

STB

FD-33388

4-17-98

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ID-BUSINESS



April 14, 1998

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
12<sup>th</sup> and Constitution Avenue, N.W.  
Washington, D.C. 20423

RE: CSX and Norfolk Southern Control Conrail  
STB Finance Docket No. 33388

Dear Secretary Williams:

This letter is sent in support of the planned control of Conrail by CSX Corporation and Norfolk Southern Corporation as proposed in the above referenced docket.

We believe this transaction will provide our key industries with vital new transportation options and increased market reach with faster service and potentially lower costs.

New York State would now also benefit from greatly improved service to markets in the south, southeast and along the Gulf Coast via a single-line for the first time in history. The resulting elimination of delays would mean lowered shipping costs and faster transit times, which would in turn create important new opportunities for New York business and industry.

This project would enhance the global competitiveness of New York businesses engaged in importing or exporting.

Faster, less costly and more reliable rail service is really needed to assist economic developers with the creation of quality jobs for our residents.

We urge the Surface Transportation Board to approve the control application as proposed.

Sincerely,

Kenneth A. Green  
President

*Building Futures...Today!*

STB

FD-33388

4-15-98

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ID-BUSINESS

Post-It™ brand fax transmittal memo 7671		# of pages
To	Mr. Vernon A. Williams	From
Co.	STB	Co.
Dept.	Office of the Sec.	Phone
Fax #	(202) 565-9003	Fax #

**WALKKILL VALLEY RAILROAD COMPANY**

**JOHN ETIEN RAMH**

Mountain Road  
P O. Box 460  
Rosendale, New York 12472

Phone (914) 658-8200

Fax (914) 658-8200

April 15, 1998

Mr. Vernon A. Williams  
Office of the Secretary  
United States Surface Transportation Board  
1925K Street, NW  
Washington, D.C. 20423-0001



**Re: FINANCE DOCKET No. 33388  
JOINT OWNERSHIP OF CONRAIL**

Dear Mr. Williams:

I am requesting the Secretary of the Surface Transportation Board ("STB") to enter this letter into the above referenced proceeding. I am also requesting status at this time and that this letter and the facts it presents be made part of the record.

The following constating instruments are available for all interested parties to substantiate the joint ownership of Conrail.

**No. 1 CHARTER** The Walkkill Valley Railway incorporated 14 April 1866 and filed with the New York Secretary of State on 26 April 1866. (available from NY Secretary of State)

**No. 2 REORGANIZATION** The Walkkill Valley Railroad documents filed with the New York Secretary of State on 26 June 1877.

**No. 3 1899 LEASE** The lease in perpetuity between the Walkkill Valley Railroad and the New York Central and Hudson River Railroad (predecessor of the New York Central Railroad) and filed with the New York Secretary of State on 13 April 1899.

**No. 4 MERGER AGREEMENT** The merger of the Walkkill Valley Railroad Company, et al. and the New York Central Railroad dated 13 February 1952 and filed with the New York Secretary of State

PAGE 2, Joint Ownership

*No. 5* **AFFIDAVIT OF TITLE** From the New York Central Railroad Company to the New York State Thruway Authority dated 22 March 1967.

*No. 6* **DEED** The sale by deed dated 27 June 1986 to John Ethan Rahl by Conrail, under corporate seal, vesting ownership of the Walkkill Valley Railroad (Line code 1435) with all right, title and interest, and being filed with the Ulster County Clerk's Office (State of New York) in the Book of Deeds, Liber 1620 at Page 0028.

*No. 7* **STATEMENT OF SALE** Jenmiah Flarety, Esq. being present at the closing, states the sale of the Walkkill Valley Railroad to John Ethan Rahl.

*No. 8* **CONRAIL NOTIFICATION** Conrail's CEO and President, Mr. J. Hagan was notified of the breach of the terms of the 1899 lease via certified mail dated 30 December 1992.

*No. 9* **I.C.C.** The I.C.C. Notice of Exemption for Certification of Convenience & Necessity, finance docket N. 32391, ruled on 20 June 1994 further upholds Walkkill Valley Railroad as a railroad corporation.

To the extent that approval of a buyout of Conrail by Norfolk Southern and CSX Railroads is in the hands of the STB, My claim to joint ownership must not only be considered before a final decision by the STB but, the above mentioned railroads must be put on notice that the rights of The Walkkill Valley Railroad Company passes to them as assigns and successors of the New York Central Railroad.

**Be it known:** Conrail's management has and continues, with scienter, to operate under Fraud through a scheme to keep certain knowledge of my joint ownership from the stockholders, the STB and all other interested parties.

This notification to the STB and all interested parties is to preserve and protect all of John Ethan Rahl's and Walkkill Valley Railroad's rights, property, interest, and privileges.

The following brief synopsis is based on the above documents:

The Walkkill Valley Railroad Company, hereinafter "Walkkill" or "WVRR", was chartered in 1866 pursuant to the New York General Railroad Act of 1850. Walkkill reorganized in 1877. This provided Walkkill the privilege to be reassigned and to be re-entered as a corporation. The same is so directed by the terms of the Lease of 1899.

The 1899 Lease in perpetuity explicitly obligates the New York Central and Hudson River Railroad (NYC&HRR), its successors or assigns to maintain Walkkill's Charter and to replace any property of Walkkill's back to its original condition at the time of the agreement (lease) or to replace it with property of equal and like value, otherwise, all rights revert back to Walkkill.

## PAGE 3, Joint Ownership

The terms of the lease fully maintain Wallkill's rights and privileges intact to date. Conrail assumed the liability for the lease when it acquired the property of the Penn Central Railroad pursuant to the Regional Railroad Revitalization Act of 1973, Section 303(b). Conrail breached the lease upon the removal of the track on Wallkill (line code 1435) and failed to replace it with property of equal value as per the terms of the lease.

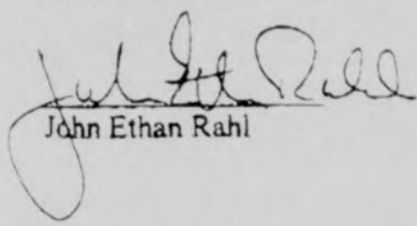
The Merger of 1952 between Wallkill and the New York Central Railroad Company created joint ownership.

The sale of Wallkill, under corporate seal, to John Ethan Rahl in fee simple absolute, is an interest to all of Conrail's east coast operating rights and half of the assets of the New York Central Railroad, including Conrail stock, and assets of all other assigns of the NYC&HRR.

In conclusion, the rights, property, and privileges reverted back to Wallkill by Conrail's breach of the 1899 Lease. John Ethan Rahl, as 95% owner of the Wallkill Valley Railroad Company, and through, the Charter of 1866, Lease of 1899, Merger of 1952, 1986 Deed to Rahl, Vested Rights, Statutes of Use that run with the land by Touch and Concern; NYS Constitution Art. 1, Sec. 1 - Law of the Land, NYS General Railroad Law Chapter 140 of 1850, revised, (1858) chapter 18, title 13 Sec. 32; Obligation of Contracts guaranteed, indefeasible and protected by Article 1, Sec. 10 of the U. S. Constitution, and Impairing Obligation of Contracts. **I NOW ASSERT THESE RIGHTS** Therefore, Conrail is now permanently barred to these rights by the operation of law.

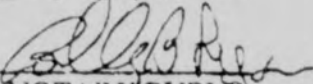
**WHEREFORE**, I respectfully request and demand the STB to protect Wallkill's rights property and assets.

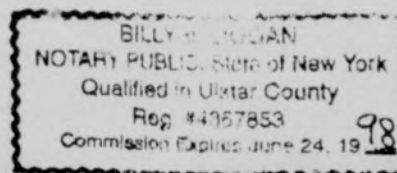
Respectfully submitted,

  
John Ethan Rahl

Dated: 15 April 1998  
Rosendale, NY

Sworn to before me this  
15 day of April 1998

  
NOTARY PUBLIC



STB

FD-33388

4-10-98

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ID-CITIES

# **WELLINGTON, OHIO**

## **VILLAGE COUNCIL**

*115 Willard Memorial Square  
44090*



Barb O'Keefe, Mayor

Harold Sumpter, President  
Joe McQuaid  
Al Kimmich  
Dan Haldeman  
Guy Wells  
Fred Alspach

April 7, 1998

**Surface Transportation Board**  
**Finance Docket No. 33388**  
**Attn: Vernon A. Williams, Secretary**  
**1925 K Street, NW**  
**Washington, DC 20423-0001**

RE: Proposed CSX Acquisition of Conrail Line C-061, Lorain County, Ohio.

Dear Mr. Williams:

The Mayor and Council of the Village of Wellington, Ohio hereby request the opportunity to be heard at the oral argument on Thursday, June 4, 1998 per the STB's Decision No. 70 dated March 10, 1998.

Fred Alspach will represent Wellington Council. Bob Walker and Barb Leiby will represent Wellington's Safety Forces and will be present to argue in opposition of the proposed acquisition of the Conrail C-061 line by CSX Corporation for the following reasons.

- 1) If the acquisition is approved by the Surface Transportation Board, it is imperative to construct a grade separation, where feasible, in order to accommodate the proposed increase in rail traffic.
  - A. Vehicle traffic count by the STB revealed 8,120 vehicles per day crossing on State Route 58 and 7,870 vehicles per day crossing at a perpendicular on State Route 18 just 1,500 feet away. No other crossing, of the thirty-five crossings in Lorain County, on the C-061 line, handles this amount of traffic in such a small area.

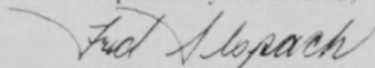


- 2) If the acquisition is approved by the Surface Transportation Board, the number of additional trains should be limited.
- 3) If the acquisition is approved by the Surface Transportation Board, the switching of rail cars for local industry, located on North Main Street, should be limited to night hours to reduce congestion.
- 4) If the acquisition is approved by the Surface Transportation Board, the CSX Corporation should institute and fund an annual joint training program for rail personnel and local providers for emergency response.

It is for these reasons that Wellington officials are requesting to be heard in conjunction with the 5th Congressional District Representative, Congressman Paul E. Gillmor. We firmly believe that the acquisition of the Conrail C-061 line by the CSX Corporation and the ensuing increase in traffic and transportation of hazardous materials will greatly impact the environmental and safety concerns of the Village of Wellington, Ohio.

It is hereby requested that we be allotted thirty minutes in which to present our arguments to the Surface Transportation Board on June 4, 1998.

Respectfully submitted,



Fred Alspach, Councilman

Enclosure: Wellington Resolution

cc: Congressman, Paul E. Gillmor  
Robert Walker, Fire Chief  
Barb O'Keefe, Mayor  
Village Council  
Frank Ashbaugh, Solicitor

## VILLAGE OF WELLINGTON, OHIO

### RESOLUTION NO. 1998-8

WHEREAS, the Section of Environmental Analysis of the Surface Transportation Board has invited comments in regards to the proposed CONRAIL ACQUISITION as those concerns relate to cities, townships and villages located within the CONRAIL CORRIDOR, and;

WHEREAS, the Mayor and Council of the Village of Wellington recognizes that the Surface Transportation Board is presented with a very challenging and complex decision, made difficult by the many issues involved, all of which must be given careful consideration prior to the final decision being made, and;

WHEREAS, the Rail Segment C-061 is 27 miles in Lorain County with a projected increase in the number of trains per day from 14 to 54 and a projected increase in the number of annual Hazardous Material carloads from 16,000 to 51,000, and;

WHEREAS, Two (2) of the crossings that meet or exceed the STB's criteria of 5,000 plus ADT and were analyzed for vehicle delay and queues, namely North Main Street in Wellington Village (Rt. 58) at 8120 vehicles and Herrick Avenue West in Wellington Village (Rt. 18) at 7870 vehicles, said crossings located within 1,500 feet of each other, and;

WHEREAS, The Village of Wellington has experienced four (4) accidents resulting in death in the last 8 years. It is not logical that an increase in the number of trains per day from 14 to 54; an increase in train length from 5,260 feet to 6,200 feet; an increase in the number of vehicles delayed per day from 145 to 583; an increase in the number of vehicles in line per lane (2) from 14 to 16; and increases in average delay per vehicle could take place and the result be a Level of Service (LOS) determination of B.

NOW THEREFORE BE IT RESOLVED THAT:

- 1) The following are recommendations by the Mayor and Council of the Village of Wellington, Ohio;
  - A. PROVIDE FOR RAIL AND STREET GRADE SEPARATION AT THE MOST FEASIBLE LOCATION WITHIN THE VILLAGE LIMITS
  - B. REDUCE THE NUMBER OF ADDITIONAL TRAINS PERMITTED
  - C. LIMIT/RESTRICT RAIL CAR SWITCHING ACTIVITIES TO NIGHT HOURS TO REDUCE CONGESTION
  - D. CREATE A WRITTEN EMERGENCY RESPONSE PLAN FOR RAIL PERSONNEL AND LOCAL SERVICE PROVIDERS

E. INSTITUTE AND FUND AN ANNUAL JOINT TRAINING PROGRAM  
FOR RAIL PERSONNEL AND LOCAL PROVIDERS

F. PROVIDE PRIOR NOTIFICATION OF NUCLEAR SHIPMENTS

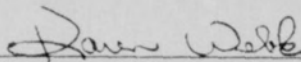
- 2) That it is found and determined that all formal actions of this Board of Trustees concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Village Council, and that all deliberations of the Village Council and of any of its committees resulting in such formal action were in meetings open to the public, in compliance with the law, including Section 121.22 of the Revised Code of Ohio.

The vote was taken as follows:

Sumpter	<u>YES</u>
Alspach	<u>YES</u>
Haldeman	<u>YES</u>
Kimmich	<u>YES</u>
McQuaid	<u>YES</u>
Wells	<u>YES</u>

Adopted this 6th day of April, 1998

ATTEST:

  
\_\_\_\_\_  
Clerk of Council

STB

FD-33388

4-10-98

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ID-PUBLIC

P. O. Box 52015  
New Orleans, LA. 70152

April 6, 1998

Office of the Secretary  
Case Control Unit  
STB Financial Docket No. 33388  
1925 K Street, NW  
Washington, D. C. 20423-001



Dear Sir;

I am seeking your help in an attempt to resolve a claim as a result of the tank car explosion that happened in September 1987.

It has been 10 years and it seems that we are being pushed and shoved by those involved with one legal battle after another.

I understand that CSX Railroad is buying Conrail for the sum of 10 billion dollars. There seems to me that something is wrong here. How can this happen? They have appealed the sum of 3 billion dollars in punitive damages that was awarded by the jury for their negligence, but can pay 10 billion dollars for a big railroad. This is America, this cannot be allowed. Where's the justice for all? If there is something you can do to block CSX from buying Conrail and settling this suit that's been pending for 10 years, it will be greatly appreciated by all concerned citizens.

I continue to suffer from irritated eyes and I have lost my husband to cancer and a breathing problem which may have contributed, in part, to his problem, as a result of the toxic fumes generated from the explosion.

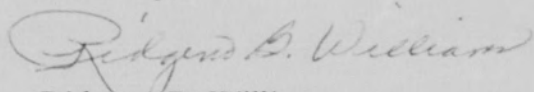
Page 2

Letter Dated - April 5, 1998  
Surface Transportation Board  
STB Financial Docket No. 33388

We have been waiting patiently for 10 years. Isn't there something you can do to block this buyout and force CSX Railroad to settle this suit before buying another railroad and putting our families in jeopardy of another tank car explosion? We live in constant fear every time a train passes or tank cars are left on the tracks.

Please help us.

Sincerely,

A handwritten signature in cursive script that reads "Ridgeno B. Williams".

Ridgeno B. Williams

cc:

N. O. Tank Car Litigation Claims Office

STB

FD-33388

4-10-98

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ID-BUSINESS



Thomas R. Howard  
Chief Commercial Officer

935 Seventh Avenue  
Huntington, WV 25701-2313  
Office (304) 522-5511  
Fax (304) 522-5187  
Email Tom\_Howard@csx.com

April 5, 1998

Mr. William E. Garrity  
Executive Manager of Fuels and Power Transactions  
Consumers Energy  
1945 West Parnall Road  
Jackson, MI 49201-8643



Dear Bill:

This letter is a follow up to your March 26, 1998 letter to Bill Fox of Norfolk Southern and Ray Sharp of CSX Transportation concerning the division of Conrail contracts.

The intent of Section 2.2(c) of the Transaction Agreement is to maintain current contract rates and transportation obligations through their term. The Transaction Agreement Section 2.2(c) does not diminish either party's contractual obligations or affect applicable competitive options available. Its purpose is to designate which carrier will undertake responsibility to perform Conrail's obligations under each contract. Also, the application of Section 2.2(c) does not obligate Consumers Energy to extend or to commit its shipments for future contract delivery to either the NS or CSX Transportation.

