND SAFETY.

Placer County maintains a coordinated public health and safety program to address hazardous waste spills. Providers have expressed a concern that increased rail activities that will result from the merger will increase the probability of a toxic spill and stretch the capacity of Placer hazardous materials professionals. The following mitigations are proposed to address these issues.

- JOINT PLACER COUNTY AND UNION PACIFIC HAZARDOUS WASTE SAFETY NEEDS ANALYSIS. Union Pacific should conduct a joint hazardous waste safety equipment and training needs analysis with Placer emergency service providers. This analysis will review (1) existing hazardous waste safety programs;
 (2) equipment and training programs need to respond to potential accidents resulting from increased rail activity, and (3) a funding strategy for the program.
- HAZARDOUS MATERIALS TRAINING EQUIPMENT. If supported by the needs analysis, Union Pacific should provide an annual financial contribution (plus inflation) to each hazardous materials response team to defer 30% of the costs (physical examinations, pagers, annual training, equipment, suits, monitor maintenance) necessary to maintain 50 bazardous materials technicians/specialists necessary to deal with rail car emergencies

This program will augment the three existing hazardous materials response teams by providing and maintaining rail emergency response equipment including: dome kits, plugging and patching equipment, gaskets and discs, booms, and other equipment Union Pacific/Southern Pacific deems necessary to mitigate incidents. The support equipment will have a one-time charge of \$24,382. An annual contribution including costs of training and per diem for 6 personnel to a Colorado training facility is estimated at \$12,518.

- **TRANSPORTATION CACHES**. If supported by the needs analysis, Union Pacific should provide and maintain transportable caches, containers, or vehicle-based response equipment at Alta and North Tahoe/Donner Summit. This equipment will have a one-time cost of \$11,850.
- FOAM TRAILER. If supported by the needs analysis, Union Pacific should provide an approved foam trailer, foam, and nozzles appropriate for tank car emergencies. These have a one-time cost of \$30,000.
- UNION PACIFIC RESPONSE CAPABILITY. If supported by the need analysis, Union Pacific should maintain existing Southern Pacific response capability at the Roseville facility for immediate response to Roseville and to other areas of the County.
- EMERGENCY MEDICAL SERVICES. The recently discussed use of a single line for rail traffic in both directions involving freight and passenger trains increases the potential for a major collision involving multiple casualties. If supported by a needs analysis, Union Pacific should provide three caches of emergency medical and trauma supplies capable of handling a minimum of 50 casualties. These services will have a one time cost of \$15,000. Union Pacific should work with the Placer emergency community: (1) to review the material and training needs identified above; and (2) to review the funding potential of this request.

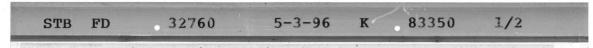
Respectfully submitted,

PLACER COUNTY COUNSEL

arde By

GERALD O. CARDEN Senior Deputy County Counsel

DATED: May 3, 1996.



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KECK, MAHIN & CATE

FILE NUMBER

DIRECT DIAL

789-8931

May 3, 1996

Ms. Elaine K. Kaiser Chief, Section of Environmental Analysis Surface Transportation Board 1201 Constitution Ave., N.W. Washington, D.C. 20423

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

Dear Ms. Kaiser:

Enclosed are an original and 10 copies of the Comment on the Preliminary Draft Environmental Assessment (served April 12, 1996, submitted on behalf of the City of Reno.

A copy of this letter is also being filed with Vernon A. Williams, Secretary of the Surface Transportation Board.

A disk of this material is available if you desire.

Very truly yours,

Paula. Lamboley

PHL/dph Enclosures

cc: Hon. Vernon A. Williams

ENTERED Office of the Secretary	7,
MAY 1 0 1996	;
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A LAW PARTNERSHIP INCLUDIE & PROFESSIONAL CORPORATIONS

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RENO-5

United States of America

Before the

SURFACE TRANSPORTATION FOARD

F.D. NO. 32760

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

COMMENTS

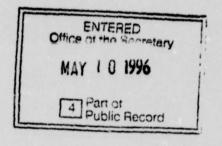
ON

PRELIMINARY DRAFT ENVIRONMENTAL ASSESSMENT

(served April 12, 1996)

BY

CITY OF RENO



Dated: May 3, 1996

Paul H. Lamboley Keck, Mahin & Cate 1201 New York Ave., N.W. Washington, D.C. 20005 Phone: (202) 789-8931 Fax: (202) 789-1158

Patricia A. Lynch City Attorney Michael K. Halley Deputy City Attorney Reno City Hall 490 So. Center Street Room 204 Reno, NV 89501 Phone (702) 334-2050

Counsel for City of Reno

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COMMENTS ON PRELIMINARY DRAFT ENVIRONMENTAL ASSESSMENT (PDEA), served APRIL 12, 1996

The City of Reno submits comment on the Preliminary Draft Environmental Assessment (PDEA), served April 12, 1996, in two Parts: Part A contains general comments on the process and substance of the PDEA, and Part B contains specific comments on the PDEA and those portions related to the City of Reno, and the Reno/ Sparks/Truckee Meadows Basin.

The conclusion of these comments is that because of inadequacies both in process and substance regarding the investigation, evaluation and mitigation of the adverse environmental consequences of the reilroad merger proposed by the applicants, an environmental impact statement (EIS), rather than an environmental assessment (EA) is required for the City of Reno and the Reno/Sparks/Truckee Meadows Basin.

The City of Reno strongly disagrees with the PDEA's FONSI conclusion that "as currently proposed, the proposed merger and related construction and abandonment proposals would not significantly affect the quality of the human environment." The City also strongly disagrees with the PDEA's implication that adequate, viable mitigation of the demonstrable adverse environmental consequences have been evaluated as required.

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Part A

An environmental impact statement (EIS) is not merely more appropriate than an environmental assessment (EA), it is required in the circumstances of this case.

1. Governing Policies and Principles.

As the preliminary draft environmental assessment (PDEA) recognizes, the National Environmental Policy Act (NEPA), 42 U.S.C. \$\$ 4321 et seq., and regulations issued thereunder, notably 40 C.F.R. Parts 1500-1508, provide governing policies and principles for evaluation and remediation of environmental consequences of any major Federal action, such as the regulatory approval of the railroad control and merger transaction here proposed by the application filed November 30, 1995 before the Interstate Commerce Commission (ICC).

The ICC Termination Act of 1995 (ICCTA), PL 104-88, 109 Stat. 803, effective January 1, 1996, abolished the ICC and established the Surface Transportation Board (STB or Board) as well as its jurisdiction over railroad merger approval functions. The Board was also authorized to continue ICC regulations applicable to the regulatory functions retained in the Board.

As a result of ICCTA, the STB is the lead agency for regulatory approval of the rail merger proposed. The regulations in 49 C.F.R. Part 1105, <u>Procedures for Implementation of</u> <u>Environmental Laws</u>, represent the lead agency's protocol to ensure compliance with its responsibilities under NEPA.

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The STB regulations in turn impose obligations on an applicant seeking regulatory approval to initially provide an environmental report (ER) sufficient to inform the agency and the public of the proposed action, the environmental consequences of the proposal, and present appropriate mitigation measures. 49 CFR 1105.7.

NEPA calls for an environmental impact assessment (EIS) to be made in any case involving a "major Federal action". 42 U.S.C. 4332 (2)(C). The Act requires an EIS to enable the government and public to take a "hard look" 3% the environmental consequences of any such action. The "hard look" requirement is a reasonable yet dynamic, continuing investigatory obligation, not a static, snapshot-in-time process. 42 USC §4331; 40 CFR 1502.9(c). NEPA encourages application of environmental policies early in the regulatory process. 40 CFR 1501.2. The hallmark of the policy and its process is one of inclusion - opening the process to cooperating governmental agencies and public interests. The "scoping" process is a particularly useful vehicle for this purpose. 40 CFR 1501.7.

2. Procedural and Substantive Inadequacies of PDEA.

At this juncture in proceedings before the Board, the process and substance, as evidenced by the PDEA, is seriously flawed. The only remedy as it relates to the City of Reno and surrounding region is preparation of an EIS.

(a) Procedural failures Requires EIS

The procedural failures not only begin with the applicants, they continue to be compounded by the applicants.

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Any fair reading of the November 30, 1995 environmental report (ER) accompanying the application demonstrates applicants' failure to comply with 49 CFR 1105.7. The applicants' ER discusses and dismisses most environmental consequences, burying them in a "systemwide" analysis or an "offsetting" fashion. The ER otherwise fails to provide sufficient details about issues in areas where applicants had reason to know that adverse environmental impact thresholds would be exceeded. The ER provides no information concerning hazardous materials.

The applicants have served the Reno/Sparks/Truckee Meadows Basin for decades. They are well familiar with the high desert environment of the basin, the delicate water supply and watershed, noise and air quality issues, atmospheric and climatic concerns. The applicants were surely aware of the public health and safety issues as a result of the known density of resident and tourist pedestrian and vehicular traffic that traverse 10 of the 15 at grade rail crossing in Reno's 24-hour downtown environment.

Although the City of Reno was not initially noticed or included in the environmental investigatory process until the City itself became a party before the Board, the applicants actively solicited support included in their application from interests throughout the Reno/Sparks/Truckee Meadows area.¹

¹ In addition to failure to notify the City of Reno of environmental consequences, the applicants did not attempt to notify the City of Sparks or the Tribal Council of the Reno-Sparks Indian Colony.

After becoming a party January 16, 1996, and reviewing the application, including the BNSF trackage rights agreement and the BNSF comments filed December 29, 1995, the substantial adverse impacts to the public health and safety of the City and its citizens as a result of the proposed post-merger rail operations became evident.

On February 16, 1966, the City wrote to the SEA unit of the Board inquiring why a required environmental report (ER) was not filed regarding the BNSF agreement. On March 5, 1996 the SEA wrote to advise the applicants to file an environmental assessment (EA) regarding the BNSF agreement by March 29, 1996, the same date the City and other public comments were due on the application. Obviously, the City and other public comments could not then address the supplemental BNSF-related environmental report (ER) simultaneously filed. The City's request for extension of time beyond March 29 in which to comment was opposed by the applicants and ultimately denied by the Board. Decision No. 21, (served March 20, 1996).²

An ER accurately reporting the post-merger rail traffic anticipated on the line segment through the City of Reno is an obviously critical, material element in this case. Train frequency not only benchmarks environmental thresholds but also forms the basis for calculations in the evaluation of certain impacts.

² It is noteworthy that while the PDEA does not include any of the information provided by the City of Reno in its March 29 comments, the PDEA does include that of applicants in their supplemental ER information filed March 29.

Not only did the applicants fail to project train frequencies in their November 29, 1995 filing, their subsequent March 29, 1996 filing argues that the BNSF Agreement has little environmental impact and was factored in originally. The applicants "estimates" of trains per day frequency has continually increased.³

Now in rebuttal comments filed April 29, applicants finally acknowledge that BNSF would run at least 2-5 <u>loaded</u> trains per day. See Vol. 2 and 3, RVS Ongerth and Peterson. Peterson notes that "in late April" applicants agreed to give BNSF new trackage rights that "will further improve BN/Santa Fe's Central Corridor operations, allowing much faster and more direct movement of trains from the Donner Pass line to Stockton." Peterson also points out that "BN/Santa Fe's new Chicago-Richmond/Oakland and Chicago-Stockton intermodal trains will allow it to take pressure off its busy Southern corridor main line and provide new single line service to important intermodal locations enroute at Reno, Salt Lake City, Denver and Omaha." RVS Peterson at 148, n.54.

BNSF's own December 1995 filing had stated its intention to operate not less than 6 through trains per day over the Central Corridor Donner Pass. BNSF-1, VS Owen.

The applicants have consistently attempted to hide the ball and mislead the Board and the SEA. For environmental purposes the applicants minimize the BNSF agreement but for competitive purposes

The original filing based on 1994 in volume 3 (Operating Plan) projected a 20 train per day frequency in Reno, in Volume 6 (Environmental Report) 22.6 train per day were projected, and on March 29, 1996, 25.1 trains per day were projected.

the applicants emphasize there will be significant competition for traffic in the Central Corridor as a result of the BNSF agreement. Surely a two BNSF trains per day frequency for environmental purposes does not support a claim of vigorous competition in the Central Corridor over Donner Pass for competitive purposes.

But while the applicants may have mislead the Board, the procedures adopted by the Board itself in these proceedings also compromise the adequacy of the NEPA investigatory process.

The Board's expedited procedural schedule, combined with the lack of early notice reasonably designed to include those who would be impacted, results in a failed process - a process that does not comply with NEPA requirements or Board regulations. The only remedy for such procedural failing now must be the preparation of an EIS for the City of Reno and the Reno/Sparks/Truckee Meadows Basin.⁴

(b) Substantive Failures Require EIS.

As noted, NEPA anticipates preparation of an EIS in all major Federal actions. NEPA regulations provide guidance regarding when to prepare an EA in contrast to an EIS. CF. 40 CFR 1501.3 and 1501.4. In each instance, lead agency regulations that comply with NEPA are a reference point.

⁴ The proposed transaction has both national and local environmental consequences. Notice and investigatory procedures employed should have contemplated both levels. 40 CFR 1506.6. Geographic site or region specific EIS evaluations are appropriate. 40 CFR 1502.4(C)(1).

In proceedings before the Board, the regulations in Part 1105 provide "determinative criteria" and "classification of actions" for EA and EIS purposes. See 49 CFR 1105.5 and 1105.6.

Section 1105.6(b)(4) notes that an EA will normally be prepared for "(i) operational changes that would exceed the thresholds established in Sections 1105.7(e)(4) or (5); or (ii) an action that would normally require an environmental documentation." (Environmental thresholds for air and noise in Sections 1105.7(e)(4) and (5) are obviously exceeded for the City of Reno, and the Reno/Sparks/Truckee Meadows Basin).

Section 1105.6(d) further provides that "for actions generally requiring an EA, the Commission may prepare a full EIS where the probability of significant impacts from particular proposal is high enough to warrant an EIS."

Such is precisely the case for the City of Reno and the Reno/Sparks/Truckee Meadow Basin as the discussion in Part B specifically demonstrates regarding various NEPA elements.⁵

The NEPA regulations encourage utilizing an EA (here a PDEA) to determine the appropriateness of preparation of an EIS particularly if "the nature of the action proposed is one without precedent." 40 CFR 1501.4(c) and (e). The proposed UP/SP merger transaction with the companion BNSF trackage rights agreement is without precedent in scale, scope or impact.

⁵ For NEPA-related definitions of "cumulative impact" see 49 CFR 1508.7, for "effects" - Section 1508.8, of "human environment"-1508.14, or "significantly" - 1508.27 and of "mitigation" - 1508.20.

At present only an EIS for the City of Reno and the Reno/Sparks Truckee Meadows Basin will satisfy the policy, purpose and mandate of NEPA, 49 USC 4332, and its regulations, 40 CFR 1500.1-.3. As pointed out NEPA regulations encourage EIS evaluations "geographically," 40 CFR 1502(c)(1) with an appropriate "scope", and "tiering". Sections 1508.25 and 1508.28. Undoubtedly, an EIS for the City of Reno and the Reno/Sparks/ Truckee Meadows Basin fits well within the NEPA policy, purposes and mandate.

Comparison of the content of an EA with an EIS demonstrates that only an EIS for the City of Reno and the Reno/Sparks/Truckee Meadows Basin will contain the requisite "full and fair discussion of significant environmental impacts" necessary to sufficiently "inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of human environment." 49 CFR 1502.1.

The PDEA, as presently drafted, is mainly built upon the applicants' ER and is little more than a "disclosure document"- not an action-forcing device to ensure that NEPA policies are infused into the process. The procedural failures to date have resulted in a substantive "notice only" approach. Part B contains analysis and discussion of the critical portions specific to the City of Reno, and is testimony to the deficiencies of the PDEA process to date.

Given the inadequacy of procedures, the resultant conflict of material fact, and the crucial absence of discussion of mitigation central to the case, it would be unreasonable not to undertake EIS procedures. This is especially true when significant environmental impact thresholds have been exceeded, as they have been in the City of Reno and the Reno/Sparks/Truckee Meadow Basin by the proposed action, and there have been no mitigation proposals offered by the applicants nor critically evaluated by discussions in the PDEA. Only by an EIS will the Board satisfy substantive compliance with NEPA requirements. 40 CFR Part 1507.

In addition, as lead agency, the Board must necessarily coordinate with other agencies which have special expertise and by law are authorized to develop or enforce environmental, public health and safety requirements. 40 CFR 1501.5-.6 and 1508.26. Such other agencies are Federal and state Environmental Protection Agencies and Federal Railroad Administration (FRA). A systematic, interdisciplinary approach that ensures integration of natural and social sciences and environmental design arts is mandatory. 42 USC 4332(2)(A).

Moreover, based upon the PDEA presentation it would be unreasonable to make a "finding of no significant environmental impact" (FONSI) for the City of Reno or the Reno/Sparks/Truckee Meadows Basin. The PDEA is not a concise document that contains sufficient information for determining whether to make a finding of no significant environmental impact. 49 CFR 1105.4(d) and 40 CFR 1508.9(a)(1). Accordingly, it would be unreasonable to do so, or to have done so in this instance.

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3. <u>Conclusion</u>

Under NEPA and Board policies an EIS is now required for the City of Reno and the Renc/Sparks/Truckee Meadows Basin. For reasons detailed in Part B the PDEA process and product to-date fails the basic NEPA responsibility to provide a detailed statement on:

- the environmental impact of the proposed action,
- any adverse environmental effects which cannot be avoided should the proposal be implemented,
- alternatives to the proposed action,
- the relationship between local short-term uses of man's environment and the maintenance enhancement of longterm productivity
- any reversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented; or
 - study, development and description of appropriate alternatives to recommend in courses of action in any proposal which involves unresolved conflicts concerning alternative use of available resources.

42 USC 4332(2)(C) and (E).

Respectfully submitted May 3, 1996.

Ev Paul H. Lamboley KECK, MAHIN & CATE 1201 New York Ave., N.W. Suite PH Washington, D.C. 2005-3919

- 12 -

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing Comment of the City of Reno (RENO-5) on Arvid E. Roach, II and Paul A. Cunningham, Esq. by messenger and on all other parties of record on the service list in this proceeding by first class mail, postage prepaid, this 3rd day of May 1996.

Lamboley

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.

VERIFIED STATEMENT OF COLLEEN BATHKER

My Name is Colleen Bathker. I am a NEPA documentation project manager in the State of Nevada. I am currently a Project Manager with Summit Envirosolutions, Inc. and maintain offices at 1475 Terminal Way, 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 the Environmental Assessment 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:

Summit Envirosolutions Inc., Reno, Nevada. which serves as the prime consultant, providing NEPA and technical information concerning infrastructure projects.

WESTEC Inc., Reno, Nevada, provides NEPA compliance and engineering services through Eric J. Ruby, Principal Environmental Planner, with specific emphasis on NEPA conformance and noise/air quality assessment.

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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.

The attached document entitled, "City of Reno Comment Document, Environmental Assessment" dated May 1, 1996 was a joint and 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 hereto are incorporated herein for the purpose of this statement.

Respectfully Submitted,

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VERIFICATION

I, Colleen Bathker, 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 May 1, 1996.

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PROFESSIONAL PROFILE

COLLEEN BATHKER Project Manager

Professional Summary

Ms. Bathker has over twelve years of experience managing, preparing, and processing environmental documentation pursuant to the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), and other state environmental guidelines. In addition, Ms. Bathker has extensive data acquisition and analysis skills, enabling her to effectively document the issues and impacts of controversial projects.

Professional Experience

- o Managed and prepared a detailed environmental assessment analyzing the issues associated with construction, operation, and maintenance of a large natural gas pipeline traversing the Las Vegas Valley in Southern Nevada. This project involved coordination with the Federal Energy Regulatory Commission, Bureau of Land Management, Fish and Wildlife Service, State of Nevada Public Service Commission, and several local jurisdictions.
- o Managed and prepared environmental documentation associated with construction, operation, and maintenance of several natural gas pipeline projects traversing portions of the Lake Tahoe Basin, and the Washoe and Carson Valleys in Northern Nevada. Major issues associated with these projects included quantifying impacts to sensitive biological, wetland, and cultural resources as well as preparing successful erosion control and revegetation plans to mitigate all identified impacts.
- o Prepared a Mine Environmental Handbook for the employees at a major gold mine located in Eastern Nevada. The handbook provides useful information about federal and state policies and laws, as well as site-specific instructions to follow to avoid adversely impacting sensitive natural and environmental resources.
- Managed and coordinated the State of Nevada's Natural Resources Plan on behalf of the Department of Conservation and Natural Resources. Began inventory of the state's natural and environmental resources, compiled and evaluated existing policies pertaining to managing natural resources, and evaluated resource degradation and depletion issues.



- Managed, prepared, and processed environmental impact reports, environmental notices, and other specialized planning studies in Southern California. Coordinated the efforts of technical sub-consultants, assistant planners, graphic technicians, and support staff for a variety of projects involving residential and commercial uses.
- o Managed and prepared environmental documentation and conducted permitting associated with a diverse range of development projects including mining operations, water-related infrastructure, and industrial facilities located in Northern California.
- Prepared environmental documentation analyzing issues associated with development of two mines (gold and copper) located on the western slope of the Sierra Nevada.
- o Prepared environmental documentation analyzing the impacts associated with development of storage tanks, pumping facilities, and transmission pipelines located in an environmentally sensitive area of Northern California for a large irrigation district.

Education

o B.S. Environmental Planning California Polytechnic State University, Pomona, California

Professional Affiliations

- Nevada Water Resources Association
- o Association of Environmental Professionals

Continuing Education/Specialized Training

- o Completed various Environmental and Landscape Architecture courses offered by the University of California, Irvine.
- o Successfully completed a Project Development and Environmental Documentation Course offered by the Federal Highway Administration.



MARK A. DEMUTH, M.Ed. Principal MADCON Consultation Services

Project Report Production Environmental Document Preparation Technical Editing/Writing Administrative Management & Training

SUMMARY OF PROFESSIONAL EXPERTISE

Mr. Demuth has 9 years of experience providing document production consultation, training, support, and service to geotechnical, civil enginaering, environmental, and archaeological firms. He has produced baseline study documents, bibliographies, cultural resource documents, environmental assessments (EAs), environmental impact reports (EIRs), environmental impact statements (EISs), evidentiary and due diligence documentation, permits and permitting, plans of operations, safety documents, siting proposals, specifications for subcontractors, and storm water pollution prevention plans. Mr. Demuth's practical knowledge stems from his experience in the field as a project manager/environmental compliance consultant supervising exploration drilling, condemnation drilling, water exploration and production drilling, preconstruction, and construction at a heap leach gold facility on the Carlin trend.

EDUCATION

University of Nevada - Reno, M.S. in Environmental and Natural Resource Science, in progress Vanderbilt University, M.Ed. in Education, 1984 Kent State University, B.S. in Education, 1983

PROFESSIONAL HISTORY

MADCON Consultation Services, Reno, Nevada, Principal, 1988 - Present

Resource Concepts, Inc., Carson Lity, Nevada, Data Services Manager, 1987

Nebraska Department of Education, Lincoln, Nebraska, Consultant for Data Services & Educational Consultant, 1984 - 1986

George Peabody College, Vanderbilt University, Research Specialist, 1983 - 1984

SUMMARY OF EXPERIENCE

Bodie Mine Project, Environmental Impact Report - Drilling Program, Bodie, California

Bodie Project, Class III Cultural Resource Inventory - Historic and Prehistoric Resources, Bodie, California Buffalo Gulch Project, Environmental Impact Statement Specifications for Subcontractors, Idaho

CR Briggs Corporation - Briggs Project, Final Environmental Quality Assurance/Compliance Plan/Handbook, Inyo County, California

CR Briggs Corporation - Briggs Project, Safety Manual and Injury and Illness Prevention Program, Inyo County, California



CR Briggs Corporation - Briggs Project, Storm Water Pollution Prevention Plan (SWPPP) for Construction Activities, Inyo County, California Cripple Creek Cresson Project: Class III Cultural Resource Inventory of 6,882 Recorded Features, Teller County Colorado Fortune Cookie Placer Mine Project, Operating Permits, Pershing County, Nevada Fortune Cookie Placer Mine Project, Plan of Operations, Pershing County, Nevada Hayden Hill Mine Project, Data Recovery Report, Lassen County, California Hayden Hill Mine Project, Cultural Resources Section of Draft Environmental Impact Report (EIR), Lassen County, California Ivanhoe Gold Mine, Draft Amended Environmental Assessment - Drilling Program, Winnemucca, Nevada Ivanhoe Gold Mine, Environmental Assessment - Drilling Program, Winnemucca, Nevada Ivanhoe Gold Mine, Environmental Assessment - Mine Plan, Winnemucca, Nevada Ivanhoe Gold Mine, Production Water Program, Winnemucca, Nevada Ivanhoe Gold Mine, Water Rights Permitting Program, Winnemucca, Nevada Lower Olinghouse Placer Mine Project, Plan of Operations, Washoe County, Nevada Lower Olinghouse Placer Mine Project, Zero Discharge Permit, Washoe County, Nevada Midas Bar and Pack Station, Water Rights Permits and Discovery, Midas Nevada Quartz Mountain Gold Project, Baseline Studies Document, Lakeview, Oregon Quartz Mountain Gold Project, Draft Environmental Impact Statement, Lakeview, Oregon Riepetown: A Data Recovery Report for the Historic Townsite of Riepetown, White Pine County Nevada Robinson Mine Project, Class III Cultural Resource Inventory of the Historic Townsite of Rieptown, White Pine County, Nevada Robinson Mine Project, Site Synopsis for Cultural Resources Section of Environmental Impact Statement (EIS), White Pine County Nevada Robinson Mine Project, Data Recovery Plan of the Historic Townsite of Rieptown, White Pine County, Nevada Round Mountain Mine Project, Cultural Resources Section of Draft Environmental Impact Statement (EIS), Nye County, Nevada San Juan Ridge Mine Environmental Impact Report, Nevada County, California Sierra Lakes Village Environmental Impact Report, Yuba County, California Sleeper Mine, Class III Cultural Resources Inventory, Winnemucca, Nevada Twin Creeks Mine Project, Storm Water Pollution Prevention Plan (SWPPP) for Industrial Activities, Humboldt County, Nevada Undisclosed Client, Leach Pad Damage Documentation, Colorado Undisclosed Client, Pre-feasibility Environmental Due Diligence, Southern California Wind Mountain Mine, Class III Cultural Resources Evaluation, Empire, Nevada Yucca Mountain Nuclear Waste Project, The Southern and Central Great Basin; Southern Paiute and Eastern

Shoshone Bibliography: 1969 - 1990, Clark, Lincoln, and Nye Counties, Nevada

SELECTED RELEVANT EXPERIENCE

BASELINE STUDIES DOCUMENTS

Quartz Mountain Gold Project, Baseline Studies Document, Lakeview, Oregon: Managed collection and integration of 13 subcontracted discipline sections of Proponent's Comprehensive Baseline Study for proposed mine on Fremont National Forest in Oregon. Work performed for Steffen Robertson & Kirsten and Galactic Services, Inc. (GSI), and the U.S.D.A. - Forest Service - Fremont National Forest.

