Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Vivian People and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

This is an outrageous situation. How can you possibly let such a thing occur?

Signature

Street Box 845

City Indianapolis, State/Zip IN 46208
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Tom Pearce and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The Tramway should be paid for equally by UP and the citizens of Truckee Meadows.

Signature

Street 285 Clipperview CT
City Reno State NV Zip 89503
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is **Nonal Perry** and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

*I feel the railroad should pay to have the tracks submerged in downtown Reno.*

Signature

**Nonal Perry**

Street 3000 Dickerson Rd

City Reno State NV Zip 89503
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Michael J. Preston and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Unacceptable

Signature: Michael J. Preston
Street: 116 ST. LAURENCE
City: Back State Zip 82509
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Linda J. Peterson and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The UP mingle potentially is dangerous to the Washoe County and the railroad needs to be secured (tunnelled) in the downtown area & the railroad needs to pay a fair share of the cost.

Signature: Linda J. Peterson
Street: 1681 Foster Dr
City: Reno  State: NV  Zip: 89509
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is CLAYTON PETERSON and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I think everything regarding the railroad situation is O.K. now. There is no reason for more construction downtown.

If the city insists on a tunnel, the casinos pay for it.

Signature

Street 33154
City 89533
State
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 31760 - 1925 K Street, N.W. Room 700, Washington DC 20423.

STB: My name is John B. Pierce and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Your proposal to solve the problem of increased train traffic through downtown Reno is without merit. Increased speed increases accident potential and danger to the thousands of people who are in the downtown area, during any given time frame, and the tens of thousands who are in the area during prime special events and holidays. Get the train tracks out of the downtown area.

John B. Pierce
280 Edgewater Pkwy
RENO NV 89504-2270
September 19, '97

Dear Elaine:

This letter is to show support of the decision made by the STB to doubling the train speed to soften the effect of doubling the number of trains.

This makes sense to me. I also like the idea of adding pedestrian crossing elevators.

The railroads have owned the property in downtown Reno for the last 127 years. Why all the complaints and nonsense about the trains today? The answer is simple: The casinos along the tracks would like to expand and use the railroad property.

Sincerely,

[Signature]

Roy, Massachusetts

CENTRAL ADMINISTRATIVE UNIT
REC'D: Sept 25, 1997
DOCUMENT # 9-25-97 12:05:14 pm
#32760 RL.04
TO: Office of the Secretary  
Surface Transportation Board  
FROM: Donald and Anne Piper  

For an arm of the Federal Government to suggest the answer to the train problems of Reno (up increasing daily traffic from 12 to 38 per day) is to increase train speed from 18 mi. per. hr. to 30 mi. per. hr. is not only ridiculous but shows no thought to the public's safety. With the merger of UP and SP the expected profit for the merger is approximately 3/4 of a billion dollars a year which makes UP's offer of 35 million to help elevate the train traffic problem laughable.

An Environmental Impact Statement is necessary to address the safety of people living in the Reno area.

We strongly urge a more equitable settlement to this problem.

Yours truly,

Donald Piper  
Anne Piper  
October 9, 1997
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

My name is:

My comments regarding the Preliminary Mitigation Plan issued September 15th, 1997:

#1 I believe a thorough environmental study needs to be done.

#2 The Union Pacific needs to pay for at least 1/3 of the cost for whatever alterations are deemed for accommodating their passage through town in the future.

Signature

Street

City (302) 329-9136
Comment Sheet

UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: Martha Scott Pruter
Phone/Fax: (702) 345-0584

Organization & Title (if applicable):

Address: 10415 Nighthawk Circle
City/State/Zip: Reno, NV 89523

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC 20423. Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

You say "we were here first, then Reno came." Excuse me, the Truckee River was here first. I am greatly concerned with Union Pacific's safety record (poor) & people I have known who are train engineers who have told me that alcohol & drug use is rampant.

If there was an accident with hazardous waste - most any train I'm sure, it could pollute the river (our local source of water) & be contaminated forever. (Not to mention explosions or toxic clouds.) But maybe U.P. could bring our water by train.

Increasing the speed of trains is the craziest thing I've ever heard. The STB has no regard for safety & is only a lobby for U.P.

U.P. will benefit if they should pay to depress the tracks to allow fire & ambulance service to pass during this increased traffic &

Potential Disaster.

Thank you.

M. S. Pruter

Central Administrative Unit
Reply: 10-16-97
Document # 10-19-97 3:10:31 pm
October 2, 1997

Office of the Secretary
Surface Transportation Board
Finance Docket 32760
1925 K Street, NW, Room 700
Washington, DC 20423

Att: Elaine Kaiser, Chief, Section of Environmental Analysis

Re: UP/SP Merger Reno Mitigation Study

Dear Ms. Kaiser:

As a lifetime Reno resident, please accept my concern for the Preliminary Mitigation Plan proposed for the impact of the Union Pacific/Southern Pacific Railroad merger.

I do not feel the plan does an adequate job of mitigating the safety considerations or the environmental concerns of the increased number of trains traveling through Reno, which I understand will approximately double from the number of trains passing through Reno now.

- Faster trains will cause increased safety concerns that will not be overcome by proposed mechanical alterations to the track barriers.
- Longer trains and more frequent trains will block crossings and cause delays in response times for emergency vehicles.
- There are no contingency plans for the case of problems with hazardous waste that could endanger the area's drinking water or downtown corridor.

I have more concerns about how the quality of life in the Reno area will be negatively impacted by the current plan, but I feel the safety considerations alone are significant enough to require you to reassess the Preliminary Mitigation Plan on which you are currently receiving comment.

I urge you to order an environmental impact statement to take into account alternative track placement and the full impact of these changes. The Preliminary Mitigation Study is too limited in its scope to provide a reasonable solution to the issues raised.

Sincerely,

Vicki Peters Puliz

cc: United States Senator Richard Bryan
United States Senator Harry Reid
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is **Carolyn Quadrin** and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

As a lifetime resident of the Reno area, I am appalled at the total disregard of the residents' environment and safety by the Union Pacific-Southern Pacific merger. I believe an environmental impact study should be done before any railroad is allowed to enter this community. This is not the same instance when Big Business is allowed to bulldoze the rights of the individual. Union Pacific should be held responsible for the neglect the impact this will make on our community.

Signature: **Carolyn Quadrin**
Street: **1567 Restrel Ct.**
City: **RENO State/Zip 89509**
Dear Sir:

I would like to take this opportunity to voice my concerns over the proposed increase in Union Pacific traffic in Reno.

My comment is that I think the trains are already a great source of noise pollution, and that this problem will become more acute with the increase in railroad traffic. Many times recently I have been awakened by train horn blasts, whether it be at midnight on a weeknight or at 6AM on a Sunday. I am sure that many others have had similar experiences. In short, the noise lowers the quality of life for many residents who live near the railroad tracks.

I have heard that there is a law that states that trains must blow their horns for a mile or so before approaching certain "low grade" crossings. In our neighborhood (on the west side of town), such a crossing exists on Woodland Avenue near West 4th Street. At the very least, I feel that these crossings should be upgraded before any increase in railroad traffic is allowed. That way, the trains will not have to blast their horns at night, and we can all get a good night's sleep.

In general, I feel that we should be understanding toward the railroad. However, I do hope that they will work with the city to upgrade the Woodland Avenue crossing, and others like it, in addition to solving the "Downtown Problem".

Sincerely yours,

Thomas Quint, PhD
Please complete and return this coupon to the Surface Transportation Board Office at the
Secretary, Finance Docket 32760 · 1925 K Street, NW · Room 708 · Washington DC 20423.

STB: My name is Tamara Reading and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Please lower the tracks through a tunnel instead of more longer and master county carrying hazardous waste will result in numerous problems for the Reno Area. Please, for my 4 year old daughter do the right thing and lower the tracks - do not risk my daughter's future.

Signature: Tamara T. Reading

City: Reno, State: NV Zip: 89507

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-7-97
DOCUMENT # 10-8-97 11:41:02 am
INDEX # 32760 RL 04
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is DAVID J. REES, and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The railroad should come up with much more money to depress the tracks thru Downtown Reno. They create the danger.

Signature: David J. Rees
Street: 15060 Edwards Dr.
City: Reno  State: NV Zip: 89516
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is

FRED REMICH these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

WE DON'T FEEL THE SAFETY OF INTEREST OF RENO IS OF CONCERN TO UNION PACIFIC. THERE HAS BEEN NO ENVIRONMENTAL IMPACT DONE TOO MANY TRAINS PER DAY AND TOO MANY HD CARS UP TO 6,500 FEET.

WE ARE CONCERNED ABOUT NUCLEAR FUEL AND OTHER TOXIC MATERIALS BEING TRANSPORTED SO CLOSE TO THE TRUCKEE RIVER - OUR WATER SOURCE. OUR READING COST IS NEAR $182,000,000, UP WILL PAY ONLY $50,000,000 OF IT.

Signature

Street 196 CLAYTON RANCH

City RENO State NV Zip 89512
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is John Richardson and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

1) Remedies to address safety and quality of life issues by U.P. merger.
2) Environmental impact conducted prior to plan.
3) Negotiate with BNSF for a fair share of costs.

Signature John Richardson
Street 2155 Bancroft Way
City Reno
State NV Zip 89512
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is John Doe, and these are my comments regarding the Preliminary Mitigation Plan issued September 1977.

1) You should do more to maintain safety quality of life measures proposed by the UP railroad as the grade is to remain.
2) Do Environmental Impact Survey.
3) UP negotiate with community to ensure their have strong ride.
4) STB recommends J. S. Shearock, Suck & Me totally inadequate.

Signature

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-7-97
DOCUMENT # 10-9-97 12:25:18pm

JST-32760 R4.04
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Monica Ringgold and these are my comments regarding the Preliminary Mitigation Plan issued September 15th. Reno Nevada.

Casino Row all the way to Atlantis Should pay at least 1/3 for cost of lowering or over passing the Railroad. They are the ones most of this will benefit. Most of locals go around anyway.

Signature Monica Ringgold
Street 16075 Pyle Lake Cir.
City Reno State Zip 89511
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Norman Ritter and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

- Make Virginia St pedestrian mall, from river to RA tracks
- Build & Vehicle Pedestrian overpass
- Fitzgerald + others can build their own ped overpasses
- Speed up your trains in particular the westbound ones.
- If possible - space out the trains going thru Reno.

This should effectively solve the Problems being cited by the City.

The financial offer is adequate to complete the above.
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Glenn R. Roberts and these are my comments regarding the Preliminary Mitigation Plan issued September 15th. It is obvious that the City of Reno, NV has a better enemy in the STB or one that has tremendous influence over the board. IT has been the trend for several decades to move trains out of the City. In our case they are doubling the train traffic, increasing the speed from 18 to 30 mph, allowing nuclear waste to be transported through the most populous area of our city. I can’t believe any reasonable, thinking person would permit this to happen.

Signature: Glenn R. Roberts

Street: 1468 Kate Lane
City: Reno State: NV Zip: 89506
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Name] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

This merger will impact this town for ever. An Environmental Impact Statement must be done. Do not ram this down our throat.

Signature [Signature]
Street [Street Address]
City [City] State NV Zip 89507
via Federal Express

Ms. Elaine Kaiser
Program Director Legal Counsel
Surface Transportation Board
Section of Environmental Analysis
1925 K Street N.W. 5th Floor, Room 700
Washington, DC 20423 -0001

Re:  **UP/SP Railroad Mitigation Study/Finance Docket No. 32760**

Dear Ms. Kaiser:

This letter will act as Harrah’s Operating Company, Inc. dba Harrah’s Casino Hotel Reno’s official comment to the Preliminary Mitigation Plan (“PMP”) also made on behalf of our 2100 employees who are citizens living throughout the region impacted by this merger. An original and ten (10) copies are included, as required.

Harrah’s has had an opportunity to review the PMP as well as the City of Reno’s official comment document. Harrah’s fully supports the issues raised in the City’s official comment document. **Harrah’s supports the City’s position requesting appropriate mitigation for the City of Reno, but not opposing the merger of the Union Pacific and Southern Pacific railroads.** As you are aware, the City of Reno has unique impacts from the merger which, unmitigated, will cause a great disruption in the economic future and quality of life for the Reno community. While Harrah’s supports all the comments raised in the comment document, there are certain issues which Harrah’s believes should be highlighted.

The primary mitigation proposed by the PMP is to increase the speed of the trains which now go through Reno as well as those trains which will go through Reno once the merger is put into full effect by ten (10) miles an hour. Harrah’s appreciates the efforts which have been put in by a great number of interests in trying to reach the appropriate mitigation for the impacts of the merger. Harrah’s has followed closely with great interest the efforts. **After hearing of the various solutions, relocation of the tracks to I-80, grade separations and a depressed railway, the proposed mitigation of increasing the train speed seems to be somewhat meager and ineffective.**

Even assuming the trains speed could be increased as proposed and it had the predicted impact on traffic delay, train speed simply does not mitigate the other impacts...
of this merger on other vital concerns: air quality, noise and emergency vehicle response time. It is Harrah's understanding that the objective of the mitigation task force was to develop a mitigation scheme which mitigated the above factors.

In our reading of the PMP, at best the only factor which is mitigated is traffic delay. The City's response raises serious questions as to the scientific integrity and methodologies used in determining that the increased speed would mitigate even the traffic delays. Since this appears to be the keystone upon which all the other mitigation is premised, if this is flawed, it would appear to Harrah's that the rest of the report must be flawed and that a critical look must be taken by the STB during the time between the closing of the comment period and issuing of the Final Mitigation Plan ("FMP"). Additionally it not only does not mitigate any safety issues, it creates safety issues.

Another item that appears to be lacking in the PMP is any ability to enforce those mitigation measures which are ordered by the STB. Even assuming the railroad can comply with an average increased speed of ten (10) miles per hour, and this has the desired effect, the PMP is devoid of any consequence should the railroad fail to comply. It is unrealistic to assume that issues will not occur which will cause the railroad to not be able to meet an average increase of ten (10) miles per hour for all trains. Issues which might arise include weather, track conditions, accidents, and stalled vehicles on the track as examples.

Additionally, there is no limit as to the number of trains which the railroad could operate through this corridor once the merger takes full effect. Therefore the increased benefits outlined in the PMP by the increased train speed would appear to diminish as the number of trains increases and therefore the traffic delays and the intended affect on air quality would not be mitigated. At that point there should be some consequence to the railroad such as running trains on other routes or exploring less operationally based mitigation like grade separations.

Another telling issue raised by the PMP is the apparent willingness of the STB to serve the economic needs of the railroad by placing the citizens of and visitors to Reno at greater risk by proposing increased train speed as the primary mitigation. While other mitigation is proposed such as pedestrian overpasses at Virginia and Sierra Streets, as well as improved barriers at the gate crossings, Harrah's believes it is unrealistic to fail to recognize human nature and the fact that people will always challenge safety measures put in place for their protection.

Even without this trait of human nature, the PMP itself recognizes that even if the system were to work perfectly, there is an increased danger to both pedestrians and vehicular traffic in regard to accidents. It is difficult for Harrah's to understand how
mitigation, which is supposed to decrease or eliminate this issue, but actually increases the issue, can be acceptable.

It appears that one of the primary considerations leading to the proposal to increase train speed as the primary source of mitigation is a cost/benefit analysis. It is Harrah's understanding that the issue of cost/benefit was discussed at the mitigation task force meetings. Harrah's provided a representative to speak with the economic expert hired by the STB consultants in this matter. Despite discussions which indicated that the economic expert was beginning to recognize the need to do an economic benefits analysis, that issue was never fully presented to the task force, and not part of the PMP. It appears the only cost benefit analysis done was in regard to the cost of mitigation as it affected the railroad. It seems illogical to indicate that grade separations or a depressed railway would not be considered because of cost, yet the economic cost to the City of Reno occasioned by increased train traffic was not part of the analysis. It would seem that one of the goals of the task force would be fairness in making its determination and it does not appear that this was the case.

Another issue that seems particularly clear from the PMP is the fact that the consultants were quick to point out that the mitigation to be ordered could not have any positive impact on conditions which existed prior to the date of the merger. This is an unrealistic standard as proven by the mitigation suggested by the PMP. If the PMP is to believed, traffic delay will be reduced to below pre-merger levels by increasing train speed. Therefore if the proposed mitigation of increased train speed can have a positive impact on pre-merger conditions, why was that used as a factor to preclude consideration of such mitigation measures as the depressed railway and/or grade separations.

Finally, it appears that there are many inconsistencies in the analysis as evidenced by the PMP. In reading the analysis, it appears that when necessary the consultants would utilize very specific data to support the conclusion that train speed was the best mitigation plan (e.g. gate downtime looks at each episode rather than the total number of hours increasing). However when specific information pointed away from that solution, the consultants would then look at averages and broad-based information in which to prove their point (e.g. the discussion regarding air pollution attempts to dilute the impact on Reno by looking at county-wide impact). It would appear that consistency was lacking in that a decision should have been made to utilize either specific information or averages in making all determinations.

As a corporate citizen of the City of Reno, Harrah's has an interest in seeing the best mitigation possible for the benefit of not only the railroad but the City of Reno. Obviously, Harrah's business interests are severely affected, but more importantly the quality of life of the citizens of this community are impacted by the railroad's business
decision to merge with the Southern Pacific railroad. It seems blatantly unfair that
decisions are being based on economic factors and yet the economic benefit impact is
not considered for all sides.

The railroad, in its own documentation, has indicated that it will recognize $750 million
dollars of savings on an annual basis from the merger, yet when mitigation proposals
such as grade separations or the depressed railway are considered, that they are
deemed to have too much of an economic impact on the railroad to be considered.

Harrah's Reno shares the interest of the other citizens of Reno in seeing a fair and
effective process completed through the mitigation study. For the reasons highlighted
in the City's official comments document, Harrah's believes that this has not occurred,
and urges the Surface Transportation Board to take a more critical hard look at the
process and the analysis which led to the conclusion that increased train speed is the
primary mitigation to be recommended in regard to this merger and its impact on the
City of Reno. When Harrah's as a business has an adverse impact on the community
in which it operates, it is expected to compensate the community for that impact. It is
difficult to understand why the railroad, who has the economic ability and will reap the
greatest economic benefits of this merger, is not being required to do the same. Thank
you for your opportunity to comment and should you have any further questions about
my comments, please do not hesitate to contact me at (702) 788-3647.

Very truly yours,

James D. Rogers
Senior Vice President and General Manager
Harrah's Reno

cc: Hector Mon
Senator Harry Reid
Senator Richard Bryan
Charles McNeely
Mayor Jeff Griffin
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Vincent M. Recke and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Move it out of town

Signature:

1430 Commanawon Dr
Lincoln, NE 68521
Dear Ms. Kaiser:

This is a response to the UP/SP Merger- Reno Mitigation Study/Preliminary Mitigation Plan, dated September 15, 1997. I was President of Friends of Pyramid Lake from 1986 to 1995 and for this and other reasons am familiar with Pyramid Lake and the status of its fisheries, but this organization has not yet made a decision to respond to the Plan. Therefore, this letter reflects solely my personal views.

I wish to address the adequacy of the Mitigation Plan with regard to two interrelated areas: consultation with Native Americans; and the heightened danger to the threatened and endangered species living in Pyramid Lake as a result of increased rail traffic along the Truckee River.

First, it is evident that from the beginning there has been inadequate consultation with the Pyramid Lake Paiute Tribe, which governs the reservation containing Pyramid Lake. According to Appendix P, the Pyramid Lake Paiute Tribe was not contacted at all during the preparation of the Environmental Assessment report of April 12, 1996. Since this report was the basis on which the Surface Transportation Board approved the merger, leaving only mitigation as the only response to any dangers created by the merger, this failure is extremely important.

You should know that the Pyramid Lake Paiute Tribe is a semi-sovereign entity within the American governmental system. Only part of its authority to govern comes from the United States government and its status as a government with which the United States government deals on a government-to-government basis is acknowledged by the President and Congress. In other words, it is not just another group or person which might have an interest in these matters.

(Incidentally, although appendix P is correct, the text of the Mitigation Plan makes two errors which need to be corrected. On p. 6-33 the first name of the Chairman of the Pyramid Lake
Paiute Tribe is misspelled, and on p. 6-36 it is stated that "The cui-ui no longer occurs in Winnemucca Lake." This is because Winnemucca Lake no longer exists, as Appendix P recognizes).

In addition to the failure to consult with the relevant government during the crucial phase leading to a decision to approve the rail merger, Dames and Moore, which was doing the assessment at this stage, made a crucial error by asking state and federal wildlife protection agencies about threatened or endangered species only within five miles of the railroad line (p. P-2). Perhaps this a reason why none of these agencies replied to this request. Pyramid Lake is about 15 miles from the railroad line at Wadsworth, but this hardly means that it cannot be affected by something that occurs on the line at this point or further upriver. (See below).

Also, the preparer of Appendix P apparently does not know that, in addition to the Endangered Species Act and the Recovery Plans for the cui-ui and the Lahontan Cutthroat trout mentioned in this report, there are relevant court decisions plus a specific requirement in the Truckee River Negotiated Settlement Act requiring that the Secretary of the Interior bring about the recovery of both species in Pyramid Lake. I enclose an article about the Negotiated Settlement which should be studied.

Apart from these factors, the conclusions of Appendix P, which are reflected in the Plan, are inadequate because they do not deal correctly with the threat to the Pyramid Lake fisheries from expanded rail traffic on the Truckee River.

First, while estimates that a hazardous materials spill indicate that such a spill is anticipated to occur rarely (once every 40 years, approximately, as reported on p. 6-27) this is inadequate for several reasons.

First, the report does not distinguish between types of hazardous materials. Although unfortunately I recall this now only from newspaper accounts, several years ago in northern California a railroad tank car full of some very poisonous liquid fell into a river leading into Shasta Lake, with the result that all life in the river for a number of miles was destroyed.

The study should address the possibility that extremely poisonous chemicals which could reach Pyramid Lake and destroy the cui-ui and the Lahontan cutthroat trout could occur even once. The cui-ui exist nowhere else in the world; if they are ever killed off entirely in Pyramid Lake, there will never be another cui-ui. To prevent this from happening, there should be a guarantee that a chemical spill which could destroy the fish in Pyramid lake could never occur. Among other things, this means examining whether lethal herbicides or pesticides or other chemicals could ever reach the Lake; other hazardous materials may be less dangerous.
Second, the report does not discuss the danger of radioactive materials getting into the Truckee River from the rail line, because another set of laws governs this (p. 6-35). The Pyramid Lake Paiute Tribe is now fighting an attempt to ship radioactive materials through their reservation in an unrelated matter, and I am confident they are concerned about radioactive contamination. The Mitigation Plan should address this issue in spite of the jurisdictional problem. If the fishery there is destroyed, it does not matter whether the agent of destruction is chemical or radioactive material.

Third, the conclusion that there should be no worry about survival of the cui-ui because they are within 15 miles of the railroad for only three months a year is ridiculous. The factor which has threatened the survival of the cui-ui for the last several decades is precisely the difficulties — usually insurmountable — created during the spawning season of the cui-ui by various alterations to the River upstream. If a species cannot reproduce, it cannot survive. The reason the cui-ui survived when the original strain of Lahontan cutthroat trout, which lived in the Lake went extinct, is because they have long lives (the females can produce eggs for up to 30 years). But if hazardous materials reach the delta and prevent any spawning, ever, the cui-ui will die out, regardless of what happens elsewhere in the Lake.

Fourth, the conclusion of Appendix P that the survival of the Lahontan cutthroat trout in Pyramid Lake does not matter because there are trout of this species elsewhere is simply wrong (P-10-P-11). There are legal obligations of the United States government to preserve this species within Pyramid Lake specifically; it does not matter whether the species exists elsewhere. Consultation with the Pyramid Lake Paiute Tribe could have prevented this error (among others).

I wish I had more time to expand these points, but am confident that these two points are valid. In my view, the railroad merger should not have been approved at all (and a court may someday conclude that it is invalid). But it is certain that the proposed Mitigation Plan is at present inadequate, both because of failure to consult the Pyramid Lake Paiute Tribe and because it does not state correctly the dangers to the survival and restoration of either the cui-ui or the Lahontan cutthroat trout.

Sincerely,

[Signature]

Elmer R. Rusco
Box 8947
Reno NV 89507

c Pyramid Lake Paiute Tribe
Friends of Pyramid Lake
Publication of the Nevada Public Affairs Review is part of the statewide public service orientation of the Senator Alan Bible Center for Applied Research, with the following goals:

- Promote and disseminate basic and, especially, applied research related to public affairs in Nevada, the West, and the nation.
- Promote effective cooperation among university faculty researchers, state and local government officials, and community groups involved with public policy.
- Promote public education on public affairs issues.

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Dividing Desert Waters

1992, Number 1

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The Truckee-Carson-Pyramid Lake Water Rights Settlement Act and Pyramid Lake

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On November 16, 1990 President Bush signed the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, more commonly known as the Negotiated Settlement Act. This remarkable legislative act brings an end to almost all of the most important water conflicts in northwestern Nevada.

Legal battles concerning allocation of the waters of three rivers which rise in California but flow into Nevada have taken place among numerous participants in two states for decades, at substantial cost to all parties. The Negotiated Settlement Act does not deal with the Walker River and does not embody a compromise agreement regarding use of waters of the Truckee River for irrigation purposes by the Truckee-Carson Irrigation District (TCID), but it does represent a historic compromise of all of the other major water conflicts on two river systems in two states. Moreover, it does not worsen the situation of the TCID but simply confirms what existed before its passage.

The Reno Gazette-Journal stated editorially, after the Act became law, that the bill "is a massive achievement, one of the few truly monumental pieces of Nevada legislation in many years." (November 21, 1990, p. 9a). It is not an exaggeration to say that this statute resolves what many had assumed were irreconcilable disputes. For this and other reasons, it may become important nationally and as a national model for water disputes in other parts of the country. Leading Nevada politicians, including former Governor and United States Senator Paul Laxalt, had for years sought to achieve a similar settlement, but without success.

This article describes the general terms of the Negotiated Settlement Act and deals specifically with the provisions which affect Pyramid Lake.

The settlement process began before passage of the law and will not be completed for several years yet, so some features may change before there is a final resolution of the issues involved in the act. Also, evidence is not yet available to describe many of the features of the negotiating process which produced the act. Nevertheless, because of its great importance, a summary of its provisions is worthwhile at this point.

The rarity of such settlements was noted at a conference on public lands held at Boise State University on October 2-4, 1990. A panel of reporters who deal with Western issues was asked by a member of the audience to cite a case of an environmental issue which was raised and then resolved. According to a report of this conference, "The Boston Globe's western correspondent, Jim Robbins, replied, 'I can't think of a single case where an environmental problem has been solved.' (Boise State Focus, Vol. XVI, No. 1, Fall 1990, p. 10).

While the Negotiated Settlement Act did not resolve the conflicts in this case completely, because one of the major players is still unhappy with portions of it, the scope of the resolution of what had seemed to be intractable problems is still wide and the corresponding achievement is great. This is true in spite of the fact that water policy is a field in which compromises which deal creatively with major problems are extremely rare.

Conditions of Settlement

Successful negotiated settlements no doubt depend partly on the characters of individual representatives during the negotiating process. Without denying the significance of this factor and others not mentioned here, however, several other elements which contributed to successful resolution of conflict in this instance can be identified.

First, it was possible to resolve the dispute over allocation of water on the Carson and Truckee Rivers without serious losses by any of the players, a precondition which does not exist in all cases. For example, a well-known study of the Colorado River system argues persuasively that this river is overallocated; there are more water rights than water under normal conditions (Fradkin, 1981).

The Carson and Truckee Rivers were not overallocated after judicial determination of one aspect of historical conflict over water on the Truckee River, although the Truckee was overallocated until this happened. This paper must begin, therefore, with a description of how this necessary precondition to a negotiated settlement came about.

The Carson River (with two major forks) rises in California south of Lake Tahoe, flows into Nevada, and formerly reached its terminus in the Carson Sink, in Nevada's Lahontan Valley. The Carson Sink, before the arrival of Euro-Americans, supported extensive wetlands which provided habitat for large numbers of water birds. This bird population and other wetlands resources had been a mainstay in the lives of Native Americans for 10,000 years.

The Northern Paiute Indians, who inhabited the area surrounding the Carson Sink before the arrival of Euro-Americans in the middle of the 19th century, today reside on the Fallon Indian Reservation and Colony, although this tribe today also includes Western Shoshones, who were
originally from other parts of Nevada. Today this group of Indians is known as the Paiute-Shoshone Tribe of the Fallon Reservation and Colony.

Beginning in the 1850s, Euro-American settlers began to divert water from the Carson River to support agriculture in the Lahontan Valley. In 1915 Lahontan Reservoir on the Carson River was built to impound the waters of this river. These early water users claimed a legal right to use water for agriculture under the doctrine of appropriation, which has been the sole basis of Nevada water law except for a brief period during the 19th century, when riparian doctrine was accepted as a supplement to appropriation law.

Beginning in 1925, the federal government made an effort to codify these appropriative rights to the waters of the Carson River, in both Nevada and California. The result in 1949-1950 was what is known as the Alpine Decree, a court decision which provides protection for all water rights on this river. Until the Negotiated Settlement Act, the question of how much water could ultimately be used beneficially in each of the two states through which the river flows was still in dispute, however. The Negotiated Settlement Act reaffirmed the Alpine Decree and allocated the waters of the Carson River between California and Nevada (with Nevada receiving about 80 percent). There is still unallocated water on this river, although several circumstances may prevent further creation of water rights for some time.

Most of the northwestern Nevada water wars have concerned the Truckee River, however. The Truckee rises in California at the northwestern corner of Lake Tahoe and receives additional water from several smaller streams, the most important of which are also in California. It provides water for the town of Truckee and, through a diversion out of the Truckee Basin, to Sierra Valley, both in California.

The Truckee then flows into Nevada, where it provides the bulk of the water for both agricultural and urban (municipal and industrial) uses in the Truckee Meadows, the location of northwestern Nevada's principal metropolitan region, the Reno-Sparks area. Then it flows through the Truckee Canyon and into Pyramid Lake, its natural terminus.

Agricultural and municipal and industrial water rights on the Truckee have also been based on the appropriation doctrine, although again the allocation between states was unresolved until the Negotiated Settlement Act. These rights were codified in Nevada (but not California) in 1944 by another court decision, called the Orr Ditch Decree (Townley, 1980a).

In recent decades, the major purveyor of water in the Truckee Meadows, the Sierra Pacific Power Company, a public utility whose water arm is known as Westpac, has gained title to the bulk of the appropriated rights on the
The Pyramid Lake Paiute Tribe has attempted over many years to secure water rights which would guarantee the survival of the fishery and the lake itself. An attempt to reopen the Orr Decree failed, but in 1972 the tribe secured what is known as the Gesell decision from a federal district court judge. This decision ordered the Secretary of the Interior to manage the Newlands Project in such a way

Truckee in this area; earlier it had purchased substantial water rights on the Truckee in California (Westpac, 1989). Westpac was therefore one of the principal parties to the negotiated settlement.

Before 1905, most of the water of the Truckee River after it left Reno-Sparks ended up in Pyramid Lake. This lake is the ancient homeland of Native Americans, who have lived around it for 10-12 thousand years. The descendants of the Indians who were living at Pyramid Lake when the lake was first seen by Euro-Americans -- members of an expedition led by John Charles Fremont -- are today called the Pyramid Lake Paiute Tribe.

Pyramid Lake was established as an Indian reservation in 1859; this action was confirmed by an executive order in 1874. The Pyramid Lake Paiute Tribe today is organized on the basis of a written constitution drawn up and ratified by the members of the tribe in 1936 (Pascoc, 1988). As the government with jurisdiction over Pyramid Lake, the tribe is necessarily another major player in the negotiated settlement.

The aboriginal name of the Pyramid Lake Paiute Tribe means Cui-ui eaters, after a species of fish unique to Pyramid Lake. The Cui-ui and the Lahontan Cutthroat Trout (which Fremont pronounced the best-tasting fish he had ever eaten on his trip by the lake in 1844) were in aboriginal times the primary food source of the tribe (and surrounding bands or tribes, with whom they shared their bounty).