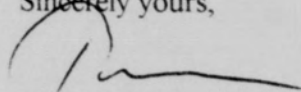
The two key considerations involved are contract term and volume commitment. For example, if the Conrail contract for Fola movements expire at the end of 1998, Section 2.2(c) has no application as Consumers Energy seeks to replace these movements with new contracts. The other issue is the volume commitment of the current Conrail contract. Section 2.2(c) applies only to the contractually committed business. Only the contract annual volume commitment, if any, would be allocated by Section 2.2(c).

The status of the joint movement to Essexville involving the Canadian National (GTW) and the Central Michigan Railway Company (CMGN) will remain unchanged. At this time, however, we cannot respond specifically to your questions until the Conrail contracts with Consumers Energy have been made available to us.



As is the case today, Consumers Energy will be serviced by multiple railroads and lake options to these destinations. Consumers Energy will not experience a decrease in the competitive situations at Essexville, Whiting and the lower Lake Erie docks including Ashtabula Harbor. Neither the Conrail acquisition by CSXT and the NS, nor the administration of the Transaction Agreement, will in any way lessen the options available to Consumers Energy in the future.

Sincerely yours,



Thomas R. Howard  
Chief Commercial Officer

cc: Mr. J. W. Fox, Jr.  
Mr. R. L. Sharp  
Surface Transportation Board  
Peter Marshall, Canadian National  
C. A. Pinkerton, III, Central Michigan Railway  
W. H. Dickey, Jr., Amvest Coal Sales  
T. P. Dwyer, Consolidated Rail Corporation

STB

FD-33388

4-9-98

J

ID-PUBLIC



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Mary Howell  
8 Evergreen Pl.  
Cleveland, OH 44110

Dear Ms. Howell:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA will address safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings. They also will analyze the increased probability of derailments and releases of hazardous materials due to increased train traffic; examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures; and address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

Under the current procedural schedule adopted by the Board, SEA plans to issue in late May 1998 a Final Environmental Impact Statement (EIS) for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

I am having your post card and my response placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please contact Mike Dalton, SEA Project Manager for the Conrail Acquisition EIS, at (202) 565-1530.

Sincerely,

Linda J. Morgan

**Please Support the  
City of Cleveland's Alternative Plan!**

**SAY NO...**to increased train traffic by more than 1000%; including safety hazards, noise, vibration, odor, and congestion!

**SAY NO...**to delays of emergency response times by police, fire and Emergency Medical Service; Blocked crossings delays from 2 to 10 minutes--seriously decreasing survival rates of heart attack victims.

**SAY NO...**to an increase of 126,000 carloads of hazardous waste per year moving through our neighborhoods.

**We urge the Surface Transportation Board to  
oppose the CSX/NS scheme and support The  
Cleveland Plan!**

Name:

Mary Howell

Address:

8 Evergreen Pl.  
Cleveland, Ohio 44110



**US Department of  
Transportation**

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

K 5 + W ✓  
CHAIRMAN MORGAN  
SURFACE TRANSPORTATION BOARD

# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Pauline Eskat  
3213 Mapledale Ave.  
Cleveland, OH 44109

Dear Ms. Eskat:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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Sincerely,

Linda J. Morgan

ONE REGION...

ONE VOICE!



WE WILL STOP

THE TRAINS

United WE-CANI, United Pastors in Mission, and BOLD of Lorain County  
Join to oppose the CSX/Norfolk Southern Rail Plans and call for a  
Regional Solution ensuring justice and equity.

**AS ONE REGION, WITH ONE VOICE . . .**

**WE URGE YOU TO REQUIRE A PLAN THAT IS JUST FOR ALL.**



**SAY NO . . .** to lowered standards for safety and quality of life in our communities due to increased train traffic!

**SAY NO . . .** to dramatic increases in hazardous material transported through our communities!

**SAY NO . . .** to a decrease in safety inspector and maintenance personnel jobs!

**SAY NO . . .** to providing public subsidies to multi-billion dollar rail companies!

**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Ms Pauline Eskat

Address: 3213 Mapledale Ave, Cleveland, Ohio 44114

TO:

WASHINGTON, DC PD#C 15842 23 50 02-24-95

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Liada Morgan

COMMUNICATIONS SECTION  
FEB 24 1995  
14109





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Barbara Scott  
5698 Edgehill Dr.  
Cleveland, OH 44130

Dear Ms. Scott:

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Name: Palma Scott

Address: 5098 20423-0001



**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

Vertical text on the right side of the envelope: "SURFACE TRANSPORTATION BOARD" and "LINDA MORGAN" (partially visible).



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Doris Wheeler  
803 North Ave.  
Cleveland, OH 44131

Dear Ms. Wheeler:

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**SAY NO . . .** to a decrease in safety inspector and maintenance personnel jobs!

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**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a regional rail summit to articulate one voice for the region!

We urge the Surface Transportation Board to approve the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name:

James Wheeler

Address:

803 North Ave Cleveland OH 44131

20423-0001

10495013010001000100010001000100010001



USA  
32

TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

LINDA MORGAN

FEB 21 1998

RECEIVED  
MANAGEMENT  
SIB

20423-0001

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Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Patty Walker  
1337 Glanger Ave.  
Lakewood, OH 44107

Dear Ms. Walker:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA will address safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings. They also will analyze the increased probability of derailments and releases of hazardous materials due to increased train traffic; examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures; and address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

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I am having your post card and my response placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please contact Mike Dalton, SEA Project Manager for the Conrail Acquisition EIS, at (202) 565-1530.

Sincerely,

*Linda J. Morgan*  
Linda J. Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Fred Carmen  
1390 Ethel Ave.  
Lakewood, OH 44107

Dear Mr. Carmen:

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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan



# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**

# Please Support the City of Cleveland's Alternative Plan!

**SAY NO...**to increased train traffic by more than 1000%; including safety hazards, noise, vibration, odor, and congestion!

**SAY NO...**to delays of emergency response times by police, fire and Emergency Medical Service; Blocked crossings delays from 2 to 10 minutes--seriously decreasing survival rates of heart attack victims.

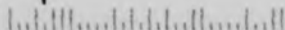
**SAY NO...**to an increase of 126,000 carloads of hazardous waste per year moving through our neighborhoods.

**We urge the Surface Transportation Board to oppose the CSX/NS scheme and support The Cleveland Plan!**

Name: Patty Walker

Address: 1337 Glanges Ave.

Lakewood, OH 44107



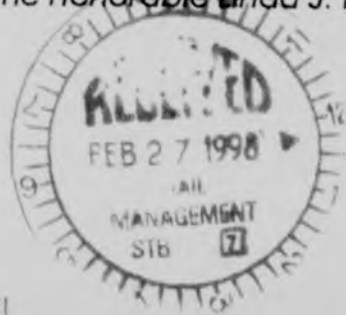
32  
USA



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*



SURFACE TRANSPORTATION BOARD

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Cleveland Plan!**

Name: FRED CARMEN

Address: 1390 Ethel Ave.

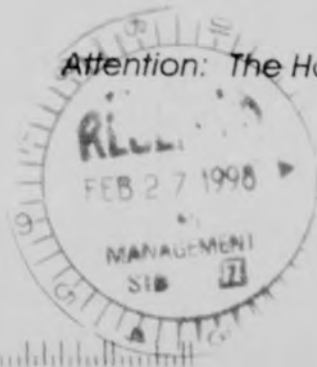
LAKEWOOD, OH 44107



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Gus Owen*



Surface  
Transportation  
Board  
Washington, DC  
20590



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Lori A. May  
410 Berkshire Drive 105A  
Lorain, OH 44055

Dear Ms. May:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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Linda J. Morgan

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**ONE VOICE!**



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**THE TRAINS**

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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: \_\_\_\_\_

Lori A. May  
410 Berkshire Drive 105A  
Lorain, OH 44055

Address: \_\_\_\_\_

4405502954

TO

TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Marc L. Britt  
1408 S. Lakeview Blvd.  
Lorain, OH 44052

Dear Mr. Britt:

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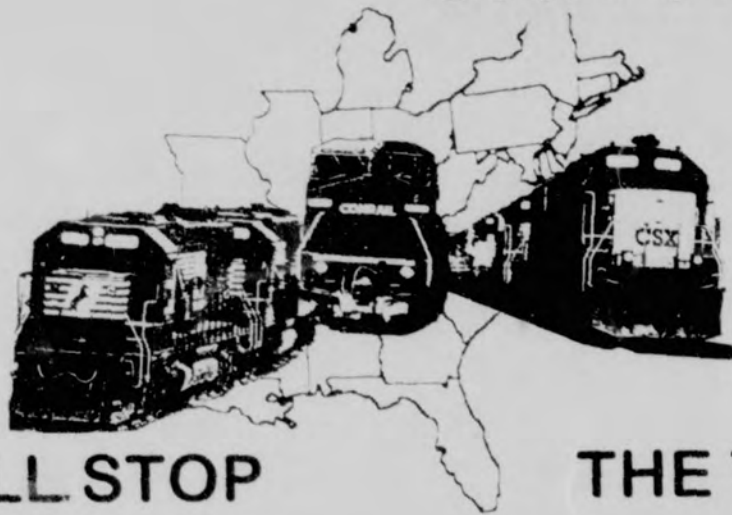
Sincerely,

*Linda J. Morgan*  
Linda J. Morgan



# ONE REGION...

# ONE VOICE!



## WE WILL STOP

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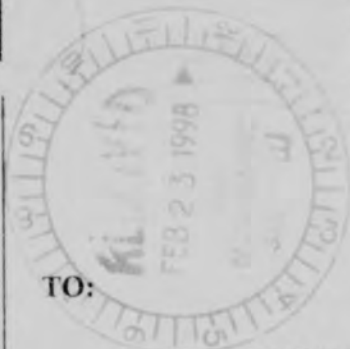
**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Max L. Britt

Address: 1408 S Lakoview Blvd.

Lorain, OH 44130-5502



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**

CHAIRMAN MORGAN

FEB 23 2 14 PM '98

SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Christopher H. and Linda Lee Marty  
549 Fieldstone Drive  
Amherst, OH 44001

Dear Christopher & Linda Marty:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan

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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: CHRISTOPHER H. & LINDA LEE MARTY

Address: 549 FIELDSTONE DRIVE, AMHERST, OH 44001



TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

20423+0001



CHAIRMAN HOGAN

MAR 4 5 16 PM '88

U.S. SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Patricia Peacock  
10 Stewart Ct.  
Oberlin, OH 44074-1334

Dear Ms Peacock:

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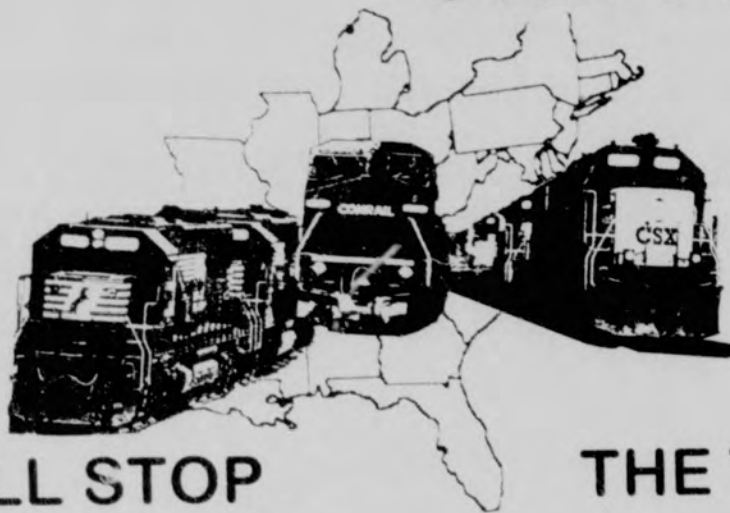
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name:

Patricia Peacock

Address:

10 Stewart Ct.

Cleveland, OH 44107-1334



CHAIRMAN MORGAN

MAR 5 3 45 PM '98

U.S. MAIL

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Jane Wilds  
2705 Archwood Ave.  
Cleveland, OH 44109

Dear Ms. Wilds:

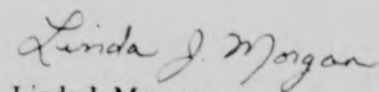
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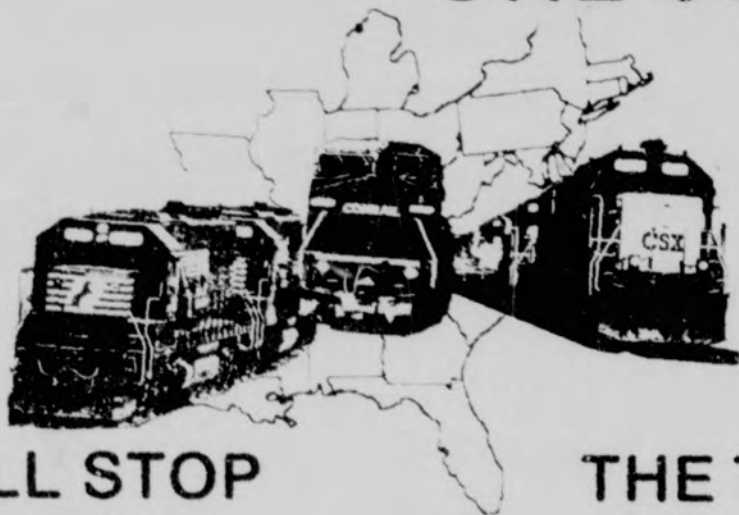
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: CANE WILDS

Address: 2705 ARCHWOOD AVE

CLEVELAND OH 44109



U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

RECEIVED  
CHAIRMAN MORGAN

MAR 5 3 46 PM '88

RECEIVED  
SURFACE TRANSPORTATION  
BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. David A. Murrell  
2612 Jackson St.  
Lorain, OH 44052

Dear Mr. Murrell:

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Name:

*David A. Murrell*

Address:

*2112 Jackson St. Lorain, OH 44052*



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

CHAIRMAN  
LINDA MORGAN  
U.S. SURFACE  
TRANSPORTATION  
BOARD  
WASHINGTON, DC 20423-0001





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Charles F. Kleefeld  
2235 N. Jefferson Blvd.  
Lorain, OH 44052

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Name: Charles F. Kleefeld

Address: 2235 No Jefferson Blvd  
LORAIN OHIO 44052

TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. and Mrs. Kenneth Faus  
143 Forest Hill Drive  
Avon Lake, OH 44012

Dear Mr. and Mrs. Faus:

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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan

**ONE REGION...**

**ONE VOICE!**



**WE WILL STOP**

**THE TRAINS**

United WE-CAN!, United Pastors in Mission, and BOLD of Lorain County  
join to oppose the CSX/Norfolk Southern Rail Plans and call for a  
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**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Mr. & Mrs. Kenneth Faus

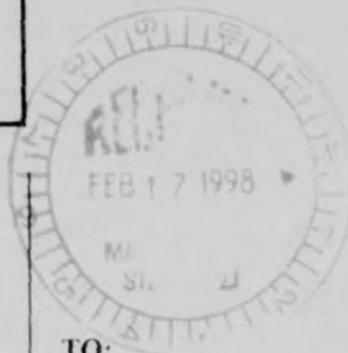
Address: 143 Forest Hill Drive, Avon Lake

20423-0001

Ohio 44012



American Public 32



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

NOV 11 1998



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Elaine and Thomas McLartney  
2122 W. 40th St.  
Lorain, OH 44053

Dear Elaine and Thomas McLartney:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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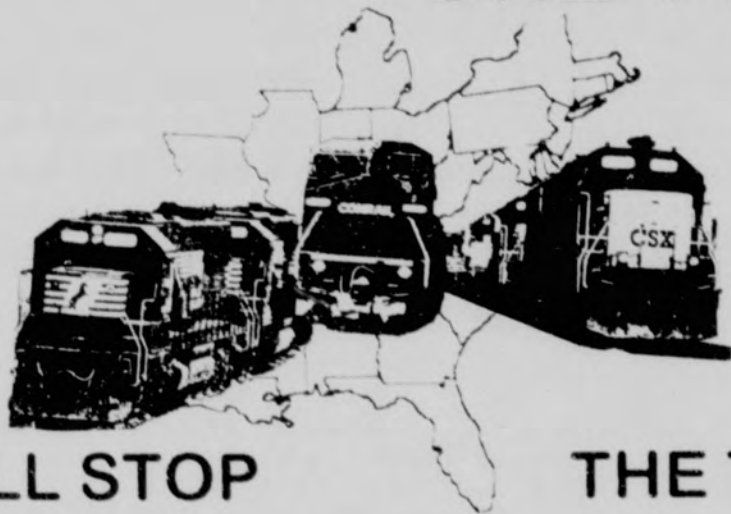
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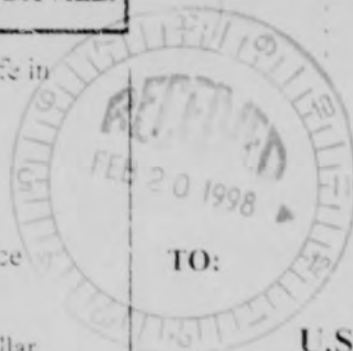
**SAY YES . . .** to commuter rail access!