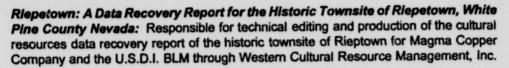


BIBLIOGRAPHIES

Yucca Mountain Nuclear Waste Project, The Southern and Central Great Basin; Southern Palute and Eastern Shoshone Bibliography: 1969 - 1990, Clark, Lincoln, and Nye Counties, Nevada: Performed editing, formatting, and word processing for compilation of 1,057 abstracted and indexed bibliographical citations for Mary K. Rusco and the Nevada Nuclear Waste Project Office.

CULTURAL RESOURCE INVENTORIES, EVALUATIONS, & DATA RECOVERY REPORTS

Cripple Creek Cresson Project: Class III Cultural Resource Inventory of 6,882 Recorded Features, Teller County Colorado: Responsible for technical editing and document production of 13 Class III Cultural Resource Inventories from the field and the final documentation production of 110,000 pages of site and feature forms, photography pages, and site specific maps of the Cripple Creek Historic Mining District for Independence Mining Company and the U.S.D.I. Bureau of Land Management (BLM) through Western Cultural Resource Management, Inc.





Robinson Mine Project, Data Recovery Plan of the Historic Townsite of Rieptown, White Pine County, Nevada: Responsible for technical editing and production of the cultural resources data recovery plan of the historic townsite of Rieptown for Magma Copper Company and the U.S.D.I. Bureau of Land Management (BLM) through Western Cultural Resource Management, Inc.

Robinson Mine Project, Class III Cultural Resource Inventory of the Historic Townsite of Rieptown, White Pine County, Nevada: Responsible for technical editing and production of the cultural resources evaluation of the historic townsite of Rieptown for Magma Copper Company and the U.S.D.I. BLM through Western Cultural Resource Management, Inc. with contributions by Woodward-Clyde Consulting.



Hayden Hill Mine Project, Data Recovery Report, Lassen County, California: Responsible for technical editing and production of the cultural resources data recovery report of the Hayden Hill Mine Project for Amax Resource Conservation Company, Lassen Gold Mining, Inc., and the U.S.D.I. BLM through Western Cultural Resource Management, Inc.

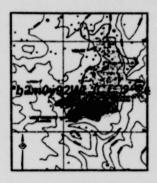
Bodie Project, Class III Cultural Resource Inventory - Historic and Prehistoric Resources, Bodie, California: Managed the document editing (576 pages of text), formatting, and production of the 24-volume historic and prehistoric reports and appendices for Western Cultural Resource Management, Inc. and Bodie Consolidated Mining Company.

Sleeper Mine, Class III Cultural Resources Inventory, Winnemucca, Nevada: Responsible for technical editing and document production of the Class III Cultural Resource Inventory of the Sleeper Mine Wetlands Enhancement Project for Nevada Gold Mining, Inc. and Amax Gold Inc. through Western Cultural Resource Management, Inc.

Wind Mountain Mine, Class III Cultural Resources Evaluation, Empire, Nevada: Responsible for technical editing and production of the cultural resources evaluation within the proposed amendment to the Wind Mountain Mine for Wind Mountain Mining, Inc. and Amax Gold Inc. through Western Cultural Resource Management, Inc.



ENVIRONMENTAL ASSESSMENTS



Ivanhoe Gold Mine, Draft Amended Environmental Assessment - Drilling Program, Winnemucca, Nevada: Managed and prepared draft amended EA for a 1,500-acre exploratory drilling program located 90 miles north of Winnemucca, Nevada. Administered subcontractors' work on cultural resources, topography, soils, vegetation, wildlife, and unique and other biotic resources sections. Work performed for Ivanhoe poet of U.S.D.I. BLM, Elko Resource Area.

Ivanhoe Gold Mine, Environmental Assessment - Drilling Program, Winnemucca, Nevada: Managed and prepared EA for an exploratory drilling program, located 90 miles north of Winnemucca, Nevada. Appropriate mitigation actions were developed for all impacts. The major element in the EA was the cultural resources of the Tosawihi Quarries 26EK3032. Work performed for Touchstone Resources Company.

Ivanhoe Gold Mine, Environmental Assessment - Mine Plan, Winnemucca, Nevada: Conducted comprehensive review and technical edit of plan of operation and third-party EA for Galactic Services, Inc. and U.S.D.I. BLM, Elko Resource Area. All phases of the EA were completed and approved by the BLM.

Coyote Spring Valley/Garfield Flat Florida Land Exchange, Draft Environmental Assessment, Southern Nevada: While previously employed, Mr. Demuth provided editing and document and graphics production of an EA that addressed the ramifications of exchanging 45,000 acres of BLM-administered lands in southern Nevada for 4,500 acres of privately owned lands situated in the Everglades of Florida for Aerojet Nevada and U.S.D.I. BLM through Resource Concepts, Inc. The EA was prepared as a supportive document presented before Congress.

Crofoot Mine, Environmental Assessment, Humboldt County, Nevada: While previously employed, Mr. Demuth provided editing and document and graphics production of a third-party EA for a gold mine and heap leach recovery process in Humboldt County, Nevada, for Hycroft Resources and U.S.D.I. BLM, Winnemucca District, through Resource Concepts, Inc.

Laughlin Golf Course Project, Environmental Assessment, Laughlin, Nevada: While previously employed, Mr. Demuth provided editing and document and graphics production of a third-party EA regarding a proposed 18-hole golf course and outdoor recreation facility in Laughlin, Nevada, for Laughlin Community Recreational Center, Inc, through Resource Concepts, Inc.

Grantsville Mine, Environmental Assessment, Nye County, Nevada: While previously employed, Mr. Demuth provided editing and document and graphics production of a third-party EA for a silver mine and heap leach recovery process in Nye County, Nevada, for Fury Explorations and U.S.D.A - Forest Service - Austin District, through Resource Concepts, Inc.

ENVIRONMENTAL IMPACT REPORTS

Slerra Lakes Village Environmental Impact Report, Yuba County, California: Responsible for technical editing and document production of an environmental impact report and mitigation monitoring program for the 1,400-acre Sierra Lakes Village Specific Plan (proposed project includes 1,240 acres of residential, commercial, recreational and open space uses as well as a 160-acre copper mine) for Welsh Engineering Science & Technology, Inc.

San Juar: Ridge Mine Environmental Impact Report, Nevada County, California: Responsible for technical editing and document production of an environmental impact report which analyses the environmental impacts associated with development of a 162-acre underground gold mine situated in Nevada County for Welsh Engineering Science & Technology, Inc.



Hayden Hill Mine Project, Cultural Resources Section of Draft Environmental Impact Report (EIR), Lassen County, California: Responsible for technical editing and document production of the cultural resource section to the Hayden Hill screencheck draft EIR for Hayden Hill Operating Company, Inc. through Western Cultural Resource Management, Inc.

Bodie Mine Project, Environmental Impact Report - Drilling Program, Bodie, California: Responsible for technical editing, document production, and graphics for screen check draft and draft environmental impact report (EIR) prepared by Bodie Consolidated Mining Company and their technical team composed of regional experts in eleven different resource fields.

Bijou Park and Golf Course, Environmental Impact Report and Statement, South Lake Tahoe, California: Provided editing and document and graphics production of a third-party environmental impact report/ environmental impact statement for the City of South Lake Tahoe, California, and the Tahoe Regional Planning Agency (TRPA).

ENVIRONMENTAL IMPACT STATEMENTS

Round Mountain Mine Project, Cultural Resources Section of Draft Environmental Impact Statement (EIS), Nye County, Nevada: Responsible for writing and technical editing of the preliminary draft cultural resource section to the Round Mountain EIS for the third party EIS consultant through Western Cultural Resource Management, Inc.

Robinson Mine Project, Cultural Resources Section of Environmental Impact Statement (EIS), White Pine County Nevada: Responsible for writing and technical editing of site synopsis for the cultural resource section to the Magma Robinson Project EIS for Magma Copper Company and the U.S.D.I. BLM through Western Cultural Resource Management, Inc.

Quartz Mountain Gold Project, Draft Environmental Impact Statement, Lakeview, Oregon: Managed collection and integration of 13 subcontracted discipline sections for U.S.D.A. Forest Service Preliminary EIS for proposed mine on Fremont National Forest in Oregon. Coordinated with Forest Service Interdisciplinary team to assure NEPA compliance and consistency throughout document production. Work performed for Galactic Services, Inc. and the U.S.D.A. - Forest Service - Fremont National Forest.

Sherwin Ski Area, Draft Environmental Impact Statement, Mammoth Lakes, California: Provided editing and document and graphics production of a third-party draft environmental impact statement on the Sherwin Ski Area near the Town of Mammoth Lakes, Mono County, California, for U.S.D.A. - Forest Service - Inyo National Forest.

EVIDENTIARY AND DUE DILIGENCE DOCUMENTATION

Undisclosed Client, Pre-feasibility Environmental Due Diligence, Southern California: Conducted privileged and confidential pre-feasibility environmental due diligence work prepared at request of council for a major mining corporation in southern California.

Undisclosed Client, Leach Pad Damage Documentation, Colorado: Researched and compiled a pictorial history of a catastrophic heap leach pad (HLP) construction failure at a large gold mine site surrounded by Rio Grande National Forest land in Colorado. Exhibits consisted of the HLP liner as-built prior to failure, final perimeter of new HLP liner, repaired and replaced HLP liner, repair areas of HLP liner, and ore on HLP prior to failure.





MANAGEMENT

Western Cultural Resource Management, Inc. (WCRM) Consulted for WCRM on a retained 21 month contract, including technical editing/writing, archaeological document preparation, document production/publication consulting, administrative services management/supervision, word processing support services, and WordPerfect training.

Autumn Productions, Inc., Corporate Management, Reno, Nevada: MADCON continues to provide business management services to API. All aspects of corporate management including day to day operation, purchasing, and distribution of their product is handled by MADCON.

Welsh Engineering Science & Technology, Inc. (WESTEC), Administrative Services, Reno, Nevada: Consulted for WESTEC on a retained one year contract, including technical editing/writing, environmental document preparation, document production/publication consulting, administrative services management/supervision, word processing/drafting support services, and WordPerfect training.

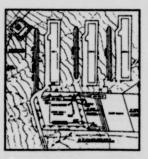
Ivanhoe Gold Mine, Production Water Program, Winnemucca, Nevada: Managed \$1.3 million production water procurement project during the preconstruction and construction of the Ivanhoe Gold Mine. Accountable directly to mine manager of Ivanhoe Gold Company and responsible for the exploration, drilling and production of five water wells. The three-phase program consisted of completion of existing drilled production wells with production pumps; contract design of pipeline, storage tanks, and delivery system; production drilling of two additional water wells; airlift pump testing; equipping with pumps and totalizing meters; and initiating and administering an exploration drill program of more than 10,000 feet of borehole in search of water for future needs.

PERMITS & PERMITTING

CR Briggs Corporation - Briggs Project, Final Environmental Quality Assurance/Compliance Plan/Handbook, Inyo County, California: Managed and prepared compilation of the mitigation and reclamation requirements for the construction, extraction, processing, closure, and reclamation of the CR Briggs Corporation - Briggs Project. This easy and quick reference is further intended to be a short summary of the project, the benefits derived from the project, and the way the project is to look upon completion of mining and reclamation. The U.S.D.I. BLM - Ridgecrest Resource Area and County of Inyo requirements are shown in detail, and respective inspection and enforcement responsibilities are indicated.

Fortune Cookie Placer Mine Project, Operating Permits, Pershing County, Nevada: Managed and prepared zero discharge permit monitoring plan, application for a water pollution control permit, application for air quality permit to construct/operating permit, and application for NDOW industrial artificial pond permit for East West Minerals Inc. and Nevada Department of Environmental Protection.

Lower Olinghouse Placer Mine Project, Zero Discharge Permit, Washoe County, Nevada: Managed and completed zero discharge permit monitoring plan and application for a water pollution control permit for New Gold Inc. and Nevada Department of Environmental Protection.



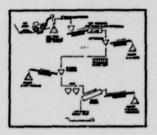
Ivanhoe Gold Mine, Water Rights Permitting Program, Winnemucca, Nevada: Managed the permitting strategy for 331.2 million-gallon water rights program for production water for Ivanhoe Gold Mine.

Midas Bar and Pack Station, Water Rights Permits, Midas Nevada: Completed work on all water rights permitting and support documentation for BLM right-of-way for water supply for Midas Bar & Pack Station and



discovery work related to law suit against semi-municipal water supply for Midas, Nevada, on behalf of Les and Bev Matson.

PLANS OF OPERATIONS



Fortune Cookie Placer Mine Project, Plan of Operations, Pershing County, Nevada: Managed and prepared a pian of operations for the Fortune Cookie Placer Mine Project for East West Minerals Inc. and Nevada Department of Environmental Protection.

Lower Olinghouse Placer Mine Project, Plan of Operations, Washoe County, Nevada: Managed and prepared a plan of operations for the Olinghouse Placer Mine Project for New Gold Inc. and Nevada Department of Environmental Protection.

SAFETY DOCUMENTS

CR Briggs Corporation - Briggs Project, Safety Manual and Injury and Illness Prevention Program, Inyo County, California: Responsible for technical editing and document production of the CR Briggs Corporation - Briggs Project, Safety Manual and Injury and Illness Prevention Program, including production of 300 personal use sized manuals for distribution to employees.

SITING PROPOSALS

State of Nevada's Response to Department of Energy's Invitation for Site Proposals for the Superconducting Super Collider (SSC): 13 Volume Application, Near Winnemucca, Nevada: Provided project management on the editing and document/graphics production of the State of Nevada's response to the DOE's invitation for site proposals for the Super Conducting Super Collider (SSC) project being considered at the time by the DOE, involving the design and construction of a federal research laboratory to conduct experiments in high energy physics. Work completed for the Nevada Commission on Economic Development and the U.S. Department of Energy.



SPECIFICATIONS FOR SUBCONTRACTORS

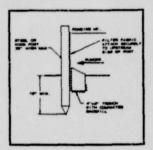
Buffalo Gulch Project, Environmental Impact Statement Specifications for Subcontractors, Idaho: Prepared and compiled comprehensive specifications for subcontractors for completion of an environmental impact statement for the Buffalo Gulch Project under the supervision of Steffen Robertson & Kirsten and Idaho Gold Corporation.

STORM WATER POLLUTION PREVENTION PLANS

CR Briggs Corporation - Briggs Project, Storm Water Pollution Prevention Plan for Construction Activities, Inyo County, California: Managed and prepared SWPPP for construction activities for proposed project consisting of the construction and operation of an open pit gold and silver mining operation, associated heap leaching facility, and ancillary facilities. The SWPPP requires implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges constitute compliance with Best Available Technology Economically Available (BAT)/Best Conventional Pollutant Control Technology (BCT) requirement and with requirements to achieve water quality standards. The SWPPP consists of detailed descriptions of the project background, site characteristics, facility information and construction activities, best management practices, periodic evaluation and reporting, and plan certifications.



Twin Creeks Mine Project, Storm Water Pollution Prevention Plan for Industrial Activities, Humboldt County, Nevada: Prepared SWPPP for industrial activities for proposed project consisting of open pit mines, overburden and interburden storage areas, dewatering water treatment and disposal facilities, milling circuits, tailings storage facilities, dump leach processing circuits, and ancillary facilities. The SWPPP requires implementation of Best Management Practices (BMPs) to control and abate the discharge of pollutants in storm water discharges constitute compliance with Best Available Technology Economically Available (BAT)/Best Conventional Pollutant Control Technology (BCT) requirement and with requirements to achieve water quality standards. The SWPPP consists of detailed descriptions of the project background.



site characteristics, facility information, best management practices, periodic evaluation and reporting, and plan certification. Work performed for WESTEC, Inc.

COMMITTEE/COUNCIL/ASSOCIATION EXPERIENCE

City of Reno - River Renaissance Focus Committee. Member and CoChairperson. November 1995-present

City of Reno - Board of Adjustment. Member. August 1995-present

Park Towers Residents' Association, Inc. President and Chairman of the Board. Non-profit corporation of residents (mostly senior citizens) providing leadership and advocacy in tenant concerns, issues, and rights. 1992-present

Mono County Mining Committee. Secretary/Treasurer. Established to develop a unified voice for prudent mineral development in Mono County, California. 1989-1993

American Foundation for AIDS Research (AmFAR), Public Education Task Force - Subcommittee on Person with Disabilities. Committee Member and Chairperson. Committee provided technical expertise on the comprehensive AIDS education program of deaf, blind, and deaf-blind, as well as physically disabled individuals. 1988-1991

National Council - Long Range Planning Committee for Mortar Board, Inc. Committee Member. Provide coordination of 186 Honor societies across the nation. 1982-1985

Kent State University, College of Education Teacher Education Council. Council Member. Governing body for all teacher education programs at Kent State University. 1982-1983

Kent State University, College of Education, Department of Special Education, Undergraduate Curriculum Committee. Committee Member. 1982-1983

Kent State University, Affirmative Action Committee. Committee Member. Investigative committee on all affirmative action issues and cases. 1982-1983

Kent State University, Alumni Association, Distinguished Teacher Awards Committee. Committee Member. Awards three \$1000 awards for outstanding teaching contributions from a full time faculty member. 1982

Triennial Conference of Mortar Board, Inc. Kent State University Chapter Delegate from section XIII. 1982

United States Association of Blind Athletes, Kent State University Steering Committee for the 1985 United States Association of Blind Athletes Summer Olympics to be held at Kent State University. *Committee Member*. 1980-1983



ERIC J. RUBY Project Manager

CEQA/NEPA Documentation Land Use Planning Environmental Impact Analyses Socioeconomics Feasibility Analyses

SUMMARY OF PROFESSIONAL EXPERTISE

Mr. Ruby has over 15 years of experience in the environmental planning and urban design field. The emphasis of his experience is in environmental planning, entitlement to use processing, development of resource management plans, and assistance in regulatory compliance programs. Mr. Ruby is a recognized California Environmental Quality Act expert, having managed over 200 CEQA documents, including Environmental Impact Reports (EIRs), Negative Declarations, Initial Study/Environmental Assessments (EAs), and mitigation monitoring programs. He has been responsible for a variety of complex CEQA compliance projects ranging from small residential EAs to General Plan/EIR/Master Environmental Assessments.

Most recently Mr. Ruby was responsible for the LaVina Specific Plan/EIR, which made CEQA procedural case history at the California Supreme Court. The environmental documentation includes over 10,000 pages of analyses over an 8-year period. He also has broad experience in preparation of specific plans, oak tree survey reports, AQMP compliance, and other specialized environmental assessments. Prior to joining WESTEC, Mr. Ruby was a principal with Urban Vision and held several senior management positions with major Southern California urban and environmental planning firms and engineering companies. This multi-disciplinary background in management, environmental science, urban planning, and civil engineering enables Mr. Ruby to provide comprehensive insight to complex projects.

EDUCATION

University of California, Irvine

B.A. in Social Ecology, 1980

AFFILIATIONS

American Planning Association Building Industry Association Association of Environmental Professionals Urban Land Institute

PROFESSIONAL HISTORY

WESTEC, Inc., Reno, Nevada, Project Manager, January 1996 to present Urban Vision, Newport Beach, California, Managing Principal, November 1990 to January 1996 Planning & Design Solutions, Director, Planning & Environmental Services, May 1989 to November 1990

The Planning Center, Senior Project Manager, March 1987 to May 1989 Michael Brandman Associates, Project Manager, January 1985 to March 1987 Engineering Service Corporation, Planner, October 1982 to January 1985

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SELECTED RELEVANT EXPERIENCE

Specific Plan and EIR, LaVina - Altadena, California: The LaVina planned community involved an 8year planning process which required a General Plan Amendment, Specific Plan, and EIR processes within the County of Los Angeles. LaVina is a proposed residential community of single-family homes and a 10 are private school on 220 acres. Over one-half of the site is preserved as open space. Over 10,000 pages of environmental documentation were prepared for the project. In addition, the project set the precedent for CEQA procedural case law. Additional project components included an off-site wetlands mitigation plan, oak tree program, specialized fuel modification program and forest management plan policy conformance review, and a community-wide consensus building program.

Mandeville Canyon Estates, City of Los Angeles, California, EIR: The Mandeville Canyon Estates project is located in the Brentwood Pacific Palisades area of the City of Los Angeles, situated at an elevation of approximately 1,300 feet. The proposed project consists of 34 estate-size residential lots for a private, guard-gated community on 239.1 acres. The development area will occur on approximately one-third of the site, leaving the remaining two-thirds as undisturbed natural open space.

Primary EIR issues included unstable slopes and a substandard landfill situated in the upper reaches of the site's central canyon, which required substantial remedial geotechnical work. Additional issues for the EIR included traffic and circulation, visual impacts, site access, creation of a fuel modification zone, and development of a comprehensive community participation program.

Citywide Biological Resource Survey, City of Mission Viejo, California: A comprehensive Biological Resource Survey was prepared for the City of Mission Viejo to support its Citywide Weed Abatement Program. Potentially significant resources were inventoried, photographed, and mapped to document existing conditions. Mitigation measures were developed to minimize short-term and long-term impacts to sensitive resources during weed abatement activities. The biological resource survey served as the basis for identifying primary resource enhancement areas.

EIR and Fiscal Impact Report, La Laguna Estates, City of Lake Elsinore, California: The project involved the preparation of an EIR and a Fiscal Impact Report for the development of a proposed master-planned community situated on 489 acres in the City of Lake Elsinore. The development proposed the construction of 600 attached and detached single-family homes on 189 acres with 58 percent of the site to remain as enhanced open space. Significant issues addressed included circulation and site access, compatibility with adjacent mining activities, hydrology, creation of a fuel modification zone, hillside topography, and a market analysis.

Expanded Environmental Assessment, City of La Habra, California, Old Settlers Plaza / Nixon Law Office: An expanded environmental assessment was prepared for demolition of Old Settlers Plaza, including a historical evaluation of the Nixon law office building and the Westar Hotel. Lack of significant historical value resulted in the preparation of a negative declaration.

Design Guidelines, Snow Creek Commercial Center, Wainut, California: Design guidelines and an information booklet were prepared for this 28-acre commercial site located within the City of Walnut. Land uses included office/commercial, service commercial, and retail land uses. Land use compatibility issues were addressed through architecture and landscape buffering.

Master Plan and EiR, Members Club at Firestone, County of Los Angeles, California: This Master Plan/EIR was prepared for two 18-hole golf courses, the Southern California Gold Association Headquarters, a Hyatt Hotel, and associated facilities. Major constraints in the project included the Tonner Canyon Significant Ecological Area, biotic resources, and site access. Traffic, visual resources and wastewater treatment/water quality were significant issues addressed in the environmental documentation for the project.