With the coming of Euro-Americans, the Pyramid Lake fishery became the principal source of revenue for Pyramid Lake Indians, although there has been some Indian agriculture at the reservation since its early days. For decades, sale of the trout by Indians constituted the chief source of income of the Pyramid Lake Paiute Tribe, in spite of encroachment by Euro-Americans on their fishery, as well as a major part of their food supply, along with the Cui-ui and other resources of this rich lake (Knack, 1948; Townley, 1980b).

The history of the Pyramid Lake Paiutes since the 1850s has featured an intermittent but extremely important struggle to maintain their lands, the lake itself, and particularly its fishery. In many cases, the Indians lost these battles. For example, some of the best farmland in the southern extension of the reservation, from Nixon to Wadsworth, was lost to Euro-American squatters during the 19th century, as were other key portions of their reservation (Dixon, 1980). However, the reservation was never allotted to farmers at Fallon (Fremont, 1982, pp 578-581).

In spite of this decision, however, when the federal government in 1913 began the litigation which resulted in the Orr Ditch Decree, it did not claim a Winters Doctrine water right for Pyramid Lake to preserve its fishery. Instead, it sought and received a water right of approximately 30,000 acre feet a year for irrigation purposes.

Since it has been estimated that Pyramid Lake requires average annual flows from the Truckee of approximately 400,000 acre feet a year (augmented by water received from precipitation on the lake itself and small streams flowing into it) it is obvious that the tribe's water right under the Orr Ditch Decree cannot possibly guarantee its survival.

The federal government's principal purpose in asking for the Orr Ditch Decree was to establish a water right for the Newlands Project, established under the 1902 national Reclamation Act. What the Orr Ditch Decree established as the water right for farmers at Fallon is not limited in the way that appropriative rights are usually limited. It establishes no total ceilings on the amount of water which can be diverted from the Truckee. Instead, the Orr Ditch Decree allows diversion at Derby Dam of the amount of water necessary to water as much land in the project as can be brought under cultivation. (There are different rates for bottom lands than for bench lands.)

The total amount of land actually cultivated in the Fernley and Fallon areas is substantially less than anticipated (about 65,000 acres at the peak compared with a goal of 225,000 acres). (Carson-Truckee Water Conservery District v. Watt, 549 F. Supp. 704, 1982: 707-708). Nevertheless, the diversions from the Truckee River to the TCID were so great that Pyramid Lake was clearly doomed as long as diversions of this magnitude continued.

From 1905 to the late 1980s the average diversions at Derby Dam to TCID were 250,000 acre feet a year; since the average annual flow of the Truckee at this point was 500,000 acre feet, obviously the amount left over for Pyramid Lake was far below what was needed to prevent its drying up. The result was a drop in the lake level of 70 feet from 1905 to the lowest point in 1967. Furthermore, the reduced lake levels destroyed the Lahontan Cutthroat Trout fishery entirely, endangered the Cui-ui and dried up Winnemucca Lake. (Cui-ui can survive severe conditions more easily than the trout because they live 40 years or longer; females can produce eggs for as long as 30 years, Scoppettone et. al. 1986.)

The Pyramid Lake Paiute Tribe has attempted over many years to secure water rights which would guarantee the survival of the fishery and the lake itself. An attempt to reopen the Orr Decree failed, but in 1972 the tribe secured what is known as the Gesell decision from a federal district court judge. This decision ordered the Secretary of the Interior to manage the Newlands Project in such a way...
as to maximize flows to Pyramid Lake, although this requirement was not quantified (Pyramid Lake Paiute Tribe v. Morton, 354 F. Supp. 252, 1972).

Although it took many years to gain enforcement, since the late 1980s diversions at Derby Dam have been cut in half. The resulting average flows to Pyramid Lake of 375,000 acre feet a year are not enough to guarantee survival of the lake but are close enough to make this a possibility. Thus, the most important precondition for successful settlement of northwestern Nevada's water conflicts was achieved.

A second important precondition for a negotiated settlement was that major parties should have a strong position from which to bargain but each should need some improvement. The states of California and Nevada had informally agreed on division between the states (following unsuccessful efforts to enact a bi-state compact) but wanted assurance that these allocations would be stable.

The Truckee Meadows area, represented by Westpac, needed protection during droughts. Because of limited upstream storage, Reno and Sparks could not count on adequate supplies of water during extended drought periods, such as the one which began in the latter part of 1986 and is still not over. For a number of reasons, past options of building significantly more upstream storage seem unlikely today.

The Pyramid Lake Paiute Tribe, while it had won several significant court victories, still had no assurance that in the long run the lake could be saved and the fishery preserved, let alone brought back to previous conditions.

The Pyramid Lake Paiute Tribe had also before the Negotiated Settlement strengthened its legal position in several other ways. The tribal attorney in water matters for years has been Robert S. Pelcyger, whose terms of experience is the senior attorney involved in water litigation in this part of the state. He and other attorneys for the tribe have been effective in litigation to protect Pyramid Lake. The most important of these victories was a judicial ruling that Stampede Dam must be operated solely for the benefit of the Pyramid Lake fishery. (Carson-Truckee Water Conservation District v. Clark, 741 F. 2d. 257.)

With help from the federal Fish and Wildlife Service and Nevada Department of Wildlife, and funding from federal appropriations secured as compensation for past failures to protect Pyramid Lake, fisheries operated by the tribe have reintroduced the Lahontan Cutthroat Trout and prevented the extinction of the Cui-ui. The partial restoration of the trout fishery by artificial means has provided more revenue to the tribe and thus increased the prospects that these gains can be maintained.

As urbanization in the Truckee Meadows has proceeded at a rapid pace over the last two decades, the increased water demands for municipal and industrial uses have been met largely by conversion of water once used for irrigating pastures and alfalfa fields. However, it is possible to see the end of this means of securing water for growth, and Westpac and Washoe County have been seeking additional water from outside the Truckee basin. More important, as noted above, the Truckee Meadows lacks enough storage to guarantee adequate supplies for urban purposes in extended periods of drought.

Mostly because of several unusually wet winters in the early 1980s, Pyramid Lake regained 30 feet that it had lost in the previous decades by the start of the present drought. But there was no legal guarantee of enough water to prevent the lake from falling below its present level in the long run. The Pyramid Lake Paiute Tribe has asked the Nevada State Engineer to issue it a water right to all the floodwaters of the Truckee River (which now cannot be prevented from reaching Pyramid Lake because of inadequate storage facilities but might at some future time be allocated elsewhere). The State Engineer has not yet acted on this application, however.

Undoubtedly, underlying conditions for reaching agreement on these complex conditions also include changing public attitudes toward both Indians and wildlife. A striking illustration of how different present viewpoints are in both these respects from widespread views in the early part of this century is contained in a newspaper article which appeared in a Reno newspaper when approval to build the Newlands Project had been secured. Under a headline which proclaimed “Pyramid Lake is Doomed Now,” the article stated:

Pyramid Lake is doomed. That beautiful lake that outspreads its blue waters over scores of square miles is destined to become a dry sea bed...

The diversion of the waters of the Truckee River into the governmental canal will cut off all supply of water, except for the semi-occasional (sic) light rains that fall in that region....

Twenty years at the most will suffice to kill all the trout and other fish that are now so plentiful in the lake. (Nevada State Journal, September 25, 1903, p. 3.) I am indebted to Townley, 1906, p. 66 for bringing this article to my attention).

Senator Reid Begins Negotiations

The current round of negotiations began in 1987 when United States Senator Harry Reid took the initiative to bring together representatives of the state of Nevada, the Pyramid Lake Paiute Tribe, Westpac, and the Truckee Carson Irrigation District. Later the TCID representatives withdrew from the negotiations, but the other parties persevered, took into account the views of other interests and parties, and by the spring of 1990 reached a settlement pattern which Senator Reid embodied in a bill. The skill and hard work of these negotiators plus Senator Reid’s main aide for these purposes, Wayne Mehl, made this result possible.

Notable among the additional interests which had to be taken into account if a settlement was to be achieved were the state of California and a newly organized coalition group, the Lahontan Valley Wetlands Coalition.

Lahontan Valley wetlands were drastically reduced by the development of agriculture in the valley, beginning in the 19th century. In recent years, Stillwater National Wildlife Refuge and other wetlands areas have been threatened with extinction as a result of a drought beginning in 1987 plus measures to conserve water taken by members of TCID. No legal rights for these wetlands had ever been secured, and so their future looked very bleak.

Wildlife at Pyramid Lake was adversely affected by this situation too, since the white pelican colony which lives on Anaho Island, a wildlife refuge established within the Pyramid Lake Indian Reservation by the United States in 1913, have fed largely at these wetlands since the disappearance of Winnemucca Lake. In other words, the drying up of wetlands in the Fallon area threatened the bird popula-
tion at Pyramid Lake, a dramatic illustration of the interrelatedness of natural systems.

The beginning of negotiations led by Senator Reid sparked the creation of the Lahontan Valley Wetlands Coalition, whose members, ranging from hunters’ organizations to environmental groups, could agree that it was important to protect and restore these wetlands. In effect, the Coalition became a party to the settlement and secured a hearing for its program.

Another group which was organized as a result of the settlement negotiations is the Coalition for a Negotiated Settlement. Led by attorney Virgil Wedge, this group is based in the business community but includes environmentalists and other representatives of the wider community.

Terms of the Settlement

Given this background, the principal terms of the Negotiated Settlement Act can now be listed. Because the focus of this article is Pyramid Lake, more detail will be given on provisions which affect the lake. To simplify the presentation, features of a Preliminary Settlement Agreement signed by Westpac and the Pyramid Lake Paiute Tribe in May, 1989 will be treated as part of the Negotiated Settlement Act, because they were incorporated into it.

1. The Act allocates water on the Carson and Truckee Rivers between California and Nevada. In general, Nevada is guaranteed about 90 percent of the water of the Truckee River and about 80 percent of the water of the Carson River. This allocation may not be challenged in court.

2. Westpac is allowed to store up to approximately 39,000 acre feet of water which it already owns in Stampede Reservoir. This water can be used only in case of `drought conditions or emergency or repair conditions." Westpac is to work out payment to the federal government for such storage. If additional water is stored in Stampede, it becomes available for fishery purposes at Pyramid Lake.

3. A new Truckee River Operating Agreement is to be developed by the Secretary of the Interior with California and Nevada plus other parties and after completion of an environmental impact statement.

One of the objectives of this new Operating Agreement is to change the present court-ordered rules, called the Floriston Rates, which require minimum flows in the Truckee River in two different seasons of the year. The Floriston Rates were designed originally to provide relatively uniform flows for power generation at four hydroelectric generating plants owned by Sierra Pacific Power Company along the Truckee River. The new agreement must include provisions to alter these rates so as to provide maximum benefit to the Pyramid Lake fishery. (Successful spawning for both species protected by the Endangered Species Act requires high flows of cool water during the spawning season.)

An interagency group drawn from the federal Bureau of Reclamation and Fish and Wildlife Service plus the California Department of Water Resources held public hearings in western Nevada from July 22 through 25, 1991, to listen to suggestions about the topics to be considered in a combined Environmental Impact Statement/Environmental Impact Review which will be issued in 1994.

4. Plans to conserve 10 percent of normal water use must be developed and in place in the Truckee Meadows and there must be plans to install water meters throughout the urban area and changes in the rate structure for deciding water charges to create incentives to conserve water.

The 1989 Legislature repealed a state law which had forbidden installation and use of water meters in most existing residences in Reno and Sparks, but whether all households will be required to use meters is still undecided.

5. The Secretary of the Interior is ordered to purchase water rights from willing sellers, sufficient to guarantee the survival of approximately 25,000 acres of wetlands in the Lahontan Valley. In addition, the Carson Lake and Pasture area is to be transferred to the state of Nevada and lands in the Indian Lakes area are to be transferred to either Nevada or Churchill County.

6. The provisions of the Newlands Project Operating Criteria and Procedures in effect since 1988 are continued without change until the end of 1997. The Secretary of the Interior, however, is directed to seek ways of replacing water which the courts have found to have been diverted in the past in excess of legal diversions. There are also several provisions specifically affecting the Truckee-Carson Irrigation District which it is not necessary to discuss here but which may be important in the evolution of reclamation policy nationally.

7. The Secretary of the Interior is ordered to "expeditiously revise, update, and implement plans for the conservation and recovery of the cui-ui and Lahontan cutthroat trout." To carry out this obligation, the Secretary is authorized to purchase water rights. The Army Corps of Engineers is ordered to study "rehabilitation of the lower Truckee River." Improvements in the lower Truckee River are necessary to restore natural spawning of both species.

A revised plan for recovery of the Cui-ui was issued in the summer of 1991.

8. The act creates three funds which will benefit Pyramid Lake. First, the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund is created, to receive money which the state of Nevada will contribute toward rehabilitation of Lahontan Valley wetlands after agreement is reached between the state and the Secretary of the Interior, plus other funds. The non-earmarked portions of this fund must be divided equally between support of wildlife in the Lahontan Valley and the restoration of the Pyramid Lake fishery.

Second, a Pyramid Lake Paiute Fisheries Fund of $25 million is created to provide what is in effect an endowment fund to pay the expenses of the Pyramid Lake Fishery. Only the interest earned by this fund may be used for fishery expenses; such monies are to replace annual appropriations which now support it. If there are revenues above those needed for operation of the fishery, they may be applied to conservation.

Third, the Pyramid Lake Paiute Economic Development Fund is created. Congress is required to appropriate to this fund a total of $40 million over five fiscal years. The principal of this fund may not be used to make per capita payments to members of the Pyramid Lake Paiute Tribe, but both principal and interest may be used by the Pyramid Lake Paiute Tribal Council "for tribal economic development." No part of the fund may be used to develop gaming facilities not authorized by the 1988 federal Indian Gaming Regulatory Act.

9. Several provisions resolve possible ambiguities about the legal status of the Pyramid Lake Reservation. First, Anaho Island, a bird sanctuary which was created in the
The south end of the lake without tribal consent, is recognized as part of the reservation. The federal Fish and Wildlife Service is assigned primary management responsibility on Arapaho but the tribe may work out a cooperative agreement with the Service with respect to the island.

Second, a claim which the state of Nevada has made to ownership of the "beds and banks" of the Truckee River and Pyramid Lake within the boundaries of the reservation is dealt with in a complex fashion. While the act states that it does not "recognize any right, title, or interest of the state of Nevada" in the beds and banks "which it would not otherwise have," the state Legislature is asked to relinquish any such claims. (AB 813 was introduced in the 1991 Legislature at the end of the session to relinquish this claim, but there was opposition by one state agency and no further action was taken after a committee hearing.)

Third, the act states that the Pyramid Lake Paiute Tribe "shall have the sole and exclusive authority to govern hunting, fishing, boating and other recreation-based activities within the reservation, except for privately-held lands. However, an "intergovernmental agreement" between Nevada, Washoe County and the tribe dealing with enforcement of tribal rules and regulations is authorized.

The Negotiated Settlement Act does not provide directly a water right for Pyramid Lake to preserve the present level, nor does it specify an amount of water which the lake must receive seasonally or annually. However, the act states that several provisions of the Act, including the new operating rules for the Truckee River, the settlement act has recently been resolved in a manner satisfactory to the State of Nevada and the Pyramid Lake Tribe...

A number of ongoing court cases dealing with various issues are dismissed by the act. In addition, it states that several of its provisions may not be litigated. The new court battles cannot be ruled out completely, but there can be no doubt that the overall effect of the Settlement Act will be to reduce substantially the amount of litigation over water issues in this part of the state.

Finally, the Secretary of the Interior is authorized to exchange public lands elsewhere for fee lands owned by non-Indians within the Pyramid Lake Reservation or contiguous to it and to hold such lands in trust for the tribe.

Conclusions

From the standpoint of Pyramid Lake, the most important provisions are those requiring the restoration of the fishery and the measures providing for economic development by the tribe.

The recovery provisions create a legally-enforceable obligation of the United States government to take various actions which will enable the Lahontan Cutthroat Trout and the Cui-ui to once again spawn naturally in the lake and the Truckee River. The conditions which will make this possible will also mean stability, within limits set by climatic variability, of the lake level itself. There can be no doubt that recovery of the fishery will require additional water for Pyramid Lake; the act specifically authorizes the Secretary of the Interior to make purchases for this purpose.

The economic provisions of the Settlement Act provide an opportunity for the Pyramid Lake Paiute Tribe, operating through its own government, to plan to reduce the present high unemployment rate and increase the incomes of tribal members, because they can be assured that the lake will not dry up and that the fisheries which have always been the heart of their life will continue.

The continued survival of Pyramid Lake, the restoration of its fishery, and the economic well-being of the Pyramid Lake Paiute Tribe are not yet completely assured. The final outcome of developments set in motion by the Negotiated Settlement Act is still years away. But the act took the basic steps toward preservation of this beautiful desert lake and its Native American owners. At no time since the arrival of Euro-Americans in northwestern Nevada have the prospects for Pyramid Lake looked brighter. That this result has come about through the adoption of a measure which also protected other major interests on two river systems in two states and did not worsen the situation of any major user on these two rivers is a remarkable fact of historic significance.

Not all water problems are resolved by the Settlement Act. There are still problems of water quality, which will become worse, all other things being equal, as the Truckee Meadows continues to grow. There are also efforts to bring new water from outside the Truckee River basin to Reno- Sparks, to fuel still more growth. Both of these developments pose dangers to Pyramid Lake which must be watched closely, but they are of minor significance compared with the issues settled productively by the Negotiated Settlement Act in 1990.

References


Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is **Robert F. Rask** and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

To be fair to the citizens of Reno, insist that a full study be conducted to ensure that our air and water quality and emergency response issues are studied prior to any increase in trains.

Thank you for the above.

Signature: [Signature]

Street: 501 W. 15 St.

City: Reno State Zip: 89503
Having an interest in railroading and railroad safety I am disappointed by the lack of partnership displayed by the City of Reno toward the Union Pacific. The Southern Pacific tracks have laid for over one hundred years in the Truckee Meadows being put down before the town site of Reno was created. Reno grew up around the railroad and today the railroad is the worst thing that has ever happened to our city. Everytime something happens in the downtown area, any other part of the city or a railroad incident any where in the nation it is referred back to the dangers of the railroad though Reno.

Reno just experienced a large sign fire that, by the articles in the Reno Gazette-Journal, would have been disastrous if a train had been going through the downtown area blocking fire crews from reaching the fire. A train blocking emergency vehicles is no different than the many special events that block, impede and create detours around the downtown area. Many of these events run over several days.

To say that the increase in tram traffic will lower the effectiveness of the Reno Fire Department is a discredit to the fire service professionals that make up the Reno Fire Dept. Special events, construction, weather conditions, traffic volume and yes a train all are operational concerns to the fire department. These are items that fire service professionals react to on a daily basis. The fire dept. is always monitoring these changes as they effect the direction and which piece of fire apparatus that will respond to any given emergency. If a train is blocking the downtown crossings they will use an alternate route, such as the Wells Ave. overpass, just three blocks east of downtown fire station. Other fire companies located on both sides of the tracks are available to respond as conditions dictate.

Long before the UP/SP merger was announced the city, as a cost cutting measure, shut down the only ladder truck on the north side of the tracks along with an engine company in the southwest part of Reno. Only recently has this ladder truck be fully staffed. If the city had the safety of its citizens as its first priority they would have never closed these companies. Today as they decry the merger why was this key piece of fire fighting equipment unmanned and Reno’s citizens left with a reduced level of protection?
The increase in rail traffic will still be below historic levels of train traffic that moved through Reno when the Southern Pacific Overland route was the mainline for California’s perishable traffic along with general freight, mail, and passengers. Deregulation of the railroad industry and highway trucks caused a downturn in Reno’s rail traffic. Today the Overland route is staging a comeback with not only the merger but the change to containerized freight combined with the growth of the Port of Oakland. Trucking companies are now using trains for the long haul between the east and the west, all this will increase rail traffic. Had the merger not taken place rail traffic will increase as seen on all the nations railroads. The Southern Pacific was part of the intermodal revolution (Ship-Rail-Truck).

The Southern Pacific was a transportation company its mission was to move freight between point A and B. As a transportation company what if the company entered an agreement to ship...let’s say coal or grain for export through the Port of Oakland. To fill this agreement a large amount of this product will be shipped requiring 10 trains to fill each bulk loading ship. That is a total of 20 trains back and forth all through Reno. The railroad would have not called Reno and asked if it was OK they would have just started the program. Also if one other rail route is blocked for some reason rail traffic would increase with all the rerouted trains. This has happened on many occasions, I never saw the paper report the increase in rail traffic or the City cry wolf about all the blocked crossings. This just reinforces the shallowness of the City’s argument.

Union Pacific is the nation’s largest transporter of hazardous materials. They do this safely as the railroad industry with their excellent safety record is the best place to move hazardous materials especially when compared to placing it on our nation’s highways. Almost 2 million movements of hazardous material take place each year on the rails. Union Pacific is an industry leader in hazardous materials safety training. Just recently they conducted a tank car safety class using a training tank car in Sparks, Nevada that all the areas fire departments trained with over several days.

Reno needs to form a partnership with the Union Pacific to address the real concerns of our community and stop the misinformation campaign.

I strongly urge that Union Pacific’s position in regards to the City of Reno be supported fully. Reno’s lack of understanding, meaningful interaction and hostility is a disservice to Union Pacific and the railroad industry and a discredit to our City, the State of Nevada, and more importantly our taxing paying Citizens.

Sincerely,

John J Rydzkowski

Rail Transport Safety, Railroad safety training for the first responder
Fire Captain, Regional Hazardous Materials Team
Associate Editor, American Fire Journal
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is [John Saunders] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

[Stamp: Received Oct 7, 1997]

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-7-97
DOCUMENT # 10-97-97 3:44:00 pm

[Stamp: 32740 RL 04]

933
Dear Secretary:

Please demand an Environmental Impact Study concerning the Reno, NV Union Pacific railroad plan. It's of vital concern to the residents of Northern Nevada, and will affect future generations, as well as present residents.

Your consideration will be most appreciated.

Sincerely,

Pamela J. Sickel-Steer

Reno, NV 89512
(702) 784-6877
October 3, 1997

Elaine Kaiser  
Surface Transportation Board  
Finance Docket 32760  
1925 K St. Room 700  
Washington, D C  20423

Our Rotary Club just received a presentation from Merri Beausstegui-Traficanti of the Reno City Attorney's office and Larry Farr the Reno Fire Chief concerning the Reno Mitigation Study from the Surface Transportation Board.

They have basically reported that the study does not address in good faith any of the matters that are critical to the city of Reno.

After their presentation it is obvious to me that Senators Bryan and Reid need to get involved and make sure that at least an Environmental Impact Statement be conducted to ensure that safety and quality of life issues are met.

As a business person it would also be refreshing to see the Union Pacific negotiate in good faith with the city of Reno and pay it's fair share of the solution, A Depressed Trainway.

Sincerely yours,

[Signature]

Anthony H. Scheuler CPCU  
President

cc Senator Harry Reid 
Senator Richard Bryan

AS(A)/pe
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington, DC 20423.

STB: My name is Virginia Schuller and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I have lived in Reno 60 years and almost yearly someone is killed because the RR tracks run through town. I urge your cooperation in having the tracks depressed.

Signature Virginia Schuller
Street 1219 Ben Read
City Reno
State NV Zip 89503

C/Q 1-5-97
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. You may submit your comments this evening or submit an original and 10 copies to the address listed below by October 16, 1997. Please be as specific and concise as possible. Identify page numbers where applicable.

We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: Connie Schilling       Phone: 702-747-3352       Date: 10/19/97
Organization & Title (if applicable)
Address: 1301 Regal Dr
City/State/Zip: Reno, NV 89502

Please mail an original and 10 copies of your written comments to: Office of the Secretary, Case Control Unit, Finance Docket No. 32760, Surface Transportation Board, 1925 K Street, NW, Room 700, Washington, DC 20423-0001, Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing - Reno.

The city & Reno administrators are the sole cause of the current controversy over the increased rail traffic. Whatever support they enjoyed now with people in general having a reluctant to complaints - in this case without considering where the money will come from to pay for mitigation proposals. It will either be from increased taxes or, if the railroad pays the bulk of the cost, from increased freight rates, which will eventually be paid for by citizens in higher prices of goods. Life is full of possible disasters & minor inconveniences, most of which we learn to live with & go on. The mayor & city manager would do us all a favor if they would cease their irresponsible claims to disaster & inconvenience.

CENTRAL ADMINISTRATIVE UNIT
REC'D: Oct 14, 1997
DOCUMENT # 10-16-97 10:38:16 am
937

(If necessary, please continue your comments on the reverse side.)
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is ROBERT SCHUELER and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

LOWER THE TRACKS - THE ONLY WAY -

Signature

Street 8777 SILVER SHORES OR
City RENO State NJ Zip 89506
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [B. Schmidt] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

1. Restrict all rail traffic thru Reno to the hours of 1AM to 4AM.

2. Have SP/UP pay for 2 vehicular overpasses to give No/So access.

This will cost the taxpayer nothing and SP/UP a lot less than the $32 million they have offered.

Signature: [Signature]
Street: 3795 Beth's Ave
City: Reno State: NV Zip: 8950
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Jack Schneider, 1235 E. Golden Ave., Reno, and these are my comments regarding the Preliminary Mitigation Plan issued September 15th:

Do not allow the Union Pacific Trains to run through the City of Reno until the railroad mitigates absolutely the damage to Lower West Reno or go around the Town.

Jack Schneider
Signature
Street: 1235 Goodwin Ave.
City: Reno
State: NV
Zip: 89509

REC'D: 10-17-97
DOCUMENT # 10-27-97 5:22:47 pm

CENTRAL ADMINISTRATIVE UNIT
DOCUMENT # 38760 RL 04
Ms. Elaine Kaiser
Surface Transportation Board
Finance Docket 32760
1925 K Street NW, Room 701
Washington, D.C. 20423

Re: UP/SP Merger

Dear Ms. Kaiser:

Government at its fundamental and most important level provides for the health, safety and welfare of its citizens. The UP/SP merger will double and perhaps triple the trains passing through Reno putting the citizens of Reno and visitors at risk. The tracks transverse the heart of Reno, and by pumping in additional trains the merger will clog, if not stop, Reno’s arteries. Reno will be unable to provide fire and police protection and a safe environment for its citizens on both sides of the tracks. Reno will be unable to provide safe vehicle, truck and foot traffic to both sides of the tracks. The additional rail cars going through Reno will increase contamination and hazard risk.

The simple, long range and real method of providing for everybody’s health, safety and welfare, including other carriers involved in interstate commerce, is through a sharing by the public and the railroad of the heightened train traffic risks and costs. By sharing the costs of lowering the tracks, the only practical and safe resolution, the total community and the railroad benefit. Any situation other than a fifty/fifty sharing is not fair. Let’s not forget that the railroads were gifted the land, so it’s fair that after 120 years they pay an equal share to alleviate problems caused by them.

Having a railroad in your backyard is one thing but in Reno’s case having a railroad go through its front door and then allowing the railroad to double the number of times it opens and closes that door with rail cars and tankers putting everybody at risk places the burden of interstate commerce directly on Reno’s lap with no true mitigation.

We urge you to take common sense and the total picture into your decision making process and protect everybody’s interest.

Sincerely,

Ted and Susan Schroeder
619 Marsh Avenue
Reno, Nevada 89503
October 6, 1997

C: Senator Richard Bryan
Senator Harry Reid
September 30, 1997

Surface Transportation Board
Office of the Secretary
Attn: Elaine K. Kaiser
Chief, Section of Environmental Analysis
Finance Docket 32760
1925 K St. NW, Room 700
Washington DC 20423

re: Increased rail traffic through Reno, Nevada caused by the merger of the
Union Pacific and Southern Pacific Railroads.

Dear Ms. Kaiser:

I am writing to voice my concerns over your recent recommendations for handling
the increased rail traffic through Reno due to this merger, it seems to only address the
immediate safety concerns at each grade level crossing, but it doesn't address the larger
issue of blocked crossings through a fairly large downtown city area.

The blocking of our major north-south streets through downtown Reno could cause
critical delays for safety vehicles such as ambulances, fire trucks, and police cars. I have
sat for 10-minutes or more many times as it is, I can't imagine how bad it's going to get
with increased rail traffic caused by this merger.

What we need is a depressed railway through downtown Reno, and Union Pacific
should be required to negotiate with Reno and Washoe County to each pay their fair
share of the expense. Other than cost, a depressed railway has no drawbacks. It solves
all the safety concerns and minimizes the effects of the rail traffic.

This is a very important issue for the citizens of Reno, I urge you to give this further
consideration, and listen to what the citizens are saying in any letters to you, and in any
public meetings. Thank you.

sincerely,

Eric N. Seltzer
Vice-President
Dear Ms Kaiser:

I am writing in support of a DEPRESSED TRAINWAY through the city of Reno, Nevada. In light of the recent fire at the El Dorado Hotel/Casino, I see this as the best direction to take for the sake of safety of Reno's citizens and visitors. It is obvious that had a train been passing at the time of the fire, the Fire Department would have been delayed in deploying the necessary hoses and equipment.

The proposal to increase the speed of the trains as they pass through the city is preposterous. The record of accidents in less populated parts of the United States attests to the need for far more attention to safety near busy railroad tracks. It is a foregone conclusion that train traffic will increase in the Reno area. And, I read that dangerous, toxic, even nuclear materials may be transported through our city. At a faster speed and at street level just does not make good sense.

That the railroad should pay the major portion just stands to reason: The city of Reno did not sponsor the merger of Union Pacific/Southern Pacific Railroads, nor does it have control of personnel staffing on the trains, let alone the scheduling of trains. Why should the city take the risk of possible catastrophe?

A Depressed Trainway: The Best Solution

- It reduces the chance of accidents that may result in death, injury, and significant property damage.
- It maximizes public safety and provides free movement by emergency response vehicles.
- It diminishes environmental concerns - particularly cleaner air and water quality - and reduces the potential of a hazardous materials accident.
It is the best alternative because ALL of the above-ground alternatives fail to ensure the safety and quality of life of Truckee Meadows' citizens.

Thank you for allowing me to express my concerns.

PHILOP M. SHALITI
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is FRANCIS SHIDE and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

THE RAILROAD SHOULD PAY A FEE TO ALLOW THEM TO INCREASE TRAFFIC IN RENO. THE AMOUNT SHOULD BE = 0.5 MINIMUM OF 5% OF THE SAVINGS THE RR MAKES BY SENDING TRAINS HERE INSTEAD OF PREVIOUS ROUTES

Signature

Street 2480 DEER VALLEY RD
City RENO State NV Zip 89511
Dear Ms. Kaiser,

Re: the UP-SP Merger Mitigation Study, Reno

As you know, the railroad predates Reno. The railroad has the right to run on as many trains as are required to carry the freight consigned to it by shippers throughout the country. As the city grew on both sides of the tracks, its citizens decided they would prefer to pay for at grade railroad crossings downtown rather than expensive grade separations. Due to the high cost, the only time proposals to lower the tracks came up was when downtown business owners thought they had found a way to get someone else to pay for it. Renoites have no one to blame but themselves for the situation that exists today so they have no right to expect miracles from the STB.

City officials have expressed several concerns which deserve comment.

Mishaps involving the transportation of hazardous materials are always a concern but unless we shut the country down we will have to deal with them. I'm afraid that increasing the speed limit of trains through Reno from 20 mph to 30 mph is asking for trouble, however.

For the past 20 years or so, the population of the Reno area has been literally exploding. In spite of this, local officials have done everything they could possibly think of to encourage more companies to come here. For these people to claim they are seriously concerned about increased air pollution resulting from this merger is preposterous. Almost all the credit for recent improvements in air quality belongs to the EPA for forcing the development of cleaner burning auto engines, etc.

Understandably, not everyone likes the sound of locomotive air horns however they are necessary. People who voluntarily move to a railroad town and then complain about the noise could be considered foolish—especially those who build hotel-casinos near the tracks.

I'm afraid many of our local government officials and the editor of the Reno Gazette-Journal are having trouble understanding the basics of the situation. I hope your efforts to enlighten them will be successful.