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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Barbara McCreary Thomas McCreary

Address: 2722 W. 40th St. Lima, OH 44853



**TO:**

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**

20423-3001





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Eugene A. Park  
279 English Lakes Blvd.  
Amherst, OH 44001

Dear Mr. Park:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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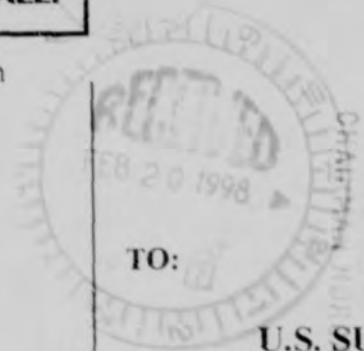
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Eugene A. Park

Address: 279 ENGLISH LAKES BLVD

AMTRAK ST. CH. 4420



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**

20423-0001





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Jack and Patricia Vierkorn  
108 Shakespeare Lane  
Avon, OH 44011

Dear Jack and Patricia Vierkorn:

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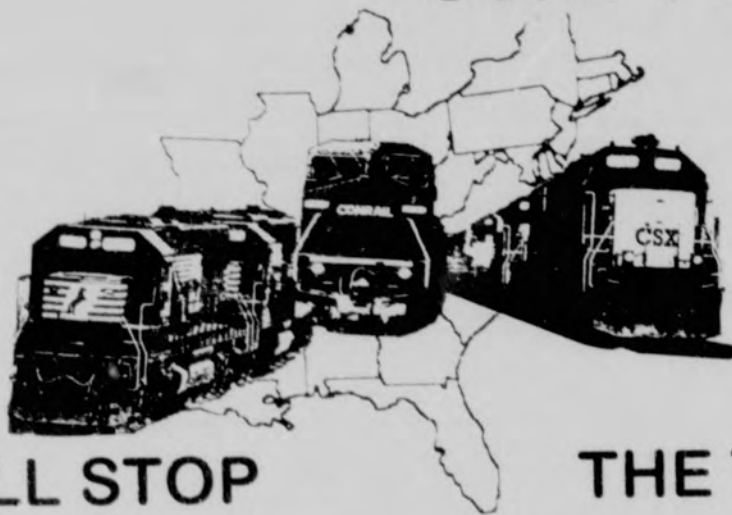
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Name: Jack & Patricia Vierkorn

Address: 108 Shakespeare Ln ; Avon, OH 44011

20423-0001

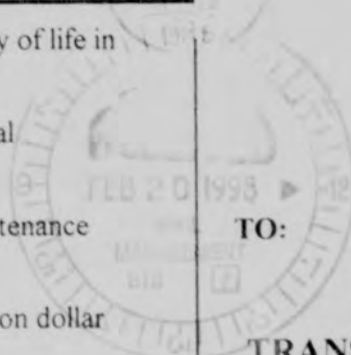


TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**



CHAIRMAN MORGAN  
FEB 20 2 26 PM '98  
SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Julian and Ellen Mabe  
4712 Andover Ave.  
Lorain, OH 44055

Dear Julian and Ellen Mabe:

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Name: Juanmabe / Ellen Mabe

Address: 4712 Andover Av.

Lorain OH 44053

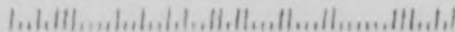


U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

SURFACE  
TRANSPORTATION  
BOARD







Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Ann Rush  
3219 Fulton Rd.  
Cleveland, OH 44109

Dear Ms. Rush:

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Name: Ann Rush

Address: 3217 E. Linton Rd. Cleveland, OH 44121

TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Marilyn R. Evans  
1305 W. 24th St.  
Lorain, OH 44052

Dear Ms. Evans:

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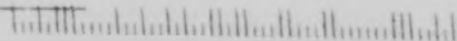
Name:

*Marilyn R. Evans*

Address:

*1305 W 24<sup>th</sup> St. Lorain OH 44032*

20423-0001



RECEIVED  
SURFACE TRANSPORTATION BOARD

MAR 3 5 25 PM '93

CHIEF CLERK LINDA MORGAN

TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. William Corrigan  
1532 Warren Rd.  
Lakewood, OH 44107

Dear Mr. Corrigan:

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Sincerely,

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Linda J. Morgan

# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**



**Please Support the  
City of Cleveland's Alternative Plan!**

**SAY NO...**to increased train traffic by more than 1000%; including safety hazards, noise, vibration, odor, and congestion!

**SAY NO...**to delays of emergency response times by police, fire and Emergency Medical Service; Blocked crossings delays from 2 to 10 minutes--seriously decreasing survival rates of heart attack victims.

**SAY NO...**to an increase of 126,000 carloads of hazardous waste per year moving through our neighborhoods.

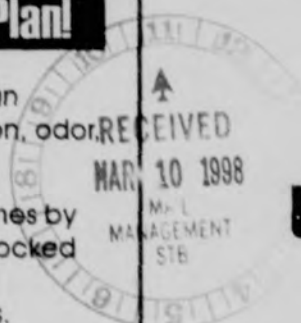
**We urge the Surface Transportation Board to  
oppose the CSX/NS scheme and support The  
Cleveland Plan!**

Name: Wm. Conroy

Address: 1532 Warren Rd

Stuod, O 44107

DCR#2 CLEVELAND OHIO 441 20-44



**US Department of  
Transportation**

400 7th Street, SW  
Washington, DC 20590

Attention: The Honorable Linda J. Morgan

CHAIRMAN MORGAN

MAR 10 1998

U.S. DEPARTMENT OF TRANSPORTATION

STB

FD-33388

4-9-98

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ID-PUBLIC



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Dorothy E. Hicks  
4352 W. 132 St.  
Cleveland, OH 44135

Dear Ms. Hicks:

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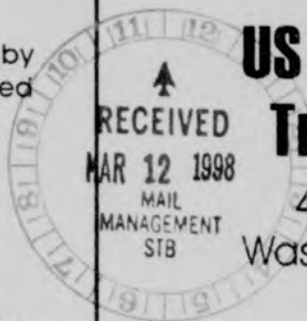
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Name: Dorothy E. Hicks

Address: 4352 N. 132 St.

Cleveland, OH 44135



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

*12 St NW*



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Vivian E. Carter  
1138 - 12th St.  
Lorain, OH 44052

Dear Ms. Carter:

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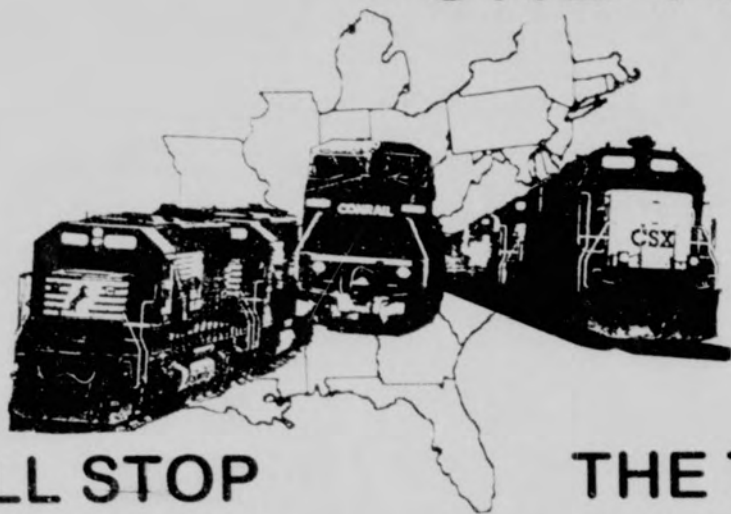
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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan

# ONE REGION...

# ONE VOICE!



## WE WILL STOP

## THE TRAINS

United WE-CAN!, United Pastors in Mission, and BOLD of Lorain County  
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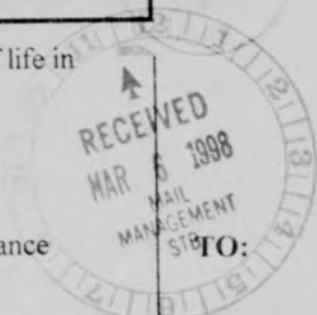
**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Lorain & Carter

Address: 1138-1/2th St

Lorain, Ohio 44052  
20423+0001



**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**







Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Marian Buttler  
4337 W 137 St.  
Cleveland, OH 44135

Dear Ms. Buttler:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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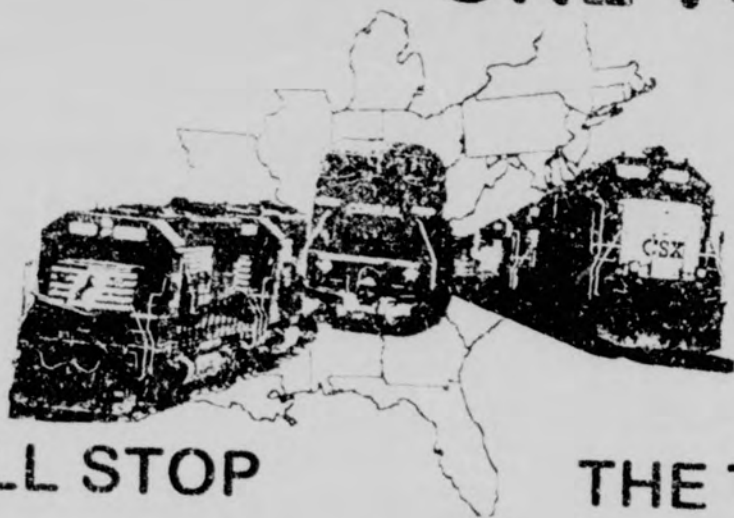
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name:

*Marianne Butcher*

Address:

*4337 W. 137 St. Cleve*

*Ohio 44135*



U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0091

Attn: Chairman Linda Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Margaret E. Barton  
3801 W. 152 #4  
Cleveland, OH 44111

Dear Ms. Barton:

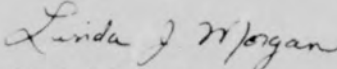
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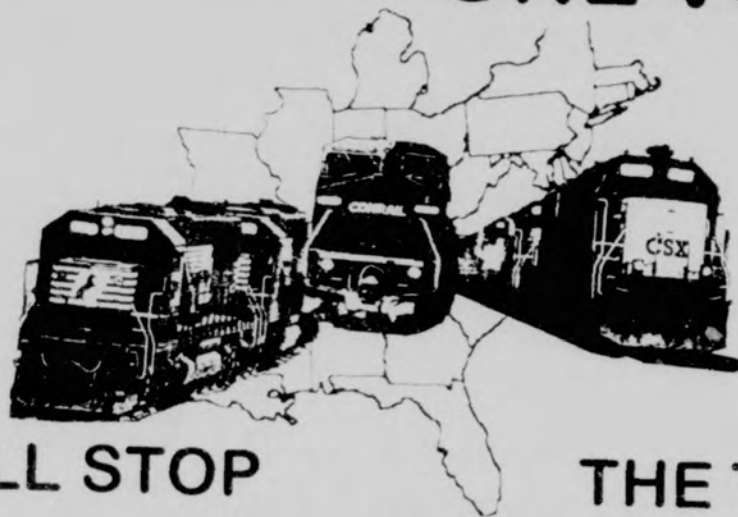
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Margaret E. Barton

Address: 380 West 152 #4 - Cleveland  
44111



TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Julia A. Roberts  
4249 Metropolitan Dr.  
Cleveland, OH 44135

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Name: Julia G. Roberts

Address: 4249 Metropolitan Dr.

Cleveland OH 44135



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Doug & Kathleen Henderson  
3470 W. 179th St.  
Cleveland, OH 44111

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Name:

*Doug & Kathleen Henderson*

Address:

*3740 W. 179th St  
Cleveland, OH 44111*



TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Robert L. Bohr  
4153 W. 160 St.  
Cleveland, OH 44135

Dear Mr. Bohr:

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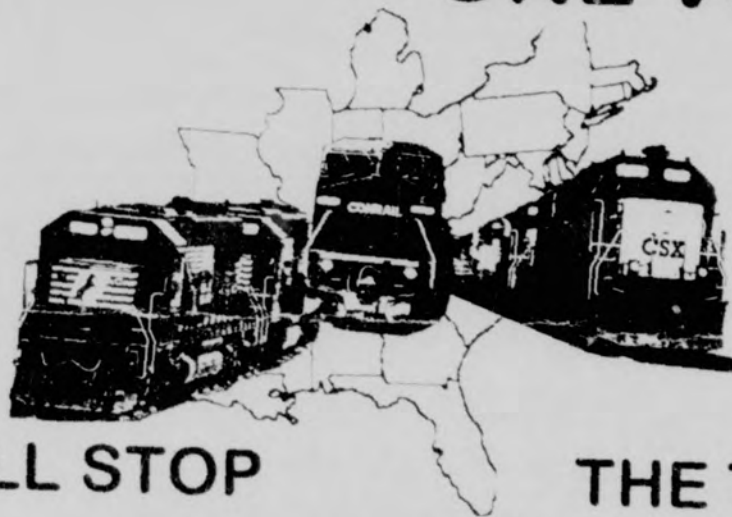
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Dorain Co. solution.

Name: \_\_\_\_\_

*Robert J. Bohm*

Address: \_\_\_\_\_

*4153 W. 160 St*

*Cleveland OH - 44135*



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Rev. Neal Wild  
2607 Archwood Ave.  
Cleveland, OH 44109

Dear Rev. Wild:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Rev. Neal Wilder (Brooklyn)

Address: 2607 Ave. . . . .



RECEIVED  
FEB 25 1998  
MAIL  
MANAGEMENT  
SIB

TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0091

Attn: Chairwoman Linda Morgan

CHIA-NAN HUNG  
MAIL ROOM  
FEB 25 1998  
MAIL ROOM

74/09-2010



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mrs. Frances Stupar  
8471 Southlane Drive  
Brooklyn, OH 44144

Dear Mrs. Stupar:

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Name: Mrs. Frances Stepan

Address: 8471 Southeast Drive  
Brooklyn, Ohio 44144



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

CHAIRMAN MORGAN  
FEB 25 1998  
U.S. SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Harold Butcher  
2704 Skyline Dr.  
Lorain, OH 44053

Dear Mr. Butcher:

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Name: Harold Butcher

Address: 2704 SKYLINE DR.  
LORAIN, OH 44053

Coastal Railway 1874

20 USA



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

OHIO  
NORCROSS  
STATION  
FEB 25 1998  
17





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Felix A. Miranda  
9731 Tenny Way  
Olmsted Falls, OH 44138

Dear Mr. Miranda:

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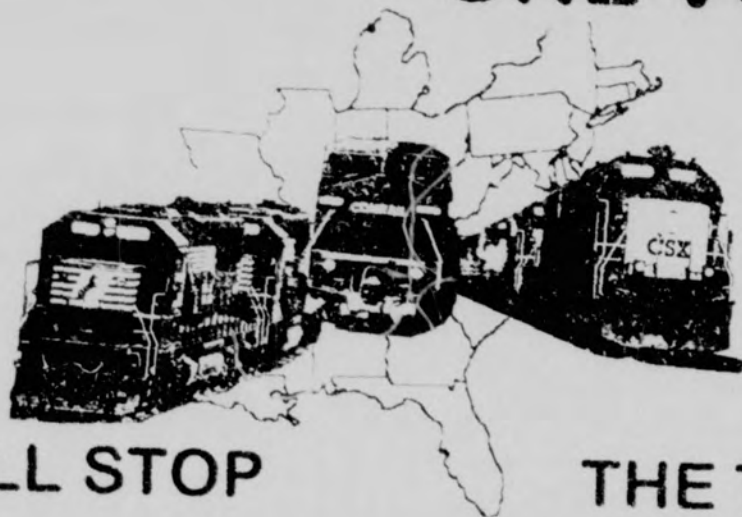
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**THE TRAINS**

United WE-CAN!, United Pastors in Mission, and BOLD of Lorain County  
join to oppose the CSX/Norfolk Southern Rail Plans and call for a  
Regional Solution ensuring justice and equity.

AS ONE REGION, WITH ONE VOICE . . .

WE URGE YOU TO REQUIRE A PLAN THAT IS JUST FOR ALL.

SAY NO . . . to lowered standards for safety and quality of life in our communities due to increased train traffic!

SAY NO . . . to dramatic increases in hazardous material transported through our communities!

SAY NO . . . to a decrease in safety inspector and maintenance personnel jobs!

SAY NO . . . to providing public subsidies to multi-billion dollar rail companies!

SAY YES . . . to commuter rail access!

SAY YES . . . to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Felix A. Miranda

Address: 9731 Tannery Way Olmsted Falls, OH

44138

20423-0001



RECEIVED  
FEB 25 1998  
RAIL  
MANAGEMENT  
STB

TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

CHAIRMAN MORGAN

FEB 27 4 21 PM '98

RECEIVED  
U.S. SURFACE  
TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Lois Johnston  
17519 Laverne Ave.  
Cleveland, OH 44135

Dear Ms. Johnston:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA will address safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings. They also will analyze the increased probability of derailments and releases of hazardous materials due to increased train traffic; examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures; and address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

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I am having your post card and my response placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please contact Mike Dalton, SEA Project Manager for the Conrail Acquisition EIS, at (202) 565-1530.