Economic Development Strategy and Development, Design Concept-Watts Recovery Area, Community Redevelopment Agency, City of Los Angeles, California: The Watts Recovery Project includes 10 target areas within the Watts community that will be redeveloped or revitalized as part of the recovery project in the City of Los Angeles. Urban Vision prepared the opportunities and constraints analysis, and Master Plan of Development and the design concepts for this project. The project involved rehabilitation of existing residential, commercial, and industrial development. It also involved areas for future development opportunities.

Palm Desert Properties Land Planning, Palm Desert, California: The Palm Desert Properties are located in the City of Palm Desert, south of the Monterey Avenue/Interstate 10 interchange, adjacent to the northeast corner of Monterey Avenue and Gerald Ford Drive. The project site consisted of 275 singlefamily detached and attached homes on 110 acres, which included an internal parkway that functioned as an open space buffer, and a community center with recreation facilities. A separate 20-acre parcel comprised the second phase of the project, which proposed 220,000 square feet of commercial area.

The project required the preparation of a site plan and tentative subdivision map applications, an initial environmental assessment, landscape architectural requirements, design guidelines, and a vesting tentative tract map for the property.

Master Plan/EIR, Bermuda Dunes, County Club Expansion, County of Riverside, California: Urban Vision prepared an expanded environmental assessment and master development strategy for the addition of 9 holes and 130 custom lots to the Bermuda Dunes County Club. Major issues included general plan consistency, circulation, and archaeological resources.

Los Angeles Veterans Initiative, Inc. (L.A. Vets), Inglewood, California: Preparation of grants for HUD funding of Section 8 certificates and supportive housing funds. Also worked with the City of Inglewood Housing Authority and Redevelopment Agency to receive redevelopment funding for rehabilitation of existing building. The project provides housing for 400 formerly homeless veterans in Los Angeles County with supportive services. Urban Vision also was in charge of entitlements and project brochure preparation.

Military Base Housing Master Plan Programs, San Diego, California: Preparation of a comprehensive Neighborhood Plan for the San Diego Naval Station and a site investigation for a project in Everett, Washington. Tasks included technical writing and graphics preparation. Development Feasibility Study, Aqua Amarga Canyon, City of Rancho Palos Verdes, California: An expanded environmental assessment, opportunity and constraints analysis, and CDFG/ACOE regulatory permitting was prepared for a 14.5-acre hillside oceanview property located on the Palos Verdes Peninsula. Key issues included remedial grading, habitat restoration and hydrology associated with construction of a storm drain.

Saddleback Meadows EIR, Orange County, California: A comprehensive EIR was prepared for a 318unit residential project on a 223-acre hillside site, adjacent to O'Neill Regional Park. The proposed project is the latest version of several development proposals proposed for the site over the last 18 years, and is located within the Foothill-Trabuco specific plan planning area. Major issues evaluated in the EIR included land use compatibility, geotechnical hazards, sensitive biological resources (including a Federally listed endangered species), aesthetics, recreation, noise, air quality and traffic.

Dale Street Grade Separation EIR, City of Buena Park, California: A focused EIR was prepared for the proposed grade separation of existing Dale Street and the AT&SF Railroad, in accordance with Public Utilities Commission requirements. In addition to the focused environmental analysis (hydrology, noise, traffic and aesthetics), the EIR evaluated several geometric alternatives to the proposed grade separation.

Marine Bird Care Facility EIR, San Pedro, California: Operating under a joint agreement, a focused EIR was prepared for Los Angeles Unified School District (LAUSD) and the California Department of Fish and Game for the construction of a marine bird care facility. Proposed within the Fort MacArthur Educational Reservation, the facility is designed to care for marine birds during oil spill/hazard conditions and to serve as an LAUSD educational facility.

La Verne Heights Specific Plan/EIR, La Verne, California: A specific plan and EIR were prepared for a 212-acre hillside residential project within one of the last undeveloped areas of the city. Major issues included general plan consistency, geotechnical hazards, sensitive biological resources and habitat restoration.

College Park Palmdale Specific Plan and EIR, Falmdale, California: Preparation of a specific plan and EIR for a mixed use project, including 1200 detached and attached residential units, an 18-hole championship golf course, 5 acres of retail commercial, and a satellite campus for Antelope Valley Community College. Major issues included annexation to the City of Palmdale, seismic hazards (San Andreas Fault), flood hazards, public services and aesthetics.

Pine Ridge Village Community Plan, Pine Ridge, South Dakota: Preparation of a draft community plan for the Oguaga Sioux Indians on the Pine Ridge Reservation in South Dakota. Major design criteria included cultural traditions, limited infrastructure, and extreme weather conditions.

Lake Master Plan Mitigated Negative Declaration, City of Lake Elsinore, California: Preparation of an expanded initial study/environmental assessment and mitigated negative declaration for the year 2010 Lake Elsinore Master Plan. Projected master plan land uses included marina facilities, resort hotels, museum, shoreline park enhancements, a water ski stadium and associated retail land uses.

Chrisanta Drive Channel Expanded Environmental Assessment and Habitat Restoration Program, City of Mission Viejo, California: As a result of recent flooding, the Chrisanta Drive Channel was reconstructed, resulting in an impact to existing wetlands and willow woodland. A habitat restoration program was prepared to mitigate wetland impacts, and incorporated into the subsequent CDFG 1603 Streambed Alteration Agreement and ACOE Section 404/401 permits.

4

Canyon Oaks Estates EIR/Project Planning, Topanga Canyon, California: Preparation of a draft EIR, information booklet and project planning for a 97 custom lot golf course community, located in upper Topanga Canyon, within the Santa Monica Mountains. Following completion of the EIR, the property was acquired by the Santa Monica Mountains Conservancy for open space.

State Route 58 Bypass EIR/EIS, Mojave, California: Preparation of the land use and socioeconomic analysis portions of the SR 58 Bypass EIR/EIS for Caltrans District 9. The EIR/EIS evaluated the environmental and social effects of routing 8 miles of SR 58 around the city of Mojave to relieve traffic congestion and related safety hazards.





CITY OF RENO Comment Document

Environmental Assessment Finance Docket No. 32760

Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company

-Control and Merger-

Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company

> Service Date: April 12, 1996 Comment Due Date: May 3, 1996 Submission Date: May 2, 1996

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Service Date: April 12, 1996 Comment Due Date: May 3, 1996 Submission Date: May 2, 1996

CITY OF RENO Comment Document

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LIST OF ACRONYMS AND SYMBOLS

1	paragraph number in EA
ş	section number in EA
ADT	average daily traffic
AQCR(s)	Air Quality Control Region(s)
BN	Burlington Northern Railroad Company
	The new railroad system created by the merger of the holding companies of BN and Santa Fe.
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
co	carbon monoxide
dBA	adjusted decibel level. A sound measurement that adjusts noise by filtering out certain
uon	frequencies to make it analogous to that perceived by the human ear.
DOE	U.S. Department of Energy
DRGW	Denver and Rio Grande Western Railroad Company
EA	Environmental Assessment
EIS	Environmental Impact Statement
ES	Executive Summary
FONSI	Finding of No Significant Impacts
FR	Federal Register
FRC	fire response code
HC	hydrocarbons (in air)
ICC	Interstate Commerce Commission (former licensing agency for the proposed Merger; merger
	approval authority now with the Surface Transportation Board)
L _{dn}	nighttime noise level (L _n) adjusted to account for the perception that a noise level at night is
	more bothersome than the same noise level would be during the day.
mph	miles per hour
MPRC	Missouri Pacific Railroad Company
N02	nitrogen dioxide
NDOT	Nevada Department of Transportation
NEPA	National Environmental Policy Act of 1969, as amended (PL 91-190, 42 U.S.C. 4321 et seq.)
NHPA	National Historic Preservation Act as amended (16 U.S.C. 470 et seq.)
NWPO	Nuclear Waste Project Office, State of Nevada
O3	ozone
PL	Public Law
PM ₁₀	particulate matter (under 10 microns in diameter)
PSC	Public Service Commission
PSD	Prevention of Significant Deterioration
REMSA	Regional Emergency Medical Services Authority
RFD	Fire Department, City of Reno
RPD	Police Department, City of Reno
RTC	Regional Transportation Commission
SEA	Section of Environmental Analysis
[sic]	latin for intentionally so written
SO ₂	sulfur dioxide
SP	Southern Pacific Rail Corporation which includes SPT, SSW, SPCSL Corp, and DRGW
SPPCo	Sierra Pazific Power Company
SPT	Southern Pacific Transportation Company
SSW	St. Louis Southwestern Railway Company
STB	Surface Transportation Board

LIST OF ACRONY MS AND SYMBOLS (continued)

тв	(equation symbol) Time in minutes required for the train to pass the crossing, including time for gate closing and opening
TOFC	trailer on flat car
TPY	tons per year
TRL	Truckee River Lodge
UP	Union Pacific Corporation which includes UPRC and MPRC
UPRC	Union Pacific Railroad Company
UP/SP	Union Pacific/Southern Pacific
U.S.C.	United States Code
VOC(s)	volatile organic compound(s)
Voi.	volume (referring to the EA specifically one of the Vol. 1-5)
WCAQMD	Washoe County Air Quality Management District
WIA	Wilson, Ihrig & Associates, Inc.

i.1 PURPOSE

The City of Reno, Nevada has conducted a comprehensive review of the preliminary Environmental Assessment (EA) prepared for the Union Pacific/Southern Pacific (UP/SP) Merger (the proposed Merger)(Finance Docket No. 32760) by the Surface Transportation Board (STB), Section of Environmental Analysis (SEA) dated April 12, 1996. The EA has been reviewed for compliance with the statutory provisions outlined in the National Environmental Policy Act of 1969, as amended (NEPA) (PL 91-190, 42 U.S.C. 4321 et seq.); the Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] 1500-1508, 43 FR 55990, Nov. 28, 1978, Revised through July 1, 1991); the Interstate Commerce Commission (ICC) Regulations (49 CFR 1105, 56 FR 36105, July 31, 1991) adopted by the STB¹; and accepted professional environmental and engineering analysis practices.

The following documents were evaluated in the City of Reno's Review of the EA:

Environmental Assessment, Finance Document No. 32760, Vols. 1-5, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company -Control and Merger-Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company. April 12, 1996. Surface Transportation Board, Section of Environmental Analysis, Washington, D.C.

Railroad Merger Application, ICC Finance Docket No. 32760, Applicants' Environmental Report and Operating Plan, Union Pacific/Southern Pacific Control and Merger, Vols. 1-6. November 30, 1995. Surface Transportation Board, Washington, D.C.

Applicants' Submission of Preliminary Draft Environmental Assessment Concerning Settlement with BN/Santa Fe. March 29, 1996. Surface Transportation Board, Washington, D.C.

Surface Transportation Board Environmental Assessment, Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company -Control and Merger-Southern Pacific Rail Corporation,

The ICC Termination Act of 1995, PL 104-88, 109 Stat. 803, which was enacted on December 29, 1995 and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred its railroad merger approval functions to the Surface Transportation Board.

INTRODUCTION/OVERVIEW

Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company. Errata to Environmental Assessment. April 18, 1996. Surface Transportation Board, Washington, D.C.

Railroad Merger Study. March 15, 1996. Nolte and Associates, Inc., Strategic Management, Inc. Kleinfelder, and SEA, Incorporated. Copy on file, Reno Redevelopment Agency, Reno, Nevada.

Reno Downtown Traffic/Parking Study. December 1995. Barton-Aschman Associates, Inc., Strategic Project Management, Inc., and Lumos & Associates, Inc. Copy on file, Reno Redevelopment Agency, Reno, Nevada.

The comments and information contained in this review document are in addition to the *Comments and Verified Statement of the City of Reno*, submitted to the STB, dated March 29, 1996, incorporated and made part of this document by reference. This document was not reflected in the EA, although other documents with the same date (BN/Santa Fe Preliminary Draft Environmental Assessment [STB, 1996a]) were.

The City of Reno opposes approval of the proposed Merger of the Union Pacific (UP) and Southern Pacific (SP) Railroads as currently proposed because the post-merger operations proposed by UP/SP (the "Applicants") will have significant adverse impact on the environment and public health and safety, as well as commerce of the City of Reno, and neither the application, nor the Applicant, propose action that will adequately safeguard the environment, public health and safety, and mitigate the adverse impacts of the proposed Merger, in accordance with the requirements of NEPA. Based on the analysis contained within this document, it is clear that the EA prepared for the proposed Merger is not adequate in several respects, that it cannot be made to comply with the provisions of NEPA, and as a result, an Environmental Impact Statement (EIS) for the Reno/Sparks/Truckee Meadows area is more appropriate and is required.

As promulgated under 40 CFR 1502.4(c)(1) - Major Federal Actions Requiring the Preparation of Environmental Impacts Statements, federal agencies may find it useful to evaluate the proposed action geographically, including components of the proposed action which would occur within the same general location or region. Implementation of this provision would focus the analysis in the EIS to significantly affected regions, including the Reno/Sparks/Truckee Meadows area.

INTRODUCTION/OVERVIEW

The specific basis for the City of Reno's position relating to the EA is contained in the following chapters of this document.

1.2 ORGANIZATION OF COMMENTS

This comment document has been organized to provide comments on the EA in a logical manner, generally following the structure of the EA. Comments contained in this document are focused on the 139.0 mile roll line segment between Roseville, California and Sparks, Nevada, and specifically the portion of this line segment traversing the corporate limits of the City of Reno. In cases where impact categories are not affected by political boundaries, such as air quality, the comments address a broader impact area.

Comments on the EA are evaluated in the following chapters of this document:

- 2.0 NEPA Procedural Issues
- 3.0 Adequacy of Environmental Assessment Vol. 1, Chapter 1.0 Description of the Proposed Action and Alternatives
- 4.0 Adequacy of Environmental Assessment Vol. 2, Chapter 12.0 Rail Line Segment, Rail Yard, and Intermodal Facility Impacts - Nevada
- 5.0 Adequacy of Environmental Assessment Proposed Mitigation Measures
- 6.0 Adequacy of Conclusion No Significant Effect on the Quality of the Human Environment
- 7.0 Conclusions/City of Reno's Requested Action
- 8.0 References

Comment letters received from public agencies affected by the proposed Merger, not previously submitted, are included in the Appendix of this document.

1 - 3

2.1 NEPA IMPLEMENTATION - STB/ICC REGULATIONS

The National Environmental Policy Act (NEPA) is the United States' basic national charter for protection of the environment and is the governing environmental protection law. NEPA establishes environmental policy for the nation, provides an interdisciplinary framework for federal agencies to prevent environmental damage and degradation, and contains procedures to ensure that federal agency decision-makers consider environmental factors in the decision making process (42 U.S.C. 4321 et seq.; 40 CFR 1500.1).

In order to effectively implement NEPA, the CEQ established NEPA regulations for guidance to federal agencies under 40 CFR 1500-1508. In addition, 40 CFR 1507.3(a) requires that every federal agency prepare procedures to supplement NEPA and the NEPA regulations. The STB has adopted the ICC's environmental regulations for implementation of NEPA (49 CFR 1105), and the STB's SEA retained a third party consultant to prepare the EA. The STB NEPA implementing regulations are not consistent with NEPA and the NEPA regulations, in that they substantially focus the requirements for impact analysis, resulting in unevaluated significant environmental factors.

In preparing the EA, STB was required to identify the issues and areas of potential environmental impact; analyze the potential impacts of the proposed Merger; consider alternatives to the proposed Merger; review and incorporate public comments into the EA; consult with affected federal, state, and local agencies to incorporate their concerns into the assessment; and develop mitigation measures to avoid, or reduce to less than significant, impacts on the environment. The EA does not adequately assess and incorporate the above outlined mandatory factors into the analysis and conclusion of the document. Each issue is discussed in detail in the following sections.

Part 1105.7 of Chapter 49 of the Code of Federal Regulations, the STB NEPA implementing regulations, require the Applicant to submit an environmental report on the proposed action containing the information specified by 49 CFR 1105.7(3). The Applicant's environmental report does not contain the mandatory provisions of subsection (e), and as a result, is not adequate to function as the baseline document for the EA.

NEPA PROCEDURAL ISSUES

2.2 PROCEDURAL ISSUES

Although the City of Reno was never formally consulted under the requirements of NEPA, the NEPA Regulations, and the STB Environmental Regulations, formal comments and verified statements were transmitted to the STB for consideration and incorporation into the EA on March 29, 1996. A thorough review of the EA has revealed that none of the comments submitted by the City of Reno, including the verified statements and associated City department and regional agency comment letters, were incorporated into the EA.

NEPA defines an EA as a concise public document that a lead agency prepares when a project is not covered by a categorical exclusion, and the lead agency does not know whether the impacts will be significant (40 CFR 1508.9(a)). The EA has three purposes, outlined as follows: 1) that it provides sufficient evidence and analysis \bigcirc determine whether an EIS is required; 2) that it supports an agency's compliance with NEPA when no EIS is required; and 3) that it facilitates preparation of an EIS when one is required. The five volume, over 1,000 page EA is not a <u>concise</u> public document, and warrants an extension of time to allow the City of Reno to provide meaningful comments to the STB. Part 1501.4(e)(2) supports the concept of lead agencies allowing for adequate review time, although the STB has ignored the City of Reno's repeated requests for an extension of time.

2.3 PUBLIC INVOLVEMENT/SCOPING

Public involvement is an important part of the NEPA process, and is encouraged during the preparation of complex, controversial EAs to achieve full disclosure (40 CFR 1506.6(a)). Although not technically required for an EA, a scoping meeting should have been conducted prior to preparation of the EA for the proposed Merger, to obtain important input relative to environmental factors to be evaluated and alternatives to be considered. At a minimum, scoping meetings should have been conducted in areas which were forecast to be impacted the greatest by the proposed Merger. The lack of impact and alternatives analysis in the EA relative to significant issues of concern to the City of Reno clearly demonstrates the value of scoping. In addition, the Reno-Sparks Indian Colony, a Native American organization, was not consulted, as required by 40 CFR 1501.7(a)(1).

2.4 INTERNAL CONSISTENCY

All NEPA documents, including EAs, must be prepared so that the relationship between the proposed action, environmental setting, impact analysis, mitigation measures, and comparison of alternatives remains internally consistent. An incorrect or misleading proposed action has a direct effect on the analysis contained within the body of the EA, resulting in inadequate

NEPA PROCEDURAL ISSUES

mitigation measures and alternatives. Several impact assessment areas within the EA use conflicting methodologies and assumptions, resulting in a document which is internally inconsistent. Specific examples of these inconsistencies are documented in Chapters 3.0, 4.0, and 5.0 of this document.

2.5 ESTABLISHED THRESHOLDS

NEPA requires that an EIS be prepared when a proposed federal action has the potential to significantly affect the quality of the human environment. The key components of the EA used to determine if the proposed action would have the potential to affect the quality of the human environment are the established thresholds. While some environmental factors have quantifiable thresholds, such as air quality and traffic, other thresholds are more subjectively related to the region and unique characteristics of the area of potential affect.

A review of the impact analysis portion of the EA has revealed numerous errors and flaws in methodology which will result in several of the established significance thresholds being exceeded. Several of the environmental factors evaluated have no defined thresholds, making any analysis of the significance of impacts impossible. Part 1105.7(e) of Chapter 40 of the Code of Federal Regulations specifically excludes significance thresholds for most of the identified environmental factors. In addition, many of the environmental factors not evaluated in the EA, including energy, cultural resources, land use, socioeconomics, water resources, and biological resources have established significance thresholds which may be exceeded by the proposed action. Adequate mitigation measures have not been proposed to avoid or reduce these impacts to less than significant, and as a result, the findings of the EA that the proposed action would not significantly affect the quality of the human environment are not supportable.

Chapters 3.0, 4.0, and 5.0 of this document identify specific examples of internal inconsistency, threshold exceedance, and meaningless, open-ended mitigation measures.

3.0 ADEQUACY OF ENVIRONMENTAL ASSESSMENT - VOL. 1, CHAPTER 1.0 - DESCRIPTION OF THE PROPOSED ACTION AND ALTERNATIVES

3.1 MANDATORY ENVIRONMENTAL ASSESSMENT COMPONENTS

An EA must include a discussion of four (4) primary components including: 1) the need for the proposed action; 2) feasible alternatives; 3) the environmental impacts of the proposed action and the alternatives; and 4) a list of agencies and persons consulted. The EA prepared for the proposed Merger is not adequate in all four of the above outlined areas. The EA does not adequately describe the need for the proposed action, does not include feasible alternatives identified by the City of Reno, does not adequately evaluate the impacts of the proposed action, does not evaluate the impacts of feasible alternatives since none are proposed, and though a list of agencies and persons consulted is included it is not comprehensive (the City of Reno was not formally consulted). The following sections of this document contain a discussion of the above outlined inadequacies of the EA.

3.2 PROPOSED ACTION/PROJECT DESCRIPTION

The proposed action, as it relates to the City of Reno, is described in Vol. 1, pages 1-7 through 1-15. Vol. 1, page 1-11, Table 1-3 describes the rail line segments which meet or exceed environmental analysis thresholds, resulting in the requirement for additional impact analysis in the EA.

The rail segment which would affect the City of Reno is identified as <u>Roseville</u>, <u>California</u> to <u>Sparks</u>, <u>Nevada</u>. The table indicates that the referenced rail segment is currently operated by SP, and has a length of 139.0 miles. Pre-merger train traffic is shown as 13.8 trains per day, with post-merger train traffic of 25.1 trains per day, for an increase of 11.3 trains per day. In addition, the gross ton-miles per year is shown as increasing 78.7 percent. Since no rail yards, intermodal operations, abandonments or construction projects are proposed for this line segment, the EA purports that the identified increase in trains per day and ton-miles per year represents the entire proposed action as it relates to this segment and the City of Reno (see Section 3.2.2 of this document for a discussion of abandonment components of the proposed action in the Reno vicinity).

3.2.1 ROSEVILLE, CALIFORNIA TO SPARKS, NEVADA RAIL SEGMENT

An evaluation of all of the applications, settlement agreements, Vol. 1, Chapter 1.0 of the EA, and related documents reveal that none of the documents contain information on the characteristics of existing or future rail traffic for the Roseville, California to Sparks, Nevada

rail segment, upon which the analysis in the EA must be based. Missing, underestimated, and overestimated post-merger train characteristics include: 1) total number of trains; 2) average train length; and 3) average train speed of trains. Without this basic information, the impact analysis portion of the EA, as it relates to the City of Reno, is meaningless. All three of these assumptions, upon which the entirety of the impact analysis section of the EA appear to be based, are incorrect.

Number of Trains

The EA significantly underestimates the increase in the number trains per day and gross tonmiles per year.

Volume 3 of the *Railroad Merger Application*, *ICC Finance Docket No.* 32760 states that the rail line segment between Roseville, California and Sparks, Nevada, has currently 13 trains per day with a post-merger total of 20 (STB, 1995:384-5).

Volume 6, Part 1, Table 1-1, of the *Railroad Merger Application, ICC* Finance Docket No. 32760 states that the rail line segment between Roseville, California and Sparks, Nevada, has currently 13.6 trains per day with a post-merger total of 22.6 (STB, 1995:7).

Table 1-1 p. 7 of Attachment A of the Applicants' Submission of Preliminary Draft Environmental Assessment Concerning Settlement with BN/Santa Fe states current levels at 13.8 trains per day with a post-merger total of 25.1 (STB, 1996a:).

Vol. 1, page 1-11, Table 1-3, line 13 of said table's data, the pre-merger trains per day are 13.8^2 and the post-merger trains per day are 25.1.

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

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

² 1994 base year SP statistic.

This represents an increase of 24.2 trains per day (175 percent increase in the number of trains and ton-miles over existing train traffic), or a total post-merger volume of 13,870 trains per year, as compared to the incorrect proposed action outlined in Vol. 1, Chapter 1.0 of the EA.

Speed of Trains

The EA uses a variety of overestimated train speeds for various analyses:

20 mph Vol. 2, page 12-10, ¶ 4, line 4
30 mph Vol. 2, page 1-25, Note on Table 1-3 Vol. 5, page H-10, ¶ 1, line 1 Vol. 5, page H-14, ¶ 3, line 2
40 mph Vol. 2, page 12-10, ¶ 4, line 6
50 mph Vol. 1, page 2-15, Note to Table 2-7 Vol. 5, page H-10, ¶ 1, line 1 Vol. 5, page H-14, ¶ 3, line 2

The correct per-merger and post-merger trains speed is 20 mph within the City of Reno. The Public Service Commission reports that the train speed limit through downtown Reno is set by SP and is described in the SP's Timetable #1 (see Page 38, Roseville, Subdivision, Sp Timetable #1). Speed are Eastbound (MP 242-243.1) 20 mph; Westbound (MP 243.2-242) 20 mph. The track in the downtown Reno area is Class 2, which according to 49 CFR 213.9 provides for maximum allowable speeds of 25 mph for freight trains and 30 mph for passenger trains (PSC, 1996).

Length of Trains

The EA uses a variety of underestimated train lengths for various analyses:

Vol. 1, page 2-3, § 2.1.1, ¶ 1, line 4: "Often two or more of these locomotives are combined to pull a train of 50 [3,500 feet] to 100 [7,000 feet] or more cars."