Sincerely,

Bob Shields
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is DeWitt Shirk Jr. and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Concerning tracks in Reno No.

1. pedestrian walkways

2. Emergency vehicles dispatched on N. side for emergency purposes

3. Emergency Vehicles dispatched on S. side for emergency purposes

4. Relocate train station to

Eureka St to keep loading tracks out of major traffic intersections

Signature: DeWitt Shirk Jr.

Street: 5485 Elara Way
City: Reno City State: Nevada Zip: 89503
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is TONY SHULMAN and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

As profitable corporations, the railroad companies should pay the entire cost of depressing the tracks. It is not Reno or Nevada's responsibility to subsidize these businesses. KEEP THE NUCLEAR WASTE OUT!

Signature: TONY SHULMAN
Street: 2415 Armstrong Dr.
City: Reno State: Ne Zip: 89511
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington, DC 20423.

STB: My name is Richard Siegel

Richard Siegel

STB: My comments regarding the Preliminary Memorandum Plan issued September 29, 1994 are:

El Centro, a major transportation hub for goods, passengers and tourists, particularly in downtown L.A., is an area under-utilized.

L. 2617 E. 1100

Central Administrative Unit

REC'D: 10-14-94

DOCUMENT # 10-27-94 4:42:56pm

E# 327650 RL.04
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20573.

STB: My name is **Bill Simon** and these are my comments regarding the Preliminary Mitigation Plan issued September 25th.

Reno needs to face the next century without fear of a total disaster on the railroad - and the best example is in Shafter, California - distance/crossing with open depressed channel. I spent over 25 years doing business in offices, with tracks through downtown, always aware of possible major catastrophe. I did see a number of fatalities and auto collisions with trains and surely they will increase if tracks left on surface R.R. could recover much of construction cost by Street 513 West Second St. #1 leasing land to casinos and hotels. If they build City Reno State NV Zip 89503 over the tracks.

CENTRAL ADMINISTRATIVE UNIT
REC'D: 
DOCUMENT # 

RL: 69

 CENTRAL ADMINISTRATIVE UNIT
REC'D: 
DOCUMENT # 

950
Reno City Council Meeting, Thursday, October 9, 1997

Date: 10/9/97

Subject: Railroad and Reno/Sparks

I'm a railroad buff from my early teens. My comments are in the form of short questions that need to be answered, not necessarily now, but very soon!

--- How is it possible to not have an environmental impact study made as was originally required by Federal Law?

--- Since Reno depends heavily on Tourism, does it seem worth the potential risk of having an accident on the tracks inside the City of Reno? Remember what happened during the flood of 01/01/97!

--- Why should any train be allowed to run even faster when proper safe operating procedures and trackage/equipment maintenance practices have yet to be implemented?

--- How many more accidents and deaths will have to be endured and suffered through before true progress and benefits are made for both the Union Pacific Railroad, the general public, and the environment can be made?

--- Why do we have to accept nuclear waste from other states and, worse yet, from foreign countries?

--- Why was it necessary to abolish the Interstate Commerce Commission and replace it with the new Surface Transportation Board? As it stands now, it seems that the STB should be put back under the jurisdiction of the Justice Department as the previous ICC was.

--- Why is there so much conflict of interest generated by interlocking directorships between the Reno Gazette-Journal/Gannett Publishing group, the board of Union Pacific Railroad, and members of the Surface Transportation Board? And, Why doesn't the Reno Gazette-Journal reveal the extent of its complicity with UP and STB?
--- Why can't the "Northern Branch" of the railroad trackage running from Winnemucca to Gerlach to Herlong, etc be used for the extra freight trains?

--- What assurance would there be that the so-called Reno "trench" wouldn't be subjected to water seepage during dry times and to massive flooding during the high water level flooding of the Truckee River?

--- If UP is so certain the Reno trench is a viable option, why won't they be willing to pay most of the costs. After all, they stand to gain the most benefits in profits.

--- Would the UP be willing to set up a fund administered jointly by the City of Reno, Union Pacific, and the State of Nevada, that would in effect ensure compliance with safety and environmental concerns, rules, and regulations?

--- Would the UP board members be willing to be individually held financially responsible for errors in decisions and judgment? At present, no accountability exists.

--- Is there also going to be a lack of environmental impact studies for the proposed Interstate 5 corridor trackage proposed to be built between Sacramento CA to Portland OR/Hinkle WA.

--- Why have the track signal blocks been allowed to be reduced in numbers, being "replaced" by radio and visual control?

--- Wouldn't it be a good idea to have a "hostage" safety crew on each rolling hazardous materials train. This crew would consist of one from the Union Pacific Railroad board, one from the UP executive management team, three from the UP middle management group, and one or two from the Surface Transportation Board. It's almost a given that caution will become the watchword and action by this crew since their lives would be at stake.
In closing, I'd like to say that given the nature of the dispute between Union Pacific, the City of Reno and other cities and towns affected by the merger, it is my sincere hope that we won't wind up with a "Bosnia" type of dispute where nothing positive and beneficial to all parties gets done! Thank you very much!

David Kim Simpson
941 W. Moore Lane Ln
Reno NV 89509-4844
(Fax Only) 702-826-9688
Fax Transmission:
Date/Time: Monday, September 15, 1997 (Approximately) 11:30 AM (PDT)
To: City of Reno
   Community Relations Office
From: Neo-Terra Unlimited
       David-Kim Simpson
Fax/Phone: 702-334-2097/999-9999
Fax/Phone: (Temporary) 702-841-4978
Pages: THREE (3)
Subject: Comments on Reno Gazette-Journal article of September 13th on the railroad trackage being placed within a "Depressed Tramway".

One of the strongest questions I've raised to several parties, including the Reno Gazette-Journal, has never been answered, which I suspect is caused by lack of interest in coming up with some viable and cost-effective alternatives. In reviewing some maps at the Washoe County Public Library and a map from the Humboldt River Ranch sales literature, I came across one which detailed railroad trackage in and around the Reno area. I've enclosed a copy of this map in question. The RGJ personnel never did answer my letter to them sent to them on April 1st (Oops, I forgot this is April Fool's Day. Maybe they took this as a joke?!!?) As you'll notice, the trackage North of Reno running through Vinton CA, Gerlach NV, Winnemucca NV, etc is owned and operated by Union Pacific! It seems that freight trains could be run on this trackage to relieve the overflow building up during the next few years. Obviously, the "Northern" trackage would have to be checked out for viability and safety. Amtrak trains, of course, would and should continue to be run through downtown Reno to encourage additional tourism by rail.

Under this scenario, this might be an excellent way to reduce or eliminate the costs for digging a trench in downtown Reno. The dollars saved could be used to construct two, maybe three, overpasses to be used only by emergency vehicles. Imagine the elimination of life-threatening circumstances of health, fire, and other emergencies! A few additional pedestrian overpasses could be built as well.

Some urgent points need to be raised concerning the trenching project: 1) why should the railroad be allowed to increase the number of daily trains without sharing in the costs associated with the increased burden being placed on businesses and citizens having to put up with more delays daily?, 2) what guarantee has the railroad made to make absolutely certain safety and environmental issues have been addressed? 3) the transition time necessary for the digging and construction of the trench seems to be excessively long, can this be compressed to a much shorter time?

If there are compelling reasons the "Northern" trackage cannot be used, then analyzing who does what with the costs of digging a trench becomes necessary. The railroad, the City of Reno, and the State of Nevada must come together to find ways to solve the common problems affecting everyone and the environment.

Splitting the costs of depressing the tracks through Reno should be based on a ratio of several factors: the increase of the number of trains, allowance of an increase in train speeds, the number of train-cars used, and possibly on the actual total volume of each train (to compensate for double-stacked cars, and, particularly, for allowing nuclear waste shipments to go through).

Perhaps a way of offsetting Reno's and Nevada's costs could be made by forcing the railroad to pay a portion of the increased revenue and profit back into an escrow or benefits program administered jointly by Reno, Nevada, and the railroad. Accounting might be somewhat cumbersome, but necessary in order to benefit all parties concerned. The general public and business owners and casinos would also benefit knowing proper safeguard and ease of traveling through downtown Reno has been enhanced.

Coupled (no pun intended!) with the above ideas is the issue of railroad employee-worker safety.
that has recently hit the news relating to the accidents incurred by the Union Pacific and Southern Pacific railroads. A major improvement would have to be made by the railroads to ensure against having more accidents from occurring. If the railroads were forced to pay out-of-pocket and not reimbursed by insurance coverage, then the railroad management might pay more attention not only to safety, but also to environmental concerns.

Regarding the nuclear waste shipments, we all have to acknowledge that something has to be done to safely dispose of such dangerous materials, somehow, someway. The key would be that a methodology and procedure would have to be developed, and agreed to, that would provide an almost foolproof way of transporting nuclear waste throughout our great country. (Still under question is why we should even be handling "foreign" nuclear wastes?) Certainly, in any case, appropriate checks and balances would have to be devised to everyone's satisfaction.

My opinion (a cry in the forest?) of the $35 million offered by the railroad is that the amount is far too low and patently unfair. I also object to having either the City of Reno or the State of Nevada provide any "subsidy" to the trenching project. This includes the idea of imposing an additional percentage for the sales and hotel taxes. Might not this become a "turnoff" to the taxpayers and tourists?

I plan to submit a copy of the above points to the various parties listed, particularly to the STB! I'm hopeful a good and positive resolution will be made in the months to come.

As an aside, I found the coupon question "I agree ..." to be confusing. I can't agree to UP's proposal since it is underfunded by them at $35 million! Therefore, I didn't check off this box. I did check off the request for public meetings. Hopefully, your department will also provide any additional information about negotiations and plans in progress at this point.

Sincerely,

[Signature]

P.S. If you return this coupon to Community Relations Office, City Of Reno, PO Box 1900, Reno, Nevada 89505, or fax this form to 334-2097, the UP's proposal to construct a "depumed" tunnel for the city in its comments to the STB on Monday, September 15, 1997.

The information regarding public hearings was incorrect. The correct address is the City of Reno, Public Works Department, 455 N. Virginia St., Reno, NV 89509.
As a concerned and active mother, I oppose any plan to transport nuclear or chemical waste through Nevada. Our children are our future - one accident in downtown Reno could cancel their future.

I try to protect my children, we use seat belts, wear bicycle helmets & look before crossing a street. How do I protect them from our government's lack of concern towards their well being & safety? Please Please keep the waste where it originated - transportation is not a safe option, no matter how it's done. And please help Reno lower.
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Gary Raymond Smith and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

To ask the taxpayers to pay for this while the railroad is enjoying massive profits is disgusting. The railroad should pay to lower the track period. That is if an environmental impact statement is also required.

Signature Gary R. Smith
Street 2102 Stone View Dr
City Sparks State NV Zip 89436
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 37600; 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Linda W. Smith and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The UP merger will negatively affect the quality of life and the safety of Reno citizens. An Environmental Impact Study must be done immediately. A public hearing should be held through Reno. Please remove the decision at this time.

Signature: Linda W. Smith

Street: 335 Pioneer Dr.

City: Reno

State: NV Zip: 89509

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-10-97
DOCUMENT # 10-19-97 1:39:20pm

Reid CAU 32760 RL 04
Please use this page to submit your comments about the Reno Mitigation Study. You may submit your comments this evening or submit an original and 10 copies to the address listed below by October 16, 1997. Please be as specific and concise as possible. Identify page numbers where applicable.

We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

<table>
<thead>
<tr>
<th>Name</th>
<th>Morton Spar</th>
<th>Phone</th>
<th>(702) 825-9616</th>
<th>Date</th>
<th>10/13/97</th>
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</thead>
<tbody>
<tr>
<td>Organization &amp; Title (if applicable)</td>
<td>Self</td>
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<td>Address</td>
<td>6095 Stonecreek Dr.</td>
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<td>City/State/Zip</td>
<td>Reno, Nevada 89511</td>
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Please mail an original and 10 copies of your written comments to: Office of the Secretary, Case Control Unit, Finance Docket No. 32760, Surface Transportation Board, 1925 K Street, NW, Room 700, Washington, DC 20423-0001, Attention: Elaine K. Kaiser, Chief, Section of Environmental Analysis, Environmental Filing - Reno.

1. Your analysis and recommendations are based on an 11.3% train volume increase for a short 5 year period (year 1995 to year 2000). How do you plan on meeting your objectives in years 2005, 2010, etc.?

2. My primary concern is safety with other environmental impacts following thereafter. I believe the best solution to the problem is a tunnel, although a covered trench would be acceptable. The cost could be defrayed with long time development of the right of way surface property which is now a wasteland.

3. I think Mr. Starzel's hard ball attitude and threat to discontinue the rail line were hostile and are counter-productive.

4. Please refer to attached enclosure sent to you six months ago.

Sincerely,

Morton Spar

(If necessary, please continue your comments on the reverse side.)
Letters

to the
editor

Besides traditional mailed letters, the Reno Gazette-Journal accepts letters by fax and E-mail. Limit letters to 180 words and include your name, address and daytime phone on all letters. Writers are limited to one letter every two months.

Fax: (702) 788-6458.
Letter: P.O. Box 22000, Reno, NV 89520
E-mail: rggmail@nevadanet.com
News e-mail: newsroom@nevadanet.com

HotTOPICS

The following subjects/issues generated the most letters to the Reno Gazette-Journal during the week ending last Friday:

- School rezoning (2)
- Memorial to Alison Shaw (2)
- Mass suicide in San Diego (2)
- Hasimoto death (2)
- Railroad tracks (2)

Railroad merger

Study findings preliminary

I am writing to clarify information presented in your March 20 article, "Study: Underpasses not feasible." The Surface Transportation Board's Section of Environmental Analysis (SEA) is currently in the preliminary stages of its Reno Mitigation Study and has not yet reached any final conclusions. Specifically, neither the board nor SEA has made any determination regarding the feasibility of underpasses or overpasses as possible mitigation options for the city of Reno.

The SEA study team is in the process of conducting engineering and environmental analyses of the mitigation options. The board will determine what measures are appropriate for further mitigating environmental impacts associated with merger-related increased train traffic on existing UP right-of-way in Reno. After the SEA study team has reviewed and assessed public comment and completed the Reno Mitigation Study, SEA will make a final recommendation to the board. The board will consider SEA's recommendation and the public comments in making its decision. SEA expects to complete the study in the winter of this year, and until that time study findings are preliminary and intended to encourage public dialogue. Throughout the Reno Mitigation Study SEA welcomes public participation and comment.

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

Subject: The proposed railroad trench through Reno.

How can Mayor Griffin reconcile an unattractive nuisance (the Griffin/McNeely ditch) with his vision for an attractive redeveloped downtown Reno? I would like to suggest that (1) the trench be covered through the heart of downtown Reno and (2) that the entire railroad right-of-way through Reno be transferred to the city of Reno so that the existing wasteland can be developed into an environmentally attractive and productive beltway.

Morton Open, Reno
Surface Transportation Board  
Office of the Secretary  
1925 K Street NW, Room 700  
Washington DC 20423

Re: Finance Docket 32760

Gentlemen:

We have no objection to Union Pacific trains running through Reno.

The current fuss is caused by the local casinos. The railroad has made a fair offer to build underpasses or contribute to the depression of the railroad through Reno if that is the city's desire. The residents of Reno are not interested in footing the bill for a railroad depression for the benefit of the gamblers. This has been up for a vote before this at least twice and has been defeated. If the casino owners want this, they should be willing to pay for it, not the local residents.

In emergency situations there are hospitals, fire stations, etc. on both sides of the railroad. However, it would help if there were more underpasses as the railroad has proposed to build.

We do not believe an Environmental Impact Statement is necessary in this case. This is only a delaying tactic. I'm sure the railroad will do everything possible in the interest of safety in the transportation of any hazardous material through Reno.

Very truly yours,

Harlan Specht
Sept 29, 1997

Dear Sir,

We have the trains running through downtown. The tracks are disorderly. The clubs are the end, and we want to get rid of the train tracks. They clean a lot of money placed in full page ad after Adress. I'm glad to know where to write.

We have a depot on both sides of the tracks. We have fire stations on both sides of the tracks. No problem there.

My dad worked for the Railroad for 43 years of hate to fly or always take the train

I have to clean the buildings and watch the trains go by. It is such a happy thought thank you for signing the checks.

The Ohio Farmers Grain and Supply Association, Fostoria, Ohio

Sincerely,

[Signature]

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-4-97 10-7-97
DOCUMENT #: 10-9-97 5:35:03 P.M

FDS 02760 R 04
Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: John Spitzer
Phone/Fax: 851-1161

Organization & Title (if applicable): Community

Address: 8000 Offenhauser Dr #3F

City/State/Zip: Reno, Nevada 89511

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423. Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

AN ENVIRONMENTAL IMPACT STATEMENT IS A MUST!

1. THIS PROPOSAL IS FOR LONGER AND FASTER TRAINS. AS SUCH THIS DIRECTLY IMPACTS RESPONDERS TO EMERGENCIES

2. TRANSPORTATION OF HAZARDOUS WASTE INCLUDING THE POTENTIAL FOR NUCLEAR WASTE COULD CAUSE A MAJOR CATASTROPHE

3. RECENT HISTORY OF UNION PACIFIC DEMANDS FURTHER RESEARCH. THE FEDERAL RAIL ADMINISTRATION REQUESTED A FULL INVESTIGATION OF UNION PACIFIC'S OPERATIONS AFTER SEVEN PEOPLE DIED.

(If necessary, please continue your comments on the other side)
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Signature] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I support the conducting of an Environmental Impact Statement and successful negotiations toward a settlement that best serves the interests of the Truckee Meadows community, residents, and economy. The SBT's current assessment plan could severely impact the environment, quality of life, safety, and economy of our Truckee Meadows.

As a member of the third of five generations of "native residents" of the Truckee Meadows, I urge you to preserve our beautiful Truckee Meadows for future generations.

Signature [Signature]
Street 22 East "A" St
City Sparks 89431 State NV Zip 89431
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Ruth Spoon and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I feel that an Environmental Impact Statement should be done before any plan implementation. Safety and Quality of life need to be addressed. OP needs to negotiate with the City of Reno to pay its fair share of the plan. A depressed economy will address this. (Handwritten comment)

Ruth Spoon
3661 N. Blaisdell Dr.
Reno, Nevada 89509

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-7-97
DOCUMENT # 10-4-97 18:16:30 pm

JD # 32760  RL.04
Please complete and return this pre-paid public response
card to the Surface Transportation Board. Thank you.

STB: My name is
JIM SPARLING and these are my
comments regarding the Preliminary Mitigation Plan
issued September 15th.

TO BLOCK STREETS
IN ANY MAJOR CITY
2 TO 3 HRS. A DAY IS
VERY UNSAFE. TO ASK
LOCAL CITIZENS + BUSINESS
TO PAY THE BILL TO
DEPRESS THE TRACKS
SO WE CAN BE SAFE +
MAKE A CONCURREENT
RICHES IS IMPERATIVE
Signature

655 ADDISON ST
RENO, NV 89511
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Signature] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Don't mess up Downtown Reno-
Keep it Safe!

Signature: [Signature]
Street: [Street]
City: Reno
State: NV
Zip: 89503
Fellow citizens,

Please consider the safety of Reno citizens when dealing with the faster, more frequent trains scheduled to "hit" our area in the near future. I prefer having the tracks lowered as a safer solution. I cross the tracks twice daily - 6 days a week.

Thank you.

Sincerely,

L. Stephen
CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-15-97
DOCUMENT # 10-19-97 11:16:34pm

Please complete and return this coupon to the United Transportation Union Office of the Secretary.
Finance Docket 32760 - 1925 K Street, NW, Suite 701, Washington, D.C.

STB: My name is Helen Stevenson. I have read some of the documents regarding
the Preliminary Mitigation Plan issued September 15, 1997. Environments
are very important. As they originally offered to do this at all costs,
Study! Union Pacific.

Signature: Helen A. Stevenson
Street: P.O. Box 1403
City: Reno, State: NV, Zip 89503

WE MUST TAKE CARE OF THE ENVIRONMENT!
ELAINE KAISER
SURFACE TRANSPORTATION BOARD
WASHINGTON, D.C. 20075
OCTOBER 5, 1997

DEAR Ms. KAISER,

THE CITY COUNCIL OF RENO ASKED ME TO SEND THIS TO YOU.

SINCE I COMPLETELY DISAGREE WITH THEM ON THIS ISSUE, I AM ONLY TOO HAPPY TO COMPLY.

J. Stewart
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW - Room 2014 - Washington DC 20423.

STB: My name is DAVID R. SICK and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

THE TRAINS WERE HERE FIRST. FOREHANDED PLANNING HAS ALLOWED TRAINS TO BECOME A PROBLEM. IN THE PAST BRIDGES OVER TRACKS WOULD HAVE BEEN A SOLUTION, (STILL COULD BE) BUT A PARTIAL SOLUTION, NOT AS COSTLY, I.E., BRIDGE PERHAPS TWO OR THREE STREETS, MAKING BOTH STREETS AND BRIDGES MORE THROUGH AVENUES, AND BRIDGES MINOR. THERE IS CONCERN, IN ANY CASE ABOUT ENVIRONMENTAL HAZARDS, BOTH SOUNDS AND AIR. M185 State/Zip 89511
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Joann Stone and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

As residents of this community for 51+41 years respectively, we request the railroad to pay the fair share...for more than the 435 mi offered to depave or move the track. We demand an EIS done. What the railroad is trying to do to Reno is an abomination.

Signature: Joann Stone
Street: 925 Fillmore St
City: Reno State: NV Zip: 89503
At a time to take action!

To Protect Your Family.

For more information contact the City of Reno at 334-3813 or access the railroad merger webpage at www.reno.gov

Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Leanne Stone and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I strongly support the City of Reno's plan to depress the railroad tracks through the middle of Reno. The railroad needs to financially support this plan to a much higher amount than the amount currently proposed by them. This project is long overdue. But 50 years from now it won't be any cheaper. All it requires is the political will to do it.

The railroads stand to gain the most from this project and should financially support it.

Signature: Leanne Stone
Street: 923 Taylor
City: Reno State Zip 89503

A Depressed Trainway:
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is **MARYLOU STUDD** and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I am extremely concerned about a hazardous materials accident that could spill into the Thunder River and harm the citizens of Ranq and the Thunder Meadow citizens. I feel that is depressed trainway is the ONLY solution for the present location of the train through downtown Ranq for public safety, tourist convenience and public safety & emergency response needs. PLEASE HELP US!!! We need UP to be responsible, prudent, and environmentally. Ranq should not bear the brunt of the cost of this merger. Put yourself in our place.

Signature

**Marilyn Studd**

303 North 1st Street

Enchanted Valley, WA 98285

City

State

Zip

10-9-97

3:05:20pm

Rec'd: 10-7-97

Document # 10-9-97

Id #32760

Rec'd
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is MARY LOU STUBB and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Does not adequately address tracking
exposure to hazardous wastes going through the center of town. Who will pay for medical care for exposed individuals, who will be responsible for cleaning up our water?

In the event (inevitable) of a major permanent
what safety measures have been enacted?
Can our hospitals adequately treat injured
contaminated individuals? The Union Pacific
has an obligation to pay for the privilege of increasing their profits. Put it under the streets and give Reno citizens an environmental impact statement. Pay for the cost. Don’t take away our right to our city.

Signature

Street 1849 E. Grand Ave
City Reno State NV Zip 89502
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: EVELYN SUMMERS
Phone/Fax: 702-329-7921
Organization & Title (if applicable):
Address: 118 WEST ST. #404
City/State/Zip: RENO, NV 89501

Please hand in or mail completed comment sheets to: Harold McNulty, UP/SP Merger Reno Mitigation Co-Study Director, Surface Transportation Board, Section of Environmental Analysis, 12th & Constitution Ave., NW, Room 3219, Washington, DC 20423.

All mitigation measures cited on the two page table ES-1 represent the normal cost of doing business for a railroad. It is only by the wildest stretch of the bureaucratic imagination that they can be considered mitigation measures.

Historically the railroads would not exist had the government not provided huge tracts of free lands called right of ways to the builders of the railroads. This historical tendency of the give away, or passing legitimate business expenses off to someone else is hidden but continuing as a result of the UP/SP Merger. The only thing that would mitigate the impact of this merger on the City of Reno would be to recess the tracks thru the downtown area. This should be considered part of the normal business expense for the railroad as they will profit from the merger. Citizens in the City of Reno will only bear the brunt of the impacts thru reduced quality of life, reduced public safety, increased noise, and increased risk from the many hazardous materials transported thru Reno. In attempting to pass the cost of the recessed track to the residents of Reno the railroads are extending the giveaway they have enjoyed since their inception.

I am extremely dissatisfied with the quality of this document and the gloss over of real issues. This is not a good faith document, it smacks of cursory treatment and disregard for those who will pay the cost.
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Nick Swanson and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Your plan sounds like a bunch of horse Apple's!

Signature: Nick Swanson
Street: 123 Potomac Court
City: Sparks, State: NV, Zip: 89434
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Ann T. and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

STB needs to address safety & quality of life concerns caused by U.P. merger. An EIS should be conducted prior to any train plan being implemented!

U.P. should negotiate w/ City of Reno and pay its fair share of the cost of any plan.

Signature: Ann T.
Street: Box 921
City: Truckee State: CA Zip: 8960
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

Our names are:
STB: My name is CAROL E.
WALLACE TAYLOR and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

IT'S FRIGHTENING TO THINK THAT THE UNION PACIFIC'S INCREASE IN TRAINS THRU RENO, NV. WILL CAUSE EMISSIONS TO RISE TO 450 "TONS" PER YEAR. PLEASE HELP!

AT LEAST, UNION PACIFIC SHOULD PAY HALF OF THE COST FOR A DEPRESSED TRAINWAY THRU RENO.

THANK YOU.

Signature

Street 1495 JOSHUA DR
City RENO State NV Zip 89509
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Victoria M. Thimmer and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The plan does not adequately address safety and environmental issues relative to increased railway traffic. An EIS should be conducted before any further action is taken.

Signature: [Signature]
Street: 241 Ridge
City: Reno State: NV Zip: 89501
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is KATHLEEN THOMAS and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I believe we must negotiate an agreement to build depressed tracks thru downtown Reno. Set aside a small business area in downtown. The RR must pay their fair share.

Signature: Kathleen Thomas
Street: 108 Allen Park Rd
City: Reno
State: Nev Zip 89509
The Edgewater Subdivision is an all-family area. Some streets are right next to the rail line, thus the trains. There are no crossings in or near our area as there are bridges and overpasses. The train traffic is very noisy (more so lately) because of whistles and horns blowing. This goes on all night and early mornings when people are sleeping. If there are any crossings that I am not aware of, a warning of any sort besides loud whistles should be utilized - sirens, horns and other devices at the crossings in all that it necessary at all. A whistle blasting 3 blocks away doesn't help anyone and only annoys people where the blasting begins.
STB: My name is Margaret Tippett and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I DO NOT agree that more, longer, larger trains will be a threat.

I DO object to pressure tactics.

We need trains — it doesn't have to spell environmental and economic disaster.

Why not try another location in the downtown area? We already have 2 on N and 2 on N.9.

I personally have no idea what happened to the report written by Mr. Tippett.

STB: My name is Margaret Tippett and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

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I DO object to pressure tactics.

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Why not try another location in the downtown area? We already have 2 on N and 2 on N.9.

I personally have no idea what happened to the report written by Mr. Tippett.
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is ROBERT TOLAILNO and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

MORE, FASTER, BIGGER.
NOT GOOD WORDS WHEN IT COMES TO METAL MACHINES MOVING THROUGH PEDESTRIAN AREAS.
DEPRESS THE TRAIN WAY BEFORE YOU DEPRESS ME.

Signature: [Signature]
Street: LOCATED PLUMAS ST
City: RENO State NV Zip 8950
Please complete and return this coupon to the Surface Transportation Board, Office of the Secretary, Finance Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Gitta Tome and these are my comments regarding the Preliminary Mitigation Plan as of September 15th.

The Railroad Merger Will Create:
1: Longer Block Trains
2: Increased Hazardous Waste
3: Community's Power Quality of Life
4: Increase Public Exposure

Central Administrative Unit

RENC 10-16-97 7:14:09 AM
DOCUMENT # 10-16-97 7:14:09 AM
CENTRAL ADMINISTRATIVE UNIT

REC'D: October 14, 1997
CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-14-97
DOCUMENT # 10-16-97 7:14:09 AM
JF# 82160 RL 04

Gitta Tome
1555 N. Sierra St. #110
RENO, State NV Zip 89503
Response to the Preliminary
Mitigation Plan

Author: Lawrence J. Torango
2240 Idlewild Drive
Reno, NV 89509
October 8, 1997
Response to the Preliminary Mitigation Plan of Sept. 1997

Constraints Imposed by The Topology of the Reno Area

Issues Related to the Impact of the Railroad

Public Safety

Quality of Life

Air Quality

Noise

Delays at Crossings

Economics

Long Term Solutions

Move Railroad to The I-80 Corridor

Depress the Railroad Through Downtown Reno

Summary
Response to the Preliminary Mitigation Plan of Sept. 1997

After reviewing the preliminary mitigation plan my only conclusion is that the mitigation measures presented are at best a stop gap solution, and a very weak one at that. This opinion is based on the fact that it was stated frequently throughout the report, that the following condition in the boards Decision No. 44, required a very narrow focus related to the analysis used to evaluate the various proposals.

"that the studies will focus only on the mitigation of the environmental effects of additional rail traffic through Reno and Wichita resulting from the merger. Mitigation of conditions resulting from the preexisting development of hotels, casinos, and other tourist oriented businesses on both sides of the existing SP rail line in Reno ... are not within the scope of the studies."

My first question is, how can any study to determine the impact of the merger disregard the existing conditions and hope for credibility? My second question is, does the STB work for UP? Seldom have I ever reviewed a report that was so blatantly biased. This is evident throughout the document but is especially apparent in these few examples (I have added the emphasis):

- "The UP/SP merger will not produce increases in vehicular traffic in Reno and Washoe County, so the SEA study team did not include changes in vehicular traffic between 1995 and 2000 in its analysis." (page 6-4 first paragraph).

How can an impact study determine the impact on something if the object of the impact is not taken into account. Like or not this a dynamic world, and while the railroad wants to expand and become more and more intrusive on everyone’s lives, at the same time they refuse to consider that the public is also expanding. If it is status quo we are looking for, in essence none of this was here when they built the railroad over a hundred years ago, then to be fair, the railroad should also go back to what it was doing a hundred years ago.

- "the intensity of the train horns is not expected to increase, only the frequency. Moreover, this is not a new type of noise that will be experienced, and the effects are on properties that developed over the years next to the rail line." (page 6-43 fourth paragraph).

Another example of the blatant bias on the part of the authors of this report. How can they possibly conclude that a very obnoxious noise repeated 10 to 12 times a day will have no additional impact if it is repeated 20 to 30 times a day because it is the same kind of noise? They obviously felt a little concern that it might be hard to swallow, so they qualify it with the statement that the only people being bothered are those that built within earshot of the railroad tracks, thus falling within the constraints of decision 44 wording of "Mitigation of conditions resulting from the preexisting development of hotels, casinos, and other tourist oriented businesses on both sides of the existing SP..."
rail line in Reno ... are not within the scope of the studies.” (Please refer to my comments on the topology of the Reno area later in this letter)

However, this passage also illustrates the authors selective use of the often quoted section of decision 44. While citing the constraint of decision 44 as to the “preexisting conditions” to justify ignoring an obvious problem, they completely disregard the beginning of the quoted section that states “focus only on the mitigation of the environmental effects of additional rail traffic through Reno”. It seems to me this directly applies to the fact that the instances of a noise that transitions from 10 to 12 occurrences over 24 hours to 20 to 30 is what the report is all about. Yet the authors constantly reduce the impact to a per train basis, thus concluding there is no change.

Also, there is practically no distinction made throughout the report between residential development and the “hotels, casinos, and other tourist oriented businesses” (specified in decision 44). In every instance, any impact is immediately discounted due to the fact it was built since the railroad was built.