Sincerely,

Linda J. Morgan

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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: *Jim Johnston*

Address: *19516 Lakewood Ave*

*(Cleveland, OH)*



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

*CHAIRMAN MORGAN*  
*FEB 25 1998*  
*STATION*



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Joann Butcher  
2704 Skyline Dr.  
Lorain, OH 44053

Dear Ms. Butcher:

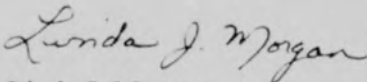
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Train Co. solution.

Name:

*Jeanne Butch*

Address:

*2704 20422th Street*



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

RECEIVED  
FEB 25 1998  
MAIL  
MANAGEMENT  
STB

U.S. SURFACE  
TRANSPORTATION BOARD  
WASHINGTON, D.C.  
4 21 PM '98

STB

FD-33388

4-9-98

J

ID-PUBLIC



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Florence Moltz  
1308 W. Blvd.  
Cleveland, OH 44102-1711

Dear Ms. Moltz:

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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan

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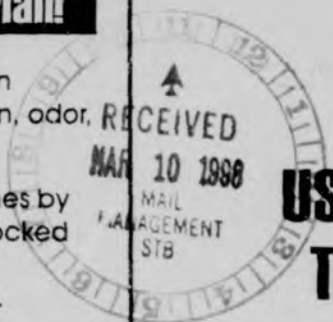
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**We urge the Surface Transportation Board to  
oppose the CSX/NS scheme and support The  
Cleveland Plan!**

Name: Florence Metch

Address: 1308 W. Blvd

Cleveland, Ohio 44162-1711



**US Department of  
Transportation**

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

CHAIKIN  
MAR 10 1998

MAR 10 1998

RECEIVED  
SURFACE TRANSPORTATION BOARD

# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Cathy Mills  
1308 West Blvd.  
Cleveland, OH 44102

Dear Ms. Mills:

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Name:

ATHEY Mills

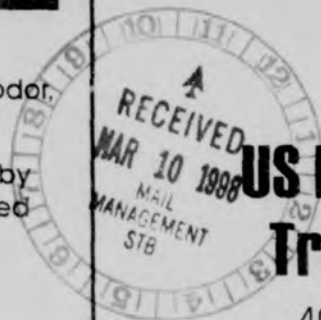
Address:

1309 West Blvd

Cleveland, Ohio 44102



Fanny S. Truman  
USA 200



**US Department of  
Transportation**

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

CHAIRMAN MORGAN

MAR 10 1988

RECEIVED  
SURFACE TRANSPORTATION





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Eugenia Gorsk  
1532 Warren Rd.  
Lakewood, OH 44107

Dear Ms. Gorsk:

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Name: EUGENIA GORON

Address: 1532 WARREN Rd.

LRWD, O 44107



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

CHAIRMAN MORGAN

U.S. DEPARTMENT OF TRANSPORTATION

MAR 10 1998

RECEIVED  
SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. and Mrs. D.G. Skladan  
9136 S. Murray Ridge Rd.  
Elyria, OH 44035

Dear Mr. and Mrs. Skladan:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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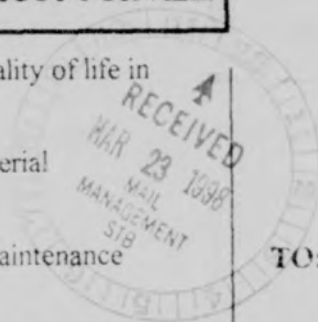
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Name: MR & MRS DOB. SKLADAV

Address: 9136 S MURRAY RIDGE RD  
ELYRIA OH 44135  
20423+0001



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Katherine Hylman  
1590 Compton Rd.  
Cleveland Hts., OH 44118

Dear Ms. Hylman:

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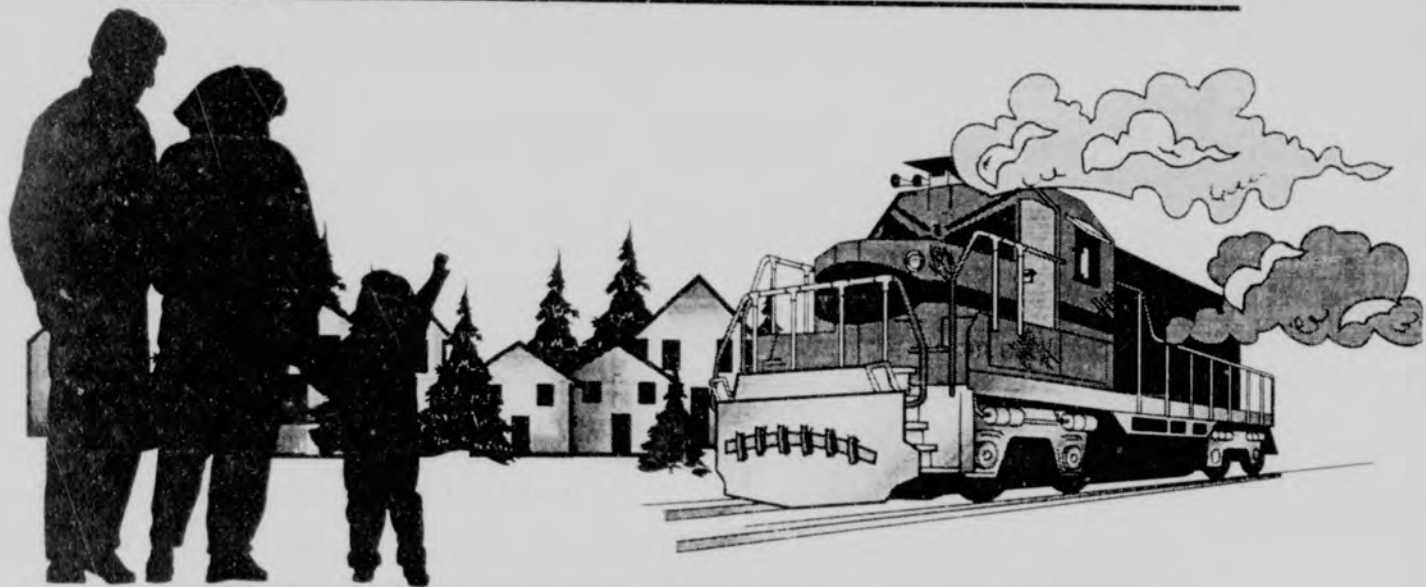
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Our Neighborhoods!**



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**We urge the Surface Transportation Board to  
oppose the CSX/NS scheme and support The  
Cleveland Plan!**

Name: Kathleen Hyman

Address: 1590 Compton Rd

Cleveland Hts OH 44118



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

STB

Attention: The Honorable Linda J. Morgan

1925 K ST NW  
STE 715





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Roberta W. Allport  
4663 West 225th  
Fairview Park, OH 44126

Dear Ms. Allport:

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Name:

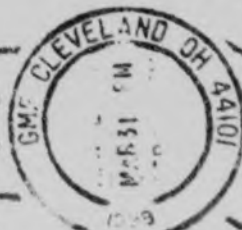
Roberta W. Aulport

Address:

4463 West 225th

Fairview Park OH

44126



32

## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

57 B

Attention: The Honorable Linda J. Morgan

1925 K ST NW

STE

715

WASH DC





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Laura W. Allport  
2380 Georgia Dr.  
Westlake, OH 44116

Dear Ms. Allport:

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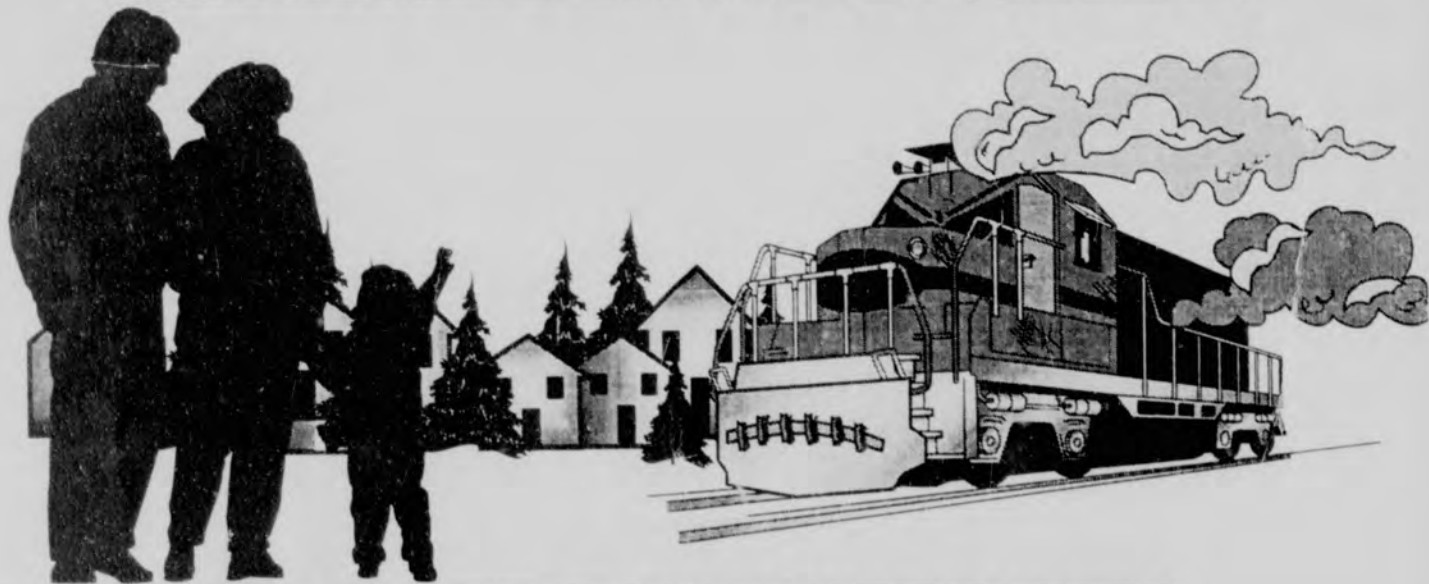
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Cleveland Plan!**

Name: Laura W. Auloff

Address: 2380 Georgia Dr.  
Westlake OH 44146



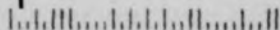
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400 7th Street, SW  
Washington, DC 20590

STB

Attention: The Honorable Linda J. Morgan

1925 K ST. N.W.  
STE 715





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Tracy Robinson and Murtis H. Taylor  
13422 Kinsman Road  
Cleveland, OH 44120

Dear Tracy Robinson and Murtis Taylor:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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Sincerely,

Linda J. Morgan



# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**

## Please Support the City of Cleveland's Alternative Plan!

**SAY NO...**to increased train traffic by more than 1000%; including safety hazards, noise, vibration, odor, and congestion!

**SAY NO...**to delays of emergency response times by police, fire and Emergency Medical Service; Blocked crossings delays from 2 to 10 minutes--seriously decreasing survival rates of heart attack victims.

**SAY NO...**to an increase of 126,000 carloads of hazardous waste per year moving through our neighborhoods.

**We urge the Surface Transportation Board to  
oppose the CSX/NS scheme and support The  
Cleveland Plan!**

Name:

Teracy Robinson

Address:

Murtis H. Taylor

13422 Kinsman Rd.  
Cleveland, OH 44120



## US Department of Transportation

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

1925 K

Ste. 715





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Ellen A. Ebert  
3748 W. 178 St.  
Cleveland, OH 44111

Dear Ms. Ebert:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA will address safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings. They also will analyze the increased probability of derailments and releases of hazardous materials due to increased train traffic; examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures; and address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

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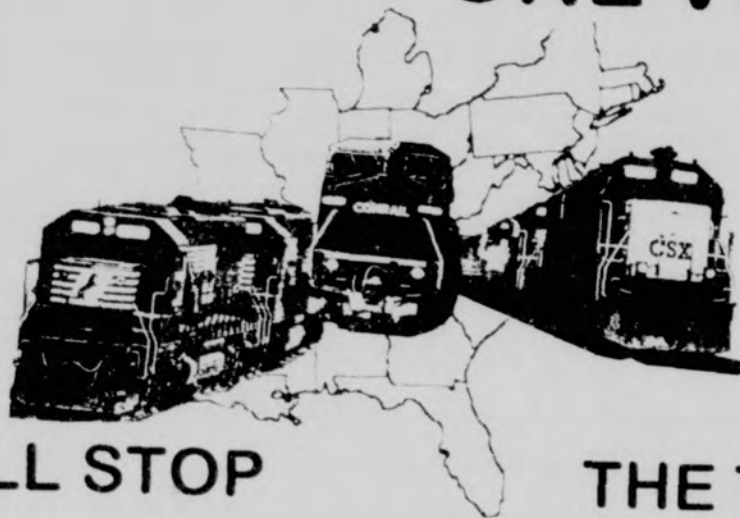
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Sincerely,

*Linda J. Morgan*  
Linda J. Morgan

**ONE REGION...**

**ONE VOICE!**



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**THE TRAINS**

**United WE-CAN!, United Pastors in Mission, and BOLD of Lorain County  
join to oppose the CSX/Norfolk Southern Rail Plans and call for a  
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**SAY NO** . . . to providing public subsidies to multi-billion dollar rail companies!

**SAY YES** . . . to commuter rail access!

**SAY YES** . . . to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Edward J. Ebert

Address: 3748 W 178 St.  
(Cleveland, OH)



TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

CHAIRMAN MORGAN

Feb 25 1998

Surface Transportation Board



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Monica Robinson  
1420 Herbert Dr. Apt. A  
Lorain, OH 44053

Dear Ms. Robinson:

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Name: Monica Robinson

Address: 1430 North 27th St Apt A

TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Ann M. Robinson  
1420 Herbert Dr. Apt. H  
Lorain, OH 44053

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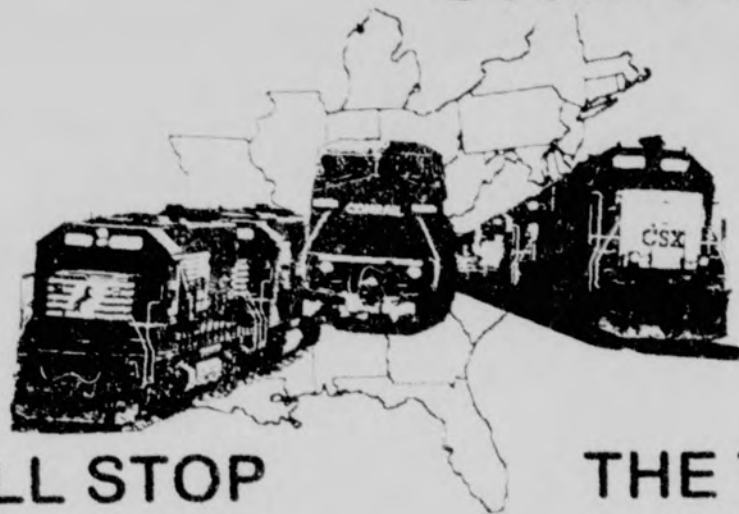
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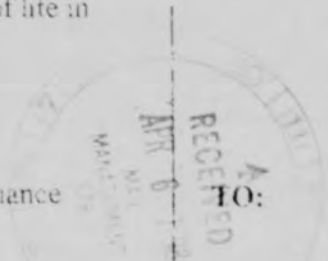
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: Ann M Robinson

Address: 1420 Herbert Dr apt #

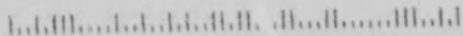
Lorain, Ohio 44053



U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-6001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Louis Parise  
5537 Beavercrest Dr.  
Lorain, OH 44053

Dear Mr. Parise:

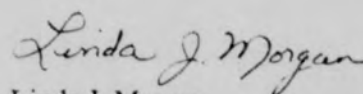
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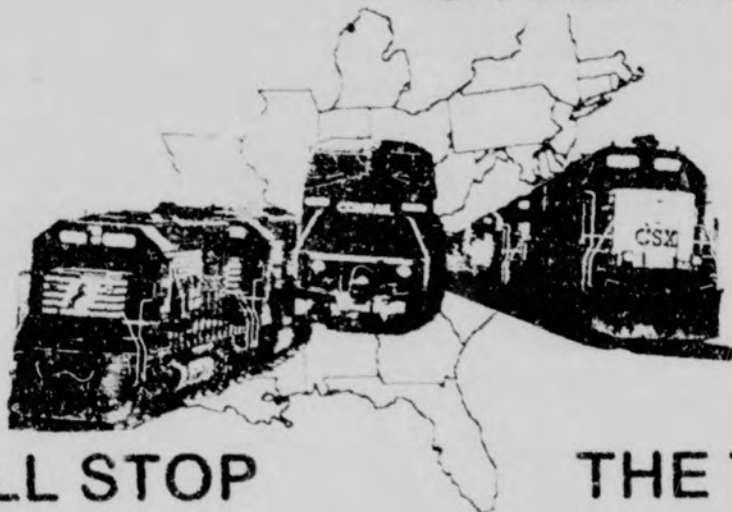
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We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: LOUIS PARISE

Address: 5537 BEAVERCREEK

LORAIN OH 44370-5301



TO:

U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan





Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Mr. Scott  
5698 Edgehill Dr.  
Parma, OH 44130

Dear Mr. Scott:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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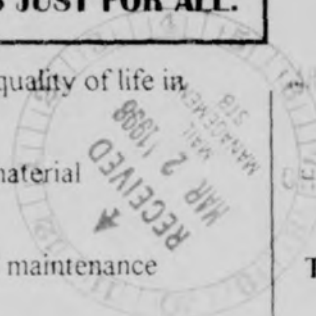
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Name: \_\_\_\_\_

Address: \_\_\_\_\_



RECEIVED  
SURFACE TRANSPORTATION BOARD



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

15695 F-2062-465 VV, PANGLOSS, OH 44136



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Y. Toyote  
4318 W. 187 St  
Cleveland, OH 44135

Dear Y. Toyote:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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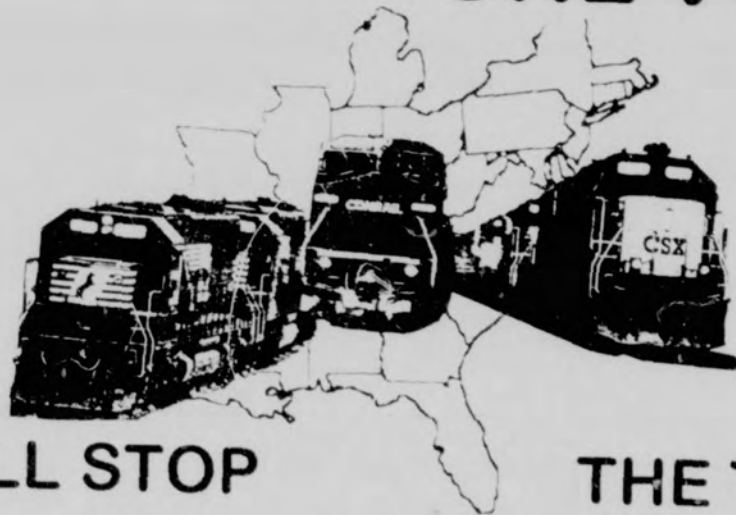
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**SAY NO . . .** to providing public subsidies to multi-billion dollar rail companies!