Vol. 5, page H-9, \P 3, line 1: "The 'standard train' used by the Applicant for the consolidation analysis is 3-1/2 locomotives and 5000 feet of rail cars. The assumptions of 70 cars per consist is consistent with the Applicant's, for a representative car length of 70 feet. Vol. 5, page I-4, ¶ 1, line 5: "L = Length of the train in feet, assumed to be 5,000 feet."

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

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

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

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

The City of Reno believes the average post-merger train lengths will be approximately 6,500 feet long, with a few trains approximately 7,000 feet to 8,000 feet in length using helper locomotives. Union Pacific could, however, choose to operate standard length 8,000-foot trains should business and locomotive availability favor the use of helper locomotives on this route segment. This statement is further bolstered by the fact that the Port of Oakland is currently undergoing a major expansion to accommodate an increase in the size and volume (48 percent) of cargo ships. Distribution of post-merger cargo shipments from the Port of Oakland to points east would require the use of the Central Corridor over Donner Summit, passing through the Reno/Sparks/Truckee Meadows area.

3.2.2 UNION PACIFIC TOFC YARD

Union Pacific operates a TOFC (trailer on flat car) yard in North Reno off Old North Virginia Street/Alt 395 and Parr Blvd at Union Pacific Lane. It is stated in several places in the EA, as follows:

Attachment 1 - Union Pacific/Southern Pacific Proposed Merger Environmental Information Package (State-by-State Overview), page 3, § 3, ¶ 2, line 1: "Intermodal facilities that may warrant evaluation of potential environmental impacts in Oregon [sic] include: Reno/Sparks: (Phaseout of Existing UP Facility; Consolidation of Intermodal Traffic at SP Facility)." Vol. 2, page 12-13, ¶ 5, line 1: "SEA notes that the UP/SP operating plan states that the UP TOFC yard in Reno would be closed."

Vol. 5, page C-13, ¶ 2, line 2: "Nevada: Reno/Sparks: (Phaseout of Existing UP Facility; Consolidation of Intermodal Traffic at SP Facility)" Note: This is the STB SEA Fact Sheet Regarding the Proposed Merger of the Union Pacific and Southern Pacific Railroads.

Vol. 5, page C-21, ¶ 5, line 1: "Nevada: Reno/Sparks: (Phaseout of Existing UP Facility; Consolidation of Intermodal Traffic at SP Facility)" Note: This is the STB SEA Proposed Merger Fact Sheet.

Vol. 5, page E-60, Nevada State SHPO Letter, ¶ 4, line 1: "The UP Facility in Reno, Nevada, has not been surveyed."

It would appear that either the description of the proposed action for the Nevada portion of the proposed Merger is incorrect or the impacts of this closure/"abandonment"/phaseout of the UP yard have not been evaluated in Vol. 3 of the EA.

3.2.3 EFFECTS OF INADEQUATE PROPOSED ACTION/PROJECT DESCRIPTION

The incorporation of the above outlined correct assumptions into the impact assessment modeling would result in a substantially greater level of impact than reported in the EA. In other words, the impact analysis conclusions contained in the EA significantly underestimate the severity of impacts associated with the proposed Merger. It appears that, based on the above outlined correct assumptions, proposed Merger impacts to air quality and noise are likely to exceed significance thresholds. A detailed discussion of the adequacy of environmental impacts, including air quality and noise, is contained in Chapter 4.0 of this document.

The Proposed Action/Project Description is inaccurate, misleading, and results in an EA which underestimates the effects of the proposed Merger on the City of Reno, and violates numerous provisions contained in NEPA. The Proposed Action/Project Description must be revised to reflect the correct proposed action, the impact analysis recalculated and rewritten to reflect the correct characteristics of the proposed action, additional mitigation measures proposed to reduce merger-related impacts to less than significant, and the revised EA recirculated to affected parties for meaningful comments.

3.3 CUMULATIVE IMPACT ANALYSIS

An Environmental Assessment must consider the cumulative effects of a proposed action, in conjunction with reasonably anticipated related projects and actions, when determining whether a proposed action significantly effects environmental quality (40 CFR 1508.25(c)). Vol. 1, Chapter 1.0, page 1-2 of the EA states:

"In other actions related to the proposed merger, six parties (three railroads, two utilities, and one transit agency) filed responsive applications seeking the Board's authority for trackage rights and/or acquisition of specific UP/SP rail lines (see Section 1.4 below). This EA does not analyze the potential environmental impacts of these responsive applications because it appears, based upon verified statements submitted by the six parties, that the Board's environmental thresholds will not be met or exceeded, and no substantial increase in trains or other activities are expected as a result of thee proposals." Underline added for emphasis.

The above quoted statement contained within the EA violates the provisions and intent of NEPA, and leads to an inaccurate and misleading Proposed Action/Project Description. The applications for trackage rights are either a portion of the proposed action or they must be considered related to the proposed action and evaluated as related projects, resulting in the potential for cumulative impacts. The EA ignores these related projects, and as a result, the proposed action and related impact analysis is not adequate.

In addition to the lack of analysis of cumulative railroad-related projects, the EA has not adequately considered other related actions or projects within the region which could result in cumulative effects to the environmental factors evaluated in the document. These related projects include, but are not limited to: 1) downtown development/redevelopment which would result in additional vehicular and pedestrian traffic; 2) regional growth which would result in additional vehicular and pedestrian traffic; 3) the general increase in Reno's tourism-based economy, which is reflected in the dramatic growth in passenger traffic at nearby Reno/Tahoe International Airport; and 4) increases in rail traffic along the Central Corridor as a result of port facilities expansion, including but not limited to the Port of Oakland.

3.4 ALTERNATIVES

NEPA requires that an EA evaluate feasible alternatives to the proposed action, which would result in the reduction of significant environmental effects associated with the proposed action. Vol. 1, Chapter 1.0, page 1-18 of the EA attempts to satisfy this mandatory requirement by evaluating only the "No Action" or "No Merger" alternative. While this

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alternative is required to be evaluated under NEPA, it does not represent a reasonable range of feasible alternatives, particularly since the entirety of the alternatives analysis section consists of one short paragraph. Avoidance of an alternatives analysis is in conflict with the intent and provisions of NEPA, and must be addressed in the EA. This avoidance of alternatives analysis is of particular concern given the fact that the City of Reno has gone to great lengths and considerable expense to develop several feasible alternatives to the proposed action.

Three primary alternatives to the proposed action have been developed and submitted to the STB in a document entitled, "Reno Transportation Corridor Alternatives Study" March 1996. These alternatives include: 1) Interstate 80 Corridor; 2) full or partial lowering of the tracks through the downtown Reno corridor; and 3) at-grade tracks with street overpasses and underpasses. These alternatives, including detailed engineering and cost analysis, were available at the time of EA preparation, and should have been included in the analysis of alternatives.

The City of Reno's preferred mitigation alternative for the proposed merger is the relocation of the tracks from the downtown area to an alignment parallel to and south of Interstate 80. This 3.6 mile realignment, has been designed to meet the UP's design criteria for 40 MPH operation and provides adequate area for a maintenance road along with the fiber optic cable(s) and petroleum pipelines. This alternative provides the community with the greatest overall benefit by: 1) consolidating train and pipeline operations in the same corridor as Interstate 80; 2) permitting the redevelopment of the downtown railroad corridor; and 3) eliminating all at-grade crossings within the downtown Reno area.

The City of Reno also finds the full lowering of the tracks through the downtown corridor as an acceptable alternative to the proposed action. This alternative provides a substantial reduction in the level of environmental impact by eliminating at grade crossings in the downtown Reno area, eliminating vehicular/pedestrian - train conflicts and permitting the use of eirspace above the tracks. This alternative would, however, expose the downtown area to some level of railroad noise and air quality impact.

The grace separation of three railroad-highway crossings of the 15 at-grade crossing within the City of Reno, is not adequate mitigation, and as a result, is not acceptable to the City of Reno.

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4.0 ADEQUACY OF ENVIRONMENTAL ASSESSMENT - VOL. 2, CHAPTER 12.0 - RAIL LINE SEGMENT, RAIL YARD, AND INTERMODAL FACILITY IMPACTS - NEVADA

The City of Reno has reviewed the EA for the Union Pacific control and merger of Southern Pacific. Review of the EA is divided into general comments and specific comments. The specific comments are directed to individual passages in the document referenced by volume, page, section (§), paragraph (¶), and line.

4.1 SECTION 12.1 - AIR QUALITY ANALYSIS

EA Text Quote: Vol. 2, page 12-1, § 12.1, ¶ 1, line 5: "SEA concludes that increased rail operation activities in these regions would result in increased emissions of nitrogen dioxide (NO_2) , which contributes to the formation of ozone. Increases in emissions, however, would be partially offset by decreases in train activity on other segments."

Comment #1: This cannot be substantiated because the offsets are not within the same air basin (e.g., Winnemucca, Nevada to Flanigan, Nevada segment is 175 miles away from Washoe County).

4.1.1 SUBSECTION 12.1.2 - NORTHWEST NEVADA (AQCR 148)

EA Text Quote: Vol. 2, page 12-3, § 12.1.2, ¶ 1, line 6: "SEA concludes that adverse impacts could result from increased rail segment activity in this AQCR."

Comment #2: As indicated in Vol. 2, page 1-24, ¶ 1, line 2, "Potential impacts in 'attainment' areas were evaluated using the criteria and standards established in the Prevention of Significant Deterioration (PSD) permitting program; any increase in emissions for a given pollutant of 250 tons per year or more is considered a significant impact." As shown in comments below, errors in calculations have been made in the EA, and certain emissions (CO and NO_x) increase by at least 250 tons per year (TPY), therefore significant impacts would exacerbate an already unsatisfactory situation.

EA Text Quote: Vol. 2, page 12-4, ¶ 1, line 1: "The Northwest Nevada AQCR (148) includes the counties of Carson City, Douglas, Lyon, Storey, Washoe, and is designated as a nonattainment [sic] for total suspended particulates (TSP), particulate matter (PM-10), carbon monoxide (CO), and ozone (O_3) ."

Comment #3: Total suspended particulate (TSP) is no longer a regulated pollutant and has not been so in Nevada since December 26, 1991, when it was replaced by PM_{10} . Carbon monoxide (CO) is only in non-attainment for the Truckee Meadows (highly populated portion of Washoe County). Ozone (O₃) is only in non-attainment for Washoe County.

4.1.1.1 Subsection - Emissions from Increased Rail Segment Activity

EA Text Quote: Vol. 2, page 12-4, below ¶ 2 (an unnumbered table), line 4 of said table's data indicated percent change in TPY as: -74%.

Comment #4: As indicated in Vol. 1, page 1-12, Table 1-3 (continued), line 23 of said table's data, the percent change in gross ton-miles per year is 74.1 percent. This is an increase of 74 percent, not a decrease of 74 percent as indicated in the table (Vol. 2, page 12-4, below ¶ 2 (an unnumbered table), line 4 of said table's data).

EA Text Quote: Vol. 2, page 12-4, below ¶ 3 (an unnumbered table), lines 1-3 of said table's data indicated below:

Rail	AQCR (!D no.)	Estimated Increase in Emissions (tons per year)					
Segment		HC	со	NO ₂	SO ₂	PM ₁₀	
Roseville - Sparks	148	3.1	9.6	71.6	5.2	1.6	
Sparks - Winnemucca	148	38.2	118.7	888.2	64.4	19.3	
TOTAL		41.3	128.3	959.8	69.6	20.9	

(Existing Unnumbered Table)

AQCR = Air Quality Control Region; HC = hydrocarbons (in air); CO = carbon monoxide; N0₂ = nitrogen dioxide; SO₂ = sulfur dioxide; PM_{10} = particulate matter (under 10 microns in diameter)

Comment #5: As indicated in Vol. 1, page 2-6, Table 2-2 (continued), line 31 of said table's data, the pollutant emission for this segment are estimated in TPY, as follows: HC 12.7, CO 39.6, NO₂ 296.1, SO₂ 21.5, and PM₁₀ 6.4, not as indicated in the table above (Vol. 2, page 12-4, below ¶ 3 (an unnumbered table), lines 1-3 of said table's data). The existing unnumbered table would appear as follows, with the correct TPY:

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Rail	AQCR (ID no.)	Estimated Increase in Emissions (tons per year)					
Segment		HC	со	NO ₂	SO ₂	PM ₁₀	
Roseville - Sparks	148	3.1	9.6	71.6	5.2	1.6	
Sparks - Winnemucca	148	12.7	39.6	296.1	21.5	6.4	
TOTAL		15.8	49.2	367.7	26.7	8.0	

(Existing Unnumbered Table - with correct TPY)

These numbers differ slightly from those indicated in Vol. 1, page 2-12, Table 2-5 (continued), line 19 of said table's data indicated below (underline added for emphasis):

AQCR	State	AQCR Name	Emissions increase (tons per year)				
			HC	СО	NO ₂	SO ₂	PM ₁₀
148	NV	Northwest Nevada	15.8	<u>49.1</u>	<u>367.6</u>	26.6	8.0

4.1.1.2 Subsection - Analysis of Activity

EA Text Quote: Vol. 2, page 12-5, \P 1, line 2: "These estimates of increased emissions are conservative, however, because they do not account for offsetting decreases that could result from truck-to-rail diversions."

Comment #6: Truck-to-rail diversions in Nevada have not been indicated in the proposed action. This statement is not substantiated by facts as presented in the EA and cannot be used to reduce post-merger emission levels.

EA Text Quote: Vol. 2, page 12-5, ¶ 1, line 4: "Overall, SEA concludes that while the proposed action is not subject to National Ambient Air Quality Standards General Conformity regulations, the proposed merger would result in increased levels of all pollutants in the Northwest Nevada AQCR, primarily from mobile rail segments emissions."

As indicated in Vol. 2, page 12-2, ¶ 1, line 2: "One of the two AQCRs in Nevada is in nonattainment [sic] for ozone."

Further stated in Vol. 2, page 1-24, ¶ 2, line 1, "Potential impacts in 'non-attainment' areas were assessed against the standards established in the General Conformity Regulations of the Clean Air Act. Under these regulations, increases in volatile organic compounds or nitrogen oxides are considered to be a significant impact if emissions exceed the following levels: 100 tons/year in Moderate Ozone Non-Attainment Areas."

Comment #7: Washoe County Air Quality Management Division (WCAQMD) reports that the Truckee Meadows is in non-attainment for PM₁₀ and carbon monoxide (CO) and all of Washoe County is in non-attainment for ozone (O₃). The implication of these three EA statements is the nitrogen dioxide (NO₂) will increase by 367.7 TPY, surpassing the thresholds as stated in Vol. 2, Chapter 1.0, Section 1.2.4 of the EA, therefore <u>significant</u> impacts woul.² exacerbate an already unsatisfactory situation, based upon the existing unnumbered table with the correct TPY above (Vol. 2, page 12-4, § 12.1.2, ¶ 5 (an unnumbered table), lines 1-3 of said table's data).

The evaluation of the impacts of the post-merger rail traffic should address the Truckee Meadows non-attainment area for PM_{10} and carbon monoxide (CO), and all of Washoe County for ozone (O₃). The other areas of the AQCR should not be considered unless it can be shown that there is an impact from the proposed Merger in those areas.

4.2 SECTION 12.2 - AIR QUALITY IMPACTS AT GRADE CROSSINGS

EA Text Quote: Vol. 2, page 12-5, § 12.2, line 1: "SEA assessed the overall air quality impacts of emissions from idling vehicles waiting at grade crossings. On average, annual emissions at a grade crossing with 5,000 vehicles per day would be 0.0021 ton of volatile organic compounds, 0.0013 ton of hydrocarbons, 0.0111 ton to carbon monoxide, and 0.0003 ton of nitrogen dioxide (NO₂) per train crossing. Traffic volumes of more than 5,000 vehicles per day would increase the estimated emissions accordingly."

Comment #8: These numbers are not substantiated nor is the methodology given for the calculations. It is assumed that the "Crossing Delay per Vehicle" as described in Vol. 5, Appendix I, page I-4, of the EA was used. If this is the case, some of the basic assumptions in that calculation are in error. The length of the train in feet is assumed to be 5,000 feet. This is not the case in the City of Reno. The average length of trains is 6,500 feet (see Section 3.2.1, of this document above). The train speed in miles per hour (mph) is not given, though in other sections of the EA it is stated as either 20 mph, 30 mph, 40 mph, or 50 mph. The average speed of trains through the City of Reno is 20 mph (see Section 3.2.1,

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of this document above). Therefore, if the "Crossing Delay per Vehicle" is calculated in error and the emissions calculations from those idling vehicles would also be in error (see Comment #22 through Comment #27 below for a complete discussion of crossing delay calculations).

In a recent study prepared for the City of Reno entitled *Railroad Merger Study* by Nolte et al., in March 1996, Kleinfelder estimated vehicular air emissions resulting from an increase in the number of trains using the U.S. Environmental Protection Agency's MOBILE5a model (Nolte et al., 1996; Spandau, 1996). The results of the emissions calculations are presented below, (as total estimated annual vehicular air emissions in TPY):

VOC	СО	NOx	PM ₁₀
19.2	234.0	5.2	0.11

VOC = volatile organic compound(s); CO = carbon monoxide; NO_x = nitrogen oxides; PM_{10} = particulate matter (under 10 microns in diameter)

These numbers are higher than the estimates provided in the above quoted EA text. A complete methodology and explanation of the data set is required, as this would appear to be a significant impact exacerbating an already unsatisfactory situation.

EA Text Quote: Vol. 2, page 12-5, § 12.2, line 5: "Railroad crossings are usually gradeseparated when roadway and/or train traffic volumes become high, so the air quality impacts at grade crossings would generally be relatively minor."

Comment #9: This statement is without merit and assumptive. Streets within the City of Reno cross the existing SP main line tracks at-grade 15 times. The EA does not adequately characterize the existing environment in the City of Reno.

EA Text Quote: Vol. 2, page 12-5, § 12.2, line 7: "In Nevada, most grade crossings carry 5,000 or fewer vehicles."

Comment #10: On the contrary, the average daily traffic (ADT) at 9 of the 15 crossings in downtown Reno were recently monitored. The average roadway traffic was determined

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to be 10,000 ADT³, with two separate at-grade crossings exceeding 20,000 ADT (Barton-Aschmar et al., 1996; Hall, 1996; RTC, 1996c; Spandau, 1996). The EA does not adequately characterize the existing environment in the City of Reno.

EA Text Quote: Vol. 2, page 12-5, § 12.2, line 8: "SEA concludes that no adverse air quality impacts would results from increased grade crossing delays as a result of the proposed merger."

Comment #11: The overall air quality impacts of emissions from idling vehicles waiting at grade crossings must be included with the results of the rail segment emissions (above). The total impact on air quality can then be determined. It would appear from the information provided in the EA on rail segment emissions, the errors in calculating the emissions from idling vehicles, and the data presented above, that the standards established (Vol. 2, page 1-24, ¶ 1 & ¶ 2) would be violated and significant impacts may occur to air quality from increased carbon monoxide (CO) totaling 283.1 TPY and nitrogen oxides (NO_x) totaling 372.8 TPY emissions. The data presented above as well as in the EA are not detailed enough to come to a firm conclusion as to the significance of this issue. Without this additional information, the EA concludes without fact, that there will be no significant impacts related to air quality from increased grade crossing delays.

4.3 SECTION 12.3 - NOISE ANALYSIS

EA Text Quote: Vol. 2, page 12-5, ¶ 1, line 1: "SEA performed noise analyses to identify noise-sensitive land uses where the proposed changes in operations could result in increases in noise exposure that meet or exceed the Board's environmental analysis thresholds at 49 CFR 1105.7(e)(6).

Comment #12: The noise analyses presented in the EA is based upon methodology provided in Vol. 5, Appendix H. Responding to the City of Reno's request for additional information dated April 25, 1996, Wilson, Ihrig & Associates, Inc. (WIA) the EA Consultants' subcontractor on noise, provided on May 1, 1996, color reproductions of maps

³ This is based on the average ADTs listed on Figure 11 from the December 1995 *Reno Downtown Traffic/Parking Study* (Barton-Aschman Associates et al., 1995) 10,733 ADT; confirmed by the recent Barton-Aschman counts of 9 crossings averaging 10,611 ADT (Hall, 1996); Kleinfelder, Inc.'s counts for the same 9 crossings averaging 10,537 ADT (Spandau, 1996); and the Regional Transportation Commission's counts for the same 9 crossings averaging 12,116 ADT (RTC, 1996c).

with land-use descriptions and noise contours used by WIA for assessing the noise impact which would occur as a result of the proposed Merger.

The City of Reno is concerned that the base maps are outdated (1982) and do not specifically represent current land use. For example, the City of Reno's downtown west of Arlington to Keystone is residential in nature not commercial as indicated on WIA's maps.

In an attempt to accurately assess the noise impact, new contours were calculated (Comment #16, below) and mapped on aerial survey photographs (Great Basin Aerial Surveys, 1994), and new counts were generated (see Comment #18, below) based upon current (April 25, 1996) Washoe County Department of Comprehensive Planning land use maps.

EA Text Quote: Vol. 2, page 12-5, ¶ 1, line 1: "The following discussion provides an estimate of the number of noise-sensitive receptors (e.g., residences, schools, churches) where the Board's thresholds would be exceeded, potentially causing an adverse increase in noise exposure."

Comment #13: The EA uses noise-sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) which represents a very narrow category of lend uses when estimating ultimate affects of noise. In addition, this category of land uses u ed in the EA is not consistent with the STB's own implementing regulations which define "receiving properties" as commercial and residential properties that receive the sound from railroad facility operations, but that is not owned or operated by a railroad (40 CFR 201(w)).

Part 201(e) of Chapter 40 of the Code of Federal Regulations defines commercial property as any property that is normally accessible to the public and that is used for any of the purposes described in the following standard land uses: retail trade; finance; insurance, real estate, personal, business and repair services; legal and other professional services; governmental services; welfare, charitable and other miscellaneous services; native exhibitions and other cultural activities; entertainment, public and other public assembly; and recreational, resort, park and other cultural activities.

Part 201(x) of Chapter 40 of the Code of Federal Regulations defines residential properties as any property that is used for any of the purposes described in the following standard land uses: residential; medical and other health services; educational services, religious activities;

and cultural activities. As documented, the STB's own implementing regulations offer a much broader category of land uses thus affecting a greater number of land uses located along the railroad tracks.

4.3.1 SUBSECTION 12.3.1 - INCREASED RAIL SEGMENT ACTIVITY

4.3.1.1 Subsection - Roseville, California to Sparks

EA Text Quote: Vol. 2, page 12-5, ¶ 4, line 1: "This rail segment currently has 13.8 trains/day and would experience an increase of 11.3 trains/day (a change of 79 percent in gross ton-miles per year) as a result of the proposed merger."

Comment #14: Using the correct number of post-merger trains per day, thirty-eight (38) (see Section 3.2.1, of this document above), the total increase of trains per day would be 24.2.

EA Text Quote: Vol. 2, page 12-5, ¶ 4, line 3: "This change in through train activity would result in an increase in the L_{dn} of 2.6 dBA along the alignment."

Comment #15: The calculations to obtain an increase of 2.6 dBA are based on using an increase of 11.3 trains per day. While the calculations were not conducted using the correct post-merger increase of 24.2 trains per day (see Section 3.2.1, of this document above), the post-merger train activity would most likely increase the dBA past the noise criteria significance threshold of 3 dBA which is the minimum level at which adverse impacts will occur.

EA Text Quote: Vol. 2, page 12-6, ¶ 1, line 3: "Currently, the noise impacts at grade crossings extend approximately 480 feet perpendicular to the tracks, whereas after the merger the distance for noise impacts would increase to about 670 feet."

Comment #16: Post-merger noise impacts would increase more than as stated in the EA. The noise impact projection using the 65 dBA L_{dn} distance contour (both with and without horns) was recalculated using the correct number of trains per day (38) and train speeds (15 mph to 20 mph) expected within the City of Reno (see Section 3.2.1, of this document above). For these calculations the same number of cars and locomotives and time of day of use were used as in the EA projections (70 cars, 3.5 locomotives, and a random day/night mix). The subsequent result indicated a 1,400 feet distance to the 65 dBA L_{dn} of post-merger

noise impacts from trains using horns and a 260 feet contour distance for trains not using horns (Giroux & Associates, 1996).

EA Text Quote: Vol 2, page 12-6, ¶ 3, line 2: "There are 13 grade crossings along the tracks."

Comment #17: Streets within the City of Reno cross the existing SP main line tracks atgrade 15 times at Woodland, Del Curto, Keystone, Vine, Washington, Ralston, Arlington, West, Sierra, Virginia, Center, Lake, Morrill, Sutro, and Sage Streets.

EA Text Quote: Vol. 2, page 12-6, ¶ 3, line 7: "An additional 58 residences would lie within the post-merger contour."