- “Vibration levels from existing and future single event train passbys along the corridor could exceed the FTA “human response” guidelines, meaning that low-level vibrations may be felt by people near the rail line, but the single-event vibration levels are not expected to change on a per train basis.” (page 6-46 fourth paragraph)

This is similar to the previous examples in that it states quite clearly that guidelines could (are) exceeding guidelines, then goes on to rationalize there really is no change because the per train impact on the public stays the same. The fact that it doubles or triples in frequency is not relevant to the authors.

It is my opinion, as a city, county, state and federal tax paying member of this local community, that any solution proposed that does not consider the current situation, **as it exists in reality and what it will be in the future,** is worse than useless, it is a total waste of time and money. For many years Reno has been struggling with the serious problems related to the safety of the local and tourist populations directly affected by the number of trains going through the Truckee Meadows and the cargo being transported. These problems have a direct impact on the quality of life by the noise and general disruption caused by the passing of a series of locomotives and freight cars moving through the heart of the city. Unfortunately, the railroad has always taken the attitude that because they were here first, they can do what they want and Reno has to make the best of it. Meanwhile me and the rest of the population suffer.

In the beginning of this year John Bromley was the most often quoted person contending that the railroad was merely exercising its right of preeminence, ultimately he submitted a letter to the editor of the Reno Gazette-Journal (RGJ) on January 26, 1997 (attachment 1). I responded to his letter shortly thereafter and received a nice response from him (attachment 2, 3). The essence of this exchange of letters and a few conversations with other members of the railroad management team, was to reinforce my opinion that there is a problem of perspective on the part of the railroad personnel. The people that work for the railroad obviously believe the railroad is a good corporate citizen. However, their perspective is that the railroad has the right to do what it wants any time it wants.
Demonstrations of the railroad’s corporate citizenship extends only to the point of willingness to discuss issues concerning the citizens of Reno. They see no obligation on their part to actually do anything.

This attitude was once again expressed by Mike Furtney as quoted in the RGJ on September 18, 1997 page 3A. “The town has managed to survive with the railroad for 135 to 140 years and it will continue to survive with the railroad.” The essence once again is that the railroad will do what it wants and Reno will either put up with it or become another ghost town of Nevada.

These problems have been building up for over a hundred years. To disregard them merely because they already exist is asinine. However, because they have been neglected on all sides for so long, the implementation of a long term solution it is going to take a very large amount of money.

**Constraints Imposed by The Topology of the Reno Area**

Any solution has to fit into the physical constraints imposed by the topology of the Reno area. It is disheartening to constantly see Reno cast in the light of having neglected the problems by being compared to other towns and cities that have rerouted trains around the boundaries of the city.

The fact is that the Truckee River, the railroad tracks and I-80 all generally follow the only viable route from Donner summit down to the Truckee Meadows. The valley they follow is less than a mile wide at the widest spot and usually only few hundred yards from one side to the other. It finally spills out into the meadows just past the Keystone exit off I-80. All of them then wander for the next 8 or 9 miles across the valley and then go into another valley that differs from the one coming from Donner pass only in that it is relatively flat.

Given these physical constraints Reno does not have the option of moving the tracks around the city. The east and west valleys constrain the entry and the exit, in between residential housing and established industrial areas fill all the landscape not occupied by the river, I-80 and railroad boundaries.

**Issues Related to the Impact of the Railroad**

The report attempts to break the issues down into too fine a detail. I will not go so far as to imply this was a deliberate attempt to confuse the issues, but it does make it difficult to rank the problems and correlate the solutions. In reality there are three issues:

1. Public Safety
2. Quality of Life
3. Economics

**Public Safety**

The safety of the public is cited time and again throughout the report as the most important issue. It is used to justify everything from the statement that there is nothing.
that can be done about the train horn’s noise level and frequency of occurrence, to the proposed increased speed of the trains to reduce the delay while trains are moving through intersections.

The issues related to public safety are, from most important to least important:

1. The risk of train derailments in populated areas, especially downtown Reno
2. The risk of toxic spills affecting the sources of water
3. Delays in emergency vehicle response to life threatening situations
4. Collisions between vehicles and trains
5. Collisions between pedestrians and trains

The potential impact on human life and property caused by delays of emergency vehicles, collisions between trains and other vehicles or pedestrians, pale in significance with the potential of a derailment anywhere in downtown Reno or in a place that results in the contamination of the area’s drinking water. In a worst case scenario, a derailment during a special event, the cost in human lives could be in the thousands of casualties. Any scenario that impacts the almost $1 billion dollar a year gaming industry in this area, which is the mainstay of the downtown portion of Reno, would be an economic disaster seriously affecting the lives of thousands of people.

As for toxic spills, the water system that supports the local and tourist population of this area is a closed system. For example, the toxic contamination that occurred near Shasta Lake several years ago was eventually flushed into the Pacific Ocean. Were a similar spill to happen here, the contaminates would end up in Pyramid Lake, in the farm fields of Fallon and in the Stillwater refuge. There is no flushing action available, it is a closed system.

The report findings on derailments, summarized on pages 8-13 through 8-17 with specifics in Appendix N, does not, in my opinion, give the issue of major accidents the importance it deserves. According to the data in the report, the conclusions of the computer models (please see my summary statements on computer models) consistently state that the increased traffic will have a serious affect on the expected frequency of these disasters. Unfortunately the statistics are related to esoteric time frames of “once every 77.3 years”. The authors then attempt to blow off the problem with statements such as “Thus, while the likelihood of a spill or river contamination is increased for post-merger condition, the probabilities are still remote.” (page 8-15 third paragraph).

Statistics and probabilities can be a very dangerous thing and this is a classic example of misusing the increased danger to the population of this area we need to know the likelihood of an accident happening over the next 5, 10, 15 and 20 years pre- and post-merger. The railroad has been operating for a number of years now and that has to be factored into the algorithms.

Another important item in the evaluation is the potential cost in human lives and property for each instance. A problem involving hundreds or thousands of people once every 77 years is much more important than a problem involving 1 or 2 people a year. This is especially true when the greatest factor in the relatively minor problems are associated
with stupidity on the part of the injured party, such as ignoring warning signals, ducking under or going around barricades, etc.

There is only one mitigation measure that is presented as a cure. That being to increase train speeds. Associated with this measure are the requirements for UP to make the necessary operating changes and capital improvements. The rest of the mitigation measures deal with mitigating the first mitigation measure.

Specifically the mitigation measures dealing with the three least critical issues of public safety, delaying emergency vehicles, collisions between trains and other vehicles and pedestrians public safety are:

1. **Train Location Color Video Displays**
2. **Cameras and Video Monitors Showing Rail Line**
3. **Discontinued Use of the Addition of “Helper Locomotives” in Woodland Area**
4. **Four-quadrant Crossing Gates at Nine Locations**
5. **Enhanced Rail Safety Programs**
6. **Pedestrian Crossing Gate “Skirts” at Six Locations**
7. **Electronic Warning Signs for Pedestrians at Six Locations**
8. **Construction of a Pedestrian Grade Separation at Virginia Street**
9. **Construction of a Pedestrian Grade Separation at Sierra Street**

Of these mitigation measures, the first two do not contain any indication of the cost of maintenance or upgrade. This is always a indication that the solution is a “quick fix”. What happens when the system needs upgrading or the cameras, communication lines or the monitors malfunction? If UP is required to fix it, as should be the case, what are the time frames for fixing it? 24 hours? 48 hours?

In contrast, there are three mitigation measures dealing with derailments and spills:

1. **Installation of a high wide, shifted load detector at MP 240**
2. **Installation of a Hot Box Detector at MP 240**
3. **Establishment of a Community Advisory Panel**

A Community Advisory Panel? Has anyone every tried to talk to SP/UP and got anything other than finger pointing to other people or the statement “well, we were here first so there”?

The primary mitigation measure, an increase in the speed of the trains by a factor of 50% (30mph - 20mph / 20mph), would seem, on the face of it to have serious consequences related to the abundant statistics, figures and algorithms stated throughout the report. But, in the section of the report addressing this, pages 7-14 through 7-13 there seems to be very little impact. I don't have the time or access to the information necessary to verify the correct algorithms and assumptions were used or even considered. But an independent party, other than the one hired for this report, should check those numbers and pretty graphs and tables. Over the years I have found that these things can be misleading and in some cases just downright wrong.
One thing that just screams out to me is the constant reference to everything based on an increase from 20 mph to 30 mph, but all freight trains stop in Sparks. Just how fast can these trains stop and start? The algorithms must take this into consideration because it is not a simple case of a constant 10 mph increase. Instead, it is an incremental increase based on the ability of a train to start from zero and attain 30 mph, or the point in time when deceleration must begin to enable stopping in Sparks. I did not see any consideration given to this condition.

In those cases where an increase in speed will have an obvious impact, such as derailments and spills the attempt is made to minimize the potential impact with statements such as:

- "the existing track has been maintained to standards exceeding that required for 20 mph operations" (page 7-12 paragraph 5)

My response is, if a highway is maintained to standards exceeding that for 80 mph does that automatically mean it is safe to drive a car on the highway at 80 mph or does it merely reflect the condition of the highway? This is an obvious attempt to confuse safety with a physical attribute. They are two entirely separate things.

- "The incremental increase in the incident rate that would result from 20 to 30 mph is statistically very low" (page 7-12 paragraph 5)

The phrase “statistically very low” always sets off alarms in my head, especially when there is nothing presented to justify the phrase. The fact the speed is increasing by a magnitude of 50% should have a relatively significant impact on the statistical probability of a derailment or spill. I have the feeling the authors are compounding their previous gaff by thinking in terms of “once every 77 years” instead of the potential increase in the risk associated with increased speed and the cost in actual human lives and property damage.

**Quality of Life**

The issues related to quality of life, listed by the most impact they have on day to day life to the least impact, are:

1. Air Quality
2. Noise
3. Delays at Crossings

**Air Quality**

Air quality is a big issue. The topology of the Truckee Meadows area is naturally conducive to bad air because it is a relatively small valley surrounded by mountains. Unfortunately there are no mitigation measures associated with this issue. The voluminous statistics and numbers presented by the authors of the report are, in my mind, suspect due to the problem of associating an increase in speed of 20 mph to 30 mph as a constant. While the report devotes lots of words to the possibilities of many solutions it reaches no conclusions. In fact, it appears to deliberately misrepresent the problem with statements such as:
• “At the County level, the analysis shows that, under both pre- and post-merger conditions, locomotive emissions heavily outweigh vehicular emissions. However, total emissions generated by the increase in freight trains associated with the merger are quite small when compared with the total emissions inventory for the County.” (page 6-55 paragraph 3)

In this case they were talking about a 1.5% increase for the whole Washoe County. Anyway you look at that, it is a big increase in air pollution. If this were some other industry moving into the area, this alone should be a show stopper. In any case, this is another indication of the authors attempt to rationalize biased results.

**Noise**

This is a classic case of the bureaucratic mind attempting to mitigate a serious but complex problem. The issue is quite straightforward. We have trains moving through our small narrow valley, less than a mile wide in most cases, blasting their horns at all hours of the day and night, for an excessive duration of time. These horns, designed to be obnoxious for at least a mile away, echo off the valley walls making an even greater racket that attacks our houses from all sides. In addition, the crossings in Reno are spaced about perfect for an engineer who wants to really play with the regulations to lay on the horn from one end of the valley to the next.

The authors of the report deemed to abdicate the problem of train horn noise by reference to the federal regulations that require them. They did reference certain changes to the regulations that may help alleviate the situation in the future but as stated before, they fall back on the problem as merely more of the same old thing, so there is no problem.

They also totally missed the point that Reno is a 24-hour town. They state:

• “Representatives of the City of Reno have stated that the nighttime penalty included in the $L_{eq}$ calculation may not be applicable to Reno, with its 24-hour resort/gaming activities. However, removal of the 10dBA penalty would reduce the number of sensitive receptors potentially affected. SEA, therefore, has continued to use the $L_{eq}$ as a conservative noise descriptor for this study” (page 6-40 paragraph 6)

The fact is Reno, being a 24-hour city, has a significant number of people that work all night long and need to sleep in the daytime. Sleep is a major problem when a train horn is going off every couple of hours. If anything, the nighttime penalty should apply 24 hours a day.

This quality of life problem can quickly become a safety problem for many people if the frequency of trains and the associated noise results in conditions of sleep deprivation, the resulting depressions and suicidal tendencies. The authors of the report would lead us to believe the number of people affected by the train noise reside within a few hundred yards of the tracks but this is not true. The topology of this area carries the noise a long ways from the tracks.
Delays at Crossings

The delays at crossings are similar to the noise issue in that it does not impact everyone in the valley. It is only a problem directly affecting those segments of the population or emergency vehicles that need to go through a crossing while there is a train going past. Unlike the noise problem, it does create a byproduct of increased pollutants as the vehicles wait for the train to pass. Again, the solution given by the report to increase train speed is very suspect in my mind.

Economics

The potential economic impact of any kind of disaster affecting the tourist population or the water sources are enormous. There is no reference at all in the report that even addresses this problem.

Long Term Solutions

I believe there is one consensus that can be agreed upon by all parties. The city of Reno and the railroad have a long history of contention. There have been studies and proposals over many years that have tried to do something about the problems created when a city grows up around the railroad tracks.

There is only one long term solution that will improve the situation without creating more headaches. That is to move the tracks to the freeway. It will certainly be the most expensive, but it is also the most practical and the best long term solution.

The problems with implementing a plan like depressing the tracks through the downtown area is that it is a localized solution to a wide area problem. Most of the Reno population affected by the noise and delays live outside of downtown. The other problems with this solution are related to the implementation and then the maintenance.

The impact on the safety, quality of life and economics of the local and tourist population during the extended period of construction and the associated disruption will be enormous. And, after all is done, the train still goes straight through the heart of downtown Reno. The noise, air pollution, disruptions west of town and the threat of derailments and the potential for toxic spills will still be there.

Any reasonable solution to this problem is going to take lots of money. To ensure the solution is worth the cost, we need to have some way to evaluate the cost to the benefit. In accordance with this, a list of goals for a long term solution for Reno follow:

- Improve the safety of the population relative to the problems of major disasters
- Improve the quality of life for both locals and tourists
- Ensure the economic growth of Reno can continue to sustain the local population and provide for reasonable growth

The long term solution goals for the railroad are:

- Improve the safety of the railroad
• Create facilities that can expand to meet business growth without impacting the local businesses and people

• Reduce maintenance costs

There are only two solutions worth consideration:
1. Move the railroad to the I-80 corridor
2. Put the railroad in the ground as it goes through downtown Reno

**Move Railroad to The I-80 Corridor**

I would propose that the railroad come off the existing tracks just west of the viaduct where 4th street goes under I-80. It would then go through a tunnel generally following the freeway and come out just west of the Keystone intersection with I-80 underneath the middle of the freeway. This is a distance of about 4 miles. Air vents for the tunnel could be installed in the median of the freeway with no impact on the surrounding environment.

The train continues down the middle of the freeway until just after the Wells exit. As the freeway rises, the train goes under and connects to the existing tracks that go into the yard. This second section is also about 4 miles long.

An Amtrack passenger platform would be built between the Virginia and North Center areas under the freeway with the Amtrack station put on the pad that currently exists over the freeway. Elevators and escalators put into either the north or south side of the freeway would connect the platform with the station.

The advantages of this proposal are:

- It is a long term solution that enables both the city of Reno and the railroad to begin to operate with minimal concern for the impact one has on the other.

- The problems associated with the train’s impact on the quality of life for the local and tourist population of Reno will be eliminated. Any additional noise factor related to the portions of the tracks going down the freeway will not include any train horns. The noise from the train itself can be lessened by keeping the tracks lower than the freeway level.

- The railroad’s impact on safety would be greatly reduced. By routing the trains through a tunnel, several miles of exposure to the Truckee River are eliminated. Also, the danger of a derailment would be reduced because the tracks would exist in a more controlled environment in the tunnel.

- The task of implementing this proposal can be carried out with very little impact on either the current railroad operations, existing utility right of ways or the population of Reno.

- The auction of the land in the existing right of way along the river from the I-80 4th street exit through downtown could be used to offset the cost of the project after it was complete.
• Once the train is eliminated from the heart of Reno, the city can begin to plan for the
city as a complete entity, not as two pieces of a whole separated by a right of way.
• There is very little potential for disrupting any historical sites.
There is only one disadvantage to this proposal:
• It will no doubt be the most expensive option.

Depress the Railroad Through Downtown Reno

The advantages of this proposal are:
• It will result in some significant reduction of noise from the train horns around the
downtown area.
• It will enhance the safety of locals and tourists moving between the north and south
sections of downtown Reno.
The disadvantages are:
• This proposal is designed for the Reno downtown area only. It does nothing for the
vast majority of the population living within a mile or so of the railroad tracks and the
crossings that will still exist.
• The emissions generated from the trains will be more obnoxious because instead of
being exhausted from a distance of several feet in the air, they will emanate from
ground level.
• The right of way through the heart of downtown Reno will still exist thus continuing
to separate the downtown area into two distinct areas.
• The implementation of this proposal will be extremely difficult, thus subjecting the
project to the chance of significant cost overruns due to unforeseen problems.
• The impact on everyone while construction is in progress will be tremendous.
• After all is done, the city of Reno and the railroad will still have a significant set of
overlapping sites that will require them to mitigate every time one or the other wants
to do something different.

Summary

The report detailing the mitigation measures bases many of its conclusions on the use of
computer models and complex algorithms. I have spent over 30 years in the computer
industry, 17 of them doing consulting work for many different industries. I have seen
many computer models in use, but only a few that I would place any confidence in. The
essence of a computer model is, naturally enough, to model some real life thing. The
value of a computer model is to help simulate some complex process to gain some
confidence in predictions associated with various outcomes. The best models I have seen
are associated with electrical load studies, flight simulations, weather reporting, and a few
others. What these models have in common it that they have been in use for years and
have been tuned and improved as a result of comparing the predictions to actual outcomes.

Unfortunately, computer models are often used to predict consequences of one time or infrequent processes. This use, as appears to be the case with this report, makes the effort of validating the credibility of the outputs very time consuming and difficult. Many questions arise as to the critical factors used in the simulations, weighting factors assigned to different conditions, and many many other things. Then, the additional concern of programming errors raises its ugly head. Simulators are notoriously hard to debug, that is why the useful simulators are built for ongoing repetitious processes. After many years of use in wide ranging conditions, most of the bugs, not all are ever found, get fixed and the correct weighting factors and parameters can be tuned to increase confidence in the outputs.

I have this nagging thought in the back of my head the authors of the report use the computer simulations to justify predetermined outcomes, not raise the confidence of the outcomes. In essence, I have the feeling the use of computer models was an attempt to gain credibility.

The solution to the railroad problems I am looking for is going to require a coalition of railroad, city, state and federal cooperation with private organizations like the Nature Conservancy group that may be interested in pieces of the river property once the railroad is moved to the tunnel.

The railroad gains the most from this proposal to move it under the freeway. Their short term costs may be a little more but in the long term, their maintenance costs for length of track will be much less. Their exposure to the enormous costs of a major disaster associated with derailments will be much less.
Since I have again been criticized by name in a Gazette-Journal editorial (Jan. 16, "City errs in denouncing extra trains"). I am compelled to write.

The thrust of your opinion was that my tone as the railroad's spokesman was "arrogant" in commenting on city hall's "outrage" over our emergency detour trains.

When I was attending the University of Nevada in the 1960s, Southern Pacific operated more than 24 trains a day through downtown Reno — and more during the late summer and fall California perishable season — and no one gave it a thought.

No buildings burned as fire trucks waited helplessly, there were no massive tank car explosions, the Truckee River didn't run deadly with spilled toxins, and tourists didn't flee the city because of trains.

My words aren't born of arrogance, but rather of frustration. The railroad is not the monster you have painted for your readers.

To set the record straight, the Surface Transportation Board in its conditions establishing the limit on the number of trains that could be operated through Reno during the 18-month study period, clearly stated the railroad could exceed the limit for emergency trains operated as detours. We faxed a copy of that order to your reporter and notified the city manager as a courtesy.

Union Pacific takes great pride in being a responsible corporate citizen of the states and locales we serve.

John Bromley, director public affairs
Union Pacific Railroad, Omaha, Neb.

Attachment 1
Dear John:


John, when you attended UNR in 1960 tourists came to Reno for the most part by 2 lane roads. Now a days, there are probably more tourists in town on one hot August nights event then there were in Reno in the whole year of 1960.

Some tourists did fly into Reno. Back then the airport was a small tin building at the end of Plumb Lane where you had to walk outside, go across the apron and climb the steps to get into the plane. At that time it was way outside of town.

The railroad ran through Reno all right, but the population of Reno was only a fraction of what it is now and hardly anyone lived around the tracks. And there were fewer crossings and many fewer vehicles.

35 years later, the roads leading to Reno consist of major freeways. They didn’t just appear over night. In fact just a few months ago the new extension of 395 opened that takes you all the way to the Mount Rose Highway. The freeways have slowly evolved as a result of planning for the future. The planning included taking advantage of technology to reduce road noise by building acoustic walls in areas where families live, thus reducing the noise impact on each family’s quality of life.

The airport has grown quite a bit also, but the airline industry has used technology to make quieter airplanes and the airports have created buffer zones to reduce the impact of air traffic on bordering residences. Again, this was done to reduce the impact on the nearby families’ quality of life.

Yes John, some things have changed very much here in Reno. I know it is nice to remember how things used to be because the mind somehow manages to remember the good things and toss away the things that were not so good. Like your comment referencing more than 24 daily trains through Reno in the 1960’s and no one gave it a thought. I wonder, if the railroad just continues doing what it does, in another 35 years will there be people that say, “Well the trains went through Reno in the 1990’s and no one gave it a thought”. Come on John, I don’t care what the issue is, there are always some people who will put up a fuss. You will never make everyone happy so I am pretty sure there were some people in the 1960’s that complained and fussed over the trains.

For the railroad’s part, it is basically the same now as it was in 1960. While the other transportation facilities have improved significantly, the railroad remains the same. Since the beginning of time it has created two major impacts on its neighbors, delays at crossings and noise. These problems are literally over a century old. However, the railroads, displaying the same tradition bound behavior that resulted in having men on board each train to shovel coal long after trains used no coal, have been unable or unwilling to work for solutions to these problems in a coordinated and consistent manner. As a result, unlike other industries that have used forward vision and taken the initiative to solicit community...
cooperation to solve problems, the railroad just keeps living in the past doing what it has always done. Now I know that the railroad leads a very complex life due to being between the government and a very strong union, so please don’t take any personal offense, but if you honestly look at the situation, these statements reflect reality.

Unfortunately, as with all neglected problems, the problems we have with track location has got more difficult and complex as time rolls on. Cities like Reno, that have grown up around the tracks, create a situation where it becomes very difficult and expensive to find solutions that will work in the long term. In Reno, we also have a serious limitation on what can be done with the tracks due to the topology. We are bordered by mountains on the west and east side with only one narrow valley following the river. Due to this limiting topology the freeway, the railroad and family housing have all followed the river through the valley. While housing is starting to climb all over the mountain sides, it would be very difficult and expensive to put the freeway or train tracks up there, so that is not an option.

I’m sure you remember that 35 years ago, the railroad did mostly follow the “freeway”, old highway 40. We can take a cheap shot at Reno and complain that it should have insisted the tracks be relocated to the new freeway when it was built around Reno 25 or 30 years ago. I can imagine the reaction that would have received. Reno was still just a little town back then. It has only been the last 15 years or so that Reno has really started growing thus aggravating the problem until something must be done.

And we can take a cheap shot at the railroad. Why hasn’t it followed the example of other transportation industries? Take the example of the highway industry, 35 years ago literally all the little 2 and 3 lane roads everyone used to get from one place to another crossed other roads at least every few miles. Today I can gas my truck up, get on a freeway and drive all the way across the country without going through one crossing. Why didn’t the railroad evolve like that? If it had been more in concert with the rest of the transportation industry, it would have taken the initiative to relocate the tracks when the freeway was built. Had it done that back then I’m fairly certain your track maintenance costs and your community relations headaches would be a fraction of what they currently are.

I am sure there a lot of excuses and the blame can be spread all over, but it doesn’t do any good looking in the past, let’s look to the future, make a goal for eliminating crossings, and start the process. Will things change? Absolutely, but unless attention is paid to the problems, maybe not for the better. Will everything ever be finished? Absolutely not, growth and change will always present new problems, but you just don’t want them aggravating old problems. However, just because things tend to change, and everything will never be finished, doesn’t mean you can’t do anything. Look forward and start the process going for long term solutions. There will be successes along the way.

The problem with the tracks being where they are is that they create a dangerous nuisance. The particulars have been given quite a bit of exposure lately, especially those associated with traffic delays and isolation of emergency vehicles, along with dangers of spills, etc.

And by the way please don’t down play the danger of a spill. Unlike Shasta Lake where all that nasty stuff eventually drained into the Pacific cesspool with its enormous amount of water, our water usually ends up in Pyramid Lake. If all that stuff that went into Shasta went into Pyramid, how many centuries would it take before we could eat the fish again? Or even go play in the water?

To be sure, there are also quite a few people that perceive no problem with the tracks. Usually their daily activities do not bring them in contact with the delays and noise so it is
out of sight, out of mind. And there are those people that have the nostalgia for railroads and they would really miss them in their day to day life.

However, as we look at the day to day problems of delays, interference with emergency vehicles, and noise, there is one thing we are sure of, Reno is still growing and will continue to grow. If the solution doesn’t take that into consideration, it will not be a real solution, it will only be a quick fix which means we will be back discussing this same issue a few years from now. There seems to be only one real solution that will solve this problem for the foreseeable future. Move the tracks to the freeway. The important thing is to agree on that. Once we have agreement, we can begin to solve the problem of how to get it done and get it paid for.

This problem has not been caused by any one entity, we have all helped whether by benign neglect or actions performed without consideration for the consequences. There is no reason the railroad must pay the whole cost, just like Reno shouldn’t pay the whole cost. I personally think it is more of a 50-50 thing. And, if we use the example of the freeway evolution, make a long term plan, coordinate it with the projected growth, then do it incrementally, the costs can be spread out over time as the job gets done. After all we are talking about a major task here. It will impact a lot of businesses as well as plain people.

Arrogance? Yes all bureaucracies have plenty of that. The major problem with this situation is that we have the bureaucracy of the government on one side and the bureaucracy of the railroad on the other. Bureaucracy squared!!!

I suggest, John, that you take a couple weeks off and come live in Reno, talk to the plain people (don’t tell them who you are) and see for yourself what the problems are. Get in a car and drive around. Find a place to sleep somewhere within a ¼ to ½ mile of the tracks like several hundred of us locals do. We live where we do because most of the time being by the river is nice. Also, living space is getting a little short in the valley now a days as well as very expensive. Of course you will wake up every hour on the hour some nights as the trains go through tooting their horns. Did you know most of the engineers follow the rules well and toot their horns for a ¼ of a mile before each crossing? At 8 - 10 miles an hour that is about 1 ½ to 2 minutes worth of tooting, longer than most songs you hear on the radio. Which brings up an interesting thing about some of your engineers. You’ve got some frustrated musicians posing as engineers. Some of these guys have several different horns with different tones and offer up a rather sorry attempt to serenade us. Somehow it doesn’t come off very well at 2:00AM. I guess it has to do with timing and volume. Those horns are really loud early in the morning.

Sincerely,

Larry Torango

PS: A copy of this letter has been sent to the Reno task force. Hopefully, you guys can start communicating along the same lines and work out a lasting solution so we can all live together peacefully. (Especially at 2:00AM)
February 4, 1997

Lawrence Torango
2240 Idlewild Drive
Reno, NV 89509

Dear Mr. Torango:

Your points are well made.

You might be interested to know we have offered to work with the city to implement a whistle ban in Reno, but so far they have refused to consider it. Needless to say, the implementation of whistle blowing downtown would go a long way toward reducing complaints.

We have whistle bans in effect in Chicago and its suburbs and in the St. Louis metropolitan area and they have worked well.

Sincerely,

[Signature]

[Attachment 3]
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [REDACTED] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th...

After reading this brochure, I am totally against another railroad. What more can I say?

Signature: [REDACTED]
Street: 2146 Pines #143
City: [REDACTED] State: [REDACTED] Zip: [REDACTED]
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is
Natalie Lauden and these are my comments regarding the Preliminary Mitigation Plan issued September 15th. Move the tracks out of the city of Reno. I do not believe that depressing the trainway will help significantly. The trains will still travel thru Reno with hazardous materials, air pollution etc - underground. Holding the train won't remove it. I'm in favor of trains in general. They keep an enormous amount of truck traffic off our highways.

Signature: Natalie Lauden

Street: 2875 Idlewild Dr. #7
City: Reno State: NV Zip: 89509
My name is Beverly Travitz-Rumney. I wrote this page regarding the Preliminary Mitigation Plan issued September 15th.

I go down Virginia St. every day and always try to be the best driver I can be. It's a big disaster waiting to happen. (Environmentally & safety)

Beverly Travitz-Rumney
151 Platinum Point Way
Reno, NV 89506

CENTRAL ADMINISTRATIVE UNIT
REC'D: 10-5-99
DOCUMENT # 0-8-94 10:47:12 AM
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study:

Name: Robert D. Treadway
Phone/Fax: 303.1025/303.1025
Organization & Title (if applicable): Office of Policy, Estimator
Address: 4200 Rewana Way #505
City/State/Zip: Reno, NV 89502

Since it is clear that the UP/SP merger will adversely affect Reno - Sparks, something must be done to counter the negative affects. The tracks should be relocated or "buried" with the total cost borne by the railroads.

Central Administrative Unit
Rec'd: Oct 14, 1997
Document #: 10-10-97 4:25:29 pm
F011 38740 RL 04

(If necessary please continue your comments on the other side)
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is MRS. LYDIA TUSTONIS and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

I'm a new comer to this area here from 40 years ago. I believe our quality of life would be better if the noise were more controlled and not be a problem. I see this as a problem and I believe the responsibility of the S.P. Railroad, and not the rail freight.

I really believe that it is the railroad's responsibility to perform and keep our town quiet.

Signature

Lydia J. Tustonis
Street

3518 Vanowen St.

City

Beverly

State

CA

Zip

90057
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: Frank R. Turek
Phone/Fax: (702) 862-4604, (702) 322-0702
Organization & Title (if applicable): Turek Enterprises, Inc., Pres.
Address: P.O. Box 20573
City/State/Zip: Reno, NV 89515

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423, Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

(If necessary please continue your comments on the other side)
October 9, 1997

Re: Railroad Preliminary Mitigation Plan for Reno, Nevada

STB: My Name is Frank R. Turek and these are some of my comments regarding the Preliminary Mitigation Plan issued September 15th.

1) I understand that the STB may only look at a 1-5 year impact with respect to the Mitigation Plan being structured. That being the case, and there being no “start date” to establish when year 1 of the 1-5 year period begins, it is imperative that a true impact period be taken into consideration. From the presentation(s) I have heard, it seems that “impacts” being taken into consideration are limited to the immediate timeframe, i.e. between now and 2001 +/- However, realistically, the time period that should be considered is at least through the year 2015.

First, I understand that the process is already a year in the making. I also understand that the current “process” is in the second year of a 5-year window. Anyone who has worked in any development or construction oriented profession know one must add a 20% contingency factor to any planned timetable, making the current process realistically a 6-year effort...if all goes smoothly.

Furthermore, I understand that the estimated construction period for “depressing” the railroad through Reno is 18 months. I daresay you better double that for all the unforeseen setbacks that will undoubtedly surface during the course of construction, making the construction more like 36 months or 3 years.

From the time the project is completed to 5 years out would be a more accurate impact period to take into consideration. In short, instead of looking at impact factors for the next four years (remaining since the project is already one year in the making), a more realistic impact period should be 15-18 years from today... and that is assuming everything runs smoothly! Now we all know how smoothly things run under the best of circumstances!

2) As to traffic impact considerations, such impacts could easily become double, triple or even quadruple in fifteen years’ time, over and above what will be felt over the next four years.

3) I noted that nowhere in the Preliminary Mitigation Plan was the issue of noise pollution or air pollution or safety considerations addressed. I feel these are as important to take into consideration as any other area of impact.