**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name:

*Yoshie Jayde*

Address:

*4318 W 187 ST CL OH 44135*



TO:

**U.S. SURFACE  
TRANSPORTATION BOARD**

**Washington, DC 20423-0001**

**Attn: Chairwoman Linda Morgan**

CHAIRMAN MORGAN  
FEB 25 1998  
U.S. SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Rev. M.K. Barto  
6800 Lexington Ave.  
Cleveland, OH 44103

Dear Rev. Barto:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

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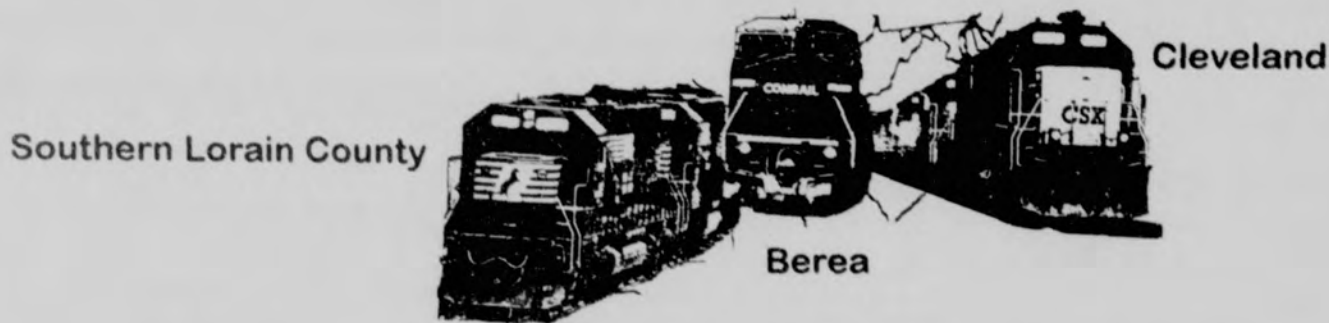
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Sincerely,

Linda J. Morgan

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ONE VOICE!  
We will stop the injustice!**



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**AS FAITH BASED ORGANIZATIONS . . .**

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**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a plan that establishes justice for Cleveland, South Lorain, Berea and all communities effected by the merger.

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

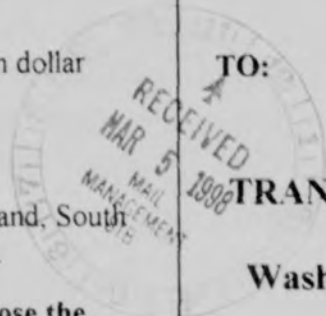
Name: Rev. Michael K. Boate

Address: 6800 Levington Ave, Cleve

Congregation: St. Agnes - O. I. of Fatima

Phone: 216-391-1655

TO:



U.S. SURFACE  
TRANSPORTATION BOARD

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

RECEIVED  
SURFACE TRANSPORTATION BOARD  
MAR 5 2 06 PM '98  
CHAIRMAN MORGAN



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

Ms. Margurite Bloomquist  
1769 Raduor Rd.  
Cleveland Hts., OH 44118

Dear Ms. Bloomquist:

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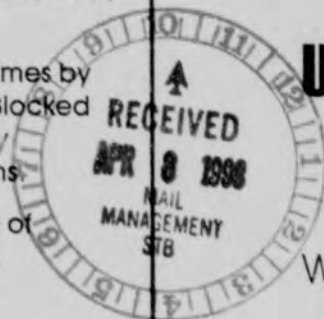
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**We urge the Surface Transportation Board to  
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Cleveland Plan!**

Name: Marguerite Bloomquist

Address: 1769 Radway Rd.

Cleveland HTS, OH 44118

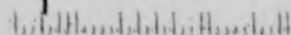


**US Department of  
Transportation**

400 7th Street, SW  
Washington, DC 20590

Attention: *The Honorable Linda J. Morgan*

*STB  
1925 K ST.  
NW DC*



# STOP THE TRAINS!



**We're Blowing the Whistle to STOP  
CSX/NS Plan to RAILROAD  
Our Neighborhoods!**



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

January 5, 1998

Mr. Gary McConchie  
738 Oxford Blvd.  
Steubenville, OH 43952

Dear Mr. McConchie:

I have received your letter expressing concerns about the proposal by CSX and Norfolk Southern (NS), to acquire control of Conrail and to divide certain assets of Conrail between the two acquiring railroads, and the effect it may have on railroad customers and Conrail employees.

This proceeding has been docketed at the Surface Transportation Board (Board) as STB Finance Docket No. 33388. As you may know, the Board adopted a procedural schedule for deciding the merits of the control application filed in this proceeding, which it recently extended by 45 days to accommodate the filing of safety integration plans by the applicant railroads. As provided by the procedural schedule, the Board has received comments and evidentiary submissions from all interested parties addressing the merits of the merger proposal, which were filed with the Board on or before October 21, 1997, and the Board has received replies to these filings, including rebuttal by the applicant railroads, which were filed on or before December 15, 1997. The Board is currently analyzing those filings. A final written decision in this matter will be issued on July 23, 1998.

In deciding whether a control transaction such as the one being proposed here is in the public interest and should be approved, the Board must consider various factors required by law, including the interest of all rail carrier employees affected by the proposed transaction, and whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region or in the national rail system. In this regard, let me assure you that the Board will give full consideration to the issues that you have raised. Because this proceeding is pending before the Board, however, it would be inappropriate for me to comment further on the case.

I am having your letter made a part of the public docket in this proceeding. I appreciate your interest in this matter, and if I may be of further assistance, please do not hesitate to contact me.

Sincerely,

Linda J. Morgan

Gary McConchie  
738 Oxford Blvd.,  
Steubenville, OH 43952

October 17, 1997

Ms. Linda Morgan, Chairman  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423

Madam Chairman:

I am writing concerning the impending Acquisition of Conrail by the Norfolk Southern and CSXT.

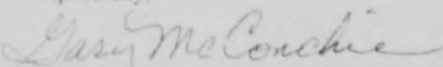
As a railroad worker since July 23, 1969, I want to emphasize that this is not just a job, but my career. I take great pride in the work that I do. The customers I work with day to day have become more than just customers, they have become friends I address on a first name basis. The quality of service we provide has become more than just my duty, it is a personal commitment to my friend.

It is therefore, with considerable distress and alarm, that we now face the impending acquisition of Conrail. We have witnessed the disastrous results of the UP/SP merger, know the same awaits our own operations and fear that they will be even worse. It does not take a genius to figure out that SOMEONE will have to pay for this hugely expensive acquisition. Likewise, we know it will not be the CEO's, Presidents and Vice-Presidents with their lucrative golden parachutes! It will be my customers through rate increases and poorer service. Belts will have to be tightened, and that "belt" will be around the necks of employees like me. Jobs will have to be cut, service WILL suffer and if my customer does not like it, well too bad. Just ask the UP's customers in Texas or California. Imagine if you will, the chaos that would result if that happened in New York City, where they depend on rail service for most of their food? Fine words from CSXT and NS spokesmen to the contrary will not change facts. I remind you that the very same promises came from the mouths of the UP and SP officials as well.

To allow this acquisition to go forward, will result in an unmitigated disaster, far worse than anything we now face with the ill advised merger of the UP and SP railroads. I will not waste my time trying to convince you to stop this merger. I am sure that has already been decided and is a done deal. What I would like to stress, is the need for real guarantees for my customers. Guaranteed service at their current level and high standards, guaranteed rate stabilization at present levels, as a maximum, to ensure they don't have to pay for your mistake and guaranteed manpower levels to protect productivity and safety of our fellow employees. The needs of our customers are not served with over-worked, and exhausted people, as well demonstrated by the UP/SP.

Thank you for your consideration.

Respectfully,

  
Gary McConchie

**ONE REGION...**

**ONE VOICE!**



**WE WILL STOP**

**THE TRAINS**

United WE-CANI, United Pastors in Mission, and BOLD of Lorain County  
join to oppose the CSX/Norfolk Southern Rail Plans and call for a  
Regional Solution ensuring justice and equity.

**AS ONE REGION, WITH ONE VOICE . . .**

**WE URGE YOU TO REQUIRE A PLAN THAT IS JUST FOR ALL.**

**SAY NO . . .** to lowered standards for safety and quality of life in our communities due to increased train traffic!

**SAY NO . . .** to dramatic increases in hazardous material transported through our communities!

**SAY NO . . .** to a decrease in safety inspector and maintenance personnel jobs!

**SAY NO . . .** to providing public subsidies to multi-billion dollar rail companies!

**SAY YES . . .** to commuter rail access!

**SAY YES . . .** to a regional rail summit to articulate one voice for this region!

We urge the Surface Transportation Board to oppose the CSX/NS plan and to support a Cuyahoga/Lorain Co. solution.

Name: \_\_\_\_\_

Address: \_\_\_\_\_ 20423-0001 \_\_\_\_\_



RECEIVED  
FEB 25 1998  
MAIL  
MANAGEMENT  
STB  
**U.S. SURFACE  
TRANSPORTATION BOARD**

Washington, DC 20423-0001

Attn: Chairwoman Linda Morgan

CHAIRMAN MORGAN  
FEB 25 1998  
U.S. SURFACE TRANSPORTATION BOARD



Office of the Chairman

**Surface Transportation Board**  
Washington, D.C. 20423-0001

April 9, 1998

John and Sandra Butcher  
217 Kansas Ave.  
Lorain, OH 44052

Dear John and Sandra Butcher:

Thank you for your post card, which expresses concerns about the potential negative impacts on your community from the proposal by Norfolk Southern and CSX to acquire Conrail.

The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) is conducting an environmental review of the potential environmental impacts associated with the proposed Conrail acquisition. As part of its environmental review, SEA will address safety, transportation systems, land use, energy, air quality, noise, biological resources, water resources, environmental justice, and cultural and historic resources. In analyzing potential safety impacts, SEA will consider accident risk and vehicular delay at grade crossings. They also will analyze the increased probability of derailments and releases of hazardous materials due to increased train traffic; examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures; and address potential impacts on emergency response capability because of vehicular delays at rail grade crossings due to increases in rail-related operations as a result of the proposed Conrail acquisition.

Under the current procedural schedule adopted by the Board, SEA plans to issue in late May 1998 a Final Environmental Impact Statement (EIS) for consideration by the Board. In its final decision, the Board will consider the entire environmental record, including all public comments, the Draft EIS, and the Final EIS. The Board will issue its final written decision in July 1998.

I am having your post card and my response placed in the public docket for this proceeding. If you have additional questions concerning the environmental review process, please contact Mike Dalton, SEA Project Manager for the Conrail Acquisition EIS, at (202) 565-1530.

Sincerely,

Linda J. Morgan

STB

FD-33388

3-27-98

J

ID-BUSINESS



REILLY INDUSTRIES, INC.

1500 SOUTH TIBBS AVENUE  
P.O. BOX 42912  
INDIANAPOLIS INDIANA 46242-0912

TELEPHONE 317 247-8141  
FAX 317 248-6413



CELEBRATING 100 YEARS  
1896 - 1996

March 24, 1998

Mr. Vernon A. Williams  
Office of the Secretary  
Surface Transportation Board  
1925 K. Street, N.W.  
Washington, D.C. 20423-0001



STB FINANCE DOCKET NO. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
-CONTROL AND OPERATING LEASES/AGREEMENTS-  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

STB FINANCE DOCKET NO. 33388 (SUB-NO.76)

INDIANA SOUTHERN RAILROAD COMPANY

--TRACKAGE RIGHTS--

CSX TRANSPORTATION, INC. AND INDIANA RAILROAD COMPANY

VERIFIED STATEMENT  
OF  
J. RICHARD PANASUK

My name is J. Richard Panasuk, Director of Materials Management for Reilly Industries, Inc. My business address is 1500 South Tibbs Avenue, P.O. Box 42912, Indianapolis, Indiana 46242-0912. My responsibilities include general management of transportation and purchasing activities which includes rail rate negotiation and rail equipment leases.

Reilly Industries, Inc. is a leading producer of pyridine and pyridine compounds, coal tar products and brine chemicals with six manufacturing facilities in the United States. Rail transportation is a vital factor to the success of our business as we ship and receive over 6000 carloads annually. Our largest plant with 500 employees is located in Indianapolis and is currently served by Conrail.

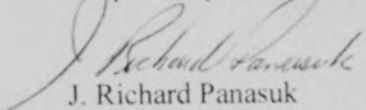
The operation of this plant is dependent upon reliable and cost effective rail transportation. Many of our major suppliers are located in the Southwest, and it is not economically feasible to receive required raw materials by tank truck. Moreover, as we attempt to deliver product to our rail customers, Reilly continues to face the anticompetitive effect of recent mergers in the West. Our experience: poor service and excessive costs do result when only **one** railroad is available to a shipper.

Reilly, therefore, has deep concerns about the impact of the planned break-up of Conrail in the Indianapolis area. The proposed trackage rights and use of Hawthorne Yard will not allow the NS to establish any significant degree of presence, let alone compete with CSX. We need a stronger competitive alternative to CSX!

The Indiana Southern Railroad currently interchanges traffic with Conrail in a yard adjacent to our Indianapolis plant. Further, ISRR connects with the NS in Oakland City, Indiana which could provide Reilly Industries a new route competitive with CSX. On October 21, 1997, ISRR filed a Responsive Application with the Surface Transportation Board seeking local trackage rights over Conrail's lines in Indianapolis which, if granted, would allow the ISRR to serve our plant.

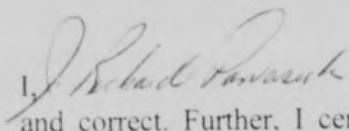
We earnestly request the Surface Transportation Board grant these trackage rights sought by the ISRR. We believe ISRR trackage rights will afford Reilly Industries necessary additional rail competition and provide future rate and service protection on the carload traffic moving to and from our Indianapolis plant.

Respectfully submitted,



J. Richard Panasuk

Director of Materials Management

I,  , declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verified statement. Executed this 24th day of March, 1998.



ACADIA PLANTATION  
P. O. BOX 110  
THIBODAUX, LA 70302  
March 24, 1998

Mr. George J. Ross  
American Trails Association  
c/o A&K Railroad Materials  
1595 South Redwood Road  
Salt Lake City, Utah 84104

Re: Acadia Plantation, Thibodaux, Louisiana-  
Railroad Right-of-Way  
STB Docket No. AB-318 (Sub-No.4X)  
Our File: S-9.1

Dear Mr. Ross:

I understand that you spoke week before last with our attorney Victoria de Lisle of Stone, Pigman, Walther, Wittmann & Hutchinson, L.L.P., about the Louisiana & Delta Railroad right-of-way that traverses Acadia Plantation property. As she explained, and as she previously notified A&K last spring, Acadia Plantation has a reversionary interest in the right-of-way. When the tracks are removed so that the property is no longer used or usable for railroad purposes, the right of reversion is triggered.