Comment #18: A greater number of residential properties (40 CFR 201(x)) would be affected within the post-merger 65 dBA L_{dn} contour distance using the 1,400 feet contour distance specified in Comment #14. An additional 606 residential properties would lie within the post-merger contour.

EA Text Quote: Vol. 2, page 12-6, ¶ 5, line 3: "With the proposed increase in train traffic, this would increase by 86 residences for a total of 242 residences and 2 churches within the post-merger 65 L_{dn} contour as shown below:" (pertaining to the subsequent unnumbered table on page 12-7).

Comment #19: After incorporating the increase of 606 residential properties (40 CFR 201(x)), not even attempting to account for the hundreds of commercial properties (40 CFR 201(e)), into the calculations using the 1,400-foot post-merger 65 dBA L_{dn} contour (see Comment #16, above) the numbers of residences for the Nevada portion of the post-merger railway tracks, including Sparks and Verdi, increased accordingly. For the Nevada portion of the post-merger railway segment, residential properties would increase by 634 residential properties and the total number of residential properties would be 792.

4.4 SECTION 12.4 - TRANSPORTATION SYSTEMS

EA Text Quote: Vol. 2, page 12-10, ¶ 2, line 5: "While the time of delay at grade crossings would increase proportionately with the increase in train traffic, most of the grade crossings in Nevada carry fewer 5,000 [sic] vehicles per day."

Comment #20: On the contrary, the average daily traffic (ADT) at 9 of the 15 crossings in downtown Reno were recently monitored. The average roadway traffic was determined to be 10,000 ADT⁴, with two separate at-grade crossing exceeding 20,000 ADT (Barton-Aschman et al., 1996; Hall, 1996; RTC, 1996c; Spandau, 1996). Therefore, any subsequent calculation of the delay at grade crossings would be invalid. The EA does not adequately characterize the existing environment in the City of Reno.

EA Text Quote: Vol. 2, page 12-10, ¶ 2, line 5: "SEA concludes that increases in vehicle delay and/or wait time due to merger-related operational changes would not be excessive."

Comment #21: The EA concludes that there will be no significant impacts related to grade crossing delays, despite known facts that there will be impacts. See Comment #22 through Comment #27 for further information.

4.4.1 SUBSECTION 12.4.1 - GRADE CROSSINGS

EA Text Quote: Vol. 2, page 12-10, § 12.4.1, ¶ 1, line 4: "While an increase in the number of trains would result in more crossing closings per day, the length of the queue at each individual crossing closing event would change only if the train length changes."

Comment #22: Based upon the methodology as stated in Vol. 5, Appendix I, page I-4, of the EA, specifically "Crossing Delay per Train" the calculation of delays are inaccurate as they are based upon the length of the train in feet as 5,000 feet. This is not the case in the City of Reno. The average length of trains is 6,500 feet (see Section 3.2.1, of this document above). Therefore, the calculation for "Crossing Delay per Train" also shown as "TB" is incorrect.

4.4.1.1 Subsection - Roseville, California to Sparks

EA Text Quote: Vol. 2, page 12-10, ¶ 1, line 1: "Average rail traffic on the Roseville, California to Sparks line would increase from 13.6 to 24.9 trains per day, a train volume increase of about 83 percent."

This is based on the average ADTs listed on Figure 11 from the December 1995 *Reno Downtown Traffic/Parking Study* (Barton-Aschman Associates et al., 1995) 10,733 ADT; confirmed by the recent Barton-Aschman counts of 9 crossings averaging 10,611 ADT (Hall, 1996); Kleinfelder, Inc.'s counts for the same 9 crossings averaging 10,537 ADT (Spandau, 1996); and the Regional Transportation Commission's counts for the same 9 crossings averaging 12,116 ADT (RTC, 1996c).

Comment #23: As indicated in Vol. 1, page 1-11, Table 1-3, line 13 of said table's data, the pre-merger trains per day are 13.8, the post-merger trains per day are 25.1, therefore the train volume increase is 82 percent as stated in the EA. As demonstrated in Section 3.2.1 of this document above, 38 trains per day is a more appropriate number.

EA Text Quote: Vol. 2, page 12-10, ¶ 1, line 2: "There are 18 grade crossings along this segment; 8 of these have Average Daily Traffic (ADT) counts greater than 5,000 vehicles per day."

Comment #24: Streets within the City of Reno cross the existing SP main line tracks atgrade 15 times (Woodland, Del Curto, Keystone, Vine, Washington, Ralston, Arlington, West, Sierra, Virginia, Center, Lake, Morrill, Sutro, and Sage).

EA Text Quote: Vol. 2, page 12-10, ¶ 1, line 4: "At typical and low speed grade crossings along the route (e.g., train speed of 20 mph), delay to vehicle traffic would increase from 48 minutes (pre-merger) to 88 minutes (post-merger) over a 24-hour period."

Comment #25: Based upon the methodology as stated in Vol. 5, Appendix I, page I-4 of the EA, specifically "Increase in Total Crossing Delay per Day" was calculated with 5,000 foot trains, at 20 mph, for 25.1 trains. When these calculations are re-evaluated using the 6,500 foot trains, at 20 mph, for 38 trains (see Section 3.2.1, of this document above), the increase in total crossing delay per day increases significantly from the estimated 88 minutes (post-merger) to 166 minutes (post-merger).

The Regional Transportation Commission (RTC) which operates the public transportation system for Washoe County including the Cities of Reno and Sparks indicated that their buses cross the railroad tracks 704 times a day in Reno (10 of 24 routes), carrying an average of 8,713 passengers a day on these lines. Current rail traffic delays buses from 2 to 3 minutes according to RTC (RTC, 1996a; 1996b; 1996c).

Another transit issue involves trains blocking pedestrian access to the CitiCenter (the downtown transit transfer station) from points south of the tracks. Passengers transferring from one bus to another will often miss their connection due to crossing delays. This can mean a 1-hour delay to some passengers connecting with routes currently operated hourly. Delays caused by longer and more frequent trains would only exacerbate these problems (RTC, 1996a).

EA Text Quote: Vol. 2, page 12-10, ¶ 1, line 7: "At the highest speed grade crossings (e.g., train speed of 40 mph), delays to vehicle traffic would increase from 29 minutes (premerger) to 52 minutes (post-merger) over a 24-hour period."

Comment #26: It should be noted that the maximum train speed at all crossings in the City of Reno is 20 mph.

EA Text Quote: Vol. 2, page 12-10, ¶ 1, line 8: "The maximum queue length per train due to peak-hour vehicle traffic would range from 1 to 80 vehicles, and the corresponding delay per vehicle would vary from 1.35 to 2.06 minutes."

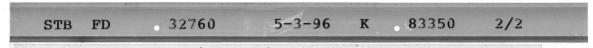
Comment #27: The above information on maximum queue length appears to be incorrectly stated. It would appear that the above number of 80 could only be correct if the ADT used was 45,584. More likely, the number 80 is actually a typographical error for the number 8, which could be correct based upon 5,000 ADT, a TB of 3.51, and 4 total lanes of traffic. If we accept that the above is a typographical error and then re-evaluated the numbers using 10,000 ADT⁵, a TB of 4.36, and 4 total lanes of traffic, then the maximum queue length is 21.8 vehicles, and the corresponding delay per vehicle would be 2.48 minutes. This length of queue indicates a serious gridlock affecting operations of adjacent businesses as well as safe circulation of pedestrian and vehicle traffic.

4.5 SECTION 12.5 - SAFETY

EA Text Quote: Vol. 2, page 12-11, § 12.5, ¶ 1: "SEA assessed a number of safety issues associated with the proposed merger, including the probability of increased accidents at grade crossings, and the risks associated with increased shipments of hazardous commodities."

Comment #28: As indicated in Vol. 1, page 2-22, § 2.4.1, ¶ 1: "Railroad operations may affect public health and safety as a result of: (1) accidents that occur at grade crossings, and (2) delays at grade crossings, which could affect the time required to respond to an emergency or could affect the judgement of motorists concerning safe crossing of the tracks."

⁵ This is based on the average ADTs listed on Figure 11 from the December 1995 *Reno Downtown Traffic/Parking Study* (Barton-Aschman Associates et al., 1995) **10,733 ADT**; confirmed by the recent Barton-Aschman counts of 9 crossings averaging **10,611 ADT** (Hall, 1996); Kleinfelder, Inc.'s counts for the same 9 crossings averaging **10,537 ADT** (Spandau, 1996); and the Regional Transportation Commission's counts for the same 9 crossings averaging **12,116 ADT** (RTC, 1996c).



It appears from the above passage that the EA failed to evaluate the effects of these impacts, even though the EA acknowledges the importance and potential impacts to emergency response vehicle delays. The increased public health and safety risks associated with emergency service vehicles delayed at crossings (at-grade) is a <u>significant</u> impact to the citizens of the City of Reno, specifically based on the underestimation of delays

Any increase in number, length, or speed of trains, and the subsequent "Increase in Total Crossing Delay per Day" (see Vol. 5, Appendix I, page I-4 of the EA) will have a significant impact in the following areas:

Ambulance/Medical

The Regional Emergency Medical Services Authority (REMSA) indicates that they received 28,956 calls requesting service in 1995. Of these calls, 835 patients were transported code-3 to hospitals with life-threatening illness or injuries (REMSA, 1996).

Fire Prot tion

The City of Reno Fire Department (RFD) dispatches equipment and personnel based on the potential for the equipment to be blocked by a train. Multiple alarms in District #1 require the dispatch of a minimum of four (4) engines or trucks because of these potential delays. Fire Chief Larry S. Farr indicated that a total of 3,170 incidents in 1995, were affected by railroad crossings (RFD, 1996a; 1996b).

Police Protection

Chief Jim Weston, City of Reno Police Department (RPD) comments on the potential impacts of the proposed Merger:

Police response times will increase to emergency and non-emergency calls which are cross-dispatched. Cross-dispatching is routine and occurs 24 hours per day because of current police staffing shortages. Citizen response time complaints will increase.

Officer safety and citizen safety will be impacted by delayed response of police units to assist officers needing cover, police response to injury related traffic accidents, or any other citizen injury type call.

Special events management will deteriorate as trains bisect parceles, static display street closures, and major special events.

intoxicated pedestrians (tourisis, transients, and locals) currently race across tracks to avoid trains. Their impaired condition increases the potential for an injury. Massive special events crowds, combined with noise levels of the event, often force pedestrians too close to train tracks. Reno's entertainment industry often results in tourists and local citizens being intoxicated or under the influence of alcohol in the downtown area.

Increased train crossing traffic violations will occur. Currently, impatient drivers ignore crossing arms to beat oncoming trains, make U-turns, or drive the wrong way to find an escape route to avoid train delays. Additional train traffic will exacerbate this already dangerous situation (RPD, 1996).

As indicated in Vol. 1, page 2-22, § 2.4.1, ¶ 1: "Railroad operations may affect public health and safety as a result of: (1) accidents that occur at grade crossings, and (2) delays at grade crossings, which could affect the time required to respond to an emergency or could affect the judgement of motorists concerning safe crossing of the tracks." It appears from the above passage, even though the EA acknowledges the importance and potential impacts to motorists concerning safe crossing of the tracks, they failed to evaluate the effects of these impacts.

4.5.1 SUBSECTION 12.5.1 - GRADE CROSSING SAFETY

EA Text Quote: Vol. 2, page 12-12, § 12.5.1, ¶ 1, line 1: "Accidents at grade crossings are a function of the number of trains, train speed, number of train tracks, grade crossing condition and warning facilities, roadway condition and number of lanes, and amount of roadway traffic."

Comment #29: No methodology is available to support this assumption or to show how calculations were performed.

EA Text Quote: Vol. 2, page 12-12, § 12.5.1, ¶ 1, line 3: "Since the proposed merger would not result in any new grade crossings and would affect only the number of trains passing through existing grade crossings, the probability of an increase in the number of accidents at grade crossing would depend on the increased number of on [sic] trains on rail segments."

Comment #30: This statement cannot be supported by the present information in the proposed action. If the speed of the trains is increased to 30 mph or 40 mph, this statement would not hold true.

Reno's Police Chief comments, "Currently, impatient drivers ignore crossing arms to beat oncoming trains, make U-turns, or drive the wrong way to find an escape route to avoid train

delays. Additional train traffic will exacerbate this already dangerous situation" and "increased train crossing traffic violations will occur" (RPD, 1996).

EA Text Quote: Vol. 2, page 12-12, § 12.5.1, ¶ 1, line 3: "SEA concludes that the accident exposure in Nevada will range from an increase of 90 percent to a decrease of 52 percent depending on rail segment."

Comment #31: See Comment #29 above under Section 4.5.1 of this document. With a lack of methodology and no way to calculate the above percentages, these numbers have no validity. Several factors previously discussed in Section 3.2.1 of this document, would affect this calculation:

The number of trains is stated in the EA as 25.1. As demonstrated in Section 3.2.1 of this document above, 38 trains per day is a more appropriate number.

The length of the train in feet, is assumed to be 5,000 feet. This is not the case in the City of Reno. The average length of trains is 6,500 feet.

The train speed in miles per hour is given as either 30 mph or 50 mph. This is not the case in the City of Reno. The average speed of trains through the City of Reno is 20 mph.

The Nevada Department of Transportation (NDOT), Railroad Safety Section, maintains data on railroad crossing vehicle collisions verified by the Reno Police Department (RPD). For the 25 year period ending in 1995, 3 fatalities occurred, 17 personal injuries, and 39 collisions with property damage. Additionally, three pedestrians have been killed and two more injured during this same period (NDOT, 1996). These figures do not include trespasser incidents between crossings.

4.5.2 SUBSECTION 12.5.2 - HAZARDOUS COMMODITIES

EA Text Quote: Vol. 2, page 12-12, § 12.5.2, ¶ 1, line 1: "The proposed merger is not expected to affect the policies or operation of UP/SP concerning the type or quantity of hazardous commodities transported or the method of handling."

Comment #32: The U.S. Department of Energy (DOE) has recently announced plans for shipping foreign reactor nuclear fuel through the Port of Oakland, California to Idaho Falls, Idaho via Nevada. There are other routes DOE could use to transport this fuel, however, we must assume that the fuel has the potential to be transported through Reno, Nevada. It is the

understanding of the State of Nevada Agency for Nuclear Projects - Nuclear Waste Project Office (NWPO) in Carson City, Nevada that at least eight (8) rail shipments of spent nuclear fuel would be transported through Reno as early as late 1997 (NWPO, 1996). DOE has indicated that rail is the preferred mode of transportation for these shipments. The Agency for Nuclear Projects further states that while the number of shipments for the proposed campaign is modest and the shipments are one-time occurrences, the use of Concord, California as the port of entry could set a precedent for future shipments of spent fuel and/or high-level radioactive waste (NWPO, 1996).

Even as few as eight (8) shipments of spent fuel will require considerable planning, emergency preparedness, and training along the shipping route, especially in heavily populated areas such as Reno, Nevada. It is the City of Reno's opinion that this activity should be mentioned in the EA as additional rail activity in the future.

The EA should evaluate the impacts of special train activity and restrictions on railroad operations, the flow of rail traffic through the City of Reno, the potential for accidents, and other operational issues.

EA Text Quote: Vol. 2, page 12-12, § 12.5.2, ¶ 1, line 3: "A total of 420,000 and 305,000 hazardous commodity shipments were transported by UP and SP, respectively in 1994. These shipments resulted in 118 reportable incidents for UP and 35 incidents for SP. Therefore, 99.98 percent of the shipments arrived at their destination without incident."

Comment #33: This statement documents a total of 153 separate UP and SP rail incidents involving hazardous commodity shipments occurring in 1994. As documented in 49 CFR 1105.7(ii): "If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react or form more hazardous compounds; safety practices (including any speed restrictions); the applicants' safety record on derailments, accidents, and hazardous spills; the contingency plans to deal with accidental spiils; and the likelihood of an accidental release of hazardous materials. The EA does not document the majority of the items in 49 CFR 1105.7(ii). This is information that should be documented so the general public is informed as to the nature of incidents involving hazardous commodities.

EA Text Quote: Vol. 2, page 12-12, § 12.5.2, ¶ 1, line 6: "The applicants have noted that the consolidation of the companies will result in a 'best practice' approach to hazardous commodity handling."

Comment #34: The term "'best practice' approach" is not defined in the EA's glossary so it is unclear as to the meaning of this term or approach. The EA should define this term as well as the methods associated with implementing this approach. The City of Reno is unable to determine if this "'best practice' approach" is the most strategic and environmentally sensitive approach to handling hazardous commodities and must assume that economics are the only factor considered with adopting this approach.

EA Text Quote: Vol. 2, page 12-12, § 12.5.2, ¶ 1, line 8: "SEA concludes that, using the same rate of safe transport, the projected increases in accidents and shipments of hazardous materials as a result of the proposed merger do not constitute a significant safety risk."

Comment #35: A threshold for safety is never defined in the EA therefore, it is not possible to derive a conclusion that the proposed Merger does not constitute a significant safety risk.

The data presented above as well as in the EA is not detailed enough to come to a conclusion as to the significance of this issue. If additional information pertaining to these incidents involving hazardous commodities was incorporated into the EA, we could be in a position to determine if a total of 153 incidents violates thresholds related to transporting hazardous commodities and a threat involving public safety. Without this additional information, the EA is concluding, without fact, that there will be no significant impacts related to transporting hazardous commodities.

4.6 SECTION 12.6 - SUMMARY OF AGENCY COMMENTS

Public involvement is an important part of the NEPA process, and is encouraged during the preparation of complex, controversial EAs to achieve full disclosure (40 CFR 1506.6(a)).

EA Text Quote: Vol. 2, page 12-13, ¶ 7, line 1: "City of Reno is concerned that the proposed merger will almost double the train frequency (from 13 to 23/day) through the downtown Reno hotel/casino district. Frequency of UP/SP, BN/SF, Amtrak train service will be increased to more than 30 trains per pay, not including local service. Eight of the 15 atgrade crossings are located in downtown Reno which will affect substantial pedestrian and vehicular traffic, as well as police, fire and ambulance equipment movements. Environmental

impacts on air quality, congestion, and noise levels are a result of the proposed merger are also under study."

Comment #36: The STB has solicited comments from the public (summary of the City of Reno's letters noted above), but has not responded to issues raised in the comments provided by the Nevada Department of Conservation and Natural Resources, Division of Environmental Protection Bureau of Air Quality, Nevada Department of Transportation, State Historic Preservation Office, and the City of Reno through their agent Paul H. Lamboley of Keck, Mahin & Cate (summarized in Vol. 2, Section 12.6 of the EA and provided in complete form in Vol. 5, Appendix E of the EA). Specific comments were received by the STB during the scoping phase of the EA process during mid-February 1996, in ample time to incorporate these concerns and issues into the environmental document.

4.7 ENVIRONMENTAL FACTORS NOT EVALUATED

Vol. 2, Chapter 12.0, of the EA evaluates a total of four (4) environmental factors which would potentially be affected by the proposed action, including: air quality, noise levels, transportation systems, and safety. A critical evaluation of these factors is included in Chapter 4.0 and 5.0 of this document. Several additional environmental factors, not evaluated in the EA, would be affected by the proposed Merger including: energy, cultural resources, land use, socioeconomics, water resources, and biological resources. The EA should be revised to include an evaluation of these environmental factors not considered.

4.7.1 ENERGY CONSUMPTION

EA Text Quote: Vol. 1, page 2-25, § 2.5, ¶ 1, line 1: "The Board's environmental rules at 49 CFR 1105.7(e)(4) require a description of: the effect of the proposed action on transportation of energy resources and recyclable commodities." and Vol. 1, page 2-25, § 2.5.1, ¶ 1, line 1: "The applicants stated no change in the transport of energy-producing materials or recyclable commodities are planned as part of the proposed merger."

Comment #37: This is another example of the EA utilizing information from the Applicant's Environmental Report without exercising independent review and analysis to determine the actual impacts. Sierra Pacific Power Company (SPPCo) provides electrical energy to the City of Reno and Washoe County, primarily through its North Valmy power plant, located between Winnemucca and Battle Mountain, Nevada. The North Valmy power plant and the secondary Pinion Pine power plant located in Tracy are coal-fired power plants and currently receive coal shipments from mines located in Colorado and Utah via several

alternative railroads and routes. Implementation of the proposed Merger could result in the elimination of alternative routes and railroad carriers for the transport of coal to both power plants. This facet of the proposed Merger would result in the creation of a monopoly, which would drive up the cost of coal transportation to SPPCo and ultimately result in increased energy costs to City of Reno residents and businesses. Any increase in transportation costs associated with the proposed Merger, which could create a monopoly, has been discussed in numerous studies prepared for other utility mergers. These studies have shown that energy prices increase between 8 percent and 15 percent to end-consumers following the merger of utilities.

In addition, the EA does not evaluate the waste of energy (gasoline) associated with the lengthy delays anticipated at the 15 at-grade crossings within the City of Reno.

Vol. 2, Chapter 12.0 of the EA which documents proposed Merger impacts to the State of Nevada, and in particular the City of Reno, does not contain a discussion of energy impacts. This is peculiar since it is a potential environmental impact indicated in Vol. 2, Chapter 1.0, Section 1.2 of the EA.

4.7.2 CULTURAL RESOURCES

Comment #38: The EA does not consider the effects of the proposed Merger on cultural resources that might be located within, or adjacent to the railroad track right-of-way traversing the City of Reno. Cultural resources include, but are not limited to, historic properties, historic structures, archaeological sites, and the railroad line itself. According to a letter dated February 15, 1996, prepared by the Nevada State Historic Preservation Office (SHPO) submitted to the STB, they have expressed concerns regarding incomplete survey coverage for areas located within the City of Reno (Vol. 5, Appendix E, page E-60 of the EA). In an earlier letter dated January 4, 1996, the Nevada SHPO requested the ICC to initiate consultation with their office in Carson City, Nevada as required by Federal Law (Section 106 of the National Historic Preservation Act [NHPA] of 1966, as amended) (SHPO, 1996). Compliance with Federal law requires inventory, evaluation, and assessment of the effects of the undertaking on historic properties that are part of the proposed project.

In a letter dated October 24, 1995, prepared by the Nevada SHPO to the Applicant's consultant (Dames & Moore), SHPO mentioned the historic significance of the railroad route (SHPO, 1995). The STB's environmental consultant prepared written correspondence requesting information about existing cultural and historic resources (Dames & Moore, 1996).

Although some of this information has not been officially recorded in a database maintained by the SHPO, that does not excuse the Applicant or STB from adequately addressing the potential environmental issues affecting cultural resources in the EA.

The City of Reno is specifically referring to the UP Facility in North Reno which has been referenced in several reports and the STB's fact sheets (see Section 3.2.2, of the document above). It is our understanding that the rail activity associated with UP Facility in North Reno including the UP TOFC yard (located adjacent to Parr Boulevard) will be phased out of existence, which should be considered in the EA document as an abandonment. We have been unable to locate a section of the EA addressing the environmental impacts associated with abandonment of the UP Facility in North Reno including the UP TOFC yard. However, we have documentation in the form of the STB fact sheets mentioning the phasing out this facility.

4.7.3 LAND USE

Comment #39: The EA limits its discussion of land use impacts associated with the proposed Merger to those directly related to existing land uses affected by merger-related air quality and noise impacts. As previously discussed in Chapter 4.0 of this document, the evaluation of merger-related air quality and noise impacts significantly underestimates the impacts to existing land uses as a result of a combination of flawed methodology and underestimated train characteristics (length, speed, etc.). In addition, the analysis focused on land uses identified as sensitive by the STB NEPA implementing regulations, and ignored the unique nature of other sensitive land uses within and adjacent to the rail corridor within the City of Reno.

As indicated in Section 4.3 of this document, the noise analysis significantly underestimates the number of sensitive land uses impacted by projected 65 L_{dn} dBA noise contour. The correct number of impacted sensitive land use receptors is as follows: single family residential (665 units), nursing homes (1), mobile home parks (7), apartment buildings/complexes (6 containing up to 120 units each), churches (3), and parks (5).

The analysis contained within the EA does not consider the major policy planning documents/programs, which contain the goals, objectives, and policies for the future orderly growth of the City of Reno and Washoe County. A review of these documents shows numerous sensitive land uses planned, but not currently built, within proximity to the rail

corridor which would be adversely affected by the proposed Merger. None of these policy planning considerations have been included in the EA for evaluation.

The City of Reno and related agencies and organizations sponsor numerous outdoor festivals, programs, and community events, which center around the primary natural resource within the City of Reno: the Truckee River. These events include concerts, expositions and themed events (Hot August Nights, Street Vibrations, Italian Festival, etc.) which are sensitive to all environmental impacts associated with increased rail traffic through the City of Reno. In addition, the casino district is heavily dependent on pedestrian and vehicular traffic to circulate unobstructed, to facilitate the continued revitalization of the downtown area. Implementation of the proposed Merger would have a substantially greater impact on existing and planned land uses than documented in the EA.