4) I also feel that the railroad companies should bear a much greater burden, if not all of the financial responsibility inasmuch as they will ultimately benefit most from the proposed merger and any improvements realized from depressing the railroad through Reno. Between the federal government and the railroad companies, both should bear 100% of the cost of the mitigation efforts. After all, it was the federal government in partnership with the railroads that created the conditions in the first half of the 19th century that exists today. It should be the federal government and the railroads that fix the problems that we are burdened with today.

Concerned Citizen

[Signature]

Frank R. Turek
Sept 30, 1997

Elaine Kaiser
Chief, Environmental Analysis

I am writing about the impact on the environment and everyday life in Reno, Nevada by the railroad. I am almost 70 years old, live only a few blocks from the tracks, have no car, must walk to the store, etc. I am very concerned about the railroad’s impact on not only my life, but the area. The trains already awaken me at night which is very hard since I have a heart condition and need lots of rest. The dirt we already get from the trains is a problem, let alone any possible danger from accidents, toxic materials, etc.

Please consider the common people’s problems with the trains going through our neighborhoods besides the problems with downtown Reno. (I live only a few blocks from downtown) I don’t have money to move to another area. I am living on Social Security. I think the Railroad must work with Reno to make a better solution to the railroad’s growth and traffic here.

Sincerely,

Mrs. Eleanor Blaine
133 Jones St Apt B
Reno NV 89503
Please complete and return this coupon to the Surface Transportation Board Office of the
Secretary, Finance-Docket 32760 - 1925 K Street, NW, Room 700, Washington DC 20423.

STB: My name is Chris Veleca and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Increasing train speeds, decisions must have been made in a vacuum with very little thought to the associated consequences.

Conditions in the area have changed considerably during the last 10-15 years. Proposals to solve conditions of 10-20-30 years ago only make the railroad look like a focal point. The problems are on 1st Street SE/Vista Ridge WM E-310.

Conditions are bad at City of Reno State/W Zip 89523. The problems Reno is looking to solve the conditions south of the railroad tracks accordingly without the extra coal trains.
Please complete and return this pre-paid public response.

Pleasantly yours,

[Signature]

Address:
City, State Zip:

Send to: 

Central Administrative Unit

[Stamp]
It is going to do tremendous damage to the City of Reno if the railroad is aloud to increase the number of trains through the downtown will kill the city of Reno. The trains are disruptive and annoying and a safety hazard and a threat to life. The government needs to listen to the call of the people who live here and not the damn railroad.

I lived in Hammond, Indiana during the 50 an 60's and it was terrible every time you went downtown there were trains all the time and it finally killed the downtown area department stores closed small stores closed and a great amount of revenue was lost. A shopping center was built in Calumet City, Illinois and that was all it took because the businesses had somewhere else to go. Hammond literally died from the amount of trains. My uncle at one time proposed that the trains be elevated at the time but the Federal Government did the same thing there as they are doing to Reno, support the railroad and to keep the tracks on the surface because the cost was too high. The feds don't like the casinos to start so this is their chance to destroy them. The government seems to always find the money to give to the 3rd world countries. They won't help here own. When it comes to the amount of money that the state of Nevada gives to the Fed's per capita we are in the top "ten" but the flip side of that we are at the bottom in receiving.

Now is the time for the Fed's to make good for the people of Reno.

David Vickery
October 16, 1997

Ms. Elaine Kaiser
PROGRAM DIRECTOR AND LEGAL COUNSEL
Surface Transportation Board
Section of Environmental Analysis
1925 K Street N.W. 5th Floor, Room 700
Washington, DC 20423-0001

Re: Preliminary Mitigation Plan/Reno

Dear Ms. Kaiser:

This letter shall act as my official comment to the Preliminary Mitigation Plan, ("PMP") prepared by the Section of Environmental Analysis and released on September 16, 1997. I have enclosed the requested original and ten (10) copies.

As you may remember, I was a member of the Mitigation Task Force, ("Task Force") representing the River Banks West homeowners. Additionally, as a citizen of Reno and an employee of Harrah's, I had a community as well as a business interest in regard to the proposed mitigation.

On July 9, 1997, I submitted a letter to you through the Task Force stating my belief the Task Force mission had been modified from the initial meetings. It was my belief that as of that time, the Task Force process was being used to support a predetermined conclusion. It was my further belief that not enough investigation and analysis had been done and therefore, the appropriate mitigation could not be determined. Unfortunately, after reading the PMP, attending the final task force meeting on October 8, 1997, and the public meetings on October 9, 1997, I am more convinced of the above statements than ever.

I have reviewed the City of Reno's ("City") official comment document and wholeheartedly support the objections, questions and conclusions raised therein. While I support of the entire document, I feel there are certain matters which require closer examination.

1. PURPOSE - The PMP and the materials handed out at the October 8, 1997, Task Force Meeting indicate that one of the purposes of the Task Force was to
facilitate the negotiations process between the parties. As a member of the Task Force, while I may have recognized that the process could have an effect on the negotiations process, it was never my understanding that this was one of the Task Force purposes. As the Task Force members had no participation or impact on the negotiation process, it is antithetical that we would focus on that as an issue. Additionally, I fully support the City's position that such purpose is inappropriate in light of the clear mandate of Decision 44. I see nothing in that decision which links the mitigation process to any negotiated agreement between the railroad and the City. While I can agree that a negotiated settlement is always best, sometimes, as appears here, it is not possible and therefore an independent resource, i.e. the Task Force, is necessary to accomplish the stated goal.

2. ISSUES - The Task Force had several important issues to consider to determine what mitigation was appropriate for Reno.

   a. Environmental Concerns - Of primary importance in this regard is air quality. As a resident of Reno, I am all too familiar with the "hazy days" Reno experiences already. Because I work for a business that would be impacted by the imposition of a Trip Reduction Plan, I am aware of the current non-attainment status of Reno in regard to compliance with federal air quality requirements.

   It appears that the consultants merely looked at the impact of increased automotive emissions as a result of the increased train traffic created by the merger. While this is a critical factor, the impact of the trains themselves is also significant, but appeared to have been discounted as insignificant.

   The consultants took the view that faster trains mean less gate down time and therefore less auto emissions. This is too simplistic. Initially, a macro view of the math simply doesn't "add" up. At an average speed increase of 10 mph, it appears that gate down time for each train episode is improved by approximately 30%. However, because the number of trains will nearly double, the total gate down time in a 24 hour period is actually increased.

   When this question was posed at the October 8, 1997, Task Force meeting, the consultants indicated that there was not a "linear" relationship in regard to the total number of hours and traffic delay. I am not certain I accept that explanation. What was missing was a "worst case" analysis wherein the average gate down time was assumed to have occurred during the greatest traffic flow and/or the times of the slowest trains.

   Of equal concern was the apparent disregard for the impact of the increased emissions from the trains themselves. This issue was "resolved" by reference to non-specific national mitigation measures. There was no consideration of when those would be required or the impact until they are implemented.
The City’s response raises valid concerns on the issue of air quality. This includes questions regarding the methodology, inclusion of all factors (e.g., intersection disruption during vehicular delay) and the perceived impact of increased locomotive emissions. These issues all require a harder look by the STB.

b. **Safety Concerns** -

1. **Pedestrian/Vehicles** - The PMP fails to adequately address the safety concerns created by the merger. In fact the PMP is very candid in its recognition that the proposed increase in train speed actually increases the safety issues for the City of Reno, as it effects pedestrians and vehicles. How this can be deemed appropriate mitigation of the safety concerns is unclear.

2. **Hazardous Materials** - The PMP takes a very unrealistic view of the hazardous spill danger created by the merger. The railroad has acknowledged that increased amounts of hazardous materials will be transported through Reno once the merger takes full effect.

   The PMP established several very arbitrary parameters in considering this factor. They chose to consider only the 25 miles of the Truckee River which is within two hundred feet of the rail tracks. This was apparently based upon a national calculation used to determine the likelihood of impact from a hazardous materials incident.

   These parameters fail to take into account the reality of the terrain in Northern Nevada. The Reno area consists of very mountainous terrain. Simply because a portion of the track may not be within 200 feet of the river, if a train car were to derail on a mountainside, it is not likely to stop prior to reaching the river. Once a hazardous material is introduced into the river, it will naturally flow toward Reno if the incident should occur upstream. Therefore, it would appear the potential impact of a hazardous material incident has been seriously underestimated.

3. **Emergency Vehicles** - The PMP seriously underestimates that impact of the merger on this vital service. The PMP takes the position that emergency vehicles, like other vehicular traffic has an ability to simply wait for the train to pass when access to a grade crossing is blocked. This is simply not the case. Because of the nature of the service, if an emergency vehicle is blocked, another must be sent in its place.

   Therefore, the conclusion reached in the PMP that an increase in train speed eliminates the impact of the merger in regard to emergency vehicles is not valid. In reality, there will be almost double the impact on emergency vehicles.

c. **Process Concerns** - In reviewing the PMP, the concerns I felt and expressed during the Task Force meetings that a predetermined result was trying to be supported were confirmed by a number of inconsistencies in the analysis.
1. **Decision 44** - Decision 44 by its language is very clear as to the purpose of the Mitigation Study to be conducted and that base line mitigation was to include grade separations. It was this decision which formed the basis of the objectives for the Task Force. These directives were not significantly altered by Decision 71.

The consultants adhered consistently to these directives in the early task force meetings. So much so, that the City raised concerns that too much time was being spent on the type of mitigation, specifically grade separations, and not enough regarding impacts of the merger. The consultants chose to ignore these warnings.

Then, very abruptly, in June of 1997, the consultants, after hearing evidence that the cost of putting in the two to three grade separations, as determined by the railroad's own study team, would exceed $100,000,000.00, introduced the concept of increased train speed for the first time. When the inconsistency with Decision 44 was raised, the consultants chose to ignore that issue.

2. **Scientific Integrity** - The PMP hinges on the analysis concluding the positive impact of increased train speed on traffic delay. Therefore, it is critical that this analysis have been done in a scientifically defendable manner.

I certainly do not claim to have the education or experience to independently evaluate the results provided in the PMP in regard to the effect of the increased train speed. However, in listening to the discussion at the last Task Force meeting between Mark DeMuth, the City’s environmental expert and Guy Sharin, on behalf of the consultants, I believe that significant doubt was created regarding the methodology used to reach the conclusion that increased train speed would mitigate vehicle wait time.

Mr. DeMuth raised valid concerns regarding the calculations used to determine average train speed. His points regarding the variability of the factors used to reach the “constant” of train speed were well taken. When these points are added to the admission by Mr. Sharin, that 27% of the events measured, an insignificant number in his mind, were incorrect, how can the STB not question the validity of the result reached?

3. **Economic Analysis** - This is one of the most disturbing inconsistencies in the entire process. The PMP is abundantly clear that economic burden on the railroad was a primary reason not to consider grade separations or a depressed railway. However, when Reno sought the inclusion of the negative impacts on the City as a factor during the Task Force meetings, it was told this would mitigate pre-merger conditions and therefore would not be considered. The logic in this thought process escapes me.

4. **Lack of Enforcement** - Regardless of the mitigation measures ordered by the STB, the PMP is seriously lacking in an ability to enforce those measures. Without such enforcement, why would the railroad adhere to the mitigation measures?
While the STB members who participated in the Task Force have consistently stated that they have no authority to affect the operations of the railroad, the fact that the primary mitigation measure is an operational one belays that statement. If the STB can order the railroad to operate its trains at a certain speed, it would appear to have the authority impose consequences should this not happen, or further information shows that the increased speed mitigation is not effective. These could include items such as diversion of train to Feather River, or reduction of trains to pre-merger numbers. Imagine how this might facilitate negotiations between the parties.

5. **Misinformation** - The PMP clearly shows that the railroad has provided misinformation on the critical issue on the potential effect of the merger on the Cui-Cui fish and the Lahontan Cut Throat Trout. The consultants have placed great merit on the information provided by the railroad and its inability to provide more detailed information regarding the impact of the merger beyond the year 2000. The willingness of the railroad to provide misleading information in regard to the endangered species question raise serious questions about the credibility of the information provided and that not provided during the Task Force meetings. This should be seriously re-evaluated by the STB in formulating the Final Mitigation Plan.

There are many other points to be made, but the above hopefully creates enough questions that the entire process will be reconsidered by the STB. As a citizen of Reno, I do not oppose the merger, but strongly believe that appropriate mitigation has not been suggested because the impacts have not been fully and properly determined. It appears now, more than ever, that a full EIS is required to attain that goal.

Thank you for the opportunity to comment. If you have any questions, please contact me at the above telephone number, or at my office (702) 788-2646.

Very truly yours,

[Signature]

Richard L. Vitali
The trains in Reno
Living just off Keystone & 9th
we are blessed with the train
traffic that we have now. Many
trains are already traveling over
30 miles an hour & many also are
rounding their horns as loudly & as
continuously as they can. All construction
must stop as they go by.

Louv: I think we should be safe not only
for traffic & pedestrians but in the
event of derailment or chemical spillage
would contain the bulk of the hazard.

We need the trains but Union Pacific
should not have that much power over us.
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Handwritten Name]

Here are my comments regarding the Preliminary Mitigation Plan issued September 15th:

[Handwritten Comments]

Signed

Street: 395 Main St
City: [Handwritten City]
State: [Handwritten State]
Zip: [Handwritten Zip]
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Signature] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Surely it is in the best interest of all the affected areas to address the concerns of those directly impacted by the train traffic. It seems unfair to expect those directly affected to bear the brunt of the costs while those indirectly benefited (such as the railroad) escape these responsibilities. It is important that the impact study be done properly before any changes are made, as any changes are subject to environmental review.

Signature [Signature]

Street 1022
City Reno State NV Zip 89507
STB: My name is...

Please complete and return this coupon to the
Secretary, Plant Data, 2776, 1935 K Street, N.W.,
Washington, D.C.

CENTRAL ADMINISTRATIVE UNIT

DO NOT RUSH:

Please limit the Preliminary Migration Plan

To the Preliminary Migration Plan

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Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study:

Name: Kevin Weber Phone/Fax 851-1765
Organization & Title (if applicable):
Address: 1716 Commerce Necon Ct.
City/State/Zip: Reno, Nevada 89511

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423, Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

1. How fast do the trains currently run through town when traveling at a safe speed? (Not the posted or regulated speed)

2. How long does it take to stop a train traveling at 10 mph? 20 mph? 30 mph?

3. Does a train traveling at a higher rate of speed actually burn more fuel or emit less fuel or emissions?

4. Why is there so much opposition to lowering the tracks? Yes it appears to be expensive, but I would think that the efficiency and reduced liability would return more profits than leaving the tracks above ground.

(If necessary please continue your comments on the other side)
Dear Ms. Kaiser:

We are in total shock from the Reno railroad report. Doesn't the STB realize Reno is a modern, thriving city? Reno is a hub for over 350,000 people who live and work in the area. The railroad absolutely bisects the downtown core. Whenever there is a train in town, travel and commerce comes to a halt. It's not like we can predict when a train comes through, either. If we have an appointment, or an emergency, and a train is rumbling through, blocking our way, there's no alternative. You just sit and steam for ten minutes.

Reno has lived with trains for well over a century. But now there's a major change at hand. A doubling of rail traffic will certainly deal a major blow to the local economy. Businesses will close. Tourism, our life and blood, will deteriorate. Emergency services will not be able to reach fires and accident victims. Our two primary hospitals are on the same side of the tracks! What if there is a derailment in town, due to an earthquake? Reno will be split in two. Think of the consequences. Also imagine the increased pollution from idling cars and more trains. Reno sits in a valley where pollutants hang in a cloud. We can't afford to not meet federal pollution standards anymore. Increased rail traffic and increased train length will only exacerbate this problem.
Please, carefully evaluate the short-sightedness of the STB report. Come to Reno, see what we face, and you will understand the need to place the tracks underground.

Sincerely,

Richard T. Wendel
13875 Virginia Foothills Drive
Reno, NV  89511
(702) 852 7210
Dear STB:

It is my understanding that you recommended that the trains running through Reno be speeded up to 30 mph. Excellent plan. I'm sure that you took into account that the casinos decided by themselves to build next to the railroad tracks and Reno management said go ahead.

The speed limit in Reno school zones is 15 mph. It is difficult to get your car to creep that slow. Expecting a train to creep under 20 mph was dumb. Of course we now hear from Reno management that at 30 mph we have high speed trains racing through Reno. That is really stretching it.

Reno does have a major downtown problem, but it is not the trains. The railroad has been a good neighbor.

The problem downtown is the bums and the panhandlers that consistently harass and abuse the tourists by asking for money. (These people are not to be confused with true homeless people that deserve help.) These bums do this intentionally for a living. They are a major problem for Reno and the casinos.

The worse part of this is that Reno city management refuses to address this primary problem. Instead they spend their time trying to shakedown the railroad for 100 million dollars.

I don't see any logic to this. Lowering the tracks doesn't fix or change anything, and it doesn't address Reno's primary problem.

In any case, you did a good job and I believe there is citizen support for your position. There is rarely any support for Reno management, it is usually disgust.

I'm not affiliated with anybody and do not know one person that works for a railroad.

Sincerely,

Phillip J Wendt
Dear Ms. Kaiser:

Yesterday my nine-year-old son and I sat in our car at a rail crossing in downtown Reno and counted the train cars as they rumbled past. I used the time to tell my son about the small, railroad track-crossed town near Chicago where I spent my own childhood. My brothers and sisters and I used to leave pennies to be flattened on the tracks. We used to wave and smile at the men in the caboose at the end of freight trains. And we used to walk “uptown” every night to watch in great anticipation as our father’s head of flaming red hair, bobbing high above a sea of commuters, headed toward us for hugs and the walk home. The train passed. My son and I went on our way to his violin lesson.

Not all time spent waiting for passing trains is so idyllic here in Reno. A moment’s reflection for one of the 18 or so trains which currently pass through our town can be pleasant. Time spent at the crossings for the proposed 30+ trains per day would be both dangerous and environmentally disastrous. What if my son - or anyone’s son - had been injured and we were on way to the hospital? (Both local hospitals are a short distance from our home - but both are across the tracks.) The environmental impact of increased rail traffic are equally as worrisome. Our valley is small and already our air quality is poor, especially in winter. Car engines must not be forced to idle for hours a day at the tracks. Our lands and our health will suffer.

Our family has tried to keep abreast of recent proposals to double train traffic and allow train speeds to increase from 20 to 30 miles per hour. As a parent and close-by resident of “downtown,” please allow me to register vehement opposition to increased train traffic or speed. The air space created over a “trench” of tracks through the downtown area can - and most likely will - be sold to the gaming industry for additional casino footage. Increased train traffic will allow Union Pacific to increase revenues by up to three quarters of a billion dollars each year. These two sources of additional income should not only cover the costs of lowering the train tracks, these funds should also ensure that the project is aesthetically pleasing to our downtown area.

In your agency’s attempts to resolve this issue, please try to use some simple common sense. Those who would benefit from increased rail traffic should ensure that neither lives nor health nor safety or citizens are diminished.

Thank you for your continued efforts on these matters of great importance to all of us here in Reno.

Sincerely,

Patricia J. White
830 Crocker Way
Reno, Nevada 89509
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study:

Name: Billy Wiggins
Organization & Title (if applicable): Tyson Sup't - Omboli Interiors
Address: 
City/State/Zip: 

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423, Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

I work in the downtown area quite often and have had to wait at railroad crossings many times. I am very concerned about the possible delays this may cause the various emergency vehicles. Furthermore, I think this entire proposed project should be paid for by the railroad, not taxpayer money.

CENTRAL ADMINISTRATIVE UNIT
REC'D: OCT 14, 1997
DOCUMENT # 10-110-97 4:30:30pm
F0#337160 RL04

(IF necessary please continue your comments on the other side)
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is **Mark Wiles** and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The trains should run underground and Union Pacific should pay most of the cost. They should charge shippers a surcharge for a Reno underpass.

Signature: **Mark Wiles**
Street: 2175 Sierra Highlands
City: Reno State: **NV** Zip: 89523
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Marty Williams] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

The plan is meaningless.
I would say you all have the solution - depress the trains. So you need to negotiate the money get on with it step by step.

[Signature: Marty Williams]

Street: 6067 Ambassador St.
City: [520] State: Zip: 837

1031
Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name Christopher Wong
Phone/Fax 706-2117
Organization & Title (if applicable) —
Address 40 Arbor Oak Ct.
City/State/Zip Reno, NV 89509

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423. Attention: Elaine Kaiser, Chief, Section of Environmental Analysis.

While no-one seems to doubt the fact that the rail merger will increase traffic through the downtown area of Reno, and that this increase is basically unavoidable, the real issue for most Reno residents is how to deal with the problems this creates. The obvious solution is to re-route the trains, either around the city, or under the major streets. There has been much bickering about the cost of this and about who should carry the burden of the costs. Personally, I think that right now, we, the residents of Reno, are carrying the burden. 

(if necessary, please continue your comments on the other side)
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Raymond W. W., and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

Help!

Signature: Raymond W. Wittkop
Street: 115 Sherman Dr
City: Reno, State, Zip 89509
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is [Signature] and these are my comments regarding the Preliminary Mitigation Plan issued September 15th. Since the railroad cuts through the town and affects the north-south traffic, I believe this will affect the town greatly. Intermingling hazards need to be considered.

The present setup could cause a major calamity to the Truckee River—our water source—and the safety of the people. An environmental impact study should be required and made public.

Signature: [Signature]
Street: 2781 Riviera St.
City: Reno, State: NV, Zip: 89509
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Kaylene Wood and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

1. Use alternate routes for emergency vehicles or have stations for them in downtown.
2. When you have events, you close down the streets, see what if your bitch, if you have caused trauma, so you can raise our taxes.
3. I am tired of you wasting our taxes on repaving roads, filling up the list of work I have done or do so that you can raise taxes.

Signature
Street
City
State
Zip
Please complete and return this pre-paid public response card to the Surface Transportation Board. Thank you.

STB: My name is Clinton Wooster and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

NO ENVIRONMENTAL IMPACT STATEMENT
UP NOT PAYING FAIR SHARE

Signature

Clinton Wooster
Street 1320 Glen Ewe St.
City Reno, State NV Zip 89502
George Wolobey

Reno Resident

4620 Soldi Ct

Reno, NV 89502-6234

I George Wolobey prefer a tunnel to a trench.

(Central Administrative Unit)

REC'D: Oct 14, 1997

DOCUMENT # 10-16-97 11:37:58am

#32760 RL-04

(If necessary, please continue your comments on the reverse side.)
Comment Sheet
UP/SP Merger
Reno Mitigation Study

Please use this page to submit your comments about the Reno Mitigation Study. Please be as specific and concise as possible. Identify page numbers where applicable. We thank you for your interest in the UP/SP Merger Reno Mitigation Study.

Name: George Worby
Phone/Fax: 702-827-2673

Organization & Title (if applicable): 

Address: 4620 Soroi Court
City/State/Zip: Reno, Nevada 89502-6234

Please mail completed comment sheet to: Office of the Secretary, Surface Transportation Board, Finance Docket 32760, 1925 K Street, NW, Room 700 Washington, DC, 20423, Attention: Elaine Kaiser, Chief, Section of Environmental Analysts.

Dear Ms. Kaiser:

I am a long time resident of Reno, Nevada and I much prefer the transcontinental railway in a tunnel rather than a trench. I have been at this concept for seven years. I've talked to all kinds of people in all walks of life, and most prefer a tunnel for the train. I know the cost would be five fold for a tunnel, but much more pleasing for Reno and all concerned.

Please take my suggestion under consideration. This tunnel would create long term well paying jobs for all.

Sincerely,

[Signature]

(If necessary please continue your comments on the other side)
Dear Ms. Kaiser,

My wife and I are long-time residents of Reno. My wife has lived her entire life here. We have both seen many changes to this city some good, some bad. At this time, we both view the merger of Union Pacific Railroad and Southern Pacific Railroad as being probably more good than bad for this city. We are not employee of either railroad. We would only like to share our opinion of the impact of this merger on the city of Reno.

What we are seeing is an attempt to remedy something that this city has never seen fit to address for as long as Reno has existed. It’s funny that Reno became Reno about the same time as the railroad came through here. Reno’s and the railroad’s history in this region are closely tied. An attempt to place the tracks in a tunnel or trench was made back in the mid-1970’s following an explosion of weapons in the freight yard in Roseville, CA. That train had passed through here earlier on its way from Hawthorne Ammunition Depot to the port in Oakland. That incident was not enough to get the city and its citizens to do something with the tracks. That could have been a real problem if it had happened here.

We view this current “problem” as being an attempt to extort money from non-citizens to correct a problem that no one in city government has ever had the ability or gumption to approach before. The railroad did not create the problem. The City of Reno has allowed anyone who wanted to do so to build adjacent to the tracks. Now these same people want relief from the noise, pollution, harm, or whatever the railroad has always been doing in this town. This is a casino problem. If the railroad was hauling passengers and not freight through the city, the powers that be would be jumping up and down with joy. Amtrak does run through here but it really doesn’t bring many people to the gambling tables. The city has forgotten that the railroads bring a lot of goods to our other local industry, warehousing. Apparently the warehouse industry does not have the ear of our local government.

My wife works downtown. She is an employee of Washoe County and works at the courthouse. Our home is on the other side of the tracks from her work. Each working day, we cross the railroad tracks a minimum of six times. During each week, we may have to
wait one or two times for a train to clear a grade crossing. The longest delay we have had for a “real” train was slightly more than three minutes. The actual longest delay was a “phantom” train that the city council and Mayor presented to us more than a year ago. That train lasted for eight and a half minutes. It only existed in the minds of our elected leaders, but we were prevented from crossing tracks during our “rush” hour. That action took a lot of heat and only showed us how silly our city government is and the fear they are trying to create in the minds of the citizenry.

If the City of Reno was truly concerned about public safety as they are claiming to be, it seems to me that first they should fully fund the fire department and the police department as budgeted by the fire chief and the chief of police. We haven’t had a fully funded police department in many years, yet this merger is a threat to our public safety. More smokescreen and rhetoric. The city of Reno has hospital facilities on both sides of the tracks. We have fire stations on both sides of the tracks. We have police officers assigned to both sides of the tracks. We have ambulances scattered all over the city. Where is the threat to public safety?

I feel that the Union Pacific Railroad has made a more than generous offer to mitigate the impact of this merger. The tracks should have been moved from their present location many, many years ago. Due to the uncontrolled and unplanned growth in this area during the past ten to twenty years, there is really no place remaining for the tracks to be placed that wouldn’t create a much larger and costlier mess than what is presently being sold to the Reno citizenry. Most Renoites are never inconvenienced in any way by the tracks. A lot of new-comers to Reno don’t even know that there is a railroad going through Reno. The track issue is a downtown issue. No one lives downtown anymore. Only the tourists inhabit that region during the weekends. As I said, this is a casino issue. If they feel this situation needs to be remedied, let them find the solution, let them find a way to get the taxpayers to pay for it and leave the railroads alone. If the people of Reno have to do something about the tracks, it won’t happen. The tracks impact the casinos not the average citizen in Reno.

The railroads have offered to assist in design and direction to the City of Reno to alleviate this problem. I find that offer more than generous. The city wants much more than that and are acting like spoiled children who have just been told that they can’t have everything their way. I know of no one who feels that this is an issue worth caring about. I have offered this issue as a topic of discussion several times recently during gatherings of friends and family. I am amazed that no one has ventured a statement in support for the City of Reno’s position. This dog won’t hunt.
I hope that only the real issues of this merger are considered. The merger is good for the Country. The merger insured that existing service will not be degraded or costlier. If the City fathers of Reno weren’t beholden to the casinos, this wouldn’t even be an issue. There is nothing on this planet that can move materials and goods across the Western Deserts as well as can a train. Airplanes can’t haul the volume, trucks can’t move the volume, we don’t have rivers for barges to operate upon. We have the railroad, and we need the railroad. Thousands of jobs were saved because of the merger. Southern Pacific was not going to survive. Union Pacific shouldn’t be required to do anything more than take on the task of providing continued service to this region. This merger is not harming Reno, this merger is guaranteeing that this region will remain economically healthy. Without a healthy economy, the casinos would really be in a pickle. Only because of the health of our economy, supported in part by the railroad, do we have tourists coming to Reno. The City of Reno cannot see the forest for the trees. To penalize the railroad for the City’s lack of planning and foresight isn’t right.

Reno will survive. Our casino industry may not survive, but that will only be due to their lack of imagination. Our casino industry does provide lots of low-paying jobs to lots of people. Reno, unlike Las Vegas, is no longer totally dependent upon gaming and entertainment. It’s too bad that our city fathers cannot see that.

I thank you for the opportunity to express my opinion on this matter. This issue has certainly displayed the lack of leadership and direction Reno’s elected, hired and appointed officials possess. We really are living up to our motto of being “The Biggest Little City in the World. Our current city administration has created this problem, its the best they could do.

Respectfully Submitted,

John & Pat Wright
5255 Eisan Avenue
Reno, NV 89506
702-329-7172
To the STB.

My name is Jeffrey Wyman, I am a lifetime resident of Reno, Nevada. I am writing this letter because I am very concerned about the railroad impact on Reno, and your Mitigation plan.

1. I would like to know how someone could suggest increasing the speed of the trains as an answer to the problem, this is outrageous, to make a dangerous situation even more dangerous.

2. I have heard very little talk about the noise pollution created by the trains, the Reno Truckee Meadows has somewhat of a bowl effect between the mountains, and much of the path the train takes throw Reno is near residential homes, and when this plain gets up to full speed we will have a train on an average of every 45 minutes, and the engine and obnoxious train whistle carries 2 and 3 miles from the track, and we would be enduring this 24 hours a day, even know you can hear the whistle at four in the morning.

3. We must have an Environmental Impact Statement to see the real effect on our community, Reno is a beautiful place to live, it is not some industrial zone.

Your thoughtful consideration on this matter would be greatly appreciated.

Signature,

Jeffrey Wyman
PO Box 33323
Reno NV 89533
STB: My name is _Larry Kenko_ and these are my comments regarding the Preliminary Mitigation Plan issued September 15th.

How obvious can you people get. You are jeopardizing my health & safety, my children's health & safety so that a railroad merger can make more money. Do people count any more? Don't allow trains to travel 30 mph in the city. Do not allow 32 trains/day in the city. Do not construct underground tracks on my property.

Signature

Street: 108 Appleton Ct.
City: Reno  State: NV Zip:  89504
Dear Ms. Kaiser,

That the railroad tracks through Reno should be depressed seems to me to speak for itself. Running more trains at higher speeds as a solution begs for depression of the right of way.

My father, "a railroad engineer", stressed how long it took to stop a train. The safety issue alone should be reason enough to depress the tracks, but the fire, police and environmental issues make this project absolutely mandatory.

Sincerely,

Donald G. Zundel, D.D.S.

DGZ/jm
APPEARANCES

FOR THE SURFACE TRANSPORTATION BOARD:

HAROLD McNULTY
Study Director

FOR PUBLIC AFFAIRS MANAGEMENT:

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President

OLIVIA PERREAULT
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DAVID J. MANSEN
Transportation/Transit Planning Manager

WINN FRANK
Project Director

GUL SHEARIN, Ph.D.
Principal Transportation Planner
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MS. WILSON: Good afternoon, everyone. Thank you for coming, and we’re going to get started with our agenda, and I’ll turn it over to Harold McNulty with the Surface Transportation Board, Section of Environmental Analysis.

MR. McNULTY: Good afternoon ladies and gentlemen. Thank you all for coming today, and I think we’re going to have a good session here today and hopefully get some good comments that we can use in our deliberations to prepare the Final Mitigation Plan.

The purpose of the study that we’re doing is to identify --

FROM THE AUDIENCE: Can’t hear.

MR. McNULTY: Now can you hear? How about now? Is that better?

I’m sorry. I’ll start over again.

Good afternoon, everybody, and thanks for coming. The purpose of this study that we’re doing for this occasion is an environmental analysis of the impacts of the additional train traffic which will be coming through Reno as a result of the Union Pacific/Southern Pacific merger. We are to identify the actions to reduce or eliminate
potential environmental impacts from that traffic. And we also are here to encourage negotiations to address existing train conditions.

Specifically the study deals only with the increased traffic related to the merger. That’s a projected 11.3 trains daily within a five-year period.