Almost a year ago, we became aware that Louisiana & Delta Railroad filed a request with the Surface Transportation Board for an exemption from the abandonment proceedings. Since that time, Ms. de Lisle and I have communicated with various representatives of Louisiana & Delta, A&K, and the City of Thibodaux, to monitor the status of the proceedings. Despite assurances from all parties that we would be kept informed, we were not notified of the Surface Transportation Board decision reserving the former right-of-way for an interim trail use. As holder of a reversionary right to the property, we have a fundamental interest in the property's use.

Because we are owed compensation if the property is "taken" for a trail or other use, we must and do reserve all of our rights to claim compensation, pending final disposition of the property to the City, the Parish, or otherwise. In the meantime, I would appreciate it if you could keep us informed of any developments with respect to the right-of-way. I am particularly

interested in any disposition of the property by Louisiana & Delta Railroad, A&K, or the ATA and the ATA's plans for the property in the event neither the City nor the Parish agrees to accept oversight and all of the consequent responsibilities of converting the property to a trail. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read 'D. Plater', with a large, stylized flourish extending to the right.

David D. Plater, Administrator

DDP/yt

cc: Thibodaux Mayor Warren Harang

City Council Clerk Tom Eschete

Lafourche Parish President Aaron Caillouet

Surface Transportation Board, Attn. Vernon A. Williams, Secretary ✓

Louisiana & Delta Railroad

# Consumers Energy

A CMS Energy Company

1945 West Parnall Road  
Jackson, MI 49201-8643

Tel: 517 788 2129  
Fax: 517 788 5882

CERTIFIED

**William E. Garrity**  
Executive Manager of  
Fuels and Power Transactions

March 26, 1998

Mr J. W. Fox, Jr  
Vice President  
Norfolk Southern Corporation  
110 Franklin Road  
Roanoke, VA 24042-0026



Mr. R. L. Sharp  
Vice President  
CSX Transportation  
500 Water Street  
Jacksonville, FL 32202

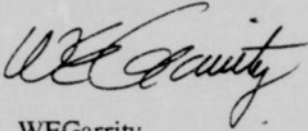
As you are aware, Consumers Energy has two existing Conrail contracts for transportation of coal from the Fola mine in West Virginia to our Karn/Weadock facility in Essexville, Michigan, our Whiting plant in Erie, Michigan, and to Ashtabula docks. Based on discussions with Norfolk Southern (NS), Consumers Energy had the understanding that after approval of the Conrail acquisition by the Surface Transportation Board, NS would provide service from Fola under our existing Conrail contracts. Our understanding appeared and appears logical and reasonable to us because it is clear that NS will take over the existing Conrail line that serves Fola (via trackage rights on the Vaughan Railroad).

I was very disturbed when I recently heard from a representative of CSX claiming that under the provisions of Article II, Section 2.2(c) of the Transaction Agreement, CSX would provide this service. As all parties are well aware, the purpose of our Conrail contracts was and is to provide an alternative to CSX service. This purpose would clearly be undermined if CSX were to take over the service under our Conrail contracts. Because of our great concern and clear desire to obtain this service from NS we sought assurances from NS that would unequivocally confirm our previous understanding. Unfortunately, we are still awaiting such an answer.

Therefore, at your very earliest opportunity, please provide us with unambiguous answers to the following questions:

1. Which railroad will provide service from Fola under our existing Conrail contracts, how will revenues be treated and what is the proposed role of the connecting railroads (Canadian National and Central Michigan)?
2. Will all tonnage shipped under our existing Conrail contracts be treated in the same manner or are there limitations, special conditions or other matters which may alter the answer to the above.

I am very concerned that the division of Conrail might result in reduced competition for coal movements to our plants. Competition would clearly be diminished if CSX were to provide service under the above described Conrail contracts. In presenting the case for the acquisition and division of Conrail, CSX and NS assured the public of continued competition, while we have had every belief that NS would step into Conrail's shoes with respect to service from the Fola mine. I truly hope that your expeditious answers to the above questions confirm that our competitive alternatives will be maintained.



WEGarrity

cc: Surface Transportation Board  
Peter Marshall, Canadian National  
CAPinkerton, III, Central Michigan Railway  
WHDickey, Jr, Amvest Coal Sales  
TPDwyer, Consolidated Rail Corporation

STB

FD-33388

2-26-98

J

ID-PUBLIC

- 1998 - Javitz Center Citywide Basketball Championship, won by Bronx "Mustangs", boys 14-16 Division
- 1998 - New York City 100 Celebration - "America begins in New York"
- Home of Port Morris Patriots and Democracy in the United States
- 1997 - "All - America City" awarded to The Bronx
- 1997 - "Fordham University" placed in the "Nation's Best Values"
- 1997 - Bronx "Little League" win Baseball Crown for New York State
- 1996 - The Bronx, "New York Yankees" World Champions
- World Famous - Bronx Zoo and Wild Life Habitat
- World Famous - Bronx Botanical Gardens
- "Six Most Remarkable Contiguous Bridges in the World"
- Span the Federal Harlem River, to join the Island of Manhattan to the Bronx mainland
- World Famous, New York City Marathon, cross the 6 bridges,
- at the Major Highways of "NYC Tourist Corridor" and "Antique Center"
- 1994 - Federal Empowerment Zone awarded Port Morris
- 1888 - Railroad Builds gracious "Landmark" Office Building, atop Scenic Riverscape, Historic 1776 Revolutionary Site, and Home of Patriots, "Lewis (\*) and Gouverneur (\*\*\*) Morris"
- 1815 (\*\*\*) An Early Voice on Conservation to Protect Habitat of Birds, Fish, Wildlife
- 1790 (\*) Debate in Congress to have the "Capitol of the United States" rise on hill, atop historic and scenic river
- 1788 (\*) - Ratified the "Constitution for United States" for New York State
- 1787 (\*\*\*) - PENNED, PHRASED AND DRAFTED THE FINAL "CONSTITUTION OF THE UNITED STATES"
- 1776 (\*) - SIGNED THE "DECLARATION OF INDEPENDENCE"
- 1670 - Jonas Brounck's Brouncksland becomes "Morrisania Village" of the Patriots, (then in Westchester)
- 1642 - "Indian Peace Treaty" is signed in Jonas Brounck's Farm House
- 1639 - "Brouncksland settled by Jonas Brounck, (then in Westchester)
- 1492 - 1639 Home of Reckgawawanc Tribe's Chieftains Ramachqua and Taekamuck in "Nuacin Village"
- (1996 - New York City Bronx Park Department, named "Ramachqua")

**Landmark Studios, Inc.**  
**2 Willis Avenue, Port Morris**  
**The Bronx, New York 10454-4417**

**zee frank a aol.com**

**Zee Frank**  
**V. 718-292-9697**  
**F. 718-292-9698**

Ms. Linda Morgan, Esq. Chairman  
 United States Surface Transportation Board  
 1925 K Street  
 Washington, D. C. 20423

February 21, 1998

Faxed Attention Ms. Dana White, 202-565-9000 (Thank you)  
 2/21/98, 6:40 P.M.

*SENT BY EMAIL - PRIORITY - P196574472*

Re: CSX AND NS MERGER- Economic impact as discussed 2/18/98.

FINANCE DOCKET  
 NO 33388

At Association of the Bar

42 West 44 Street, NY NY 10036 -6689 (212) 382-6664

Discussion taped. Perhaps a tape can be added to the public record

Dear Ms. Morgan

I had expected to close my comments, but the discussion held 2/18/98 was alarming for the welfare of the City of New York. I had brought to your attention that this side of the Hudson River (East) has upwards to 8 million live persons in New York City. (Other document states that the City 8 million is increased to 12 million to include surrounding area, East of the Hudson River that will benefit from competitive, efficient, seamless Rail Freight service.)

Well, this consideration seems moot as during the 2/18/98 NYC Bar Association discussion, the NS Railroad Mr. Tom Finkbner represented that they will "dump" NYC freight in New Jersey. CSX representative, Mr. Paul Reistrup did not challenge this. The representative from New Jersey Transit was thus assured of status quo, for their gold mine in New Jersey as they discourage Rail Freight for New York City due to the added costs and delay. This also continues to impact the already "non-attainable" Air Quality in New York City.

This is the dilemma. At the same time NS beat down NYC, they clearly stated at the end, that NY is the best place to invest.



Whatever the publicly stated plan, there appears to be a conspiracy of omission by the NS/CSX and by others.

The decisions to be made by the Surface Transportation Board, loosely Federally stated is "The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity growth and accountability".

However, for the Surface Transportation Board to affect a balanced solution, they must receive all the facts from the rail freight experts. It appears clear that Union Pacific failed to present all the facts as to adequate intermodal terminals, equipment, manpower etc. This resulted in major \$millions of losses.

The Surface Transportation Board depends upon honesty in projections and facilities/equipment to handle the traffic. "Dumping in Rail Freight for NYC in New Jersey" does not allow for competitive pricing, efficiency in time, handling and switching. Therefore, it discourages NYC to switch from trucks to rail; exploiting New York City by traffic congestion, air pollution and higher cost of living. All studies as to present traffic on bridges, tunnels etc. and the enormous increases projected for seamless rail to New York City are on record, in the multi-millions of tonnage.

**SERVING NEW YORK CITY WITH SEAMLESS RAIL, DIRECTLY TO THE EAST OF THE HUDSON IS NOW POSSIBLE, WITH THE COMPLETION OF THE OAK POINT RAIL LINK TO THE HARLEM RIVER INTERMODAL TERMINAL.**

**BUT THIS WAS OMITTED FROM THE ENTIRE DISCUSSION AT THE BAR ASSOCIATION, WHEN A GENTLEMEN ASKED WHY THE FREIGHT CANNOT GO OVER THE HELL GATE BRIDGE. THE PANEL OFFERED "no" EXPLANATION. THIS WRITER WAS NOT PERMITTED TO STATE.....OF COURSE, THE HELL-GATE BRIDGE IS VITAL. IT CAN NOW BE ACCESSED WITH SEAMLESS RAIL FOR INTERMODAL FREIGHT. THE OAK POINT RAIL LINK CROSSES THE HARLEM RIVER INTERMODAL TERMINAL TO SWITCH OVER TO HELL GATE BRIDGE.**

**THE CONSPIRACY OF OMISSION OF DIRECT INTERMODAL RAIL FREIGHT TO THE EAST OF THE HUDSON, AFTER NEAR 20 YEARS OF PLANNING AND \$500,000,000 OF FEDERAL, STATE, CITY FUNDS, MUST BE CONSIDERED BY THE SURFACE TRANSPORTATION BOARD.**

**THE HARLEM RIVER INTERMODAL TERMINAL 85 ACRES IS INTEGRAL TO SERVE NEW YORK. THIS HAS BEEN VALIDATED BY FEDERAL FHWA AS CRUCIAL. CONGRESSMAN NADLER WHO HAS SUBMITTED A PETITION, HAS STATED IN WRITING THE URGENCY TO MAINTAIN THE 85 ACRES.**

Yet this was not discussed at the NS/CSX meeting 2/18/98. With the Oak Point Rail Link and Harlem River Intermodal Terminal, there can be seamless, competitive, efficient delivery of Intermodal Rail Freight. **THERE IS ABSOLUTELY NO BASIS TO "DUMP" NYC INTERMODAL RAIL FREIGHT IN NEW JERSEY.**

(As another bit of intrigue, a lobby group known as TRI-STATE, took advantage of the name "Rutgers Environmental Law Clinic" to lobby you. They presented three letters Oct, Nov 97, Jan 98. In those letters before you, it indeed reflects that their interest is transportation, primarily from bordering States of New York City, to provide good transit for those states to NYC job market. But they too, never mentioned the Oak Point Rail Link, but cited many inefficient, costly other methods. (In fairness they acknowledged that Rail Freight dumped in New Jersey causes alternate handlers and is costly and inefficient, etc. etc.) But they made their suggestion and at the same time, it contained a clause that NS/CSX owes them consideration for commuter service.

1. They omitted naming the Oak Point Rail Link and casually mentioned the Harlem River Yard citing "A portion of this yard has been set aside for an intermodal terminal". The fact that the Surface Transportation Board should know is that the remaining Rail portion would be only 28 acres of the 85 acres. The balance is to be used for non-dependent rail uses which includes a massive "denking" facility which a prime member of Tri-State is proposing, the Natural Resources Defense Council.

This requires brand new rail to be destroyed. It also requires rerouting the Oak Point Rail Link existing rail, to curve around their structure like side tracks. A nightmare.

Knowing that the major part of the Harlem River Intermodal Terminal, the key Intermodal to serve the entire New York City, is planned for destruction, no wonder they tell the Surface Transportation Board how they can patch things up with their "ideas". At a meeting we heard a member of Tri-State express that they had an interest for passenger service on this Rail Freight line. Since they claim to be environmental, surely destroying truck to rail is not a proper prescription.

The purpose for the Oak Point Rail Link and Harlem River Intermodal Terminal was to separate Rail Freight service from the Commuter lines. By reducing the yard and rerouting the thruway for the Oak Point Rail, it would badly serve either. By preserving the Harlem River Intermodal Terminal and Oak Point thruway, it can serve New York City economically, environmentally, and safely.

2. Further denking is potentially explosive with the chemical plant and boiler pressure plant and chemical tanks and surely hazardous near the critical bridges of Hell Gate (Amtrak) and Triborough Bridge. In one incident, the entire pathway for Rail Freight, the bridges, the poor people, can be destroyed, as proven by yearly incidents in the US. ( FRA recently invested \$55,000,000 of ISTEA FUNDS FOR UPGRADING THE HELL GATE (AMTRAK) BRIDGE AND ALSO INVESTED IN THE PROJECT FOR THE OAK POINT LINK - HARLEM RIVER INTERMODAL TERMINAL )

Simply, Tri-State wants to be an "oversight" player of NS and CSX actions and commuter service per their letters. The NJ interest is to keep their gold mine in New Jersey.

**NEW YORK CITY CANNOT CONTINUE TO BE EXPLOITED WHETHER IT IS BY LOBBYISTS, RAIL OPERATORS, PRIVATE USE OF FEDERAL, STATE, CITY INFRASTRUCTURE, AND ACTUAL DESTRUCTION OF PUBLIC RAIL LAND FOR NON-RAIL DEPENDENT USES.**

I SINCERELY TRUST THAT THE SURFACE TRANSPORTATION BOARD WILL SORT OUT THESE FACTS AND CAREFULLY REFLECT THAT NEW YORK CITY MUST HAVE SEAMLESS RAIL FOR EFFICIENCY AND COMPETITIVE COSTS. ANY ACTION THAT FAILS TO UTILIZE THE OAK POINT RAIL LINK AND HARLEM RIVER INTERMODAL TERMINAL AS THE PROJECT CITED IN THE ISTEA ACT, MUST BE ANALYZED FOR THE PRIVATE GAIN OF A FEW OVER THE INTEGRAL NEED FOR NEW YORK CITY 8 MILLION PLUS 4 MILLION WHO WILL ALSO BENEFIT.

I DO NOT BELIEVE THE SURFACE TRANSPORTATION BOARD CAN DO LESS. AND, I HAVE ABSOLUTE CONFIDENCE THAT THEY WILL DO MORE.

Respectfully submitted

Zee Frank

*Zee Frank*  
*Total 17 Pages*

The tape of the Bar Association meeting is very interesting. Since I know it is available, I did not want to quote my notes. What a show!

Sorry I had to add to the record again.

Should you have any questions or require any material, please let me know.