4.7.4 SOCIOECONOMICS

Comment #40: The EA has not adequately examined the potential for tourism in the City of Reno to be negatively affected by the combined effects of the proposed Merger and the additional rail activity through the downtown area. In addition, the potential for tourism in the City of Reno to be negatively affected by the combined effects of the proposed Merger and potential shipments of spent nuclear fuel and radioactive waste has not been addressed in the EA.

The City of Reno believes that increased train traffic through the downtown area will result in tourist/visitor frustration related to increased crossing delays at at-grade crossings, and increased noise along Virginia Street where special events are planned several weekends a month. Increased noise experienced inside older hotels and motels located within several blocks of both sides of the tracks will negatively affect tourists and visitors who will choose to visit other destinations that are further away from the tracks to engage in legalized gambling (Comstock, 1996; Fitzgeralds, 1996; Harrah's, 1995; Sands, 1996; TRL, 1996).

Increased train traffic will also delay casino employees trying to get to work which would result in additional overtime as managers of the hotels hold employees longer to cover for other employees delayed by trains (Harrah's, 1995).

The EA does not attempt to address, discuss, quantify, or qualify the potential impacts associated with socioeconomics.

4.7.5 WATER RESOURCES

Comment #41: The EA has not adequately considered the probability of train derailments along the Truckee River, west of the City of Reno. Since the Donner Pass/Truckee River Canyon will be experiencing an increase in faster and longer trains, the EA should provide information and calculations on the probability of a train derailment along the Truckee River. The Truckee River currently supplies the City of Reno and surrounding communities sa its primary water source and mitigation measures are necessary to ensure protection of this source. The EA should, at a minimum, identify the potential travel route and velocity of a hazardous spill in the Truckee River. In addition, the EA should analyze the type and amount of equipment necessary to isolate a hazardous/toxic material spills before the spill enters the water supply treatment and distribution systems west of the City of Reno.

The EA also fails to address the potential for train engine leaks and spills which typically occur along railroad tracks. Accumulation of leaks and spills will create a potential toxic hazard which will eventually require clean-up measures. The EA should address this issue and should provide/offer mitigation measures to minimize the migration of leaks and spills into the Truckee River in the Truckee Canyon, and the groundwater supply in the City of Reno.

4.7.6 BIOLOGICAL RESOURCES

Comment #42: As discussed under Section 4.7.5, of this document above, the risk of spills of hazardous materials from train derailments increases proportionally with the increase in the total number and length of trains. A spill of hazardous materials into the Truckee River would not only significantly impact the primary source of domestic and agricultural water for the metropolitan Reno area, it would also affect downstream terrestrial and aquatic wildlife. Of particular concern is the federally listed endangered fish, the Cui-ui (*Chasmistes cujus*) and the threatened Lahontan cutthroat trout (*Salmo clarki henshawi*). A derailment-related spill of hazardous materials into the Truckee River would rapidly flow downstream into Pyramid Lake, and have a devastating effect on the above referenced endangered and threatened species.

4.7.7 ENVIRONMENTAL REMEDIATION

Comment #43: The EA has not adequately addressed or offered mitigation relating to environmental remediation of the UP TOFC yard located in North Reno. If this facility is be abandoned or phased-out and consolidated with the intermodal facility in Sparks, Nevada, then the TOFC yard in North Reno would require evaluation of environmental issues

associated with remediation of chemicals, petroleum and other constituents that may have accumulated in the soils, on and adjacent to the facility.

5.0 ADEQUACY OF ENVIRONMENTAL ASSESSMENT - PROPOSED MITIGATION MEASURES

A mitigation measure is basically a solution to a problem. To be adequate and effective, a mitigation measure must fit into one of five categories of activities including: 1) avoiding impacts; 2) minimizing impacts; 3) rectifying impacts; 4) reducing or eliminating impacts; or 5) compensating for impacts by replacing or providing substitute resources or environments. Mitigation measures that do not fall in one of the above mentioned categories are generally ineffective. The mitigation measures discussed in an EIS must cover the entire range of impacts of the proposal. The measures may include design changes to the proposal and alternative locations (40 CFR 1508.20).

The mitigation measures contained in the EA were formulated based on an incorrect assumption that the City must live with the anticipated impacts of the proposed project without consideration of other alternatives including: 1) Interstate 80 corridor alignment; 2) full lowering of the tracks through the downtown Reno corridor; and 3) at-grade tracks with street overpasses and underpasses. In addition to identification of alternatives to mitigate the significant impacts associated with the project, the Applicant should be responsible for the full costs associated with implementation of each mitigation measure. This would include time spent, on behalf of the City of Reno, to assist the STB or the Applicant by identifying offsets or mitigation, to be compensated by the Applicant.

In addition to identifying appropriate mitigation measures to offset impacts of the proposed action, the EA should analyze the impacts associated with the mitigation measures offered. Mitigation measures discussed must cover the range of impacts of the entire proposal. The measure may include such options as design alternatives that would decrease impacts (project and mitigation measures, to construction impacts) (40 CFR 1502.14(f), 1502.16(h), and 1508.14). Construction impacts include the potential impacts from mitigation measures offered as part of the project in the EA. For example, the proposed mitigation measure to grade separate three railroad-highway crossings, creates additional impacts which must be identified and mitigated in the EA.

The following mitigation measures have been offered in the EA.

5.1 AIR QUALITY

EA Text Quote: Vol. 1, page 2-13, ¶ 1, line 7: "State and local agencies may find it necessary to find additional emissions reductions to offset the potential emissions increases."

Comment #46: This mitigation measure is neither adequate nor acceptable to the Ci., of Reno. Specific mitigation measures including alternatives to the proposed action should be identified to reduce the increase in noise and the number of sensitive receptors affected by additional trains in order to mitigate impacts to below levels of significance. According to the EA, noise impacts have been quantified (although they are incorrect), therefore, specific mitigation to offset these impacts should be identified now and not in the future. If noise impacts cannot be mitigated, then noise impacts must be considered significant and unmitigated therefore, requiring full environmental documentation in the form of an EIS.

NEPA regulations also prohibit deferring mitigation into the future. Noise impacts have been quantified (although they are incorrect) and therefore mitigation should be offered in the EA which reduce noise or sensitive receptors.

5.3 TRANSPORTATION AND SAFETY

EA Text Quote: Vol. 2, page 12-14, § 12.8, ¶ 4, line 1: "UP/SP shall conduct individual traffic/safety studies in consultation with the Cities of Sparks and Winnemucca, respectively. Each study shall assess safety and highway traffic impacts associated with the proposed merger, and specify site-specific mitigation, as appropriate. UP/SP shall periodically advise SEA of the status of the consultations and shall submit the final version of each study."

Comment #47: This mitigation measure is neither adequate nor acceptable to the City of Reno. The EA should have acknowledged consultation with the City of Reno, in addition to consultation with the Cities of Sparks and Winnemucca. The EA specifies mitigation in the form of three grade separations to be constructed in the City of Reno, however, this alone does not mitigate impacts to the remaining 12 at-grade crossings that currently exist.

The findings of each individual study should clearly offer the mitigation necessary to alleviate significant impacts in order for decision makers to determine if the measures are realistic and feasible. "Paper" mitigation measures are not acceptable according to the NEPA regulations.

EA Text Quote: Vol. 2, page 12-15, ¶ 2: "SEA recognizes the unique characteristics of the City of Reno. This includes tourism, heavy concentration of hotels, and high levels of rail, vehicular, and pedestrian traffic 24 hours a day. SEA is aware that the City of Reno is conducting studies and negotiations with the Applicants to develop plans to alleviate

Comment #44: Though not specifically identified as a mitigation measure, this statement does not meet NEPA's definitions of mitigation because the EA is suggesting that state and local agencies identify additional emissions reductions to offset the potential increases when it is the responsibility of the Applicant.

The phrase "may be necessary" is not concrete or realistic. In addition, the financial burden should be placed on the Applicant and not on state and local agencies. This statement implies that the EA has not concluded whether the air quality impacts associated with the proposed Merger would be significant, in direct conflict with the conclusions of the EA.

EA Text Quote: Vol. 2, page 12-14, § 12.8, ¶ 2, line 1: "UP/SP shall consult with appropriate Federal [sic], state and local agencies responsible for regulating air quality in AQCRs 147 and 148, concerning any possible mitigation measures to reduce any potential adverse emissions from the rail segments in these two regions. UP/SP shall advise SEA of the results of these consultations."

Comment #45: This mitigation measure is neither adequate nor acceptable to the City of Reno. Specific mitigation measures should be identified to reduce the increase in air emissions associated with additional train and cars idling at railroad crossings in order to mitigate impacts to below levels of significance. According to the EA, air emissions have been quantified (although they are incorrect), therefore, specific mitigation to offset these impacts should be identified now and not in the future as recommended by the STB. If offsets cannot be identified, than air emissions must be considered significant and unmitigated therefore, requiring full environmental documentation in the form of an EIS.

NEPA regulations also prohibit deferring mitigation into the future. Air impacts have been quantified (although they are incorrect) and therefore mitigation should be offered in the EA which reduces air emissions.

5.2 NOISE

EA Text Quote: Vol. 2, page 12-14, § 12.8, ¶ 3, line 1: "To reduce potential noise level impacts to sensitive receptors along the Roseville, California to Sparks, Sparks to Winnemucca, and Ogden, Utah, to Alazon rail line segments, UP/SP shall consult with appropriate state and local agencies to develop noise abatement plans. The Applicant shall advise SEA of the results of these consultations and provide SEA with a copy of any resulting noise abatement plans."

railroad-highway grade crossing and pedestrian conflicts in the downtown region. SEA encourages these efforts, and recommends the following mitigation measures:"

"a. UP/SP shall continue to cooperate with the City of Reno in the development of a final plan and agreement. UP/SP shall negotiate a final agreement with the City of Reno within one and one-half years after the effective date of the merger, if approved. However, this deadline may be extended by the mutual consent of the City of Reno and UP/SP. UP/SP shall advise SEA whether or not a final agreement has been reached."

Comment #48: This mitigation measure is neither adequate nor acceptable to the City of Reno. This plan should be completed, reviewed, and agreed upon by the parties involved now, and not deferred into the future, in order for all of the impacts to be fully disclosed and mitigated. An 18 month negotiating timeframe is unacceptable and must be accomplished prior to the completion of the EA and issuance of a "Finding of No Significant Impacts" (FONSI). Again, mitigation must be offered and documented in the EA and not deferred to a future date.

EA Text Quote: Vol. 2, page 12-15, ¶ 4: "b. If no agreement can be reached within the time provided above, SEA recommends the following mitigation:"

"In consultation with the City of Reno, UP/SP shall construct a minimum of three highway/railroad grade separations. The following streets are to be given first consideration for selection: Keystone Street, Vine Street, Evans Street, Washington Street, Ralston Street, West Street, Sierra Street, Virginia Street, Center Street, Lake Street, and Sutro Street. UP/SP shall consult with the City of Reno concerning the financing of these separations. SEA anticipates the City [of Reno] would apply for shared funding for these separations from appropriate federal and state sources."

Comment #49: This mitigation measure is neither adequate nor acceptable to the City of Reno and it does not offset the impacts identified in the EA regarding air quality, noise, transportation, or public safety. The city prefers one of three alternatives. Three primary alternatives have been developed and submitted to the STB in a document entitled, "Reno Transportation Corridor Alternatives Study" March, 1996. These alternatives include: 1) Interstate 80 Corridor realignment; 2) full or partial lowering of the tracks through the downtown Reno corridor; and 3) at-grade tracks with street overpasses and underpasses.

The City of Reno's preferred mitigation alternative for the proposed Merger is the relocation of the tracks from the downtown area to an alignment parallel to and south of Interstate 80. This 3.6 mile realignment, has been designed to meet the UP's design criteria for 40 mph operation and provides adequate area for a maintenance road along with the fiber optic cable(s) and petroleum pipelines. This alternative provides the community with the greatest overall benefit by: 1) consolidating train and pipeline operations in the same corridor as Interstate 80; 2) permitting the redevelopment of the downtown railroad corridor; and 3) eliminating all at-grade crossings within the downtown Reno area.

The City of Reno also finds the full lowering of the tracks through the downtown corridor as an acceptable alternative to the proposed action. This alternative provides a substantial reduction in the level of environmental impact by eliminating at grade crossings in the downtown Reno area, eliminating vehicular/pedestrian-train conflicts and permitting the use of airspace above the tracks. This alternative would, however, expose the downtown area to some level of railroad noise and air quality impacts.

In addition, the concept of shared funding should be spelled out, with time spent by the City of Reno compensated by the Applicant. If funding is not available, additional mitigation should be offered, such as the Applicant paying the full cost for each grade separation project. The City of Reno should not be financially responsible for the majority of the cost of each grade separation.

EA Text Quote: Vol. 2, page 12-15, ¶ 6: "UP/SP shall cooperate with the City of Reno in the location of the three grade separations. Selection criteria shall include, but not be limited to, safety, construction costs, highway traffic flows, downtown redevelopment plans, and aesthetics. The potential for street closings in conjunction with the new grade separations should also be studied."

Comment #50: This mitigation measure is neither adequate nor acceptable to the City of Reno and street closures should be identified and agreed upon now and not in the future.

EA Text Quote: Vol. 2, page 12-15, ¶ 7: "SEA recognizes the unique pedestrian-oriented nature of downtown Reno. UP/SP shall retain an independent third party consultant to work under the direction and supervision of SEA to study the safety and adequacy of pedestrian circulation tin the downtown region. If found warranted by this study, UP/SP shall construct up to two pedestrian grade separations."

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Comment #51: Two pedestrian grade separations are neither adequate nor acceptable to the City of Reno. This issue, as well as the appropriate locations, should be documented in the EA and not deferred to a later date.

EA Text Quote: Vol. 2, page 12-16, ¶ 2: "UP/SP, in consultation with the City of Reno, shall study the adequacy of existing warning devices for those highway-railroad crossings that remain at-grade. Based on this study, UP/SP shall upgrade warning devices as needed. Enhancements such as full barricade gating of traffic lanes, non-mountable curbs, and constant time systems for grade crossing warning signals shall be considered (these are signals capable of providing prior warning of approximately 20 to 25 seconds for trains approaching crossings at various speeds). UP/SP shall advise SEA of the results of the study."

Comment #52: This mitigation measure is neither adequate nor acceptable to the City of Reno. The EA should determine and identify which intersections warrant special devices at grade crossings and when they will be implemented. Stating something like "as needed" is not specific enough. In addition, the results of constructing this mitigation measure could substantially alter EA findings pertaining to noise and public safety.

EA Text Quote: Vol. 2, page 12-16, ¶ 3: "UP/SP shall maintain all rail line and grade crossing warning devices according to Federal Railroad Administration Standards (49 CFR Part 213)."

Comment #53: This is not a mitigation measure. Specific Code requirements are part of the proposed action and must be complied with regardless of significance of impacts.

EA Text Quote: Vol. 2, page 12-16, ¶ 4: "UP/SP shall transport all hazardous materials in compliance with the U.S. Department of Transportation Hazardous Materials Regulations (49 CFR Parts 171 to 180)."

Comment #54: This is not a mitigation measure. Specific Code requirements are part of the proposed action and must be complied with regardless of significance of impacts.

EA Text Quote: Vol. 2, page 12-16, ¶ 5: "In the case of a hazardous materials spill, UP/SP shall follow appropriate emergency response procedures outlined in their Emergency Response Plans."

Comment #55: This is not a mitigation measure. Specific Code requirements are part of the proposed action and must be complied with regardless of significance of impacts. The Emergency Response Plans are a part of the proposed action and should appear as such. Then, the City of Reno can comment on the plans' adequacy or applicability to hazardous materials spills in the Truckee Canyon.

ADEQUACY OF CONCLUSION

- The EA does not provide and evaluate a reasonable range of meaningful alternatives to the proposed action which would reduce or eliminate significant impacts associated with the proposed action.
- The EA does not include an adequate analysis of the impact of the proposed action on air quality.
- The EA does not prepare an adequate analysis of the impact of the proposed action on the noise environment.
- The EA does not provide an adequate analysis of the impact of the proposed action on safety.
- The EA does not include any analysis of the impact of the proposed project on energy, cultural resources, land use, socioeconomics, water resources, and biological resources.
- The EA does not propose adequate, enforceable mitigation measure to reduce or eliminate the significant impacts of the proposed action on air quality, noise, transportation, safety, energy, cultural resources, land use, socioeconomics, water resources, and biological resources.
- The EA does not adequately support the conclusion of EA pertaining to the proposed action not significantly affecting the quality of the human environment.

In conclusion, the EA as it is currently structured, in no way has the ability to support a Finding of No Significant Impact (FONSI), as promulgated by 40 CFR 1501.4(e), 1508.13.

The City of Reno, Nevada has reviewed the EA prepared for the proposed Merger, and identified numerous deficiencies in the content, analysis and procedures utilized to prepare the document. The City of Reno opposes the approval of the proposed Merger as currently proposed because the post-merger operations proposed by the Applicant will have significant adverse impacts on the human environment and public health and safety, as well as commerce, of the City of Reno, and neither the Applicant nor the STB propose action that will adequately safeguard the environment, or mitigate the adverse impacts of the proposed Merger in accordance with the requirements of NEPA. Based on the analysis contained in this comment document, it is clear that the EA prepared for the proposed Merger is inadequate in several respects, cannot be made to comply with the provisions of NEPA, and as a result, an Environmental Impact Statement is required.

The City of Reno formally requests the STB find that the EA has not been prepared in compliance with the provisions of NEPA, the NEPA regulations, the STB NEPA regulations, and requires the preparation of an Environmental Impact Statement.

- Agency for Nuclear Projects Nuclear Waste Project Office (NWPO). 1996. Personal communication from NWPO to Dori Owen, Reno Redevelopment Agency. Memorandum dated April 25, 1996, from Joe Strolin, Administrator, Planning Division.
- Barton-Aschman Associates, Inc., Strategic Project Management, Inc., and Lumos & Associates, Inc. 1995. Reno Downtown Traffic/Parking Study. December 1995. Ms. Copy on file with Reno Redevelopment Agency, Reno. Nevada.
- City of Reno. 1996. Comments and Verified Statement of the City of Reno, submitted to the STB, dated March 29, 1996. Surface Transportation Board, Washington, D.C.
- Comstock Hotel Casino. 1996. Personal communication form Comstock to Jerry Hall, Strategic Project Management, Inc. Letter dated April 24, 1996, from Daniel P. Douglas, Chief Executive Officer.
- Dames & Moore. 1996. Personal communication from Dames & Moore to SHPO. Letter dated March 26, 1996, from Julie Donsky, Environmental Specialist
- Fitzgeralds Hotel Casino. 1996. Personal communication form Fitzgeralds to Jerry Hall, Strategic Project Management, Inc. Letter dated April 29, 1996, from Max Page, Executive Vice President and General Manager.
- Giroux & Associates. 1996. Personal communication from Hans Giroux to Eric Ruby, WESTEC, Inc. Memorandum dated April 26, 1996. p. 1. Ms. copy on file with WESTEC, Inc., Reno, Nevada.
- Great Basin Aerial Surveys. 1994. April 19, 1994, Flight. Exposures 42, 5-4, 6-6, 7-7, 8-31, 9-25. Scale approximately 1" = 375'.
- Hall, Jerry. 1996. Personal communication from Jerry Hall to Mark A. Demuth, MADCON Consultation Services. Telephone conversation on April 26, 1996, and transmittal of Barton-Aschman Downtown Reno Underpass Impact on 1996 Traffic Tables. p. 2. Ms. copy on file with MADCON Consultation Services, Reno, Nevada.
- Harrah's Hotel Casino. 1996. Personal communication form Harrah's to Jim Roberts, Antoinette DeVore. Memorandum dated September 20, 1995, from Ken Stellmacher, Strategic Planning.
- Nevada Department of Transportation (NDOT). 1996. Personal communication from NDOT to Dori Owen, Reno Redevelopment Agency. Letter dated January 25, 1996, from Robert E. Hilderbrand, Chief Safety Engineer.

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6.0 ADEQUACY OF CONCLUSION - NO SIGNIFICANT EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT

The EA, in a three sentence paragraph, documents the following conclusion based on the impact analysis and mitigation measures contained in the EA.

EA Text Quote: Vol. 1, page ES-19, § ES.8, ¶ 1: "Based on its independent analysis, review of available information, and the recommended mitigation measures, SEA concludes that, as currently proposed, the proposed merger and related construction and abandonment proposals would not significantly affect the quality of the human environment. Accordingly, SEA recommends that the Board impose these mitigation measures as conditions to any final decision approving the proposed merger and related abandonments and construction projects. Therefore, the environmental impact statement process is unnecessary in this proceeding."

Comment #56: As shown in the comments presented in the preceding Chapters (1.0 - 5.0) of this comment document, it is readily apparent that the EA has numerous procedural and analytical errors, omissions and misleading statements. As a result, the EA has not been prepared in compliance with the requirements of NEPA, the CEQ NEPA regulations (40 CFR 1500-1508), and the STB NEPA implementing regulations (49 CFR 1105), and as a result, cannot be used as the basis for the above referenced finding that the proposed Merger would not significantly affect the quality of the human environment.

In summary, the EA is not adequate for the following reasons:

- The EA does not comply with the procedural provisions of NEPA, including consultation with affected agencies and local jurisdictions, adequate review time, public involvement/scoping, internal consistency and incorporation of comments from affected agencies and local jurisdictions.
- The EA does not provide an adequate and complete description of the proposed action, upon which all impact analysis, mitigation measures, and level of significance determinations are based.
- The EA does not include and evaluate related projects which would result in cumulative impacts exceeding established significance thresholds.

- Nolte and Associates, Inc., Strategic Management, Inc. Kleinfelder, and SEA, Incorporated. 1996. Railroad Merger Study. March 15, 1996. Ms. copy on file with Reno Redevelopment Agency, Reno, Nevada.
- Public Service Commission (PSC). 1996 Personal communication from PSC to Dori Owen, Reno Redevelopment Agency. E-mail message dated May 1, 1996, from Galen Denio, Commissioner.
- Regional Emergency Medical Services Authority (REMSA). 1996. Personal communication from REMSA to Dori Owen, Reno Redevelopment Agency. Letter dated May 1, 1996, from Jim Gubbels, Director Contract Services.
- Regional Transportation Commission (RTC). 1996a. Personal communication from RTC to Dori Owen, Reno Redevelopment Agency. Letter dated January 26, 1996, from Jason Crow, Planning Technician.
- Regional Transportation Commission (RTC). 1996b. Personal communication from RTC to Jerry Hall, Strategic Project Management, Inc. Letter dated March 6, 1996, from David F. Jickling, Principal Planner, Transit.
- Regional Transportation Commission (RTC). 1996c. Personal communication from RTC to Dori Owen, Reno Redevelopment Agency. Letter dated May 1, 1996, from Greg Krause, Planning Manager.
- Reno Fire Department, City of Reno (RFD). 1996a. Personal communication from RFD to Jerry Hall, Strategic Project Management, Inc. Memorandum dated March 25, 1996, from Larry Farr, Fire Chief.
- Reno Fire Department, City of Reno (RFD). 1996b. Personal communication from RFD to Dori Owen, Reno Redevelopment Agency. Letter dated May 1, 1996, from Lee Amestoy, Assistant Fire Chief.
- Reno Police Department, City of Reno (RPD). 1996. Personal communication from RPD to Jerry Hall, Strategic Project Management, Inc. Letter dated February 23, 1996, from Jim Weston, Chief of Police.
- Sands Regency Hotel Casino. 1996. Personal communication form Sands to Jerry Hall, Strategic Project Management, Inc. Letter dated April 29, 1996, from Peter Cladianos, III, Executive Vice President.
- Spandau, Chris D., Kleinfelder. 1996. Personal communication from Kleinfelder to Mark A. Demuth, MADCON Consultation Services. Telephone conversation on April 29, 1996, and transmittal of Kleinfelder Santa Fe Pacific Railroad Analysis of Vehicular Air Emissions Due to Train Traffic. p. 8. Ms. copy on file with MADCON Consultation Services, Reno, Nevada.

8 - 2

- State Historic Preservation Office (SHPO). 1995. Personal communication from SHPO to Julie Donsky, Dames & Moore. Letter dated October 24, 1995, from Rebecca Lynn Palmer, Archaeologist.
- State Historic Preservation Office (SHPO). 1996. Personal communication from SHPO to SEA. Letter dated January 4, 1996, from Rebecca Lynn Palmer, Historic Preservation Specialist.
- Surface Transportation Board. 1995. Railroad Merger Application, ICC Finance Docket No. 32760, Applicants Environmental Report and Operating Plan, Union Pacific/Southern Pacific Control and Merger, Volumes 1-6. November 30, 1995. Surface Transportation Board, Washington, D.C.
- Surface Transportation Board. 1996a. Applicants' Submission of Preliminary Draft Environmental Assessment Concerning Settlement with BN/Santa Fe. March 29, 1996. Surface Transportation Board, Washington, D.C.
- Surface Transportation Board. 1996b. Environmental Assessment, Finance Document No. 32760, Vols. 1-5, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company -Control and Merger- Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company. April 12, 1996. Surface Transportation Board, Section of Environmental Analysis, Washington, D.C.
- Surface Transportation Board. 1996c. Surface Transportation Board Environmental Assessment, Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company -Control and Merger-Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corporation, and the Denver & Rio Grande Western Railroad Company. Errata to Environmental Assessment. April 18, 1996. Surface Transportation Board, Washington, D.C.
- Truckee River Lodge (TRL). 1996. Personal communication form TRL to Jerry Hall, Strategic Project Management, Inc. Letter dated April 25, 1996, from Robert F. Rusk, General Partner.
- Wilson, Ihrig & Associates, Inc. (WIA). 1996. Personal communication form WIA to Colleen Bathker, Summit Envirosolutions, Inc. Letter dated April, 30, 1996, received May 1, 1996, from James T. Nelson, Ph.D., P.E.