A little background of the study. On November 30th, 1995, Union Pacific and the Southern Pacific applied to the then Interstate Commerce Commission for permission to merge.

On April 12th, 1996, the new Surface Transportation Board, which took the place of the Interstate Commerce Commission, released an environmental assessment for public comment.

On August 12th, 1996, the Surface Transportation Board approved a merger with conditions and directed the Section of Environmental Analysis to conduct an 18-month study of Reno for the purpose of determining what additional environmental mitigation conditions should be imposed.

On September 16th of this year, we released the Preliminary Mitigation Plan which is the subject of today’s meeting.

All of the recommendations that we have made in that preliminary plan are just that, they are preliminary.
We will be considering the comments here today, the written
comments that will be filed by October 16th, and preparing
the Final Mitigation Plan, and in turn that plan will be put
out for further public comment. At the end of that time the
recommendations as modified by the further public comment
will be forwarded to the Surface Transportation Board for
them to make a decision probably in late February, early
March.

Surface Transportation Board has the authority
to impose conditions on railroad mergers, but that authority
is not limitless. We have authority only over the railroad
that has been licensed to do something, in this case merge.
Our conditions must be reasonable, and we can mitigate only
those conditions, physical, environmental conditions which
result from the merger.

The main decision, decision number 44, the
Board specifically stated that the mitigation study would
not address preexisting conditions associated with hotels
and businesses adjacent to the rail line here in Reno.

In a later decision, number 71, the Board
clarified that there would be two types of mitigation
considered: Tier one is mitigation which is mandated by the
Board and is fully funded by the Union Pacific; Tier 2 is a
more far reaching kind of mitigation and one which requires
voluntary agreements and joint funding by the railroad and
other parties who have an interest in whatever project is being negotiated.

These parameters established by the Board guided the preparation of the Preliminary Mitigation Plan, and we will be discussing this in more detail throughout the presentation.

At this time I’ll turn the meeting over to Ms. Kay Wilson who will be conducting the meeting from here on.

MS. WILSON: Thank you. I’d like to just take a minute and introduce the study panel that is here.

This is Dave Mansen. He’s the project manager for the independent third party contractor.

Olivia Perreault, a member of the project team; Steve Shearin, who is an engineer on the project team; Winn Frank, who is a project director.

And I’m Kay Wilson, and I’m going to be serving as the moderator tonight, this afternoon.

And I wanted to just start off by mentioning the public and agency input process that has contributed to the development of the Preliminary Mitigation Plan. The plan has been developed with a lot of input on key issues and topics to be studied, key items of community interest. Some of the key agencies that have been involved include the City of Reno, Washoe County, the Nevada Public Service Commission, the Department of Transportation, the Federal
Railroad Administration, the U.S. Fish and Wildlife Service.

We had public meetings here in February. Maybe some of you participated in those. We got some good input at those meetings about issues to be studied in the Preliminary Mitigation Plan.

The Section of Environmental Analysis did form a Reno mitigation task force that had 19 members on it that worked throughout the study. It consisted of state, local and county representatives, people from the business and casino interests, the Union Pacific Railroad, and other citizens representing environmental and residential interests. That group has worked over the past year offering input on items to be examined in the study, and I'd just like to say now we appreciate all the effort that that group of people have put into this process.

Today is our opportunity for additional public comments. We're having our meeting today and also one this evening, which will be the exact same form and format.

Mac I believe briefly summarized this, so I'll just go over the high points. Emphasize, the plan is preliminary. You have until October 16th to submit written comments. Materials that you have received at the door supply the address for that. And then there will be a Final Mitigation Plan, another public comment period, and the Board is scheduled to make its decision in February or mid
Today what we really want to focus on is comments on the Preliminary Mitigation Plan. And when we get to the public input session of the meeting, these are some of the things that you might want to comment on. Are there mitigation options in the plan that you support. Are there mitigation options, other mitigation options that you would suggest? Have the key issues been addressed in the Preliminary Mitigation Plan? You may have other ideas you want to bring up about the plan. But those are just some suggestions.

We do have a full meeting planned. We will be following the agenda that you received at the door.

When I'm done here there will be an approximate 20 minute presentation by Mr. Mansen. I would ask that you hold your questions during that time, and then the rest of the meeting will be devoted to your comments. We will, when we get to the public comment portion of the meeting, we will call on elected officials first, followed by the Union Pacific, and then followed by public comments.

I received over 40 cards, yellow cards. If you want to speak, we will take cards throughout the meeting. Please just hold up your hand, and we have a couple of staff people roaming about that will be glad to collect them.

I'm going to see how many cards we have when we
start the public comment period, and then we'll figure out what we can do about time. It looks like we have a lot of people that want to speak. So we'll take a look at that when we get to that stage of the meeting.

I would just ask that let you know that we will call you up based on the order that the cards are received, and we'll take one person at a time, and if you can just limit your side conversation so that we can listen to everybody, that would be a great help.

We do have a court reporter here today. So all the comments are being put into a transcript.

Also we have provided you with a written comment sheet. Some people prefer to submit written comments rather than verbal testimony. This is in your materials, and we're happy to take those today, or you may send them in.

So with that, I'll turn it over to Dave.

MR. MANSEN: Thank you, Kay.

The assignment of the Surface Transportation, Section of Environmental Analysis, was to take a hard look at the effects of the increased train traffic as a result of the merger between Union Pacific and Southern Pacific, a focus study on the effects of that merger and the increased train traffic in the City of Reno.

We have done a Preliminary Mitigation Plan. I
imagine many of you have a copy of this. I also would like
to spend a few minutes today to try and give you a quick
summary of the more relevant points in that Preliminary
Mitigation Plan.

As I said, our assignment was to look at the
increased train traffic. We asked that projections of
increased train traffic be provided and were provided as a
part of the application to the Surface Transportation Board
from the Union Pacific, and they actually evaluated how many
freight cars would be traveling through the entire system,
34,000 mile system, and flowed those various freight cars
through the system and then put them into train components,
and then identified how many of those trips were through
Reno, train trips.

This chart here has those numbers on it. In
1995, there were 13.8 trips of freight trains coming through
Reno. In the year 2000, that number is projected to be
25.1. That's an increase in freight train traffic through
Reno of 11.3 freight trains per day.

And that was -- that is the increase that we
needed to look at in this study, the effects of those
additional 11.3 trains on Reno. That's 7.3 trains, as you
see, of Union Pacific trains and an estimated four trains
from Burlington Northern, which has trackage rights through
the City of Reno under the merger.
If you want to follow these overheads, they are in your packets. As has been reported, the Preliminary Mitigation Plan recommends that the trains be, basically from Keystone Avenue almost to Sage Avenue almost to the Sparks yard, be increased from 20 miles an hour to 30 miles an hour, and I want to go through that with you as well as the other mitigation options that we studied as a part of this mitigation plan.

We came out to the City of Reno during the early part of February when additional trains were being run through the City of Reno as a result of the flood on the Feather River route, and we studied for seven days, 24 hours a day, the effects of the freight train traffic through the City of Reno. During that week the average number of trains was 20 freight trains per day.

We looked at the relationship between those freight trains, the amount of time that the gates are down at the various crossings, the traffic on the streets, and determined what the relationships were so that we could evaluate the effects of 12.7 trains, the pre-merger level, and of trains, the post-merger level. Then we calculated those effects. In particular, let me start with the effects on traffic delay on 13 crossings and 16 crossings in the City of Reno.

Under the pre-merger conditions, there were 189
hours of delay as a result of the 12.7 trains. That one hour of delay essentially is one vehicle delayed for two minutes -- or I'm sorry -- is 30 vehicles delayed for two minutes or 60 vehicles delayed for one minute, etcetera.

So under pre-merger conditions, it is 189 hours of delay at these crossings. With no mitigation the projected delay is 373 hours.

With increased train speeds from 20 to 30 miles an hour, actually our calculation assumed a speed of 27.5 miles per hour, the increase is 154, or the delay is 154 hours. That actually is below pre-merger levels in terms of traffic delay. 35 hours less than pre-merger levels. It is 219 hours less than the levels that you would have if there were no mitigation.

We also noted that by doing this reduction in traffic delay, there was a reduction in vehicle emissions, idling at these crossings, and the advantage of the increased train speed is it mitigates at more than one location these delays. Unlike grade separations, you get mitigation at 13 crossings in the city, including some of the crossings that would be infeasible in terms of grade separation, such as in the immediate downtown area of Virginia, Center and Sierra Streets.

The Section of Environmental Analysis is proposing that Union Pacific be required to operate at 30
miles an hour through this area that I'm talking about.

I should note that there is a federal requirement from the Federal Railroad Administration that the warning that is provided for these trains coming be at a minimum 20 seconds. So there has to be at least a 20 second warning regardless of train speed at every one of these crossings. Current practice right now at the crossings is a bit more than 20 seconds.

We understand there is a concern about the safety effects of this increased train speed, and we have included in this Preliminary Mitigation Plan several proposed mitigations that we feel address those safety concerns.

Additionally, we did take a look at grade separations. We looked at all crossings to determine which crossings may make sense for grade separations. In some case they appear to be infeasible as a result of major land uses along the streets. In some cases traffic levels were fairly low. We ultimately selected seven locations and designed, conceptually designed grade separations for those seven locations.

The property impacts are provided on this table up here, also in your handout. The grade separations do have property impacts in terms of full property takes, in terms of partial property takes, and even in terms of
long-term impaired access for those businesses alongside the grade separations. But we did not recommend grade separations because we identified that increased train speeds actually was more effective in reducing the impacts than the grade separations were, and the separations had adverse property impacts.

For example, one of the grade separations we looked at was at Keystone. If you were to put a grade separation in there, it would result in a reduction of 79 hours in traffic delay, which is about one-third of the reduction that we get from the increased train speeds. And you can see over in the right column here the property impacts associated with each of these possible grade separations. For example, Keystone would have 23 property impacts.

Additionally, we looked at the depressed trainway as an alternative. The depressed trainway effectively mitigates the impacts of the merger. There is no question about that. It also, however, effectively mitigates the impacts of pre-merger conditions.

So it goes beyond mitigating just the 11.3 trains, and for that reason we are not proposing to require Union Pacific to pay for the entire grade separation because it goes beyond the action that’s before the Surface Transportation Board, specifically the merger.
We strongly encourage, as was said earlier, a negotiated agreement for what has been stated to be the preferred alternative by the city of Reno for the depressed trainway.

Early in the process we talked about two other alternatives, an I-80 bypass. That is well beyond the jurisdiction of the Board to impose at this point and would require additional environmental work to be done.

And the other option that we discussed briefly was an elevated trainway through downtown Reno, and the downtown business association opposed that particular alternative saying that it would visually split and physically split the downtown. There was concern about hazardous material spills and possible derailments and so on. So we did not propose either the I-80 bypass or the elevated railway.

For purposes of evaluation we looked at 11 subject areas in the mitigation plan, and I want to go through those briefly. The purpose today is to hear you. So let me try and do that quickly so you can hear what we discovered for each of these impact areas.

I have talked briefly about traffic delay. Pre-merger level, 189 hours; post-merger level, 373 hours.

The average delay pre-merger for a vehicle is 1.98 minutes, for pre-merger conditions. The average delay
for one vehicle post-merger is a little over two minutes, 2.01 minutes. That delay actually is decreased to 1.27 minutes with the increased train speed mitigation measure, and that’s a per vehicle wait time there.

So you have two minutes with the pre-merger, two minutes per vehicle post-merger. With increased train speeds, one and a quarter minutes. The 30 mile-an-hour proposal is reasonable for the downtown Reno area.

Concern has been expressed about safety, and we looked at that in a number of different ways. Pedestrian safety is a concern. There have been four fatalities including the recent one and two injuries in Reno over the past 25 years.

We recognize and it’s been explained to us there are a number of major, significant, downtown events with pedestrians. We are therefore proposing in this Preliminary Mitigation Plan that pedestrian grade separations be provided at two of the heaviest pedestrian streets in the City of Reno, one at Virginia Street and one at Sierra Street. When we were here during the week of the train survey, 90 percent of the pedestrians who were blocked by the train were at those two streets.

We’re also proposing a training program for downtown employees, and I would again remind you that there is a 20 second warning not only for vehicles but for
pedestrians at any train speed. There is existing fencing also along the right-of-way.

Emergency vehicle access. Obviously, health and safety is a critical concern to us. There are emergency facilities on both sides of the track today. We did take a careful look at it.

The total gate down time, the time that the gate is down for the 16 crossings and for each crossing will increase under the merger. The average gate down time per train for both pre-merger and post-merger levels per train is 3.4 minutes.

With increased train speeds, the average gate down time would be 2.28 minutes. And I want to relate that to the entire time of a 24-hour period. If you look at — and let me give you the pre-merger and the post-merger statistics here.

The total gate down time at any one location, any one crossing in the City of Reno under the pre-merger conditions, not mitigated, represents about three percent of the course of an entire day. So three percent of the time the gate will be down at any given crossing under the pre-merger conditions.

Under the post-merger conditions with 24 trains, that percentage increases to 3.8 percent. So we are talking about a .8 percent increase in the amount of time
that the gate is down at any one location with the increased train speed.

We're also proposing that video displays be provided in the emergency center at the location to be selected by the city of Reno to show a location of a train anywhere in the City of Reno, which gates are down, which gates will soon be down, train location display as well as cameras and video monitors in the same location so that the dispatchers can see the condition of the right-of-way in the City of Reno.

In terms of accident rates, we used the Federal Railroad Administration accident rate formula, and the average accident rate for pre-merger levels is about one accident every 15 months. The average accident rate post-merger is about one accident every 13 months.

Based on a national study that was done, 15 percent of the accidents that occurred were from people driving around gates doing a little S curve, driving into the oncoming lane, going around the gates, and we are proposing in this preliminary plan to install what are called four quadrant gates. Right now the gates block the through traffic lanes. We're proposing to put gates on the other side so that people cannot drive around those, around the gates. And if we assume that that was in fact a 15 percent deduction in the accident rates, then we would be at
about one accident every 14 months. We’re proposing these
four quadrant gates at nine locations in the City of Reno.

Again we’re proposing student training as well
as training of downtown employees with regard to safety.

The Federal Railroad Administration is
currently conducting an investigation of the Union Pacific
safety practices as a result of the recent accidents that
have occurred throughout the Union Pacific system, and that
study to our knowledge is not out on the street yet but is
obviously a concern on the part of the part of the Federal
Railroad Administration. We have met with them. We intend
to take a hard look at what their findings are and see to
what extent those findings should be incorporated into our
Final Mitigation Plan.

The amount of hazardous materials that would be
coming through Reno would increase as a result of the
increased train traffic. We took a look at the possible
effects of that increased hazardous waste on the Truckee
River, which is a major surface water supply for the City of
Reno.

Eighty percent of the water supplied in the
City of Reno is from surface water. The Truckee River is
115 miles long, and 25 miles of that 115 miles is within 200
feet of the rail line. We used that and several other
national statistics and other studies and local conditions
to calculate the likelihood of possible derailments, possible contamination to the Truckee River, and we put those results in the Preliminary Mitigation Plan.

We have met with the United States Fish and Wildlife Service. They have asked us to take a look at that in a different context, and we are therefore complying with their request and will continue our informal consultation with the U.S. Fish and Wildlife Service.

As a part of the original decision to merge the Union Pacific and the Southern Pacific Railroads, a number of what are called systemwide mitigations were required of the merger, and I’m going to go through those. Those obviously applied not only -- those apply to the 34,000 mile system and therefore apply to the City of Reno.

There is a requirement for increased train inspections. There is a requirement that various portions of the track be upgraded in terms of its quality, particularly along some curves. There is a requirement for a new hazardous materials response plan. And a requirement that local personnel be located and the person responsible for safety actually now lives in the City of Reno.

We’re also proposing to continue this discussion, the establishment of a community advisory committee made up of Union Pacific and citizens representatives from the City of Reno and other interests to
discuss hazardous materials, and for that matter, other
issues that may be related to the merger. As I said
earlier, we are awaiting the final report from the Federal
Railroad Administration regarding UP safety practices.

Train operations, Union Pacific and Southern
Pacific for a period of time added helper engines,
additional locomotives to the trains to push them over the
pass, somewhere out in the Woodland Avenue area, and because
of that have blocked the access to Woodland Avenue for
extended periods of time. That practice has discontinued
now, and we are proposing that we include in the mitigation
that it not be reinstituted, that it be continued.

Native American issues, we sent letters to the
three local tribes requesting an opportunity to consult with
them. We had an opportunity to meet with Chairman Melendez
from the Reno-Sparks Indian Colony and had an opportunity -
and they are listed on your sheet here - to discuss the
issues that the Native Americans felt were critical from
their standpoint and in many cases were quite similar to the
issues that had been raised by the City of Reno.

Biological resources, there are some endangered
and threatened species in the Truckee River. The Lahontan
Cutthroat Trout and the Cui-ui fish, and obviously, we need
to take a look what possible effects the merger would have
on those. That is the work we’re doing now with the U.S.
Fish and Wildlife Service.

Again, the systemwide mitigations were imposed in Decision 34. That I discussed earlier.

We’re also proposing in the way of to prevent, to add preventative measures proposing some mitigations for train detection problems, and the two devices we’re proposing is a hot box detector which essentially says there is an axle that is too hot, and it then notifies the dispatcher or the engineer that this condition exists, and the engineer will stop the train.

The other detector is called a high wide shifted load detector. It basically is an envelope around a train to see if there is something that has shifted that could potentially fall off, which has happened in the past, and create a dangerous situation.

Again we’re proposing this community advisory committee.

In terms of noise levels, we took measurements the week that we were out here during the train survey week, and there will be no increase in train noise above the criterion that was established by the Surface Transportation Board, and that criterion is three dBA LDN, three decibels over a 24-hour period. There will, however, be some additional properties that fall within the 65 dBA contour, which is another criterion, and we have pointed out that
there will be 40 additional receptors in that fan including 27 hotels.

Possible mitigation for noise include the depressed trainway, quiet zones, which is something of a term of art that is under study right now by the Federal Railroad Administration. There is a federal law requiring that horns be blown. Part of that law says please establish regulations for quiet zones, and once those regulations are passed, there is potential they can be applied to the City of Reno.

Additionally, there is an experimental technology called directional horns which places the horns immediately adjacent to the crossing rather than on the locomotive.

Vibration, we will not exceed cosmetic or building damage criteria.

Air quality, we mentioned earlier that the emissions from idling vehicles is actually reduced to below pre-merger levels. There still will be emissions from the locomotives, and we have listed what the emissions would be from the 24 trains, which includes the pre-merger and post-merger, including 37 tons of VOCs, that is about one quarter of one percent of the county inventory, 832 tons of Nox, which is three percent of the county inventory, 5.6 tons of particulate matter, which is one-seventh of one
percent of the Truckee Meadows inventory, and 48.5 tons of carbon monoxide, which is one-twelfth of one percent of the county inventory. That by the way is for 24 trains which includes both the pre-merger and the post-merger level.

Again as part of the Decision 44 there were systemwide mitigations imposed on the railroad for mitigating air emissions including different operating practices, as well as use of the South Coast Air Quality Management District requirements for smoke detection.

In summary, we have preliminarily proposed 17 mitigation measures to be funded solely by Union Pacific: capital improvements, operating improvements to operate the trains at 30 miles an hour; train location, color video monitors, color monitors on the right-of-way; discontinued use of the helper locomotives; four quadrant gates at nine locations; enhanced rail safety programs; pedestrian crossings, grade separations at Virginia and Sierra Streets; electronic warning signs also at these pedestrian crossings to warn pedestrians, give them information about the trains; historic and prehistoric surveys should any underground construction occur, whether that be a depressed trainway or whether that be a pedestrian undercrossings; consultation with Native Americans regarding these subsurface constructions; installation of train problem detection equipment, about three miles west of the City of Reno at
mile post 240; establishment of a community advisory
committee; and then certification from the Union Pacific
that these have been complied with, as well as quarterly
reports to the Surface Transportation Board and to the City
of Reno and Washoe County.

Joint participation options - I have mentioned
some of them - depressed trainway, rail highway grade
separations, elevated railway, I-80 bypass. These are all
options that could be agreed to jointly if the parties can
come to such an agreement, and that agreement could
therefore be taken to the Surface Transportation Board.

That's a thumbnail sketch of what's in the
document, and now I'll turn it back to Kay.

MS. WILSON: Thank you very much, Dave.

We will start with the elected officials. The
first one that we heard from was Anita Sullivan from Senator
Harry Reid's office. Come on up to the podium. The
microphone is being moved down.

PUBLIC SPEAKERS

MS. SULLIVAN: Thank you. This is a statement
from Senator Harry Reid, and the Senator says thank you for
the opportunity to appear before you today to comment on the
serious concerns I have about the Draft Mitigation Plan
prepared by the Surface Transportation Board. I appreciate the Board's willingness to hold today's hearing to discuss some of the significant environmental issues facing the City of Reno as a result of the proposed Union Pacific/Southern Pacific rail merger. The broad way of voices speaking today is strong evidence of the serious concern that members of this community have about the ramifications of this merger.

While I appreciate the hard work that went into drafting the Preliminary Mitigation Plan, I believe it insufficiently addresses the many environmental problems facing Reno as a result of this merger. Additionally, it sends the wrong message to the principals negotiating the financing of the mitigation necessary to accommodate this merger.

I recognize the limitations of the STB. That said, I believe that it could do more to examine the many environmental issues raised by this merger.

I understand that the STB is unable to impose mitigation requirements on any party other than the railroad and that under your charter you are unable to impose requirements or costs for any mitigation other than the incremental difference in trains before and after the merger.

In most circumstances I would agree that this approach is appropriate. In this instance it is obvious
that the City of Reno is dealing with an aggregate problem rather than an incremental one. The city is facing environmental and quality of life problems that are more than the sum of a handful of additional trains. Without further mitigation, the train traffic goes beyond a tipping point.

Your preliminary selection of a strategy that imposes merely $12 million in costs on the railroad and would allow trains to move more quickly through the city seems to have been selected primarily because all costs can be imposed on the railroad. While this may be consistent with your charter, it has the pervasive effect of dissuading the railroad from continuing to negotiate on mitigation strategies that are both more acceptable to the city and involve financial participation by a number of different parties. I ask you, consider the unique nature of this situation when you make your final recommendation.

I understand that the City of Reno is willing to participate in the development of a final mitigation strategy, and I urge you to explore the possibilities of a final plan that implements a binding agreement between the parties. I share your desire that the parties resume negotiations on a final solution to this problem. I am, however, concerned that your preliminary recommendations do not adequately encourage such an agreement.
It is difficult to overestimate the significance of this merger. There is a lot at stake. While the railroad stands to realize significant profits and growth, it also assumes a new, argumentable, greater responsibility to this community.

To the extent that the problems involving health, safety and the environment arise as a result of this merger, they have a responsibility to participate in solving them. I believe the STB must take a closer examination of the many health, safety and environmental issues necessarily are associated with this merger. The Board has responsibility to protect the interests of this community.

In my capacity as the U.S. Senator who represents this community, I intend to do my best to insure that the STB meets this responsibility. Thank you again for your efforts.

MS. WILSON: Thank you very much.

(Applause.)

MS. WILSON: Kay Zunino from Senator Richard Bryan’s office.

MS. ZUNINO: Thank you. I am Kay Zunino, Reno area director for Senator Richard Bryan. Here is Senator Bryan’s statement.

While I appreciate the Board conducting this public meeting today, I am very concerned by the draft...
recommendations issued by the Section on Environmental Analysis on September 15th, 1997. The draft recommendations do little to address the safety, environmental and economic impacts of the Union Pacific/Southern Pacific merger in downtown Reno. Simply increasing train speeds, constructing more gates and building a few pedestrian overpasses is not the kind of mitigation Reno city leaders believe will adequately address the impacts of the merger.

The Board’s proposed mitigation plan ignores the Union Pacific Railroad’s responsibility to mitigate the impacts of its merger and leaves the City of Reno with a difficult and expensive task of dealing with the expected dramatic increases in train traffic. In addition to the obvious inconvenience to citizens trying to drive across town, the increased trains will have serious impact on air quality and noise and will complicate and delay the community’s ability to respond to police, fire or medical emergencies. The Board’s proposed mitigation plan insufficiently addresses each of these areas of concern.

I urge the Board to reconsider its proposed mitigation plan and to develop a plan that is more sensitive to the needs of the local community. The City of Reno is willing to work with the railroad and the Board to develop an alternative that adequately mitigates the burden placed on the city by the merger, but the extremely low base line
mitigation suggested in the Board's draft report of
mitigation, level even lower than that previously offered by
the railroad, seriously compromises the city's ability to
negotiate a more beneficial agreement with the railroad.

The Board's draft proposal is seriously
deficient in these drastic improvements before it even comes
close to mitigating the consequences of the merger to the
citizens of Reno. Thank you.

(Applause.)

MS. WILSON: Thank you.

Do we have any representatives from the
Governor's office here today? Any elected officials from
the City of Reno or Washoe County? Have I missed any
elected officials?

Okay, we'll move on to the Union Pacific. Mr.

Bob Starzel.

MR. STARZEL: Thank you, Madam Chair, members
of the task force and others here today.

The railroad after the Native Americans is the
most ancient person in this city. We're not a voter. We're
not just a business. We're more like the wind that blows
and the water which runs here. You only notice us when
something is different or when we get in your way.

We have been here for more than a century to
serve the shippers across the West, not simply those in the
county or the state. Our presence made Reno possible. The
city’s growth made conflict inevitable.

So we did not just show up to participate in
the task force deliberation because we have always been
here. Many railroad employees live, work, spend their money
here. They are your citizens.

We came to these sessions as part of the
community but not expecting to shoulder the responsibility
for what the city has built up around us. We did not create
the problems which this task force has been considering.

We applaud those who came to the task force
with thoughtful and constructive attitudes and gave this
effort its energy. Their representative businesses, Amtrak,
the county, the city, the Nevada PUC, many of you have
contributed, and we thank you in examining these problems
with care because we are not indifferent to how you see us,
nor how you would have us act.

It’s harder to propose than to criticize. It’s
more difficult to build than to tear down. And it is easier
to sue than to negotiate.

The Service Transportation Board and its
consultants have considered the problems, constructed
workable measurements of the impacts and created a
preliminary plan which is consistent with the analysis. We
commend you for an effort which is complicated, time
consuming, demanding, and thorough in substance as any environmental review should be.

But that does not mean that we like the result. Within the past 20 years the railroad has had more trains on it than the number which has been projected post-merger. The merger is only a change in ownership at a high level. It doesn’t change the operations.

We are a railroad which is returning to prior levels of service on this line. We question the very need for mitigation from us. Reno grew around us. We have not changed; Reno did. Reno created the problem.

We do not see that the study and the plan give credit to the continuing significant safety improvements which are being made at the Union Pacific and in the railroad industry in this decade that reduction in accidents has been over 20 percent on a compounded average basis.

The focus on a few well publicized accidents is misplaced. Safety is a long-term process. It’s a daily process, and it takes thousands of employees who are dedicated to what is our first priority. As a result, you should know that in 1997, we are continuing the safety improvements at the same trend of over 20 percent improvement from 1996.

It’s a safer place to live and work now around the railroad than it’s ever been. And we think the plan is
too conservatively biased against us because it does not reflect that reduced risk of accident.

That said, and there is more that we could say that we do not like about this plan, we can assure you that when the final plan comes, we will commit to take reasonable action to reduce the impacts on the city and its businesses because we believe in cooperating as a good citizen. We will increase train speeds to reduce crossing delays because we believe that will also make operations safer, and that is our first priority.

The city and some others involved in this study wanted a depressed trainway or at least grade separations. The cost cannot be justified by any benefits to the railroad. They can't be justified by arguing that the railroad is intruding.

We have always been here and sometimes with much heavier traffic. It would be unreasonable to expect the railroad to bear the burden for these improvements. They would only be for the public benefit to solve a problem that the city has created with its growth.

To briefly explain why we cannot justify spending millions here, look to the majority of the freight which is coming through Reno and see how much can be carried on trucks. To be competitive with trucks rates must be low. There is less profit on this traffic than on other corridors.
where trucks do not compete. And we’re going to receive no reduced costs or higher revenues because there are fewer grade crossings.

The inflated notions of huge profits from the merger have been misstated and overblown. There’s been a number of $750 million thrown around.

That is not profits. Those are efficiency savings which in prior mergers have ended up meaning lower rates. Rates have dropped on railroads consistently for the last 15 years. We expect the same to continue to occur.

Moreover, the Surface Transportation Board approved the BN/Santa Fe coming on to this line and the BN/Santa Fe is a vigorous competitor taking our business. So we don’t know to what extent we’re going to have any more trains of our own on this line.

We have no assurances of any additional profits from this line. We can expect none, and the city should not either. There is no pocket of gold here.

There is an impact if it becomes too expensive, and that is one you should consider. If it becomes too expensive for us on this line, if we can’t raise the traffic because the barriers are too high, then you have the possibility of as many as 27,000 more trucks on the roads, and if you compare the safety record of trucks and trains, you will see that trains are far far safer.
The Surface Transportation Board recently wrote us and encouraged negotiation. We would prefer that because we can tailor a package to the circumstances, and we can provide things more closely to the city’s needs.

For instance, while the Surface Transportation Board may not be able to require stationary horns, which have been explained to the task force as a way to reduce the noise impacts, we can, if the Nevada PUC is in agreement.

Long ago the city saddled up their attorney and rode out on a lawsuit that got them into a box canyon. They have hired a consultant who spews out bureaucratic jargon about what environmental impacts are all about and how they should be studied.

But we sponsor the poll agreement in this area, and the voters were very clear about it. They said it’s time to negotiate. We should have an end to the litigation.

They also said they would prefer a depressed trainway, and they would prefer it if the federal government and the railroad would pay for it. But the railroad can’t.

Whatever the solution, the voters are going to get more out of negotiation than they are out of litigation. The city suit has stymied, but if this continues, the burdens upon the railroad become unreasonable, you can count on us not to ride up the box canyons.

We listened to a lot of false assertions and
misleading statements and criticisms during the study process, and frankly, we'll be glad when it's over. One matter deserves a response, even though it is irrelevant to these proceedings, but just because it was correct and unfortunately incomplete.

We have on our system experienced tremendous congestion, more in the South than we have here in the North. Its causes are complex, but they are knowable, and we have put together a very detailed plan to overcome the problems and get on to the merger. We have not yet gotten to a complete merger on this railroad because we have not been able to merge our work forces.

In the meantime, we are letting our shippers down, and we find that embarrassing. Our employees tire themselves from a tremendous effort to set things right, and for that we say thank you to them. They should not have to endure the "gloomness" behavior from the paper and others here who condemn them for the position that we think we rightfully set forth to you.

In fact, there are thousands and thousands of wonderful Union Pacific people all over this system who make it safe and efficient to serve our shippers. They can't be here today, but they are people who insure that Reno will be well treated in the future. In a sense, they are part of Reno.
And I speak for them when I say that we hope that a moment of cooperation will come when the Final Mitigation Plan is published and we can negotiate on this matter. We have nearly finished the process.

More than ever, we need a sense of reality and understanding of each other's problems. Reno needs to think globally; the railroad needs to think globally.

And we thank all of you who came to this with a good heart. We appreciate your views.

(Applause.)

MS. WILSON: Excuse me. I need to back up and invite Arlan Melendez, chairman of the Reno-Sparks Indian Colony.

MR. MELENDEZ: Good afternoon. Thank you for inviting me.

Just before I have a public statement to make that's written, but I think just before I read this, I think part of the problem to our tribe is kind of portrayed in the agenda. Some people think we're the general public when I'm an elected official of a government. So hopefully the railroad will consider that and understand where I come from in reading this statement.

Good afternoon. My name is Arlan Melendez. I'm the tribal chairman of the Reno-Sparks Indian Colony, Washoe, Paiute and Shoshone tribes.
We appreciate the opportunity to comment on the proposed mitigation plan. It is ironic that the first people to inhabit this area are the last people the Surface Transportation Board has consulted regarding the impacts of this merger.

We were here before the railroad. We were here before the City of Reno existed.