**February 22, 1998**

**This will be an unexpected postscript.**

**The preceding 3 pages were faxed 2/21/98, but the Fax number previously used, was not receiving.**

**Today, February 22, 1998, the New York Daily News began a week long exposure on the serious Asthma conditions in New York City ..... and in particular the Hunts Point - "Mothhaven" area where the Tri-State member wishes to replace the new rail (freight) for their**

**Page 4.**

**deinking; and other noxious uses which together will use 68 acres, leaving only 28 acres for the "crucial" Harlem River Intermodal Terminal.**

**We enclose an apology from the Natural Resources Defence Council which previously appeared in the Daily News from their Washington office. This was an apology for the disparaging remarks made about the principal of the South Bronx Clean Air Coalition who managed to get the Medical Waste Incinerator closed down.**

**NRDC has before them the report by a former chief of USEPA, that the particulates from the "deinking" would be deadly. His name is Michael Walsh. At the recent visit to NYMTC by Daniel King, (about which we reported prior), a clergyman stated that the situation in this area was so intense, that he is now burying the children of those couples he married.**

**The 2/22/97 articles by the Daily News, gives awesome statistics, validating the existing conditions. In a document that describes the replacement of the rail by these non-rail dependent uses (including the NRDC "deinking").....it stated that the "additional" traffic to the already present traffic (2nd to the traffic on Major Deegan) on Bruckner Blvd. would be 7500 trips per day additionally. 7500 trips in/out increases to 15,000 and x 2 for diesel trucks for the non-dependent uses etc is a vehicle equivalency of 30,000 additional PER DAY.**

**The 2/22/97 articles speak for themselves. This particular area is known as "Asthma Alley". Today's exposure of the critical health impact is described on Pages 4, 5, 6, 7, 42, 43, 44, FULL PAGES IN SUNDAY ISSUE. We enclose the 7 pages materially reduced in size, 4 pages of excerpts. The non-rail dependent uses will be a major impact to "Mothaven", (Pt. Morris) Asthma Alley.**

**The entire purpose of the Intermodal Surface Transportation Efficiency Act states that the preeminence of the United States in the global economy must be preserved. All transportation must be in accordance with the Clean Air Acts and Amendments and protect the underserved, etc. etc.**

**Converting Trucks to Rail is urgent for the entire City. To create the cost effectiveness for all industry to use Rail, there must be seamless rail to New York City which IS FINALLY ACHIEVABLE WITH THE OAK POINT LINK - HARLEM RIVER INTERMODAL TERMINAL. These must be preserved as required by the ISTEACT .**

**Enc. 17 Pages. Daily News Editorial 11/24/97; "Rail Monopoly rips us off". Also, apology of NRDC 11/29/97 and 11 pages 2/23/98 Daily News on Asthma.**

# Weekend Editorials & Letters

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DAILY NEWS

• Saturday, November 29, 1997

## To make amends

Washington: In a recent Daily News article about the proposed recycled-paper mill in the South Bronx, I was quoted as having made disparaging remarks about the South Bronx Clean Air Coalition. I apologize for my comments, which were inconsistent with my organization's standard for treating others with respect, even when we differ on a particular issue. We have long fought for clean air in New York, and I hope we can work together with the coalition to advance that objective in the future.

*Allen Hershkowitz  
Natural Resources  
Defense Council*

## Redefining censorship

## Asthma: The Silent Epidemic

**T**his special Daily News series examines a pressing and unrecognized public health crisis confronting New York. The product of a three-month investigation, the series reveals the toll asthma is taking on the city, as well as how the health and school systems have failed to respond. It also includes information that experts say you need to cope with a disease affecting more and more New Yorkers daily.

### Today

- How asthma is choking New York
- Why children can't get the help they need
- How bad is the epidemic in your neighborhood?

### Monday

- How the schools have failed to respond, placing children in jeopardy
- What you need to know to make your child's school safer

### Tuesday

- What it's like in communities where asthma rates are among the worst in the country

### Wednesday

- If you have asthma, you may not be able to trust your family doctor or widely available medications

### Coming Sunday

A special 8-page guide for asthmatics and their families, showing how to detect the symptoms, where to get help and what to do in an emergency.



# TAKING OUR BREATH AWAY



# Asthma, an insidious, suffocating disease, is spreading across New York City in epidemic proportions, overwhelming the public health system as it steals the breath from ever more people.

An estimated half-million New Yorkers, from the tiniest infants to the frail elderly, now suffer from this chronic, incurable illness — more than 6% of the population.

With numbers that large, the city has the worst asthma rate in the country. The hospitalization rate here is triple the national average and much higher than in America's next-largest city, Los Angeles.

While the illness is usually manageable with proper care and prevention, more than 35,000 New Yorkers are forced into hospitals with severe attacks each year. That number has climbed 24% in the past decade, part of a trend that public health experts view with increasing alarm.

"The reason everybody is worried about it is that hospitalizations for everything else in New York City are going down and hospitalizations for asthma are going up," said Mary Northridge, an epidemiologist at Columbia University's School of Public Health.

Deaths attributed to asthma are soaring as well. They have climbed 50% since 1980, hitting 284 at the last official count in 1995. In one Bronx hospital alone — Lincoln — 11 asthmatics died in the emergency room last year.

The mortality figures actually may be much higher because asthma is often an undiagnosed, contributing factor in deaths attributed to other causes, such as heart attacks.

The epidemic is hitting New York's children hardest. In fact, asthma is the greatest health threat they face.

More than 10% of the city's 1 million students — an estimated 130,000 kids — suffer from asthma. In some classes, as many as one half of the children have the disease.

No other ailment puts so many in the hospital. On average, one child is hospitalized somewhere in the city every 35 minutes, a rate of 15,000 admissions a year. The rate is twice the national average. Poor kids suffer the most because their neighborhoods have the worst asthma and the least health care. Kids in low-income

areas of New York, for example, are five times more likely to be hospitalized than their better-off neighbors.

But asthma is up across the city, according to interviews with doctors, teachers and school nurses who have seen the surge in cases that never reach the hospital.

"It doesn't matter where you come from," said Dr. Richard DeLuca, a pulmonologist in Riverdale, a prosperous Bronx neighborhood. "It's increasing all over."

The largely unrecognized spread of the disease recalls to many experts the story of past public health menaces.

Asthma is today what lead poisoning was 20 years ago," said Joseph Graziano, a leading Manhattan epidemiologist, "a rising epidemic that is poorly understood and out of control."

In tenements and town houses, the disease is forcing New Yorkers to overhaul their lives.

In East Harlem, Bessie Fontanez spends her nights in the stillness of the hallway near her bedroom listening for the small, dry coughs that mean her daughter Nicole's asthma remains unchecked.

On the upper East Side, 14-year-old Mark Sanger has to take extra puffs from his asthma inhaler before track events.

In Brooklyn, Dondra defries and her three children — asthmatics all — struggle to avoid the cigarette smoke that could trigger an attack so severe it could send any one of them to the hospital.

On the lower East Side, John Leaman gave up three beloved cats because their dander made him wheeze.

They are the lucky ones. In Queens, Cindy Karpel, an asthma counselor and college professor, spent her adult life battling the disease, only to lose her father to asthma one night in 1993. He died on a street corner in Briarwood, his asthma medicine gripped tightly in his hand.

"I blamed myself for a long time. I had worked in emergency rooms and had seen people die, but I never thought my father



**500,000**

New Yorkers have asthma, the country's highest rate

**130,000**

of those are school children

**284**

New Yorkers died of asthma in 1995, a 50% increase since 1980

**15,133**

hospitalizations for asthma were recorded in 1996, the city's leading cause for child hospital stays.



Agony is visible on the face of Briana Burke, 16 months (top), cradled by her mother, Lisa Cutolo, during nebulizer treatment in pediatric asthma room of Lincoln Hospital in the Bronx. Dr. Robert Mellins examines Douglas Maffia at Columbia Presbyterian Babies and Children's Hospital (above) as the boy's parents, Theresa and Robert Maffia, console him.

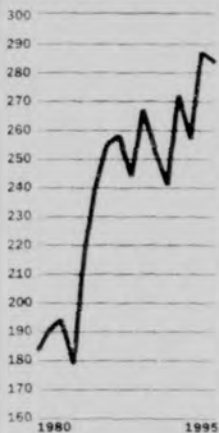
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# Asthma: The Silent Epidemic

**I**t is striking down record numbers of New Yorkers and contributing to additional deaths by triggering heart attacks and bouts of pneumonia.

Some sufferers go months without symptoms, only to slip suddenly into crisis.

## NYC ASTHMA DEATHS



Here are the stories of two New Yorkers fatally stricken in 1997:

George Riofrio and Eva Moraes hold portrait of their daughter, Destiny, who died of a fatal asthma attack last December. George Riofrio (top left) helps plant a cedar in Destiny's coffin before resting place in St. Rosemary's Cemetery in the Bronx.



## Destiny Riofrio fought for her

**E**ach thimble-size breath became a chore. Her chest was drawn, exposing the outlines of her ribs.

Before she was a month old, Destiny Riofrio spent five days in Lincoln Hospital.

Two days after her first Christmas, Destiny was back in the hospital. She returned for her first Thanksgiving and her second Christmas.

"I knew it was asthma right away," said Destiny's father, George Riofrio, a building superintendent, who also has the disease, as does his son, his sister, grandmother and mother-in-law.

Riofrio and his wife, Eva Moraes, live in Hunts Point, the Bronx, a neighborhood with one of the highest asthma rates in the city.

They asthma-proofed their apartment, eliminating carpets and cats. They vacuumed to keep down dust and scrubbed to keep away roaches, whose droppings may bring on attacks.

"Our whole life was geared to keeping her alive and healthy," Riofrio said. "But no matter what we did, she was always sick."

Over the next two years, the Riofrios made more than 50 visits to a South Bronx clinic. They regularly administered drugs through a nebulizer — a machine that turns medication into a mist and puffs it into the lungs. But the machine often brought little relief.

"The only way I could sleep at night is if I heard Destiny snoring," Riofrio said. "If she was snoring, I knew her asthma was bad but at least she was still alive."

Destiny was snoring on the morning of Nov. 12.

Early in the afternoon, Destiny's fatal asthma attack hit.

"She couldn't breathe, and her lips started turning blue," Moraes said.

Lincoln Hospital's doctors spent more



# ASTHMA KILLS

## ASTHMA FROM PAGE 5

said. "Karpel said, 'I have to explain this.'"

Over the past three months, the Daily News examined the widening impact of asthma on New York, along with how the health and school systems are responding to the epidemic.

A team of reporters interviewed more than 200 physicians, teachers, public health officials and asthmatics. They reviewed the latest medical literature on causes and treatments and visited hospitals and clinics and more

than 110 classrooms in five schools. New York City has begun responding to the spread of the disease with measures that include opening special clinics in hard-hit communities and starting educational programs in elementary schools.

The department is stepping up to the plate to provide major leadership in many communities, said Dr. Andrew Goodman, assistant health commissioner. "But there's an opportunity to do a lot more."

While public health experts view the city's efforts as among the nation's best, The News discovered large gaps

between the scope of the epidemic and the actions being taken by public-health institutions, the school system, private physicians and the health insurance industry.

For example, The News found that although asthma ravages poor children the most, they routinely do not get the simple, inexpensive medical equipment they need to fight the illness.

Although data on the disease is crucial to understanding its causes and allocating resources, the Health Department has yet to make asthma a disease that doctors must report so it can be accurately tracked — like lead

poisoning, tuberculosis and 62 other illnesses.

Although schools are filled with asthmatics, teachers have little idea who the sufferers in their classes are or what to do if one goes into crisis. In some asthmatic emergencies, there is almost no time to spare to save a life.

Although most asthmatic children have prescription medications to use in an attack, thousands come to school without the so-called rescue drugs — forcing staff to call 911 when emergencies erupt.

In some schools, just about everyone suffers from disruptions caused by the



## every breath.

than two hours trying to stabilize the baby. She was pronounced dead at 7 that evening.

The autopsy report listed bronchopneumonia as the cause of death, a condition that is one of the biggest killers of asthmatics. The report also noted the baby's long history of asthma.

Destiny was buried in a frilly white dress and tiny white leather shoes. Her headband was decorated with baby's breath.

Her body 34 inches long and weighing 27 pounds was placed in a pink coffin that her father and a cousin carried to the grave.

"Siempre en nuestro corazón" — the headstone at the family plot at St. Raymond's Cemetery reads "Always in our heart."

My daughter was barely healthy a day of her life. And yet, she was always smiling, always making people happy. Hoffro said. They say that asthma can't kill you, that it's something you can live with. But my little girl is gone and nobody can explain it.

## Justin Vega was barely sick a day in his life from asthma, but it still killed him.

Justin, 18, coped with asthma for more than 10 years, a young man who made sure at all times to carry his asthma medication. He even developed a cool way of using his pump: two quick shakes by his side and then up and down in a flash from his mouth. He never had to visit a hospital emergency room.

Hoping to become a professional singer, Justin attended LaGuardia High School for the Performing Arts. He sang in his church choir, wrote rap tunes and studied ballet, judo and gymnastics. He toured Eastern Europe as a member of the All-City High School Chorus and performed in full voice before Spain's royal family.

Then, on a hot August night, Justin was watching a Yankees game on television in his family's apartment in Astoria, Queens. Justin's father, Ron, an architect, and his mother, Judy, were at home with him.

After complaining of tightness in his chest, Justin took two hits on his asthma pump.

"It didn't give him any relief," Ron Vega said.

They hooked Justin to his breathing nebulizer. It did nothing.

Ron Vega called 911 for the ambulance.

By the time it arrived, Justin had collapsed, his lungs shut as tightly as his eyes.

"Before he fell into my arms, he turned to me and said, 'I don't want to die,'" recalled Judy, who wears a small picture of her son on a gold chain around her neck. "I promised him that he wouldn't."

Justin was pronounced dead at 11:14 p.m. at Western Queens Community Hospital.

Justin not only was our firstborn,



Judy Vega and her surviving children, Amanda and Christian, mourn Justin Vega, 18, who died last summer. The family visits his grave in St. Michael's Cemetery in East Elmhurst, Queens every Sunday. Justin danced with his sister, Amanda, at her Sweet 16 party one month before he died.



but he was also my friend, my intellectual equal, if not superior. Ron said.

"We never realized how serious asthma can be," he continued. "Too many parents take it lightly. My son did everything he was supposed to for asthma and he still died."

# WITH NO EXPLANATION

disease. Asthma is now the largest cause of absenteeism. Lessons lag because teachers have to play catchup with kids who are always out.

Despite dramatic advances in understanding the disease, patients may not be able to rely on their physicians for proper care. Experts said doctors routinely treat asthma incorrectly because the breakthroughs have overtaken their training.

Although sufferers often take misguided — and potentially dangerous — measures to treat their asthma, the city has not begun a major public education campaign. In fact, the Health

Department's Internet Web site has thousands of educational pages on scores of illnesses — but not a single reference to asthma.

The public response has been minimal, said Dr. Scott Schroeder, section chief of pediatric pulmonary medicine at Montefiore Medical Center in the Bronx. "You ride the subway and you see the lupus ads, and there is, maybe, one person in the train with lupus. And yet, there may be several people with asthma, but you never see an ad."

These failures are especially frustrating because, experts say, asthma

today usually can be managed to allow people nearly normal lives.

"Every time someone shows up in the emergency room, it's a failure, and every time someone dies, it's a tragedy, because it could be prevented," said Northridge.

### THE MYSTERY DISEASE

Asthma, which comes from the Greek word for panting, is an age-old respiratory disorder that has been misunderstood and misdiagnosed for much of modern times.

Once viewed as predominantly an

emotional response to stress, it is now recognized as a chronic inflammatory disease of the lungs triggered, usually, by allergic reactions. Just as some people with allergies sneeze or develop hives, the asthmatic's airways swell, fill with mucus and constrict when confronted with an allergen.

These triggers include tobacco smoke, animal dander, dust mites, viral infections, even physical exercise and cold air. Triggers also can be something that a sensitive person has eaten.

When the airways become inflamed, an asthmatic experiences shortness of

SEE ASTHMA, PAGE A2



## Asthma: The Silent Epidemic

# SIMPLE TOOLS EVERY

**T**housands of New York's poorest children are trying to battle their asthma without two essential, inexpensive medical devices made from a few pieces of molded plastic.

One device, known as a spacer, channels lifesaving drugs into the lungs of sufferers unable to use traditional asthma inhalers. Most experts agree that both items, which retail from \$20 to \$40, are crucial asthma treatment tools.

The second device, called a peak flow meter, helps asthmatics forecast attacks by blowing into a tube that measures the condition of their lungs. But the Daily News found that many children in the worst neighborhoods for asthma are deprived of these devices by physician ignorance, harsh insurance policies and miles of red tape.

Rosa Floyd ran into the problem this month when she tried to get a spacer for her 10-year-old son, Duron, with a Medicaid card. Her East Harlem pharmacist would not dispense it.

"She said she needed to call up the state to get permission and they were too busy," said Floyd. "Right now he is just using the pump."

Jim Schiffer, president of the New York City Pharmacists Society, acknowledged the problem.

"They are not setting out to the kids that need them," he said. "They make it too hard."

Spacers are designed to help people who have difficulty coordinating the inhalation skills needed to use an asthma pump. Too often doctors found kids with pumps were spraying half the medicine into the air or even worse, in their eyes.

A spacer lets a child dispense the medicine into a chamber where it can be more assuredly inhaled.

"He does it himself and he is done in a minute," said Carmen Velazquez,

whose grandson, 8, just started using one.

"Spacers are critical, especially for children," said Dr. Robert Mellins, president of the American Lung Association of New York.

But a News tour of city schools and interviews with dozens of doctors and nurses revealed that thousands of kids are doing without them. Asthma advocate Nancy Sander was startled last year to find that asthmatic kids in one East Harlem school had no idea what a spacer was. "They had never seen or used [one] before," she said.

In fact, a 1995 study found that half the pharmacies in Harlem did not stock spacers because doctors were not prescribing them out of ignorance or frustration at red tape.

The red tape is considerable. Pharmacists said they often don't dispense spacers to recipients of Medicaid — the state health insurance program for the poor — because state reimbursements are so low they lose money.