8 - 3

The attached letters support the City of Reno's comprehensive review of the Environmental Assessment (EA) prepared for the Union Pacific/Southern Pacific (UP/SP) Merger (Finance Docket No. 32760) by the Surface Transportation Board (STB), Section of Environmental Analysis (SEA) dated April 12, 1996.

Agency for Nuclear Projects, Nuclear Waste Project Office	April 25, 1996
City of Reno Fire Department	May 1, 1996
Comstock Hotel Casino	April 24, 1996
Fitzgerald Hotel Casino	April 29, 1996
Giroux & Associates	April 26, 1996
Harrah's Hotel Casino	September 20, 1995
Prostinak, Daniel J. and Debra A.	April 19, 1995
Regional Emergency Medical Services Authority	May 1, 1996
Regional Transportation Commission	May 1, 1996
The Sands Regency Hotel Casino	April 29, 1996
Truckee River Lodge	April 25, 1996
Truckee River Yacht Club	April 29, 1996
Washoe County	April 30, 1996
Washoe County Sheriff	April 24, 1996

Letter previously submitted with Comments and Verified Statement of the City of Reno, submitted to the STB, dated March 29, 1996, incorporated and made part of this document by reference.

City of Reno Fire Department	March 6, 1996
City of Reno Police Department	February 23, 1996
City of Sparks Fire Department	February 27, 1996
Dennis Banks Construction Company	March 6, 1996
District Health Department Environmental Services	February 28, 1996
Don's Pharmacy	Undated
Electro-Test, Incorporated	March 6, 1996
James I. Schaap	February 29, 1996
Microflex Medical Corporation	February 29, 1996
Nevada Department of Transportation	January 25, 1996
Regional Emergency Medical Service Authority	January 29, 1996
Regional Transportation Commission	January 26, 1996
Regional Transportation Commission	January 29,1996
Regional Transportation Commission	March 6, 1996
Reno-Sparks Indian Colony - Tribal Council	February 29, 1996
Washoe County Commission	March 28, 1996

STATE OF NEVADA

ROBERT R. LOUX Executive Director



AGENCY FOR NUCLEAR PROJECTS NUCLEAR WASTE PROJECT OFFICE

Capitol Complex Carson City, Nevada 89710 Telephone: (702) 687-3744 Fax: (702) 687-5277

MEMORANDUM

- TO: Ms. Dori Owen, Project Manager UP/SP Merger Environmental Assessment
- FROM: Joe Strolin, Administrator Planning Division

DATE: April 25, 1996

SUBJECT: Comments on the UP/SP Merger Environmental Assessment - Your Memo of April 18, 1996

I have reviewed the materials you sent me under cover of you April 18th memorandum. There are two interrelated issues involving the transport of nuclear materials that may have bearing on the analyses required for the Environmental Assessment (EA):

Issue One

The U.S. Department of Energy (DOE) has recently announced plans for shipping foreign reactor spent nuclear fuel through the port of Concord, California to Idaho Falls, Idaho via Nevada. It is our understanding that at least eight (8) rail shipments of spent fuel would pass through Reno in mid to late 1997. DOE has indicated that rail is the preferred mode of transport for these shipments. While the number of shipments for the proposed campaign is modest and the shipments are onetime-only occurrences, the use of Concord as a port of entry could set a precedent for future shipments of spent fuel and/or high-level radioactive waste. Even as few a eight shipments of spent fuel will require

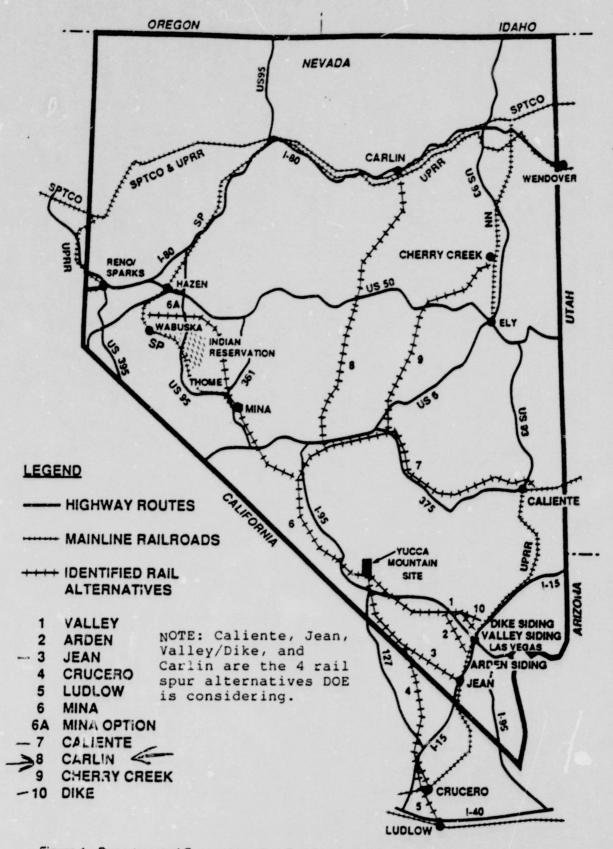
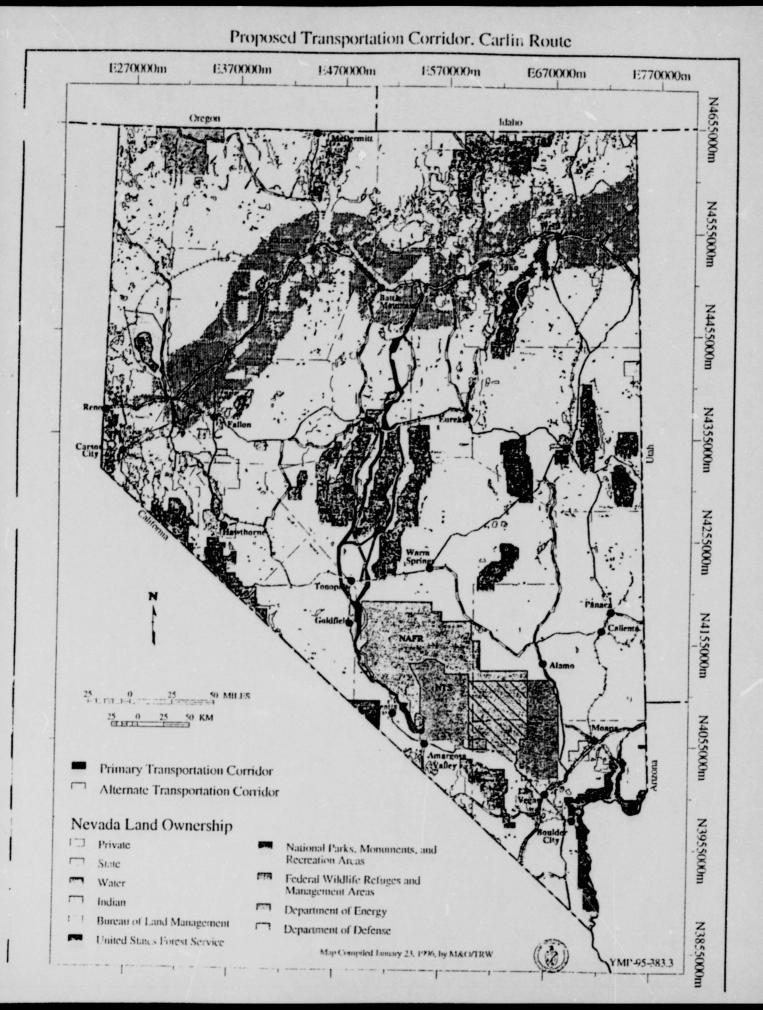


Figure 1. Department of Energy Identified Rail Options and Nevada State Rail Network, 1989.



considerable planning, emergency preparedness, and training along the shipping route, especially in heavily populated areas such as Reno-Sparks.

Issue Two

DOE is also considering a number of potential rail spur routes for shipping large quantities of spent fuel and high-level waste to the proposed Yucca Mountain high-level radioactive waste repository. One of these rail spur alternatives, known as the Carlin route, would run from the current SP rail line near Carlin, Nevada to Yucca Mountain (see attached map). If a Carlin spur were to be built, it would mean that spent fuel from California reactors, and perhaps waste from reactors in Oregon and Washington, could be routed through Reno. This could amount to between 1,200 and 2,000 rail shipments of spent fuel over a 30 to 50 year period. (It should be noted that DOE has made no decision regarding selection of a rail spur route or whether to build a spur at all, and the Carlin alternative is one of 4 currently under consideration. The other routes would come off the UP main line in either Lincoln or Clark counties.)

Comments for the EA

The potential for spent reactor fuel shipments from Concord through the Reno/Sparks, Lovelock, Winnemucca, Elko, Wells/Wendover corridor presents near-term problems in terms of planning, emergency preparedness, training, and public perception of risks. Likewise, potential shipments of high-level radioactive waste bound for Yucca Mountain or an interim storage facility at the Nevada Test Site via a possible Carlin spur present similar, longer-term issues for communities along the rail corridor. Some of the potential problems/issues that should be addressed in the EA are as follows:

• The EA should evaluate impacts of "special train" restrictions on railroad operations, the flow of rail traffic through populated areas such as Reno, the potential for accidents, and other operational impacts.

In the past, spent nuclear fuel has been shipped in "special" or "dedicated" trains that are required to operate under certain restrictions. For example, such trains must follow adhere to speed limitations (as low as 35 MPH, I believe). The EA should examine the impacts of such restrictions on overall rail operations, taking into account the increased routine traffic flow that would result from the proposed merger. The EA should also examine potential radiological impacts associated with the shipment of radioactive materials through congested urban areas such as Reno and assess the effect of the proposed merger on such impacts.

Even though spent fuel and high-level radioactive waste are shipped in heavily shielded canisters, radiation is not completely contained by the packaging. It is possible for individuals close to a container for extended periods to receive radiation exposures significantly in excess of background levels. Such exposures are possible, for example, in the event of a "gridlock" incident, where a rail car is stopped at a crossing with occupied motor vehicles halted in proximity to the train. The EA might evaluate what effect the merger will have on increasing the risk of such exposures either because of increased traffic flows and increased auto congestion or because of increased risks of accidents and slow-downs within urban areas such as Reno?

The EA should examine the potential for Reno area tourism to be negatively affected by the combined effects of the proposed merger and the potential shipments of radioactive materials by train through Reno.

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It is possible that increased train traffic through Reno/Sparks will result in tourist/visitor frustration over crossing delays, noise and other impacts. In addition, research undertaken by the State's Agency for Nuclear Projects has demonstrated that the potential exists for negative impacts to accrue to the tourism and visitor industry as a result of the extraordinarily negative reactions people have to things nuclear and the propensity for any nuclear-related incident to be amplified by the media. Will the proposed merger exacerbate any negative "stigma" impacts in the event that spent fuel and high-level waste are shipped through Reno? Are there operational or other measures that can be instituted to prevent the types of incidents that would contribute to negative impacts or at least mitigate their effects?

- Perhaps the most severe form of incident involving spent fuel or high-level waste would be one involving some form of terrorist threat to such a shipment. The EA might examine whether the proposed merger increases the risk of such an incident occurring in or near Reno (the major population center in Nevada along the norther rail corridor). Are there things about the merger that would amplify or attenuate this risk?
- The EA should also address how unique local conditions may affect the potential



Fire Department

Larry S. Farr Fire Chief Fire Marshal

Lee Amestoy Assistant Chief

May 1, 1996

Dori Owen, Project Manager City of Reno Redevelopment Agency P.O. Box 1900 Reno, NV 89505

Dear Dori,

Attached are our comments about the Railroad Merger.

If I can answer any questions, please call me at 334-2300.

Sincerely, mistry

Lee Amestoy, Assistant Fire Chief Reno Fire Department

re/admin/personnel/amestoy/rrmerger.wpd

Railroad Merger Report Fire Department Study

INTRODUCTION

The Reno Fire Department provides emergency services to citizens and visitors of the City of Reno in the areas of fire suppression, emergency medical, technical rescue, and hazardous materials mitigation. This service is provided by a network of ten fire stations located throughout a city roughly bisected by the Southern Pacific Railroad. The fire protection system serving the urban environment relies on the distribution of fire stations and specialized fire companies and their ability to quickly arrive and intervene at the various categories of emergencies. Although a call for service (emergency) is a singular event, multiple companies from the nearest locations are dispatched depending on the alarm type. It should be noted that these incident are always "in-progress". Response time is critical.

The Reno Fire Department also has formal emergency aid agreements with all neighboring jurisdictions and agencies. Department resources are provided on a reciprocating basis either by request or by pre-planned response. The full range of emergency services are provided.

RESPONSE DATA

Calls for Service:

Calls for service increase every year. Calendar year 1995 had 14,916 calls for service requiring 22,354 individual unit responses. See attachment A. As the population of citizens and visitors grow, as city limits increase with higher urban density and increased transportation activity, the department's emergency responses increase an average of 11.9% per year. The size of the department has not grown in relation to the city's growth. As a result, it is projected that calls for service will continue to rise 11% per year but apparatus responses will accelerate each year approximately 15%.

Response Times:

The Reno Fire Department's adopted objective is to respond to one-hundred per cent of the calls for service in 5 minutes or less.¹ The most recent reporting shows the department achieving the objective 72% of the time.

ALLE CONCELLINGER		
Less than 3 minutes	31%	
3-4 minutes	22%	
4-5 minutes	19%	
5-6 minutes	12%	
6-7 minutes	7%	
Over 7 minutes	10%	

Response Times²

ademailais

255 NORTH VIRGINIA STREET, RENO. NEVADA 89501 TELEPHONE 702-785-3663

April 29, 1996

Mr. Jerry L. Hall Strategic Project Management 1755 East Plumb Lane, Suite 128 Reno, NV 89502

Dear Jerry:

I am submitting the following data in response to your April 24, 1996 memo requesting data that would occur if the railroad merger is consummated. The economic impacts are as follows:

- 1. All hotels near the railroad corridor currently have to significantly discount their room rates for any rooms facing the railroad corridor. It is the number one guest complaint here at Fitzgeralds. I know it is also a major problem for the Flamingo Hilton, the Sands and the Eldorado. The many small motel owners that are near the corridor also experience the same problem. These properties depend solely on room revenue for their survival. To a lessor, but still significant degree, the railroad noise generated by the train whistles also impact the Silver Legacy and Harrah's. Because many of these properties have to discount their room rates, the amount of room tax generated back to the City is also significantly reduced. If the amount of trains coming through the corridor triples as forecasts call for, it is possible that the room tax generated back to the City could decrease by 5%.
- 2. Having up to 38 trains a day going through the corridor will, in effect, throw up a "wall of iron" in our Downtown. The current economic growth in the Downtown is on the north side of the tracks. This growth has been spawned by the advent of the National Bowling Stadium and the major expansions by Circus Circus and Eldorado and the new Silver Legacy. The southern side of the tracks is experiencing economic stagnation. The closure of the Horseshoe and Harolds Club properties are the most recent two examples. Having this "wall of iron" will further exacerbate the economic difficulties experienced by properties on the south side. There could be a negative impact on gaming revenues. Again, this will further decrease gaming taxes generated by gaming properties to the State and which are then further distributed back to counties and cities. This impact could be somewhere in the 1% to 5% region.



MEMORANDUM

- TO: Jim Rogers, Antoinette DeVore
- FROM: Ken Stellmacher, K. Stal
 - EXT: 3691
- DATE: September 20, 1995
- SUBJECT: IMPACT OF TRAINS ON OUR BUSINESS

I've outlined below for you some of the impacts that increased train traffic in the downtown corridor will likely have on Harrah's Reno. If we feel any financial impact here at Harrah's, you can be assured that the Cal Neva will also feel an impact (their impact may even be greater since they rely heavily on lodgers from north of the tracks).

Noise pollution will disrupt our guests' stay at Harrah's and Hampton.

Depending on time of day that the trains pass through, we may get complaints about the noise they create, which could raise guarantee invocation costs. Additionally, we might be impacted by guest defections as they look for other accommodations that are further away from the tracks on future trips.

Trains will delay our employees when trying to get to work.

The increased rail traffic could result in additional overtime as managers hold employees longer to cover for employees delayed by trains.

Trains will impact our customer and subsequent gaming revenue volumes.

Trains may deter lodgers staying at hotels north of the tracks from visiting Harrah's Reno, or from spending as much time with us. An internal analysis revealed that under a worst case scenario, the trains could reduce our gaming revenues by \$22 million. This does not include any impact to food, beverage or show revenues.

Heavier rail traffic will adversely affect events held in downtown Reno.

For events that utilize Virginia Street (Street Vibrations, Hot August Nights, Italian Festival. etc.), the increased number of daily trains may diminish their appeal, both to participants and to spectators. Harrah's Reno usually performs strongly when the special events are held downtown (i.e., when the market is full).

More trains may mean higher cleaning costs.

Do the current trains or cars waiting for trains, kick up a lot of dust and dirt in the downtown area? If so, the additional rail traffic could push up external and internal cleaning costs.

Please give me a call at x3691 if you have any questions or want to discuss further.

cc: George Rinaldi

REGIONAL EMS AUTHORITY (REM.LA) -RAILROAD OPTIONS EVALUATIONS

OPS. EVALUATION ITEMS/CURRENT TRACK OPTIONS	NO BUILD	ROADS BELOW GRADE	TRAIN BELOW GRADE	I-80 CORRIDOR
Response Time Impact To Patient Locations (TO SCENE) ¹	Adverse	Adverse	High Value Added	High Value Added
Response Time Impact Transporting Patients (TO HOSPITALS) ² • Cardiac Arrest To Closest Hospital • Traumatic Injuries To Trauma Center • Serious Med. Problems-Chest Pain, Diff. Breathing, etc.	Adverse Adverse Adverse	Adverse Adverse Adverse	High Value Added High Value Added High Value Added	High Value Added High Value Added High Value Added
Response Time Impact To patient on train ³	N/A	Potentially Adverse	Adverse	Potentially Adverse
Potential For Train Versus Vehicle/Pedestrian Accidents ⁴	Adverse	Med. Value Added	High Value Added	High Value Added
 Population Risk on Derailment (Multiple Casualty Incident)⁵ Injury Risk Evacuation Logistics In City Area Access To Hospitals Access To Scene/General Population Access To Scene (i.e. personnel, rail cars, etc.) 	Adverse Adverse Adverse Adverse Med. Value Added	Adverse Adverse Adverse Adverse Adverse	Med. Value Added Med. Value Added High Value Added High Value Added Adverse	High Value Added High Value Added High Value Added High Value Added Med. Value Added
Operational Impact On Emergency Medical Ambulance Service • Increased Frequency of Trains • Increased Length of Trains • Combination of Increased Length and Frequency	Adverse Adverse Adverse X 2	Adverse Adverse Adverse X 2	Low Low Low	High Value Added High Value Added High Value Added
Economic Impact On Emergency Medical Ambulance Service • Increased Frequency of Trains • Increased Length of Trains • Combination of Increased Length and Frequency	Adverse Adverse Adverse	Adverse Adverse Adverse	, None None None	None None None
Paramedic Ambulance Response Numbers All Immediate Downtown Reno Corridor (see maps) 	1995 29000 6873	2000 (Proj.) 35000 8248		
 Number of Cardiac Arrests Critical Patients (Trauma, Medical Problems) 	500 350	600 420		
Trauma Patients Medical Patients	9368 13070	11242 15684		

REGIONAL EMS AUTHORITY (REMOA) -RAILROAD OPTIONS EVALUATIONS

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Note # 1 - RESPONSE TO SCENES, Will be adversely affected by train length and frequency as long as the trains run through the Downtown Corridor above-grade. Proposals to move the trains below grade or to the I-80 corridor provide the best solution for emergency medical response. A significant number of patients are served in or around the Downtown Corridor of Reno, which will only increase over the yaers.

Proposals to have one-way streets, below grade thru-ways at certain streets and closing certain roads provides the following problems from an emergency medical response perspective:

 One-way streets, reduced arterials undergrade (i.e., 4+ lanes to 3, and street closures will have an adverse impact on emergency medical responses. Problems can and will arise with traffic congestion under the below grade streets. This can cause emergency responders to be time delayed, especially given that some routes are reduced under grade to one lane.

• Further any accident, minor or major, has high potential to block the undergrade pass delaying responses should the emergency vehicle be caught under the under pass with traffic infront and behind the responding paramedic ambulance.

• Emergency responses to accidents in the underpass which are more likely than a train problem underground, will hamper access to these patinets and removal for rapid transport to hospitals. We believe the odds are much higher of traffic accidents than train accidents below grade.

• One-way streets and street closures will make emergency access to patinets, and ultimately patinet transport to hospitals, more difficult and cost more time. This is unacceptable from a public safety perspective.

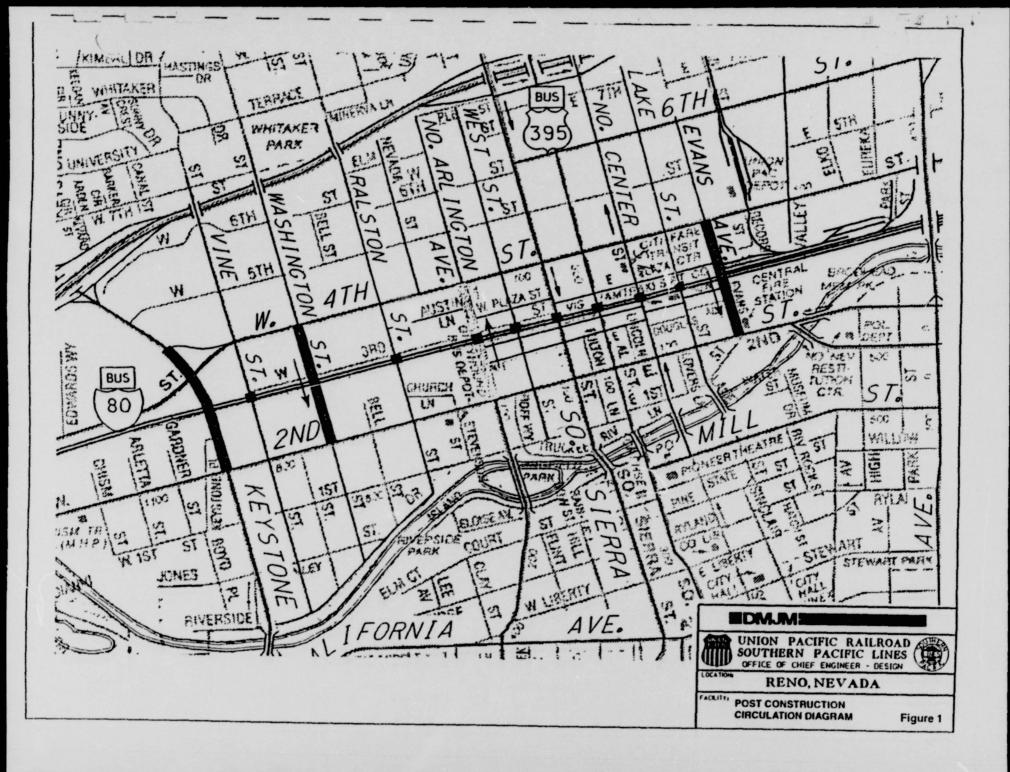
 Moving the trains below grade through the "Downtown Corridor" or to teh I-80 corridor is the best solution for multiple reasons listed in this report.

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REGIONAL EMS AUTHORITY (REMSA) -- RAILROAD OPTIONS EVALUATIONS

Note # 5 -MULTIPLE CASUALTY INCIDENTS (MCI'S). While REMSA believes the major impacts to the community and our patients are on a daily basis, one can not over look the potentially catastrophic derailment in a populated area which could result in multiple injuries, large scale evacuations, and other disaster level response needs. REMSA viewed this in a number of perspectives in the table. The probability that could occur with potential large scale loss or harm to life, and the potential to avoid this for the communities citizens and visitors, makes the first two options even more undesirable. Reducing the daily risk will also reduce the less likely but very dangerous potential of a large scale disaster.

and in 1



Ms. Dori Owens May 1, 1996 Page 2

- 2. Other Traffic Related Issues
 - The assumption of 5,000 ADT as an average grade crossing volume is not accurate, as mentioned above. The EA should be revised to utilize the actual volumes to revise the estimate of accident exposure at grade crossings.
 - The City of Reno is not mentioned as the recipient of individual traffic analysis as noted on page 12-14. As noted, 15 crossings are listed in the EA as being in Reno. It is not clear why they were excluded.
 - There is no mention of the impact on public transportation in the EA. As the Citifare public transit system has its downtown location and transfer center within one (1) block of the railroad tracks, an assessment of the proposed merger would be important. There are over 700 daily crossings of the railroad tracks by Citifare coaches each day. The Citifare system averages over 34 passenger boardings per hour. The EA should be revised to consider the air quality, passenger delay, and accident exposure impacts that result from the project.