The Board issued its environmental assessment on the merger and did not even bother to include the Reno-Sparks Indian Colony on the service list. The Board did not bother to even send us a copy of the document, though they provided the other local governments and other organizations a copy.

We are also very disappointed that the Surface Transportation Board issued its decision not to prepare an environmental impact statement on a merger, and in fact, issued its decision to approve the merger before it initiated any consultation whatsoever with our tribal government. Not only is this inconsiderate treatment of the original inhabitants of this valley, it is a clear violation of the federal trust obligation the federal agency owes to our tribe and a clear violation of the National Environmental Policy Act which mandates early consultation with the affected Indian tribes.

Tomorrow we will file our amicus brief in
support of the City of Reno in their challenge to the
Board’s decision in Federal Circuit Court in Washington,
D.C. We point out in our amicus brief that the Board has
violated our rights by failing to consult with our tribe and
by not preparing an EIS on this major federal action.
President Clinton and all three branches of the federal
government acknowledge that the federal-tribal relationship
is government to government. Why is this concept so
difficult for the Surface Transportation Board to
understand?

Our tribe is not just an interest group on this
matter. We are a sovereign government with recognized
rights under the United States Constitution.

Our tribe will be impacted by this merger. Our
lands lie just across the Truckee River from the railroad
tracks. We hear the trains day and night. We breathe the
air and drink the water that can be polluted by the trains.
We are concerned for the safety of our people and our
children who work and live in proximity to these tracks.

One toxic or nuclear spill into the Truckee
River could destroy the life blood of this land which has
been our home for centuries. We will be submitting more
detailed written comments to the Board by October 15th. At
this time I would like to emphasize some of our major
concerns with the preliminary mitigation study.
We object to the Board beginning its consultation with our tribe after it has approved the merger and made the decision to not prepare an EIS. This is an insult to our sovereignty and our legal rights. It is like inviting us to the treaty making after the document is signed.

The mitigation study is a transparent attempt to support the Board’s previously reached decision not to prepare an EIS rather than a serious scientific analysis that complies with NEPA. The July 10th, 1997, consultation was inadequate and was conducted by consultants.

This was a first attempt at tribal consultation and occurred nearly one year after the Board approved the merger. It should have occurred at the front end of the process before the environmental assessment was hurried through. We believe the public review and participation process in the mitigation study was short changed. The Board abruptly cancelled the August and September 1997 meetings.

In addition, the request of the task force members which included our tribal representative that the study calendar be extended to allow local concerns to be addressed was not honored. The report makes it clear that the colony would be opposed to depressing the railroad tracks downtown because of the potential current cultural
impacts.

That is not the case. The Colony supports the City's efforts to seek the depressed trackage. We drive those streets, too.

Of course, the Board would have to comply with federal laws protecting any cultural properties that may be encountered, and we would want to be fully involved in that process as required by the 1992 amendments to the National Historic Preservation Act.

The discussion of Native American concerns in the mitigation report is superficial. The entire discussion of the environmental impacts to the Colony in the report is less than one page and not informative.

The report largely ignores public health and safety issues. These impacts may be more severe with increased train speeds recommended in the report. Many of our environmental concerns were similar to the City of Reno's and have not been adequately addressed in the mitigation study for the reasons stated in the city's testimony.

Thank you for the opportunity to comment, and we will file more detailed comments by the October 15th deadline. Thank you.

MS. WILSON: Thank you.

(Appause.)
MS. WILSON: Okay. We have turned in 49 additional cards, and I think if we allow everyone three minutes, that will be about two hours and 20 minutes that we need, and maybe some people will take two minutes. We need to end the meeting around 5:30, between 5:30 and quarter to 6:00, because the evening meeting begins at 6:00.

With that many cards, our focus will be to listen to your comments. We probably will not be able to respond to many questions. We may be able to respond to a few questions. We were planning to play that as it went, but with this many cards, the expressed time frame, we will probably only be able to respond to limited questions this evening.

With that I will go ahead and call up three people at a time so that you know who is in line, and I do have a red sign I'll hold up. I hope it is not too obnoxious. That is the end of three minutes, and I'll put up two if you are really starting to go over. Yellow is the end of two minutes.

So I would suggest that if possible, we hold down the clapping so that all the people can just stand in line and come up and we can hear as many of you that has taken time to come out as possible. So the first three people, Stanleigh Harold Lusak, Vivian Christensen, and Pastor Robert Owens.
MS. LUSAK: My name is Stanleigh Harold Lusak. And I find a few things that I had written down before to be changed a little bit by what was stated.

Here the railroad said they have not changed, but they have changed. They have changed from one train a week to 26 a day. That’s a big change.

And if the rates stay the same, then it is a $750 million profit.

I also have a question about the time delay for the cars and everything. It says the average gate down time per train is 3.4 minutes before merger and after merger. And at increased train speeds, the average gate down time per train would be 2.28 minutes. Is that including the 20 seconds that the warning that you come to like a caution light, the signal light, you have to slow down and stop?

I think the traffic delay is misleading because the traffic delay per vehicle is almost half the time as per the down time for the gate. So to me, the important thing is the gate down time, not the average delay for vehicles.

My understanding, too, that the Feather River route was initially put in to help make a better way for the trains to go with less grade increases and everything else. So I think that all the trains except for those loading-unloading cargo and passengers in Reno should go that route, and that would solve almost all the other
problems that have come up with environmental, vehicle traffic and things like that. Their claim of time sensitive cargo didn't keep them from delivering on time before the merger, so why would it be a problem today.

I used to live within a mile of the train tracks before, and I was always disturbed by train whistle noises and vibrations at all hours. Since Reno is a major tourist industry, they should not come here to be disturbed by train whistles and noise and vibrations at all hours.

The higher train speeds, in my opinion, should have been done decades ago. It's inexcusable to come up with, oh, we increased the train speeds now.

If the Feather River increase for all the train traffic isn't in their good interest, somebody's good interest, why did they build it in the first place?

And I favor the I-80 bypass option. Thank you.

MS. WILSON: Thank you very much.

(Appause.)

MS. CHRISTENSEN: Hello, I'm Vivian Christensen. And I'm representing my name with ancestry here and with the train service. And in both cases they have brought life to a desert area. And I think Reno has negotiated and talked over these subjects, so many of that until they have killed them out of the picture.

It's time to move on. This project should
already be under way. It’s something that’s not going to go away.

They swept it under the carpet 15 years ago. That seems to be the breaking line of all the action in here. And there is nobody from San Francisco or Los Angeles to let them make the decisions that should have been made here on landscaping and some of our most beautiful buildings.

And the same thing goes with the railroad. If you keep wallowing around in the subject, it’s not going to get any better. Would you like to have 25 cars on one train or would you like to have 25 trucks? And they are talking about the environmental.

They are trying to cut out the third trailer on a truck. You take two of those trucks and you have eliminated one. Don’t they even know what causes the pollution?

And I just wish you’d get off of the pot and let’s get on to the work and get this railroad done.

(Applause.)

MR. OWENS: My name is Pastor Robert Owens, citizen for about 15 years here.

A couple things. Number one, it seems like we’re band-aiding a real issue. The real issue is we don’t need freight trains running through the middle of a
pedestrian downtown area. It may have worked 50, a hundred
years ago, but it is not the way to go for the 21st century,
least for the next 50 years, to increase trains and
increase traffic in an area that’s full of tourism and
pedestrians.

I think it would take some great leadership on
the city’s part, your part, and the railroad’s part to say
what is best for the next hundred years. I would therefore
say that we need to go back and get an EIS and say let’s go
look at the I-80 bypass route and get the trains out of
downtown. If not, go to the lower depressed train tracks to
get it out of the city’s view.

Let me just tell you, I film a TV program
downtown sometimes weekly at the corner of Commercial and
South Virginia. I do that where I talk to people on the
streets.

More than once have I yelled at people to get
out of the way of the oncoming trains because they are
inebriated with a Bud Light and a bucket of nickels in their
hands. And they don’t really give a rip about the incoming
train. So you could move the bypass over the top of the
train or around the train, but you still have inebriated
tourists who aren’t thinking squarely that are going to be
running into more trains, faster trains.

And when we talk to conductors and say why
don’t you want to run the trains faster through downtown. Because they almost hit more and more people all the time. For the guy that is looking at the people standing on the tracks, who are not moving fast, they say, hey, I’d rather go slow for safety precautions, blow my whistle more, and stay here longer but not kill anybody, than have that on my head than to move faster trains, longer trains, and more trains.

So the issue really is in a safety issue outside the fire and police, what do you do with all these tourists that don’t really think much about trains coming, as well as them not being in the right mind, for me yelling at them get off the tracks, move out of the way, what do you want to do.

Much less I would also go toe to toe with the stats on suicides. We draw people who want to kill themselves to this state. We have one of the highest suicide rates in America, and especially after they lose their money, have a few beers, they are not thinking real clear.

Just three weeks ago we had a girl strategically look for the train to come down the track, three weeks ago, crawl on her hands and knees out to the front of the train, had her head cut off as she laid her head on the train track. Her head went rolling down the
street, and her body was laying there.

There have been more than two suicides during the last 25 years. I have been here 15. I can count about five, or the ones that are considered so-called mistakes, not suicides.

What we don’t need are more trains downtown. What we need are trains to be either moved out of town or depressed where people don’t see them, people aren’t impacted by them, and freight has another issue versus just passenger traffic.

I’d like you to reconsider on the bigger picture for the next hundred years. It used to be passengers; now it is freight. It was passengers, fine, but now it’s freight, let’s move freight out of the downtown corridor, I would hope. Thank you.

MS. WILSON: Thank you very much.

(Appplause.)

MS. WILSON: The next three speakers are John Frankovich, Dorothy McAlinden, and Larry Torango.

MR. FRANKOVICH: Thank you. My name is John Frankovich. I have lived in Reno for over 40 years, and I was a member of the task force and didn’t have the opportunity because of time constraints to speak yesterday. I have been involved in this process since the beginning and started with great optimism that we would come
up with some substantive mitigation to protect this community, and disappointment I think is an understatement of the report that came out.

The speed, increase in speed as the principal mitigation strategy was not a recommendation of the task force. I don’t believe it was ever proposed by any task force member as the principal mitigation, including the railroad. We have never heard the railroad’s position on this until Mr. Starzel’s statement today, and I will restrain from replying to Mr. Starzel at this time because I don’t have enough time to do that.

But it was not discussed at any time in the task force as the sole mitigation. So I want to make sure the record is clear that the task force did not recommend this.

The discussions of the task force focused primarily on underpasses and other depressed train ways and grade separations. The concept of you double the number of trains, you double the speed, we come out even, the concept may work on paper. It may work mathematically. Although after some discussion yesterday, I think there is some problems with the math and the calculations contained in the study.

But we’re not dealing with paper. We’re dealing with human beings that are going to be driving cars.
I think as the other gentleman just mentioned, they are going to be walking down there, and they are going to be driving these trains. Those are human beings. They don’t act like paper.

This is a highly congested area. The engineers, if they ever think that there’s a safety problem, they are going to slow down. Somehow they understand that speed doesn’t help but that speed actually kills.

If there is ever an accident down here, I do not believe the railroad is going to say, well, we had an accident, we better speed up the trains a little more so we have fewer accidents. They are not going to do that. They are going to slow it down.

So this ignores the public safety impact.

It totally ignores and admittedly ignores the impacts on the tourism industry. I would suggest if you destroy that industry in this community, you are going to have a major major impact on the entire community.

The fact that the railroad suggests now that they were here first does not wash in 1997. Apparently the railroad is entitled to grow, the City of Reno is not. UP wasn’t here a hundred years ago. UP has been here less than two years.

Overriding consideration in this study seems to be that you want to make sure that you do not mitigate any
preexisting condition. That greatly limited your options because if any mitigation measure went one molecule over, you said, we’re not going to do it.

I don’t think that is appropriate. You have a mitigation solution that addresses this problem, and it happens to benefit an existing one, I think you still have the obligation to do it unless you can come up with some other alternative.

The other consideration that seemed to be overriding is that all of a sudden we got this test of reasonable mitigation, which suggests, well, we don’t have to mitigate all the measures, or all the impacts, we just have to be reasonable.

Reasonable suggests costs. And if you are looking at the costs of the mitigation, then you better look at the benefits.

Mr. Starzel said it’s not $750 million. He said $750 million is their savings. Well, if you compare an economic benefit of $750 million to what you have allowed the railroad to propose in this, they will fully recover the entire costs of the mitigation plan in the City of Reno in 10 days or less. 10 days.

And I’ll respect your time. I have a lot more I would like to say, and I have to put it in writing. But I think a 10-day return on the single most impacted city on
the whole line is an unreasonable condition.

And I wish I had time for some other comments.

I’ll put them in writing. Thank you.

MS. WILSON: Thank you very much.

(Applause.)

MS. McALINDEN: Good afternoon. My name is Dorothy McAlinden. I’m chairman of the Stead District Council. Stead, you know, is an island north of Reno, but it is part of Reno.

I am speaking for the residents of Stead and of the North Valleys. I will not repeat a lot of stuff that’s already been said. But this merger will result in an adverse effect on the entire area, and I urge the residents to respond to the Surface Transportation Board on their feelings of how this would adversely affect them.

That’s all I have to say. Thank you.

MS. WILSON: Thank you very much.

(Applause.)

MR. TORANGO: Good afternoon. My name is Larry Torango. I actually read your reports. And I find one major flaw with it is that any study I think that starts off with a premise that does not deal with reality, which is the growth, the existing conditions, is worthless. So that’s what I’ll say about that.

The other aspect is on the railroad always
comes out with we were here first, we have done this, and
they are a good corporate citizen. If they had been the
corporate citizen that highway departments are, the normal
airports are, they would have over the years considered
growth, and we wouldn’t have the situation we have today.

The fact that Reno has grown up around the
railroad tracks as many many other towns situated along
railroad tracks have done is not an excuse. All right?

What we have to do from this point in time to
go forward is look at the long-term impact. I agree with
the previous speaker that we have neglected this for many
many years. We have to look at the true cost of what all
these impacts are bringing about. If you depress the
railroad, what’s the true cost there? 182 million.

That is not considering any disrupted business.
That’s not considering any danger to the community. That
doesn’t consider any of the increased probabilities of
hazardous spills. Nothing.

Once you start adding all those costs in now,
what is the alternative cost really putting it under I-80?
It really upsets me that this is not being given the
consideration. It should be. Merely because, oh, I’m
sorry, we don’t have the authority to do that. That’s not
an excuse.

If you are going to really bring a solution
into reality, you have to consider reality, you have to consider the true costs, and you don’t consider the next three years, because if you do, you are number four, you are right back here, and all these people will still be doing what they are going to be doing today.

This is a big cost also for you, for us, for everyone. So my major comment is -- and by the way, you’ll get a good written comment on this; I already put it in the mail yesterday -- but you have got to come together, the railroad has to be more realistic, Reno has to be more realistic. The people have to be more realistic. It is going to cost money.

It’s been neglected for over a hundred years. You don’t solve something that’s been neglected that long with a band-aid or a few bucks. That’s about it.

MS. WILSON: Thank you.

(Appause.)

MS. WILSON: Merri Belaustegui, John Riggs, Edward Sharp or Scherr.

MS. BELAUSTEGUI: Thank you. I’m Merri Belaustegui from the City of Reno. I’m really appreciative of all the citizen turnout we had today, and in that regard I’d like to give up my time for the citizens to comment.

Thank you.

MS. WILSON: Thank you.
few years ago that stepped right in front of the Amtrak train and committed suicide. He was a well known professor in this area.

You can’t stop that. You can’t stop idiotic people in automobiles from racing a train to the crossing. That’s been a thorn in the side of all people involved in safety for years.

Noise. The noise you are getting right now that is probably the most regressive is the whistles. Railroad rules state that when you are approaching a crossing, you will start blowing the whistle before you get there, and you will keep blowing as you go through it. And with the streets as close as they are, practically a solid thing the train whistle blows, and that is one of your major noise pollutions.

The noise of the engines is something else again. Down in that hole it is going to be curtailed quite a bit from what you have been getting, such as the dynamic brake sound when they are coming off the hill into town or the sound of the exhaust. It will be minimized quite a bit. Most of it will go straight up.

Pollution. I hold this up. Everybody has probably seen this. This is not normal railroad practice. An engine that is polluting the air in that form is taken off line and fixed before it goes back out. It can happen
MS. RIGGS: Since this is a railroad hearing, I'll address you as Conductor Wilson and the rest of the Board as brakemen, and happy to see you here to try to resolve a situation that's been a thorn in the side of the City of Reno and Washoe County for probably better than the last 20 years.

I'm retired. My name is John W. Riggs, Sr., and I'm a retired switchman, engine foreman, and I'm also one of the principal fire photographers in this area. The reason I mention that, you'll soon realize. I want to address the situation.

Speed. Speed in itself alone does not contribute to an accident. There are other factors. But speed does contribute to the gravity of the accident. And if somebody is foolish enough to want to drive around the crossing gates in front of a train and get hit, the extra 10 miles per hour is only going to speed up his death.

So it is not a situation that we need to be concerned with, particularly because I'm in favor of depressing the tracks. If the train is down in a ditch, he's not going to be able to hit anybody unless they crawl down in the ditch and get in front of the train and lay their head on the track, like the previous gentleman said, to get their head cut off.

And that has happened. We had a gentleman a
out on the road as they are going along, but this is just a
bunch of propaganda about the pollution.

And the most interesting thing about pollution
is I came out of Los Angeles and moved up here in '59, and
the funniest thing that ever happened in Los Angeles was
when they got the restrictions and they replaced the diesels
and done away with the steam engines. One year one of the
Union Pacific switch engines went down to east bay of the
river, and it was smoking as bad as this, and that was
supposed to take care of the pollution. And it didn’t.

I only had one other thing to say, address to
you people. Whatever you do, use common sense in
approaching this problem. Let’s get this show on the road.
Let’s get the trains down so the people of Reno will have
something that they have waited 20 years to get. It looks
like this time it’s going to happen.

MS. WILSON: Thank you.

(Applause.)

MS. WILSON: Is Edward B. Scherr here?

MR. SCHERR: Scherr. Yes. I’m just here as a
concerned citizen. Because like the gentleman said, the
railroad was here, the railroad opened up the West, cities
built along the railroad, not the other way around.

But my main concern is the cost. What we’re
talking here is not pocket change or walking around money.
So it is easy for us to say let’s rebuild the railroad tracks, let’s depress the railroad tracks.

Fine, but who is going to pay for it? It’s us, property taxes. We’re going to pay for it.

And higher property taxes have a spiraling effect on business places and cost to the consumer, and none of us want inflation to rear its ugly head again.

Railroads have a right to exist, and they have a right to make money. Like any business that exists, they go in to make a profit. The people who buy shares in railroad stock, they have every right to expect their stock values to go up and to get a dividend.

Railroads are in the business of hauling freight from point A to point B, and they do a very good job at it, efficiently and energy efficiently and cost efficiently. Any time somebody can haul freight and the stuff I buy at a lower cost, I’m all for it.

Mergers have been going on for a long long time in this country. It’s gone on in banks, insurance companies, it’s gone on in railroads for a long long time. And we applaud any time somebody merges and it reduces our costs. So why should we quibble and deny the railroad merging and saving us money?

I’m all for saving money because the lower it costs me to buy an item, the more disposable income I have
for other necessary things, beer or cigarettes or whatever.

I don’t want my property tax raised. I want the profits, railroads to be able to make a profit, and let’s get on with it. Things in life happen. This is something we have to expect. Cities grow, more airport noise. That’s something in life we have to expect.

The country’s population is growing. They demand more goods. The railroad hauls those goods. And they do it cheaper than trucks. Because steel on steel is more efficient than rubber on concrete and asphalt. And most of those trucks are diesels, and they pollute more than trains.

That’s things that happen. And nobody can assure our safety. We have to take a responsibility for our life.

If I get drunk and run into a railroad track, hey, it’s not the railroad’s fault I got drunk. They didn’t put a gun to my head and tell me not to drink that much and stay away from the railroad tracks. These things happen.

Accidents happen in life, and I’m pretty sure the safety experts would all tell us that accidents are people caused, and 90 percent could probably be avoided.

Thank you very much.

(Applause.)

MS. WILSON: Thank you. The next three
speakers Jerry Lang, Colleen Henderson, Stef Fowler.

MR. LANG: Thank you and good afternoon. My
name is Jerry Lang. I am the Acting Director of
Transportation for Carl Bradley, the superintendent of the
Roseville service unit, which includes the jurisdiction of
trains that operate in and out of Reno.

I want to address three issues quickly here
today. The first is our employees. We consider our
employees to be professional, just like doctors, dentists
and attorneys, what have you. They are professionally
trained in the duties that they are required to perform.
They are even licensed. Our engineers are licensed by the
FRA.

Now our engineers when they come to work, they
are expected to maintain the FRA regulations, the company
imposed rules and regulations and safety regulations that
require the operation of trains over given territories,
including in and out of Reno. The engineers are attuned to
scheduling because as a service orientated company, we
compete with the United States Post Office, UPS, Federal
Express. As any of those type of companies expect to grow
and maintain their existing business, they do it through
meeting their customers’s service demands.

And that is what our company does. Our
engineers are attuned to that. They are attuned to
schedules. They are attuned to speeds.

We expect them to maintain the existing speeds and the posted speeds we have out here, including speeds that are less than the maximum allowed operating speed on our main tracks, such as through Reno. We expect them to maintain these speeds because this is part of our service commitments.

Our engineers are also attuned to citizens. They are aware every day when they begin their tour of duty that there is a possibility of potential for a grade crossing accident or hitting a citizen that would jump in front of a train. They are concerned about this, but at the same time, there is not much they can do about that.

They expect as they have to abide by the rules for their job, they expect the citizens to obey rules that their peers have legislated, such as obeying stop signs at railroad crossings, obeying gates, flashers and so forth. They expect the citizens to obey these type of rules.

So when they are running their trains down the tracks, their thoughts are the citizens are going to obey these rules and not cross in front of the train where they can’t stop, because it is difficult for them to prevent a crossing accident when someone runs around gates and jumps in front of a train.

Last thing I want to address is an item that
was presented before this group yesterday. It was called distributive power. The impression was left with this group that with this new technology that the railroad has of distributive power, they will be doubling and tripling the size of trains that operate through Reno.

I want to correct that impression and let you know how we’re using distributive power. Distributive power or DPU is an engine that is placed on the rear end of a train to help trains negotiate grades.

Reno, being in the strategic position it is, faces an extreme grade as we operate our trains west of here through Donner Pass, the same way trains operating east that go into Reno have to negotiate these same grades. Right now we have helper units at Colfax and Truckee that push our trains across the mountain. DPU units help us replace these resources and use our manpower resources and our engine resources at other locations.

Thank you very much.

(Appause.)

MS. HENDERSON: My name is Colleen Henderson, and I live and work in the City of Reno.

On page 7-10 of the mitigation plan, the SEA concludes that severe accidents are more likely with increased train speeds and the risk of fatalities rise. After reading this in the mitigation plan, I reviewed the
mitigation offered by the STB which consists of educating
the public, I think that's a good start; adding pedestrian
gates below the existing vehicular gates, I think you are
moving in the right direction; and the third mitigation,
increasing the speeds of trains through downtown Reno, I
think this is a horrible idea. This mitigation will not
mitigate the environmental impacts associated with safety.

The depressed trainway option will mitigate all
safety impacts not only associated with existing train
traffic but with the additional train traffic that will
occur with the merger. I urge the STB to re-evaluate the
depressed trainway option which is now a tier 2 mitigation
and reclassify it as a tier 1 mitigation. I personally
think this mitigation should be equally funded by both the
Union Pacific and the City of Reno.

The depressed trainway seems to be even more
appropriate now given the fact that Amtrak now wants to not
only move passengers, they want to also haul freight, which
will significantly increase the length of trains through
downtown Reno. Thank you very much.

MS. WILSON: Thank you.

(Applause.)

MS. FOWLER: Hello. My name is Stef Fowler,
and I'm a concerned citizen of Reno. I have lived in this
city almost four years now. I moved here from Los Angeles,
and I appreciate this opportunity to speak.

What I have are more questions than points that I can bring to the committee. I don’t quite understand why we have a problem ordering an environmental impact study. I don’t understand that.

What I’d like to ask is what the percent of increase of risk for derailment and accidents is due to increasing the train size and also the number of the trains going through and the speed of the trains. And I also would like to ask, given the fact that the trains are going to be going or we’re proposing that they increase their speed to 30 miles an hour, how long does it take a 6500 foot loaded train to stop going 30 miles an hour. Can that loaded train stop in time to get to the Sparks station?

And also going in the opposite direction, is it going to be enough time for the train to get that much speed going uphill? Also what happens if a train load of lumber derails or a train load of cars derails, or a train load of chlorine gas derails in the City of Reno?

And with all due respect to Union Pacific and the merger, and understanding that you don’t bear any cost in it, I would like to ask what the cost in human life is if a car full of chlorine gas derailed in the City of Reno. Also what are the cleanup costs if just a car full of soap derailed in the City of Reno. And would the Union Pacific
be responsible for that cost and those cleanup costs? Does that mitigate your increased expense in sharing the cost equally with the City of Reno to depress the railway system?

I think depressing the tracks is the only answer to this problem.

We have traffic going across the tracks constantly. And yes, I heard one gentleman say that there is a problem with people going around the gates. Anybody that's ever been in the casinos and sees that there are people that leave after having several beers and losing all of their money, understands that crossing gates are not the answer to the problem. Taking the trains out of the city or keeping the trains away from pedestrian traffic or vehicular traffic is the answer.

You know, I think -- also I would ask what the legal costs to defend a community class action suit for derailment disaster in this community would be to the Union Pacific and the STB. Thank you very much.

(Appause.)

MS. WILSON: The next three cards are Robert Pyzel, Ken Iverson, and Charles Gill.

MR. PYZEL: Thank you. Rob Pyzel, City of Sparks, representative on the task force.

First of all, I want to thank the Section of Environmental Analysis and congratulate them. It was a very
tough task being a task force member, trying to meet with as many divergent groups and opinions and trying to formulate some sort of cogent document to forward to the Service Transportation Board.

I also wanted to state that given the limitations placed on the Section of Environmental Analysis by the Surface Transportation Board, I think the document produced is a good document. The City of Sparks, I was directed by the City Manager of the City of Sparks to read into the public record the City of Sparks does support the Preliminary Mitigation Plan with the proposed improvements.

We would also recommend, however, that the Surface Transportation Board review grade separated crossings at a minimum of two streets to be chosen after careful study of the property impacts and a traffic study of the potential impacts on the chosen streets as well as surrounding streets. The City of Sparks also would like to strongly encourage the City of Reno to sit down and negotiate with the Union Pacific and the other interested parties for a more mutually satisfactory result.

That concludes my statement. Thank you.

MS. WILSON: Thank you.

(Applause.)

MR. IVERSON: My name is Ken Iverson. I'm not a citizen of Reno. I live in Portola, which is on the
Feather River route. But we shop in Reno, we entertain in Reno. And not willingly but last year our insurance company and wife and I left about $50,000 in your medical community.

My concern here is air pollution. It’s been addressed somewhat by the Board. It’s been mentioned in a lot of the articles that the City of Reno has been putting out.

I have a question as to the citizens of Reno are aware that the city is proposing a big development along the river, Mapes Hotel, and they are encouraging I don’t know how many vehicles, increasing traffic downtown, vehicle pollution, more pedestrians to cross the railroad tracks. And I wonder if this monster railroad that runs through town, if the City of Reno is proper in encouraging this type of development when air pollution is already a problem.

Every time we come into Reno, I can see the air as I drop over Parr Boulevard before I come into town.

And I think something that the City of Reno needs to realize is that even though tourism is their major industry here, like it or not, they are and have been a major transcontinental transportation route for hundreds of years. And this I don’t think we’re going to change.

One other comment. The statement was made why don’t they run more traffic over the Feather River. When that was built, it was a competing railroad, Western
Pacific. Once the railroad goes through over Beckwith Pass, the first 30 miles is along the wild and scenic river. The entire route to Oroville is along the Feather River, which supplies most of the drinking water for far more people than live in the Truckee Meadows, in the State of California. So I think the problems would be multiplied ten, maybe a hundred fold. Thank you.

MS. WILSON: Thank you.

(Applause.)

MR. GILL: When I first came in this room and as I sat listening to the other speakers, I noticed some of the billboards, one of which says, "Continue negotiations with the railroad, special use permits." I also found an interesting "City of Reno Values" right over here.

One of those values is respect. It does not say respect except and unless we were here first. It does not say respect unless they are Native Americans. Or respect unless they did something we disagree with. It does not say respect them unless they are drunk or they are fools. And yes, I have seen some of what the people downtown do crossing railroad tracks, and I think they have an IQ over 70.

Respect means respect. I represent the secular Fransican order of the Catholic church, and I find there is no room for respect except in my religion. Respect means
respect, period.

From respect comes responsibility. From responsibility comes a response to the community, and to the railroad.

I also find as I was sitting here, I remember when I was in college, I listened to a professor who gave a discussion on the Wizard of Oz where he said the wicked witch of the East was of course the steel mills, the wicked witch of the West was of course the railroads. I remember the song that my dad always talked about when I was growing up, if the right hand don’t get you, the left one will. Again, the right hand is the steel mill; the left one is the railroads.

And when I think about those things I come to the conclusion, yes, the railroads and the steel mills are our greatest blessing and our greatest curse. What we have to do is we have to work as a community. We have to have checks and balances between the railroads and private industry and the people that they are serving, which is the consumers and the employees.

What I find in this proposal is that there’s one more case of the rich and powerful stepping on the rights of the weak and the poor. What I think the federal government should be -- is to buy the tracks, not just in Reno and Washoe County but everywhere, starting in places
like Reno, they should buy back the tracks and sell them to
the state and local governments.

These governments should then be allowed to
treat these railroads as any other roads, subject to our
rules of special permits, setting weight and length
restrictions, and setting use taxes and tolls for the use of
the tracks. This would increase competition by allowing
freight companies to compete not only -- with their current
trucks, but also by rail.

They would not have to buy tracks; the federal
government and the local and state governments would buy the
tracks. But they would also be allowed to -- all they would
have to buy is buy their own locomotives and cars. I have
this all written.

MS. WILSON: Thank you very much.

MR. GILL: Thank you.

(Applause.)

MS. WILSON: The next three cards are Stuart
Peters, Steve Krie, Rich Houts, who said he will speak
tonight, so I'll go to the fourth card, Alan Crawley.

MR. PETE: Madam Chairman, good afternoon.

Particularly my comments are addressed to the STB. I work
for the City of Reno. My name is Stuart M. Peters.

For more than 12 years I have been involved in
land use in the City, and one of the things that we have
experienced over the years is the constant rejoinder from the predecessor railroad really that we can’t -- City has nothing to do, State has really nothing to do with railroad operations, has really nothing to do with the buildings that they put in their right-of-way, and it’s kind of a big right-of-way in Reno. I think it’s over a hundred feet in a lot of that.

And we really have no control and no ability to protect our citizens. We rely on STB and prior to STB, ICC to protect the citizens of the City of Reno when it comes to that railroad. That is something that we need to look to you for.

The other thing I wanted to mention particularly in view of the constant reference by the gentleman from the Union Pacific to the fact that they are essentially responsible for nothing, that you were here first, and you repeated about six times how we grew and you have just been sitting here I don’t know innocently. And I merely would like to point out that the UP, really its predecessor SP and CP, profited, as did the City, handsomely from working together.

We were laid out by the railroad, the way Sparks was laid out by the railroad, the way Las Vegas was. Unfortunately, unlike Sparks and really Las Vegas, the railroad chose to plat Reno on both sides of the tracks.
They didn't really do that over in Sparks. The City of Sparks up until very recently grew on one side of the tracks because of the way they laid out their yard and elevated their yards.

So you're responsible for Reno, you're right. We were laid out to make business for the railroad, and we have made business for the railroad for a long time working together. You have profited as have the citizens of the City of Reno, and the citizens of Northern Nevada.

I'm sure you're happy as we are that we didn't end up like one of those small places out there. So I see this as very much a matter of joint responsibility and joint responsibility right from the beginning that we need to obviously work together on this.

We're not out there alone responsible for growth. This is a joint effort, as I say. There needs to be a joint effort. We look to STB to enforce that and make sure that the citizens are protected as both the railroad grows and the city grows. Thank you.

(Applause.)

MS. WILSON: Thank you.

MR. KRIE: My name is Steve Krie. I'm a citizen of Reno and the universe and all that. A long time ago this was a small town with a train track and a few buildings, and everything grew, and now there are more
buildings and there are more trains.

Here we are today with lots of traffic and lots of pedestrians and motor vehicles. And who is affected by all this growth? Well, the motor vehicles, pedestrians, the downtown businesses and the railroad.

And what is the solution? The solution is to either move the tracks or depress the tracks. I think we're all in agreement on that.

And who has the most to gain by making change? Well, the motorists and the emergency vehicles certainly will benefit. And pedestrians downtown will benefit. And so will the railroad by having a smoother operation and get all this business behind you and you can go on with something else.

So I say let's all contribute proportionately and the downtown businesses and motor vehicles, the gas tax. Because roads are affected and motor vehicles are affected. Also the railroads which they have already said that they would contribute.

When it comes to noise, I find that some progress is being made there, and I kind of like to feel like it's because I complained so much at the last meeting, and it has gotten better.

The wheels, I haven't heard really a bad squeaky wheel, that kind of grate on you, and the engines,
there's progress to be made there, too, on muffling the sounds. And the horns, I didn't realize that they were going to do anything so sensible as to put a horn at a crossing, that the Surface Transportation Board would entertain anything that was logical. Very good idea. I have been for directional horns and controlling the decibels.

The engineers, I think somebody must have talked to them because they do a pretty good job now. They kind of are quiet at nighttime, except sometimes you get somebody who is a little cranky and he says, well, I'm up at two o'clock in the morning, and so is everybody else, and he pulls down on that whistle.

Some trains, I don't know if they still have it that way, the two headlights, one stationary and one rotating. Do they still do that? That attracts a lot of attention.

And so the airlines have done a good job on noise abatement, and I know that the railroad can do a better job.

MS. WILSON: Thank you.

Steve Brown, Todd Koch and Earl Frudenberg.

MR. CRAWLEY: Yes, this morning I got this in the paper, "Watch out, Reno, you're about to get railroaded." I'm Alan Crawley, 35 years with the Southern
Pacific, conductor.

This has here problem one, longer trains, faster trains to block crossings, delay fire and police.

Well, it shows in here that it is two hours and 35 minutes out of a day that we're going to take up the crossings here in Reno. So that leaves 21 hours and 25 minutes that everything is going to be open and free.

It's got here transportation number 2 of hazardous waste could cause a major catastrophe. Well, we have had casinos and all this going on down here and the problem of the pedestrians, the tourists trying to cross. Most of the tourists just look at us, they wave. Sometimes it is nice, sometimes it's not. They don't like it, they go right back in, drop their coins into another machine.

I don't think that's really the big problem here. I think part of the big problem here for the tourist is if we would quit gouging them on our room rates for special events. The people read back, and they would be more than happy to see us. I had 45 people here for Hot August Nights from other areas, and that was their complaints.

I'm looking at they talk about the fair share of what's going on down here. I haven't heard the casinos come out or the downtown interests come out and mention one penny to be put towards lowering the tracks, towards putting
in overpasses, towards doing anything.

This all, Come on, railroad, you are going to pay for it. Well, come on, let's both share. Let's both work together. Let's stop this garbage of telling lies about each other, and let's get out and do it.

The other part is, we can't turn around and keep paying attorneys, advertisement and everybody else like the City of Reno is doing, which by the time they get through it is going to be close to a million bucks. Put that million bucks into something to solve these problems, not help create problems.

You can't turn around as a city and say we're not going to talk to you unless you move the railroad tracks over by the freeway. You can't get anything accomplished that way.

We both got to get together. We both have to work together, and we both have to solve a problem. And I hope we can do it. Thank you.

MS. WILSON: Thank you.

(Applause.)

MR. BROWN: Hi. My name is Steve Brown, and I'm here representing myself today. I am a locomotive engineer with the UP.

It was brought up today that the railroad intends to bring the number of trains up to historic levels.
to where they have been before. Those numbers have
fluctuated over the years depending on the economy, the
season. During good economic times the railroad always has
been a barometer. Lots of trains, the economy was good.

During the summer months years ago they ran 8, 10, 12 trains a day through here just perishables alone out of Salinas. They went on to Chicago.

The thing that is going to be different today with this railroad is we're going to be doing it on new technology. We'll be bringing these new trains in on better rail, better ballast, better ties. We will be doing it with new locomotives, new cars. The technology is better. The trains are better. We can do it safely.

Also I’d like to say as an engineer’s point of view -- and my run is between Sparks, Nevada, and Elko, Nevada, but I have brought trains through Reno before. My personal choice would be a depressed trainway. And I think the jury is in on that. Most people of Reno would like to see that.

The question here is who is going to pay for it, what parties are responsible. There is two parties. There is our local government and there is the railroad.

There is only one party here today. The mayor is not here, our city managers or the council. I’d like to see this city council and our local politicians make history
here. This has been on the table before. I'd like to see
them put this thing through.

The only one benefiting from the merger right
now are the attorneys involved in the litigation. They are
benefiting. The lobbyists are benefiting.

But I want the City of Reno to benefit. I want
the people to benefit from it. So let's get these two
parties together. The UP has brought an offer of $30
million dollars. That is a start. Let's finish it. Thank
you.

(Applause.)

MS. WILSON: Todd Koch. Is Todd Koch here?
Earl Frudenberg. Frudenberg?
Three new cards. Richard Fairchild, Jack
McCorkle, Ronald Johnson.

MR. MCCORKLE: That first one not there?

MS. WILSON: Richard Fairchild?

MR. MCCORKLE: No, not I.

MS. WILSON: Jack McCorkle?

MR. MCCORKLE: That is me.

MS. WILSON: Carry on.

MR. MCCORKLE: Okay. I have been carrying on
here as a taxpayer for 36 years. And I would like to direct
my remarks to the three study purposes, actually the third
one, existing train conditions. And specifically the UP
train conditions.

Maybe you are all familiar with the Kiplinger Washington Letter. It’s been published for 74 years. So it’s likely you have heard of it.

They have a very high reputation, good reputation. And this is the last Friday’s edition, October 3rd. The first line says: "Snags in rail freight will affect business all over the country." Then they tell about the snags in the rail freight.

But the main reason is a series of colossal blunders by Union Pacific Railroad. UP tried pushing too many cars through a big yard in Houston. UP couldn’t fix the problem. Even though they got 20 percent better in '97 over '96. '96 must have been a terrible year.

Now the Union Pacific whole 23 state system is snarled. Not quite the same as you outlined.

But they have an idea that can help this situation, this snag in rail freight, countrywide, all over the country. And that is to free up locomotives by running fewer but longer trains. Boy, that will hit Reno.

So it looks like we’re being victimized by this merger, according to today’s current events. And it’s reliable. Do you agree?

(Applause.)

MR. YORK: Harry York, CEO of the Greater
Reno-Sparks Chamber of Commerce.

Let me first say that the Chamber is not in opposition to the railroad merger. If fact, we support and applaud the Union Pacific's efforts and the capital that they have put into the railway between here and Sacramento. It's obvious as you drive over the Interstate 80, you can see the significant improvements with the new gravel, the new track supports and new track all along there. I think they need to be applauded for that.

But I'd like to make a statement because others, primarily the City of Reno, will respond to the environmental deficiencies of the Surface Transportation Board's preliminary mitigation plans. The Greater Reno-Sparks Chamber of Commerce is going to respond to the process. I have a whole list of things similar to what the City has in question, as I have at individual meetings, the actual numbers and the way you have arrived at those. But I'm going to address the process.

In the fall of 1996, the Chamber like many other organizations and individuals, were eager to participate in the Surface Transportation Board's Reno mitigation study overview. But it did not take long for the Chamber and other Reno mitigation task force participants to see that the process was going nowhere.

This STB team was not a group from Washington
here to help us, but rather a group of former railroad
employees and individuals who had previously and maybe
currently have contracts with the railroad. They were here
to protect the railroad. Anyone could see that the train
was coming and the Reno-Sparks area was to be railroaded.

Let me provide an example. When the number of
trains projected through Reno in the future was challenged,
we were told time and time again that the number stated by
the Union Pacific was the correct number, when accepted by
the STB in a verified statement. When asked who verified
the statement, it was stated, I did, and I’m not going to
look at it again.

Of major concern to the Reno-Sparks area is the
economic impact mitigation. Several times during the task
force meetings we were assured that someone was studying the
economic impact of increased rail traffic through Reno and
on downtown Reno, if there was to be some sort of railroad
disaster in the area. That economic impact report was to be
available for review in August of 1997. But we have not
seen nor heard of the report, not in August and not now.
And the report has one little paragraph referring to why
there’s not a report. But I think it’s still of a concern
to all of us as to what happened to it.

At task force meetings held in May and June,
those of us attending thought we were developing a clearer
sense of where the STB staff and consultants were headed with the final report. Charts were shown demonstrating how Reno traffic problems associated with increased train numbers could be solved by increasing train speeds, building auto grade separations at the two ends of downtown and fixing other crossings.

Some of the charts demonstrated that if you increased the speed of trains to about 50 miles an hour, the trains literally disappear. Now we were sitting back here thinking, what do the people from Washington think we are? Are we hobunks?

I mean, it was obvious. You can find the chart in your past books. Take it down to the bottom, it’s no longer there. And we all saw that. And we’re thinking, what are they trying to pull?

Given these demonstrations, we expected this STB staff to recommend building two overpasses, vehicle crossings, speeding up the trains and fixing other crossings. However, we were wrong. The recommendations were worse.

The STB staff recommended that the railroad fix the crossings, speed up the trains, two pedestrian crossings -- I see it -- and forget the vehicle grade separations.

The whole process has been a predictable
charade. It was disappointing that our government at any
level would do this to its citizens. We should be outraged
at this treatment and lack of respect.

We all should, and the Chamber will, ask our
elected officials to seek legislative change in how the
Surface Transportation Board is organized and who they
represent. The Board certainly does not represent the
people of this country.

The Chamber does not oppose the railroad
merger. However, we believe the railroad should be
responsible for impacts of the merger that will have on our
communities, just as any other expanded business would have.
At one time we thought the STB understood this and it was
considering real impacts. But it is obvious now that was
not the case.

(Applause.)

MS. WILSON: The next three speakers, Ronald
Johnson, Bill Osgood, Jim Gubbels.

FROM THE AUDIENCE: Madam Chairman, point of
order. There are a lot of cards still left. Maybe we'll
move through them quickly. But if we come to the 5:30 hour
and we have closed, can those cards that are remaining,
those speakers have the opportunity to be in line for the
evening session?

MS. WILSON: Yes. Ronald Johnson.
MR. GUBBELS: Jim Gubbels.

MS. WILSON: Thank you.

MR. GUBBELS: Good afternoon. For the record, my name is Jim Gubbles, vice president for REMSA, and I would like to read for you the following letter for the record. And again, you have copies if you wish. Otherwise, you will receive those also later.

The Regional Emergency Medical Services Authority, which is REMSA, is dismayed and disappointed at the SEA’s Preliminary Mitigation Plan, specifically regarding emergency responses. The proposed mitigation of speeding up trains and installing a video monitoring system to alert emergency crews that trains are approaching is extremely shortsighted, dangerous to both the public and emergency response crews and ignores long-term uncertainties of train’s frequency and length. This proposal assures nothing for the public’s health and safety.

No one can predict when and where emergencies will occur, how many trains will pass through Reno over the next five, ten, twenty years, how long these trains will be, and how many emergency responses in real people lives will be adversely affected.

Our collective focus should not be on mitigation but rather to eliminate wherever possible the problems created by the merger, especially where human life,
suffering and safety are involved. The old saying in medicine that an ounce of prevention is worth a pound of cure is quite applicable here.

The City of Reno after thought and study has urged that a depressed railway be constructed through the downtown corridor. We strongly agree.

Any blockage delays response. Minutes do count. Brain death will start to occur in four to six minutes. And any blockage will impact that.

The proposal should eliminate response time delays whereby it eliminates the potential of vehicle and pedestrian accidents, it insures the safest possible transportation of dangerous materials, and it eliminates noise and it reduces air pollution from vehicles waiting for crossing, all of which will improve the quality in the Truckee Meadows.

We believe the SEA could and must propose to depress railways through the City of Reno. We believe this option is not in conflict with the meaning of the Board’s directives.

A depressed railway clearly solves the majority of the merger related problems confronting the community. This requirement would not be in conflict with the SEA’s mission, especially considering the City’s willingness to fund a share of the cost. The City’s fundings offered for
the depressed railway frees the SEA from preexisting, pre-merger, development restrictions and should allow full consideration of a better option for the community and the railway.

We are disappointed at Union Pacific’s position on this issue. The railroad would also benefit from this option. A depressed railway would reduce their liability and cost associated with accidents and hazardous spills.

Further, it provides a safer alternative for their own employees. The City will propose a good faith bond research through low time rates and paying a fair share of the cost themselves. Yet UP, the multi million dollar company, has reduced its financial offer of assistance.

MS. WILSON: Time.

MR. GUBBELS: Thank you. I’m aware of that. I really -- the SEA should exert its broad based powers to insure long-term health and safety for our community and its children. We urge you to look at changing your proposal to recommend the depressed railways. Thank you.

(Appause.)

MS. WILSON: We still have over 25 cards to go. I would ask everyone’s cooperation in following the time limits. Bill Osgood.

MR. OSGOOD: Bill Osgood. I represent the Downtown Improvement Association.
I think part of the problem with the preliminary mitigation study is the very contradictory guidance that was given in Decision 44 of the Surface Transportation Board. In one place it states that the sole purpose of mitigation studies will be to arrive at specifically tailored mitigation plans that will insure that localized environmental issues unique to these two communities, i.e., Reno and Wichita, are effectively addressed. It also states in the same Decision 44, mitigation of conditions resulting from the preexisting development of hotels, casinos and other tourist oriented businesses on both sides of the existing SP line in Reno are not within the scope of this study.

My association represents those preexisting conditions. And we feel that a study that does not include impacts, environmental and economic impacts on that, is a study that does not effectively mitigate the realities of Reno.

Overall the study also failed to identify grade separations. It was specifically told that grade separations would be identified. They were studied, but nowhere are they found in any tier one recommendations or a rationale as to why they fell out.

The entire mitigation of the 30 mile per hour is based on a flawed analysis, and it's based on total gate
time as a criteria, gate down time. Yet the variables that go into that gate down time are very simple. It's numbers of trains, speed of the train, and train lengths.

The STB has stated that two of those variables are uncontrollable. They have no means of enforcing or controlling two of those variables. The only one they can do is put a speed limit on the trains that they must maintain. They cannot and will not enforce train length, and they cannot and will not enforce numbers of trains.

Therefore, with two totally uncontrolled variables, how 30 miles an hour can be an effective mitigation for gate down time just defies description.

Likewise, the other issue, nothing in the report mitigates horn noise. Obviously, following the guidance of preexisting conditions, the 13,000 hotel rooms alluded to in the study within a half mile of the railroad tracks don't exist. But yet they do exist.

We would urge that the Final Mitigation Plan take these factors into consideration and identify a more effective mitigation and a mitigation that in fact can be enforced to insure the safety and economic viability of Reno.

MS. WILSON: Thank you.

(Applause.)

MS. WILSON: Ron Paletta, Bill Newman, Norman
Holmes.

MR. PALETTA: Hi, I’m Ron Paletta, automotive engineer. I was here yesterday and today. And I have heard a number of inaccuracies, and I’d just like to address a couple.

The gentleman yesterday made the statement that by increasing the speed, that the whistles would blow longer approaching the crossings. Not true. We are required to blow one-quarter mile approximately from the crossing until we foul the crossing. Therefore, increasing the speed, obviously you are not going to blow the whistle that long.

I heard other people talk about engineers slowing down for pedestrians. The engineer is going to make the speed allowable. There are safeguards out there to protect pedestrians and automobiles, and that is what we rely on.

Also other communities such as Redding - my particular run is between Roseville and Dunsmuir - my perspective, going through a community faster where there are a number of crossings, you very rarely see anybody run around the gates, walk around the gates. You go through Chico at 25 miles an hour, people are always walking around the gates, walking over the crossings in front of you.

I heard somebody mention derailments. The faster the speed, the studies show less in train forces if a
train takes emergency application. Therefore, that’s less
likely to cause derailment.

One last thing. Yesterday we were talking
about, you people were talking about the increasing speed
through the City of Reno, and I don’t know if anybody is
aware that in most places train speed does not increase
until the rear end of the train gets by the increase in
speed border. In Reno, the train speed increases when the
head end gets to the increase in speed border. Thank you.

MS. WILSON: Thank you.

(Applause.)

MR. NEWMAN: My name is Bill Newman, and I’m a
third generation Reno resident.

First of all, I’m opposed to lower the tracks,
primarily cost. I’m neither a supporter of the railroad,
but as a taxpayer, I just don’t want cost. We’re talking
about $183 million. I know, I predict right now on record,
I’m a psychic, it will not be $180 million, it will be more.

No one here, no one here, I have not heard one
word - we’re talking costs - I have not heard one word about
cost overrun or delay. That has not been mentioned, and you
know that in every project it’s going to happen. That
downtown area would be a nightmare.

The City of Reno has got brochures, everyone is
bringing these brochures to the meeting. I also have the
paper for this morning’s thing with the city manager talking about injured children from Verdi and Sparks. First of all, you just come down Interstate 80 and go right off to St. Mary’s Hospital. Sparks has their own hospital. This is just a ploy.

I don’t want my property taxes, like the guy before me said, is the cost. I don’t want the cost of this. The best thing is if you are really going to do it is to reroute it outside of the city. Then when it is open, you can do it. You would have a huge nightmare. Just look at Virginia Street, the nightmare we have on Virginia Street, or repaving of Wells.

I have been down in Los Angeles there. I’m familiar with the MTA. I lived in Los Angeles when that started. Huge nightmare, digging under tunnels. Phenomenal cost would just be too much. I’m opposed to any moving of it.

I as a taxpayer get no benefit. I don’t care. If people want to commit suicide, that’s fine. Three days before, three days before that lady put her head under the railroad tracks, a friend of mine shot herself out at Jessup. Well, could have done that either way.

There is just no benefit. A lot of my friends, we don’t even come down town. So we don’t care.

If you don’t like for those people with the
noise and all that, move out to the airport. Then you won’t hear the train tracks.

I have lived by Idlewild Park for years. I grew up here. And I’m familiar with the trains.

How many times do you cross the railroad tracks? Once, twice a day? Three, four, five minutes there is the max you sit and watch the train go by.

As a kid, all the kids grow up looking at the trains. They are very fascinating. My next door neighbor was a retired Southern Pacific Engineer, so I have learned something about the train.

But it is just the benefits to me and to the community as a taxpayer to lower that, I just don’t see it, and I would go against any lowering of the tracks. Thank you for your time.

MS. WILSON: Thank you.

(Applause.)

MR. HOLMES: I’m Norman Holmes, local manager for Union Pacific Railroad here in Sparks.

I’m just sorry that the City of Reno has told the public what they want them to hear rather than the real facts about many of the issues that have taken place during this whole process. And it’s interesting and kind of comical to see them make their grandstand play here right at the end.
I also live in Reno, and I’m a taxpayer, and

I’m not in favor of spending money to relocate the highway
or the tracks to the Interstate 80 route or further north.

I’m very much for depressing the tracks. Thank you.

MS. WILSON: Thank you.

(Applause.)

MS. WILSON: Next three cards are Alex

Fittinghoff, Norm Evans, and Jerry Tausch. Alex

Fittinghoff. Norm Evans?

MR. TAUSCH: Number three.

MS. WILSON: Jerry Tausch.

MR. TAUSCH: Hi. My name is Jerry Tausch. I

have been with the Southern Pacific/Union Pacific for nearly

30 years now. And the bulk of my career has been spent

coming through your community.

And as a locomotive engineer, we take a great

deal of pride in coming through communities safely with the

least amount of intrusion and handle our trains as safely as

possible to prevent any kind of problem. We take a great

deal of pride in that. We also take a great deal of pride

in truthful representation of what goes on out there.

Yesterday I heard a great deal that wasn’t even close.

Part of what I have done over my career is gone

through different communities in the state. For instance,

going through the central valley of California. Most
communities down there, the train speed is at least 40 miles an hour. In many areas such as Richmond and Berkeley it is nearly 60 miles an hour.

I find that at those speeds, I have fewer problems with people walking around gates than I do going through a community where you go very slow. It seems that people have a problem judging train speed. If they look at one going 20 miles an hour, they believe they can beat it. So they go around gates. I don’t think that was accurately stated yesterday.

Some of the concerns about picking up train speed as we approach Reno going into Sparks and going the other way are unfounded. Coming into Sparks going through Reno, you are going from 40 miles an hour down to 30 miles an hour, which is a very easily attainable thing. You drop train speed 10 miles an hour instead of 20. Very simple. You keep your train speed very close to that 20 all the way through town.

Coming westbound, as you approach the City of Reno, as a rule, you have to throttle down. You have to bring your train speed down. So it is not a matter of a problem increasing to 30 miles an hour. It’s coming down from 25 to 20. So if we have to go 30 through Reno, it’s not a problem. You are almost there anyway.

Also very early in my career, 1969 is when I
started coming through this area, and at that time I believe we had in the neighborhood of between 30 and 45 trains a day. Right now we’re concerned with 25 trains. I don’t see the problem. We negotiated through this area for a very long time before this merger at a very larger number of trains through the community, and I don’t see where the outrage is.

One other thing that I was involved in was that DPU operation, distributive power, Mr. Lang briefly spoke about. I was directly involved in part of the training and the setup process.

One of the benefits with using distributive power is that you use fewer locomotives, number one, to move the same amount of freight because these locomotives are very high horsepower, 4400 horsepower as opposed to 3,000 to 3600 horsepower locomotives that generally shove trains through here in a helper configuration. Also environmentally, there are a lot more friendly, a lot fewer emissions.

I just thank you very much for your time and ability to speak my mind. Thank you.

(Appause.)

MS. WILSON: Mark Demuth, Ken Lynn, Dennis Nazelli.

MR. DEMUTH: My name is Mark Demuth, and I’m
one of the consultants for the City of Reno, and I’ll waive
my time for the citizens. Thank you.

MS. WILSON: Ken Lynn. Dennis Nazelli. Bob
Rusk.

MR. RUSK: Madam chairman, thank you for the
opportunity to speak here today and for the last three guys
that weren’t here. I’m Bob Rusk, and I have operated a 200
unit hotel on Ralston Street just a couple of blocks south
of the railroad track. I have been serving on committees
for the past 30 years to make Reno a better place to work,
live and play.

I’m also a card carrying member of the Friends
of the Railroad, and the most recent card that I get from
that group, it quoted a quote from the Sparks Tribune and
said I know of no one in Nevada that is on Union Pacific’s
side. Allow me to share my experience that goes back to
‘94, pre-merger and then post-merger.

Your credibility in the Reno community is on
the line. And I have an idea for UP to open the door to
getting some credibility back in the eyes of our citizens.

I go back to October of ‘94 as the chairman of
the site committee to come up with a site to move the Social
Services Center and drop-in center for the homeless out of
downtown Reno, and after looking at 32 sites, we came up
with the best site, quote, unquote. And that was the Sage
And your lessee at that time, and this time too, came to us and said what about my property? I want to get out of business. Why don’t you consider the property that I have.

So the staff of the City of Reno contacted the Southern Pacific staff, and they agreed on a price of $325,000 to buy that property. May of ’95, the Southern Pacific staff agreed to a friendly condemnation, city counsel adopted the resolution of condemnation which gave some tax benefits to the railroad. May 3rd of ’95, the Reno Planning Commission approved master plan amendment through a public hearing, a zone map and a special use permit. May 23rd of ’95, the City Council agreed to those three points.

June ’95, new city election, and guess what? We lost our fourth vote. Nothing to do with the railroad. Just didn’t have the votes temporarily. We became untracked, if you will. The homeless issue was dead.

November of ’96, new city election. Early winter ’96, Council member asked the Southern Pacific staff, is the property still for sale? The answer was yes. February of ’97, the Council unanimously instructed staff to go forward and attempt to purchase the site at Sage Street.

Now we’re dealing with the Union Pacific Railroad, sir. First contact, Jim Matstef. He has to ask
his boss, Don Littlewine, director of real estate.

The two of them then in June of '97 make a site visit. They then call the Reno city staff and said they would need to refer the question to upper management, apparently at home in Omaha. Final word, Union Pacific has no intent or interest in sale of this land.

Several weeks ago I initiated what I thought would be a win-win situation. I solved -- I'm almost done. I thought it would be appropriate for the railroad to show their decent corporate side and solve a major problem for the City of Reno. And the first word through second parties that we got was we don’t sell property now under the merger, we lease it. Okay. We’ll lease it.

Well, we may need to keep the land for monitoring devices required by the city in the final mitigation. Therefore, we won’t lease it either. Bottom line, no, and heck no.

Okay. In closing, I still think it’s possible for the Union Pacific to pick up the Southern Pacific offer on Sage Street and show the Reno community this giant corporation can cooperate to help solve a top priority issue in our city and then help the city pay for the bond through the bond financing of the Paine Webber folks to help lower the railroad tracks. Thank you.

(Applause.)
MS. WILSON: Those of you that have stuck it out, I appreciate it. I would like to focus it back if we could to any comments you have on the Preliminary Mitigation Plan, any comments on mitigation options, any comments on anything you feel is not addressed in the study.

The next three cards are Juanita Cox, Bob Sondufan and Sam Devine. Juanita Cox.

MS. COX: For the record, I’m Juanita Cox. I live above the McCarran Ranch in Storey County. I not only represent the people organized to -- or excuse me -- people organized for the next generation, I represent my family and other neighbors along the Truckee River in McCarran, Nevada. Both of those are in Washoe County and in Storey County.

Picture one of those nuclear trains being lost somewhere in Nevada. This is not such a fantastic nightmare. I am former computer programmer system analysis. I am concerned with the millennium bug for the year 2000. Computer programmers all over the world used an end code of ’99. That will shut off the mainframe computers that run these trains and are supposed to keep track of their location.

The information I have taken from -- excuse me -- the information I have taken from information gathered by Gary North, Ph.D., indicates Union Pacific officials began researching its problem and found over 82 percent of
its programs are sensitive to date related fields. Quote, "It has 7,000 programs totalling 12 million lines of code. Estimated cost of conversion, 200,000 manhours, or 100 staff years. The company in late 1995 had not yet decided which conversion tools it would use," unquote.

If Union Pacific hasn’t started to comply, or if Southern Pacific hasn’t started on this problem, what will the safety be like when the mainframe computers go down and no one knows where anything is, how fast it is going or any safety measures. Please address this scenario.

And due to --

MS. WILSON: Excuse me, ma’am. This subject is not before us. I’m sorry we’re not going to be able to address anything on this item. Did you have anything on the Preliminary Mitigation Plan?

MS. COX: Yes, ma’am, I do.

MS. WILSON: Good.

MS. COX: Due to the greater numbers of trains, there will be greater pollution. Well, I remember when we discovered that fecal matter can be dumped from trains. I remember our officials could not stop this horrible abomination.

Trains like hanta carrying rodents dump who knows what disease on to our waterways. Yuck. This must stop.
Greater collisions. I remember a fantastic fiery truck and train crash at my train crossing in Patrick about a year ago. The semi truck went down the tracks quite a few yards, in fact, hundreds of yards, burning everything in its path. It was truly spectacular, but I do not need nor do my neighbors need, some whose homes are within a few feet from the tracks, we do not need to experience that frightening site again. With more trains there is a much greater risk of collisions.

I do not want to be a statistic. What will it be like with more trains? How many more trains will be at this Patrick sitting? With more trains there will be more derailments and more chance to spill its contents into the Truckee River which is alongside or under tracks many times in the canyon.

I have called a number of times to ask when the train is going to stop blocking my only exit, to have the dispatcher tell me that they cannot communicate with the train while it is in the canyon. How is this going to change with the greater traffic?

Greater noise. There are a couple of engineers that honk the horn from one end of the canyon to the other. This isn’t a beep. This is a constant constant honk that goes all the way down. This nuisance never lets up.

I will wake up in the dead of sleep, and what
is it going to be like with more trains?

Greater frequencies. I have complained about the extremely high frequencies --

MS. WILSON: Time.

MS. COX: -- coming from the railroad at or near my crossing. These frequencies have been verified by Sierra Pacific engineers because I thought it was them. These frequencies are strong enough they can be seen on my television and my radios as well.

What will more trains do these frequencies? What will they -- will they have more, and what are they doing to my family, my neighbors and our animals?

MS. WILSON: Your time is up.

MS. COX: You talked. I'm going to continue.

There is a greater --

MS. WILSON: Please. Your time is up. We are happy to take your written comments. Everybody else has followed our time limit, and we would request that you do so.

MS. COX: You talked in my time limit.

MS. WILSON: You have been speaking five minutes. I'd be happy to take your written comments. Thank you very much.

Bob --

MR. SONDUFAN: For the record, Bob Sondufan
representing the Nevada Freedom Coalition which is made up of B.N.N.S. We are against this merger.

Reno is already known as a gambling town. If you double or triple the amount of trains, you will give a new meaning to the phrase give the tourist a run for their money.

In 1996, nationally there were 959 Americans killed on railroad right-of-ways and highway rail crossings. The Associated Press didn’t mention how many were killed that weren’t Americans or how many were tourists.

Our community depends on tourists, and we must protect them while they are in our citizens spending their money. If we allow this merger, it is only a matter of time before we have dead tourists to deal with. This will hurt Reno economy.

The safety records of these two companies will not get better by merging. The Sparks Tribune article of 9/14/97 by Andrew Barbano compares the railroad safety records with the safety record of the Exxon Valdez.

One example of how safe these trains are, 24 years ago one of their trains parked behind the Sparks petroleum tank farm for three days and nights, then moved down the track to Roseville where it exploded. The train was loaded with wartime ammunition. Yesterday one of these bombs was located and exploded. If these bombs would have
exploded in Sparks behind the petroleum tank farm, we would have lost the city of Sparks. Losing bombs for 24 years is not my idea of being safe.

I'm sure the railroad will tell us that lots of new safety devices would keep them from ever happening again. And yet, on September 16th, 1997, Union Pacific train in Pittsburgh, California, carrying bombs derailed. Luckily, the bombs didn't explode.

The Union Pacific took four hours to notify the citizens and begin an evacuation. The train people had their own private Hasmac company that is not responsive to the public. In my opinion, they will go to great lengths to keep train accidents from appearing in the papers.

I'm sure it's no accident that two members of the Union Pacific board of directors also sat on the Gannett board of directors, on Gannett's board, which happens to own our Reno Gazette Journal and U.S. Today and a great number of other newspapers.

Last week the Eldorado caught on fire. Had a train blocked a fast response, we could have lost a large part of our downtown, and many lives could have been lost.

The railroad people in this same room yesterday said there were no caps on speed, length or number of trains permitted in any city in the United States. They say a possible 36 trains a day, but if the economy gets better and
their business increase, they could have any number of trains and speed they want.

We would like to see them take their trains loaded with bombs and nuclear waste around Reno or bypass Nevada all together. This could be done by putting our unemployed and prison labor to work laying new tracks around Reno. This would also help with the problem on transporting nuclear waste through Reno. Thank you.

(Applause.)

MR. DEVINE: Sam Devine, Reno citizen. I have lived here for about 30 years.

And I don’t want this to sound like I am taking the side of the railroad, but when the fat cats and the special interest groups around Reno object to something, it makes me really nervous, and they are objecting to this railroad deal. So I’m really nervous about it.

I take, as a tax paying citizen, I deplore this propaganda blitz deal here that’s been going on, hundreds of thousands of dollars of my taxes being wasted on a propaganda blitz with a bunch of flap doodle, black trains. Not true.

I have got the Reno Citizen. I have been reporting on this whenever I can. I will give you each a copy if you like. I have some more out there.

But that makes me nervous when we have this