Please feel free to call me with any questions regarding this matter at 348-0480.

Sincerely, Kraus

Planning Manager

GHK:dsc cc Celia Kupersmith, RTC Mark Demuth

MERGER.LTR

LOCATION	ADT'
Keystone Ave	25,651
Vine St	2,938
Washington St	1,808
Ralston St	4,633
Arlington Ave	14,125
Sierra St	22,826
Virginia St	15,707
Center St	13,560
Lake St	7,797

¹ NDOT 1994 AADT increased 13% to reflect the current year and the difference between annual average daily traffic (AADT) and average daily traffic (ADT)

VRAILTRAF.WK4 4/30/96

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501 West 1st Street • Reno, Nevada 89503 • (702) 786-8888 FAX: (702) 348-4769 • Reservations: (800) 635-8950

April 25, 1996

Mr. Jerry Hall Strategic Project Management 1755 E. Plumb Lane, Suite 128 Reno, NV 89502

Dear Mr. Hall:

As the Truckee River Lodge is located at 501 West 1st Street, two blocks south of the tracks and with 90% of our customer base coming from the north side of the tracks, the doubling of the trains through town would be devastating to our hotel operation.

Once our guests have arrived and checked into the hotel they go back north, crossing the tracks to access the casinos.

We as a city cannot let this situation proceed. If we do, it will create two cities; one north and one south. This would not be a happy situation.

Sincerely,

Robert F. Rusk General Partner Truckee River Lodge

RFR: jmu

whether horns are sounded at each public crossing regardless of the distance to the next crossing, etc. This information would be particularly important in areas where there are several public crossings fairly close together (e.g., downtown Reno).

Air Quality Impacts. The EA primarily focuses on the air quality of its diesel engines in calculating the impacts to air quality. The EA should address the air quality impacts of idling cars as they wait at railroad crossings. In our confined air basin, it is likely that this impact will be significant, particularly when considering the delays due to the increased number of trains along the Donner Pass corridor. Additionally, Sparks is not evaluated for the air quality impacts of its railroad yard (once again, presumably since it did not satisfy certain thresholds). The EA should provide the appropriate calculations and results to demonstrate why Sparks should not be evaluated for railroad yard air quality impacts.

Economic Impacts. There is no evaluation of the economic impact of the proposed merger to our local economy. Such an evaluation is particularly important to our region, because the impacts caused by a significant increase in the number of trains using the Donner Pass corridor could be substantial. Lengthy delays at railroad crossings, increased noise (particularly at public crossings when trains are required to sound horns), and the potential for national media attention in the event of train accidents or hazardous material spills can affect the decisions of tourists to visit our region. The region is no longer dependent on the railroad as its primary economic "engine"; therefore, the EA should evaluate how the merger will affect our economy.

Reno Branch Line. Union Pacific/Southern Pacific should provide a detailed analysis of the future of the Reno Branch line and the Reno intermodal facility (Parr Boulevard area). If there is to be a significant increase in either of these two areas, then a formal assessment must be conducted. If the rail line is to be abandoned, then public agencies may desire to acquire the rights of way for future "rails to trails" systems.

Public Safety

Isolated Communities. Several communities in Washoe County have their only access over the railroad tracks. The safety of residents and businesses within these communities will be in jeopardy when their access is blocked at the railroad crossing. This blockage will occur daily during normal operations of the railroad as trains cross the road; this situation is a concern for emergency response vehicles. The blockage could also occur should a train accident or hazardous material spill block the access. The charts below identify the isolated communities, show the community composition, provide information on the length of time during which the access will be blocked during normal railroad operations, and indicate whether these communities have emergency access which does not cross railroad tracks. The accompanying map shows the locations of these communities.

The largest communities impacted by sole access across railroad tracks are those using Woodland Avenue (City of Reno), Del Curto Lane and Canal Road. Of these, the community using Woodland Avenue will experience the most growth over the next several years, both in residential and commercial/industrial land uses. The chart on the following page outlines community composition.

Community	Map ID Number	Community Composition
Donner Pass Corridor		
Quilici Ranch	2	1 residence
Verdi private crossings	5,6	2 to 3 residences
Mogul Road #1	7	3 to 5 residences
Mogul Road #2	8	1 residence
Woodland Avenue	10	40 residences (200+ planned) commercial, industrial
Stag Lane	11	5 residences
Del Curto Lane	13	28 residences
Ditho Road	14,15	2 residences
Canal Road	17	35 residences (all in Storey County)
Reno Branch		
MarMac Street	19	3 residences
Seneca Drive	21	80 residences
Panther Valley (Ranger and Link Rd)	24,25	200 + residences
University Heights (Comstock and Socrates Drives)	27.28	unknown (at least 200)

The expected railroad crossing delays are outlined below:

Community	Total Crossing Delay per Day ²			
	6,000 foot long train		8,000 foot long train	
	Current ³	Projected	Current ³	Projected
Donner Pass Corridor				
Quilici Ranch	30 min	1 hr 14 min	37 min	1 hr 31 min
Verdi private crossings	30 min	1 hr 14 min	37 min	1 hr 31 min
Mogul Road #1	30 min	1 hr 14 min	37 min	1 hr 31 min
Mogul Road #2	30 min	1 hr 14 min	37 min	1 hr 31 min
Woodland Avenue	30 min	1 hr 14 min	37 min	1 hr 31 min
Stag Lane	30 min	1 hr 14 min	37 min	1 hr 31 min
Del Curto Lane	30 min	1 hr 14 min	37 min	1 hr 31 min
Ditho Road	22 min	54 min	27 min	1 hr 6 min
Canal Road	22 min	54 min	27 min	1 hr 6 min

¹ Note: Number of residences are estimates based on field survey work and Washoe County Assessor Files.

² Note: Total Crossing Delay was computed using the formulas provided in Appendix I, Volume 5 of the EA. The speed of the train was either 42 MPH or 65 MPH depending on the location. Speed information was provided by Union Pacific officials. Times are rounded. The Reno Branch was not included because there is supposedly no significant increase in train traffic with the merger.

³ Note: Current crossing delay was computed using 13 freight trains per day. Does not include Amtrack trains.

⁴ Note: Projected crossing delay was computed using 32 freight trains per day. Does not include Amtrack trains.

In all cases, waiting times at railroad crossings will more than double. Crossing delays for a single train range from 2 min. 18 sec (6,000 foot trains) to 3 min. (8,000 foot trains) at 42 MPH and 1 min. 45 sec. (6,000 foot trains) to 2 min. (8,000 foot trains) at 65 MPH. Delay times aside, the increase in the number of daily trains (18 to 32) will double the chances of any given railroad crossing being blocked during an emergency response situation as outlined below:

Community	Emergency Access		
Donner Pass Corridor			
Quilici Ranch	Yes. Unimproved dirt road to Garson Bluff.		
Verdi private crossings	Yes. Dirt road to Garson Road. Locked gate on dirt road.		
Mogul Road #1	Yes. Private bridge and private road to Dori Bell Lane. Sierra Pacific Power Company maintains keys. Problems with emergency access.		
Mogul Road #2	No		
Woodland Avenue	Yes. Private paved road south of railroad tracks. 2 locked gates, emergency responders do not have keys. Road meets with Mayber Drive on a down slope at a blind corner (traffic hazard)		
Stag Lane	No		
Del Curto Lane	No		
Ditho Road	No		
Canal Road	Yes. Unimproved dirt road through Storey County to Virginia City. Storey County officials would recommend use of this road solely by 4 wheel drive, high clearance vehicles and only in good weather.		
Reno Branch			
MarMac Street	No		
Seneca Drive	No		
Panther Valley (Ranger and Link Rd)	No		
University Heights (Comstock and Socrates Drives)	unknown		

The length of trains may also cause a public safety problem. For instance, in Verdi the public crossings at Crystal Park Road and Bridge Street are about 3,400 feet apart. Obviously, both crossings are blocked for a short time with both 6,000 foot and 8,000 foot trains. This reduces the opportunities for emergency responders to use one crossing should the other be blocked. Similar situations occur at other locations on the railroad tracks.

It appears that the primary focus for public safety with isolated communities should be along the Donner Pass corridor. Of the nine crossing singled out on that corridor, three deserve immediate attention because of the size and location of the community impacted by its sole access across the railroad tracks. These three are the communities served by Woodland Avenue, Stag Lane and Del Curto Lane. Canal Road should also be addressed, but will take close coordination with Storey County. Proposals for these three communities are discussed in the section titled Proposed Mitigation Measures.

Noise Impacts

The attached maps illustrate the distance along the railroad tracks which are subject to noise impacts. The map shows 290 and 780 feet distance from the tracks based on the following chart:

Average Number of		Distance to L _{dn} = 65 dBA			
Trains per day	Without horns		With horns (public grade crossings)		
	50 mph	30 mph	50 mph	30 mph	
32	290 ft	250 ft	780 ft ⁵	1,100 ft	

The distances used in this evaluation are based on extrapolation of figures H-1, H-2, H-3 and H-4 in Volume 5. Additionally, the figures shown in Appendix H, Volume 5 for distance to L_{dn} differ from those included in section 12.3, Noise Analysis, of Volume 2. The numbers shown on page 12-6 are 480 feet (perpendicular) before merger and 670 feet after merger. There is no explanation for these numbers and it is unknown if these numbers include horn soundings at public crossings. Using charts H-1 through H-4, and the extrapolation above, the figures for the unincorporated County should be closer to Pre-merger: 140 ft (without horns) and 465 (with horns) plus post-merger: 290 ft (without horns) and 780 ft (with horns).

The number and types of sensitive receptors along the Donner Pass corridor (outside of the Reno and Sparks area) are shown on the following chart. These numbers and types were derived from assessor information contained in Washoe County's Geographic Information System. These numbers are from a buffer drawn 780 feet from the tracks and within a quarter mile each side of public crossings (distance noted in the EA where trains are required to sound their horns). In many cases, the sensitive receptor numbers differ from those shown in the EA (page 12-7).

Community	Number of Sensitive Receptors			
	Residential	School	Church	
Verdi (crossings 3 & 4)	81	0	0	
Mogul to W. Reno (crossings 7,10,13)	83	0	0	

The primary focus for noise impacts (outside of the Reno-Sparks area) along the Donner Pass corridor are in Verdi. Proposed mitigation for Verdi is discussed in the section titled Proposed Mitigation Measures.

Environmental

Union Pacific officials have told the region's HAZMAT responders that there should be a decrease in bulk shipments and waste/hazardous material along the Donner Pass corridor since that corridor will be primarily for high speed intermodal trains. The Feather River route will then be used primarily for slower traffic, to include the majority of the waste/hazardous material shipments.

⁵ Note: This figure was used in calculating the sensitive receptor information from the attached maps.

⁶ Note: Residential includes single and multi family, plus manufactured housing (e.g., mobile homes).

The EA does not address the potential impact of such traffic along that route. Of particular concern for Washoe County would be the impacts to the town of Gerlach. What type of response equipment would be needed at Gerlach in the case of a hazardous material spill or accident? Where would this equipment come from? Who would respond and what would be the response time?

Since the Donner Pass corridor will be experiencing an increase in faster and longer trains, the EA should provide calculations on the probability of train derailments along the Truckee River corridor. This should be combined with detailed watershed and/or drainage basin mapping which would clearly illustrate and identify the potential travel routes of spills to the Truckee River. The Truckee River supplies our region with its primary water source and such measures are necessary to ensure protection of that source. In addition, the EA should analyze the type and amount of equipment necessary to isolate any hazardous/toxic material spills before the spills enter the water supply systems of Reno, Sparks and Wadsworth.

As an another measure to protect the region's water supply, the EA should address engine leaks and spills which occur along the railroad tracks. Accumulation of leaks and spills creates a potential toxic hazard and will eventually require clean-up measures. The EA should address this impact and provide mitigation measures to minimize the migration of leaks and spills into the ground water supply and/or into surface drainage facilities which eventually empty into the Truckee River. There may be a need for structures similar to catch basins which are required for parking lots.

Proposed Mitigation Measures

- Improve the emergency access road from Woodland Avenue to Mayberry Drive. Several measures should be taken:
 - a. Ensure that the access road is indeed an easement for emergency access. All regional emergency responders should be made aware of the road and provided instructions on access (either a key system or bolt cutters).
 - b. The road is currently paved to about 20 to 25 feet wide. If this is not adequate to allow emergency evacuation, in addition to emergency response, then the road should be widened.
 - c. Coordinate regional emergency response plans to include traffic control on Mayberry Drive. Sight distance for traffic on Mayberry Drive heading south/southeast is very limited when approaching the emergency access road.
 - d. Inform the residents and businesses who use Woodland Avenue of the emergency access road and the situations when it would be used. This information would provide a level of comfort to those citizens wedged between the tracks and the river (or foothills).
- Provide emergency access to the Del Curto Lane community. Based on an on-site visit, there appears to be three options to provide access:
 - a. Construct an emergency access road heading east to connect with Dickerson Road. Private ownership, Oxbow Park, and the Orr Ditch complicate such an emergency access road. However, there appears to be room between the railroad tracks (on railroad property) and the Oxbow Park area (to include the undeveloped part of the park) to provide room for emergency access. Such an access would probably require negotiation with at least one private property owner (Kenneth Freeman) to allow the road to connect with Jolly Lane in the Del Curto community. Additionally, the connection to Dickerson Road, either through Oxbow Park or around it, would have to be determined.

- b. Construct an emergency access road on railroad land westward toward McCarran Blvd. This access would be south of the railroad and another at grade crossing would need to be constructed to allow the emergency access road to connect with an existing maintenance road north of the tracks. The two crossings should be far enough apart to minimize the potential for both being blocked by long trains.
- c. Construct an emergency access bridge across the Truckee River. Such a bridge could either connect Truckee River Trail (west end of the Del Curto Lane community) with Crissie Caughlin Park or connect Jolly Lane/Goodsell Lane with Ivan Sack Park. The draft City of Reno discusses possible construction of a footbridge at either Ivan Sack or Crissie Caughlin Parks; an emergency access bridge could possibly be designed to provide pedestrian/bicycle access at all times and emergency access when needed.
- Provide emergency access to the Stag Lane community. Based on an on-site visit, there appears to be two options to provide access:
 - a. Construct a dual use (pedestrian/emergency access) bridge across the Truckee River at Dorostkar Park, then an emergency access road from the bridge to Stag Lane. Access and land use concerns would have to be addressed with this option.
 - b. Construct an emergency access road and another at grade crossing either east or west of the Stag Lane crossing. Site location of such a crossing could be difficult, since the land significantly narrows to either side of Stag Lane (at Mayberry Drive and across from Ambrose Park) and there is only about 4,500 feet of area between the two narrows.
- 4. To minimize noise impacts to the Verdi community, freight trains should not sound their horns at the two public crossings (Crystal Park Road and Bridge Street). If necessary, upgrades to the signals at these two crossing should be constructed to allow trains to avoid sounding their horns.
- 5. Evaluate all railroad crossing sites for safety and maintenance. The crossing at Woodland Avenue is currently being repaired; however, there are many other crossing sites which deserve attention. For instance, the crossing site at Del Curto Lane appears narrower than the rest of the road while the Stag Lane crossing is only one lane wide. Union Pacific officials told me that they have no responsibility for private crossings. However, common sense seems to dictate that if the Railroad Company granted access, then there should be joint responsibility for maintaining an adequate and safe crossing site. Railroad officials and appropriate public agencies (i.e., the Public Service Commission and/or local Public Works Departments) should agree on a plan to evaluate all crossing sites and repair those deemed appropriate.
- 6. Provide a system which alerts emergency responder dispatch centers as to when trains are on the tracks. This system should be able to divide the Donner Pass corridor through Washoe County into discrete segments so that dispatchers can keep track of the progress of a train. Such a system would alert emergency responders when a crossing will be blocked so they can plan alternate routes. Without such a system, emergency responders either gamble that crossing will be clear or habitually plan alternate routes to avoid railroad crossing sites, thus adding to their response times.
- 7. Develop a plan to respond to hazardous material spills and/or accidents in Gerlach. The plan should identify the equipment needed for minimum response and the location of this equipment, the agency(s) (both public and private) charged with responding to an incident, and response times to an incident.

- 8. Develop a plan to address the impact of spills and leaks of hazardous/toxic material along the railroad tracks. The plan should provide mitigation measures to minimize the migration of leaks and spills into the ground water supply and/or into surface drainage facilities which eventually empty into the Truckee River. The plan should also address the need for structures similar to catch basins (which are required for parking lots) for the railroad tracks and railroad yards.
- 9. Control the speed of trains in the Truckee Canyon (Wadsworth to Verdi) adjacent to municipal water intakes on the Truckee River. Develop a plan to address train derailment and/or hazardous/toxic material spills which endanger either ground water or Truckee River water supplies. Situate appropriate emergency response and spill containment equipment in the Truckee Meadow's region.

If you have any questions concerning this memorandum or the proposed mitigation measures, please do not hesitate to call me at 328-3623.

Sincerely,

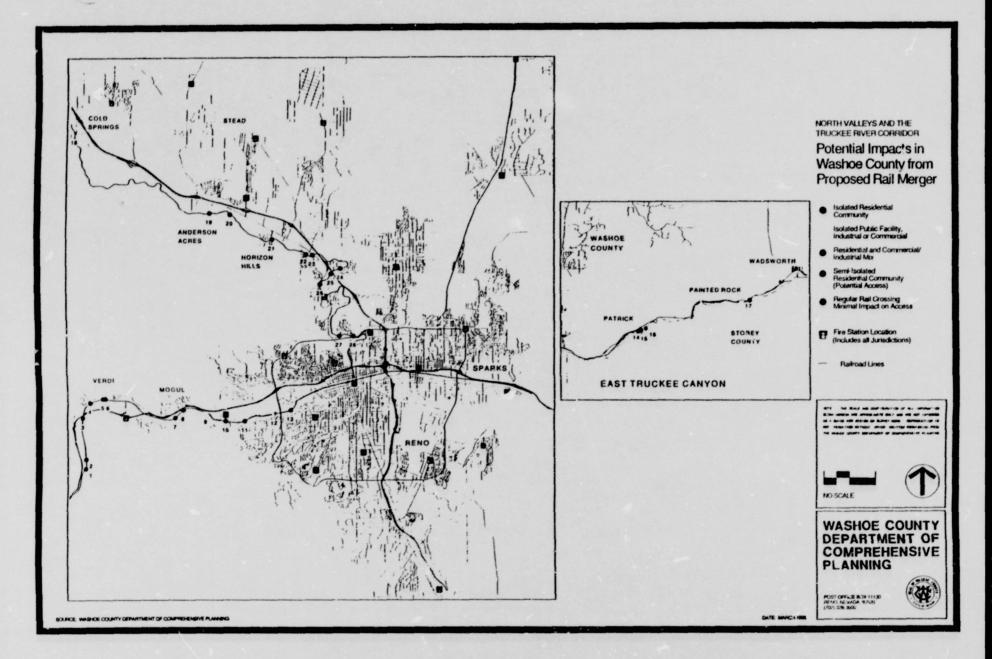
Bob Webb

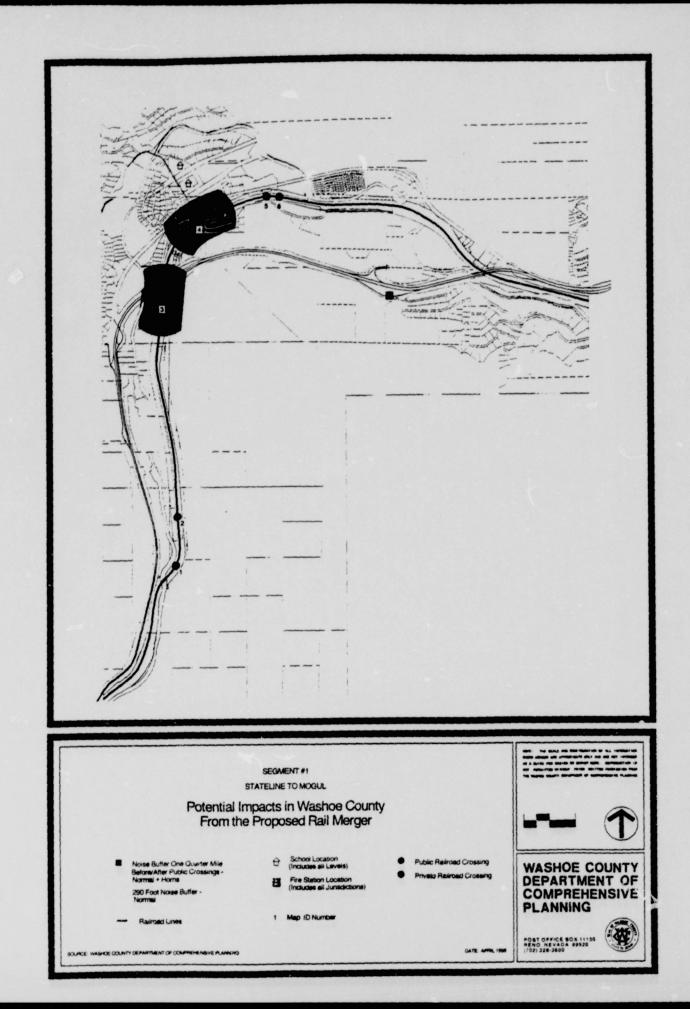
Community Coordinator

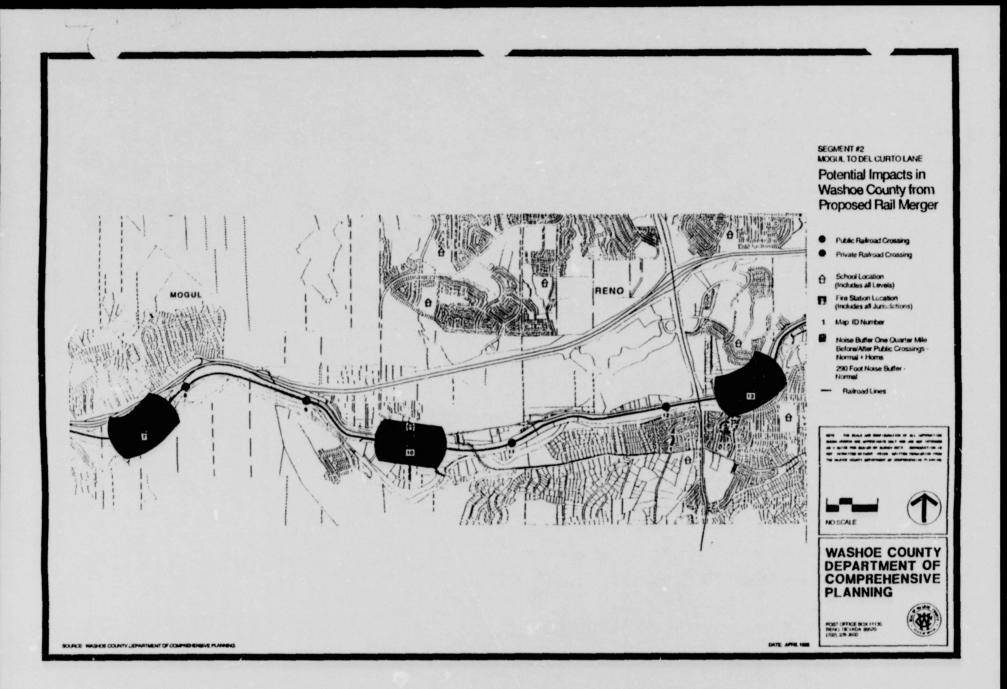
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Enclosures

cc: Washoe County Commission John MacIntyre, County Manager John Hester, Director, Department of Comprehensive Planning









April 24, 1996

Jerry Hali Strategic Project Management, Inc 10 Suda Way Reno, Nevada 89509

RE: UP/SP Railroad Mergen - Environmental Assessment Comments

Dear Mr. Hall:

In a review of the proposal, our agency has little concern regards the increased in train traffic throughout our jurisdiction as adequate alternate routes exist for movement throughout our area of responsibility. The only concern we express is with any increase in the storage of hazardous materials already stored in the close proximity of the Horizon Hills residential area North of Reno off of old North Virginia Street/Alt US395N, on the spur located to the West of that location. The present storage has always been a concern for us and any increase in the quantity stored will certainly increase that concern not only for us but I am sure for the residence of that area.

RICHARD KIRKLAND, SHERIFF

Marc J. Fowler, Captain Patrol Division Commander

cc: Dori Owen, Spacial Projects Manager Reno Redevelopment Agency