For example, the reimbursement rate for one leading spacer, the Aerochamber with a mask, is \$14.29 — \$7 less than it costs a pharmacist to buy one wholesale.

There is a whole slew of distribution issues," acknowledged Kris Domencik, sales manager for the Aerochamber. "I don't think anyone could solve it overnight, even with a magic wand."



**Spacer**

**What it is:** A plastic tube that holds asthma medicine so it can be easily inhaled.

**Why children need it:** It helps those unable to use an inhaler get a full dose of their medicine.

**Why they can't get it:** Physicians often don't prescribe them. Some insurance plans don't reimburse the full cost, about \$30.

State Medicaid officials said they're correcting the reimbursement glitch but are unaware of other problems blocking patients from getting spacers. They said pharmacists can dispense them in minutes as long as they receive authorization from an online computer. But pharmacists complained that their computers lock up when they dial into the Medicaid system.

"Many of us have given up trying to dispense these products," said Schiffer of the 1,000-member city Pharmacists Society, "because no matter what we tell the state, they just don't seem to get it."

People with private health insurance can fare even worse. Some plans don't cover spacers. Those that do often require pre-approvals or make patients pay up-front, according to Dr. Kevin Weiss, a national asthma re-

searcher who studied the issue in 1996.

"We found that in most health care systems it's difficult to get them," Weiss said.

To address the problem, many doctors, hospitals and clinics distribute spacers donated free by drug companies. Dr. Scott Schroeder of the Bronx said he started giving them out himself after a third of his patients had a hard time getting prescriptions filled.

Some insurance companies distribute free spacers to asthmatics because it's cheaper than paying for repeat emergency room visits.

"HMOs want to do what's going to work on asthma care," said Don White of the American Association of Health Plans. "If people are having coverage problems, they need to complain to their HMO."

The access problem is similar with

### ASTHMA FROM PAGE 7

breath and a tightening chest and begins wheezing and coughing. Sufferers say a mild asthma attack feels like breathing through a straw.

It was like someone had put a plastic bag over my head and cut off my breathing," said Natasha Martinez, 14, who attends Intermediate School 623 in the Bronx.

Deaths occur because asthma is a chronic disease. Some sufferers go for months without many symptoms even as their untreated lungs inflame to the point where they shut down — a little warning. The span of time from first symptom to final breath can be as little as 30 minutes.

Schools Chancellor Richard Green died that way in 1989, when he was

felled by a sudden asthma attack. Former Police Commissioner Benjamin Ward almost died of the disease.

### WORLDWIDE EPIDEMIC

Though New York has the nation's worst asthma, it's just the epicenter of a worldwide epidemic.

In the last seven years, the number of asthmatics in the U.S. has jumped by 30%. Today, nearly 15 million Americans have the illness. Other places with rising rates: small towns in New Mexico, islands off the coast of Scotland, farming villages in New Zealand.

Scientists are baffled as to why such disparate locations are experiencing rising asthma. Every researcher has a pet theory: Indoor tobacco smoke, tighter houses that keep allergens like dust mites inside, outdoor pollution

from trucks and airplanes. The role of antibiotics in modern society.

Even cockroaches, an allergen for many people, are thought to be a major factor.

"We don't know the fundamental causes," said Dr. Robert Mellins, a leading asthma expert and president of the American Lung Association of New York. "We do know certain things that set it off."

Nancy Sander, head of Mothers of Asthmatics, an advocacy group, believes that asthmatics are pioneers making first contact with emerging problems of a changing world.

"People with asthma are the canaries in the coal mine for the rest of the country," she said. "Four airways are twitchy because of what we breathe and what we eat, then it's not just our problem. It's a sign of prob-

lems to come for the entire country.

Because doctors are not required to report cases to the city, experts estimate how prevalent it is by using hospitalization data. Those numbers show that urban areas like New York, Los Angeles and Chicago are clearly the hardest hit. In each city, hospitalizations are highest in poor, predominantly minority neighborhoods.

The disparities can be staggering. For example, children who live in Harlem or Hunts Point in the Bronx are five times more likely to be hospitalized than children in upper-income neighborhoods like the upper East Side, according to a Health Department study. Lincoln Hospital recorded 14,200 asthmatic visits in its emergency room last year.

Doctors are not sure why this occurs but most point to a combination of en-

# CHILD SHOULD HAVE



Steven Rosado, 8, tests lungs by blowing into a peak flow meter, which helps asthmatic children avoid attacks, in nurse's office of Mene School 108 in Manhattan. Registered respiratory therapist Myra Erazo-Marmolejos (opposite page) teaches Eiza Chevere, 10, how to administer medication with a spacer at Lenox Hospital in the Bronx.

## Peak flow meter

**What it is:** A \$20 to \$40 device that measures the condition of the lungs.

**Why children need it:** It gives an early warning that airways are closing.

**Why they can't get it:** Insurance plans often deny or require pre-approvals and up-front payments.

## Peak flow meters

Designed as a self-diagnostic device, the meter is a large plastic tube into which a patient blows. The strength of the exhalation is measured by a slide mechanism that tells them whether their airways are operating normally.

If they score low, asthmatics know their airways are narrowing — even if they have no other symptoms — and can take steps to avoid an asthma attack.

Medical officials said pharmacists must be notified first, but some before issuing meters to Medicaid recipients. But pharmacists said the phone

in systems is plagued by clerical errors that prevent them from being reimbursed.

Similarly, experts said many private insurers do not cover the meters, or they require patients to get pre-authorization. Since the meter is a diagnostic tool and a drug, many patients give up because they don't believe the device is worth the hassle, they said.

environmental hazards, substandard health care, emotional stress and possible genetic susceptibility among African-Americans and Latinos. Blacks, for example, are three times as likely to die from the disease as a white.

In a South Bronx apartment building, next to a garbage strewn lot, Rubin Walters faces still adds in her mind against the asthma that plagues her four children. The family has smoke detectors but serves only a "cold" health prevention purpose.

"We've gotta have a rat because of the rats," she explained.

Hospitalizations are not only slightly up but rates of higher income neighborhoods, according to Health Department statistics. But experts believe asthma is up in those neighborhoods, too, and not being managed better.

Asthma is a very labor-intensive dis-

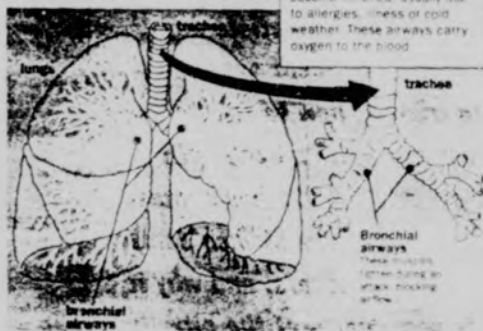
ease to manage, experts say, because each asthmatic's illness is as individual as a fingerprint. Each person's attacks are triggered by different causes, so treatment plans need to be customized, medications fine-tuned and specific home allergens eliminated.

Little of this can be done in emergency rooms, where so many inner-city asthmatics receive their care.

But if people take the time, use new anti-inflammatory medicines that curb airway swelling and make concerted efforts to avoid known allergens, experts say, asthmatics — even those with severe cases — can live normal lives. City officials said they used such strategies at city hospitals to produce a 40% drop in repeat pediatric visits to emergency rooms.

Special steroid medications helped Margo Tambouri Hart, 30, a lower

## What actually happens during an asthma attack?



Asthma occurs when the lungs' bronchial airways become inflamed, usually due to allergies, illness or cold weather. These airways carry oxygen to the blood.

## Five key indicators of asthma

- Shortness of breath.
- Wheezing, a high-pitched whistling sound when breathing out.
- Recurrent chest tightness.
- Recurrent and persistent cough, particularly at night.
- Above symptoms worsen during viral infections or exercise, or in the presence of allergens such as dust mites, molds, tobacco smoke, cold air, animals or airborne pollutants.

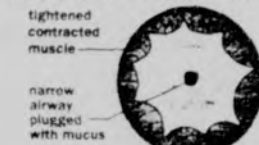
## How the air supply is cut off

### Cross section of airway: Normal breathing



During normal breathing, air can flow freely through the large, open airway.

### Cross section of airway: Asthma attack



During an attack, the air passages are narrowed as muscles tighten and are clogged with increased mucus and swelling of the airway linings.

Manhattan commercial artist, overcome the asthma that has plagued her since early childhood. But she is still constantly on alert.

"I catch a cold and that starts the ball rolling," she said.

Other success stories abound, such as the two dozen asthmatic athletes who competed for the U.S. Olympic team in Nagano. Or the thousands of New Yorkers who have learned to control their illness.

Take the Sangers of Manhattan. When their baby son, Mark, was hospitalized with asthma 12 years ago, they got rid of the wall-to-wall carpeting and upholstered couch because such surfaces harbor dust mites — regardless of how often they are vacuumed.

They also stopped visiting a relative who had three dogs. None of it was easy. But now Mark's asthma is

under control.

"It is almost like brushing his teeth," said his mother, Karen. "He takes his medicines at morning, he takes them at night. He knows that if he doesn't take his medication, he will be sick."

Experts say nearly all asthmatics, with work and good medical care, can match the Sanger success story.

"There are major gaps in our knowledge," said Mellins, but if we applied what we already know, we could solve most of the problem. Most people could live a productive lives."

## Looking for answers

Is your neighborhood one of the areas hardest hit by asthma? What are some of the possible causes?

SEE NEXT PAGE

## Asthma: The Silent Epidemic

# THE BURNING QUESTIONS

**"Why me?"**

**"And why my neighborhood?"**

**Ask doctors and scientists any other questions about asthma — how to treat it, how to fight it — and they can write a book with the answers. But the basic questions of why asthma strikes some people and not others, and why it affects some parts of the city more severely than other areas, stump the experts.**

They can't say, for example, why previously healthy people will suddenly find themselves with asthma.

Not can the experts figure out why some communities suffer far more than others. By the measure of hospitalizations, East Harlem and Hunts Point are New York's biggest asthma hot spots. But why are their asthma rates higher than nearby neighborhoods with similar demographics and environment? If it is just economics, why is Morrisania's higher than Bedford-Stuyvesant's? If it is just environment, why is Rockaway's higher than Coney Island's?

No one knows at this point, admits Dr. Peter Gergen, one of the federal government's top researchers. "We really don't know."

There are plenty of theories about the dramatic upsurge, but none are definitive and some are contradictory.

Most doctors call the disease multi-factorial — academic jargon to describe numerous causes.

Some of the leading theories under consideration include:

### Better medicine

This theory holds that vaccines and antibiotics have prompted immune systems to react to the smallest irritants, such as dust or animal dander.

### Ozone

New York University environmental medicine Prof.

George Thurston found that hospital admissions for asthma, even deaths, rise on days with high pollution.

### Car and jet exhaust

Overall pollution is down, but areas with high concentrations of airplane and truck exhaust report that asthma is up.

### Smoking

Fewer people smoke, but the rate of young people picking up the habit, especially young women, has increased.

### Urbanization

People spend more time indoors behind tighter windows that hold in irritants from carpeting, pets and other potential allergens.

### Stress

A Boston study found that kids exposed to the sound of gunshots or violent incidents were twice as likely to experience wheezing or use a bronchodilator, or be diagnosed with asthma after age 2.

### Cockroaches

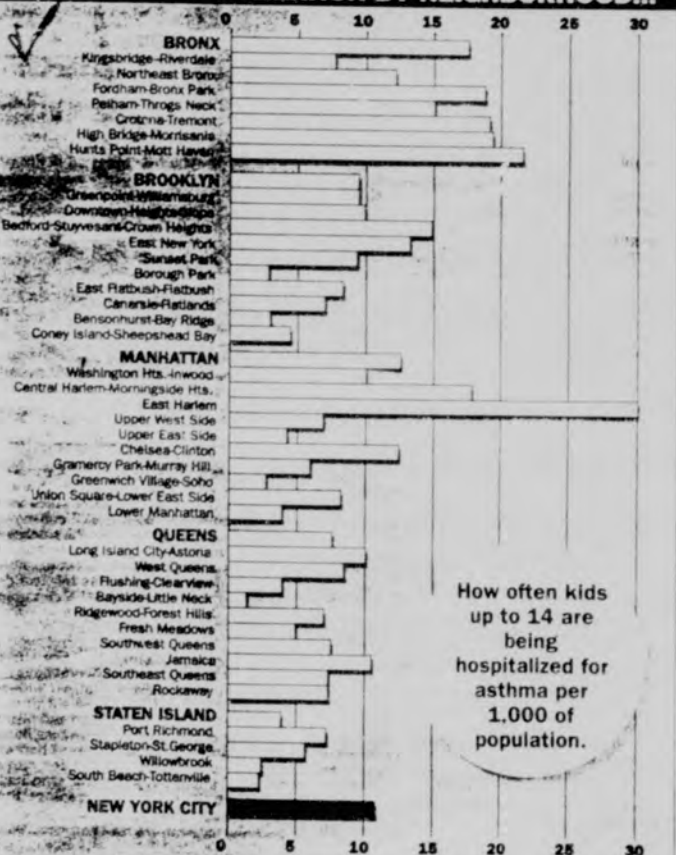
A major study by the National Institutes of Health last year named cockroaches and their residue as a prime culprit. The finding stirred anger among African American and Latino activists, however, who said it was an attempt by the government to divert attention from environmental causes and pin the responsibility on the victims.

## WHERE ASTHMA STRIKES THE HARDEST

This map shows how often children up to 14 are hospitalized for asthma across the city. It matches hospitalizations against a neighborhood's population to show how many children out of every thousand were admitted in 1996. Hospitalizations reflect the worst cases of asthma. Experts say high rates may be caused by both the prevalence of the disease and a lack of primary medical care in hard-hit neighborhoods.



## ASTHMA HOSPITALIZATION BY NEIGHBORHOOD...





Briana Burke, 16 months (top), in Lincoln Hospital in the Bronx. Dr. Douglas Maffia at Columbia Children's Hospital (above) as the boy's Maffia, console him.

worried about it is that hospitalizations for everything else in New York City are going down and hospitalizations for asthma are going up," said Mary Northridge, an epidemiologist at Columbia University's School of Public Health.

Deaths attributed to asthma are soaring as well. They have climbed 50% since 1980, hitting 284 at the last official count in 1995. In one Bronx hospital alone — Lincoln — 11 asthmatics died in the emergency room last year.

The mortality figures actually may be much higher because asthma is often an undiagnosed, contributing factor in deaths attributed to other causes, such as heart attacks.

The epidemic is hitting New York's children hardest. In fact, asthma is the greatest health threat they face.

More than 10% of the city's 1 million students — an estimated 130,000 kids — suffer from asthma. In some classes, as many as one half of the children have the disease.

No other ailment puts so many in the hospital. On average, one child is hospitalized somewhere in the city every 35 minutes, a rate of 15,000 admissions a year. The rate is twice the national average.

Poor kids suffer the most because their neighborhoods have the worst asthma and the least health care. Kids in low-income



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PHOTOGRAPHY BY JON NASO

GRAPHICS BY TRINE GIAEVER

DESIGN BY BERNADE

# A disease, is spreading New York City in epic proportions, overwhelms the public health system as it breathes from ever more people

New York City's asthma epidemic has spread to the public health system, which is now struggling to care for more than 1% of the population.

With resources that have the city's health care system at its core, the public health system is now struggling to care for more than 1% of the population.

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**500,000**

New Yorkers have asthma, the country's highest rate

**130,000**

of those are school children

**284**

New Yorkers died of asthma

# ***Asthma: The Silent Epidemic***

## **THE BURNING**

***"Why me?"***

***"And why my neighborhood?"***

***Ask doctors and scientists any other questions about asthma — how to treat it, how to fight it — and they can write a book with the answers. But the basic questions of why asthma strikes some people and not others, and why it affects some parts of the city more severely than other areas, stump the experts.***

They can't say, for example, why previously healthy people will suddenly find themselves with asthma.

Nor can the experts figure out why some communities suffer far more than others. By the measure of hospitalizations, East Harlem and Hunts Point are New York's biggest asthma hot spots. But why are their asthma

George Thurston found that hospital admissions for asthma, even deaths, rise on days with high pollution.

### **Car and jet exhaust**

Overall pollution is down, but areas with high concentrations of airplane and truck exhaust report that asthma is up.

This map for asthma against children Hospital Experts prevaler medical

KEY

Source: 199

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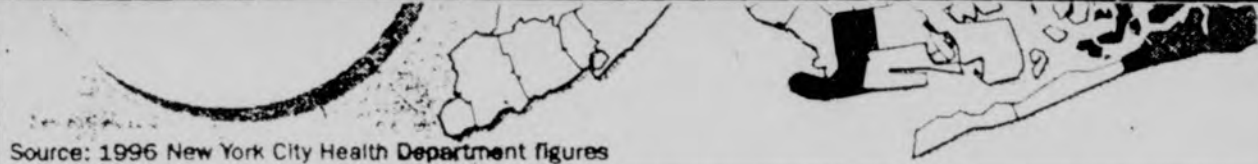
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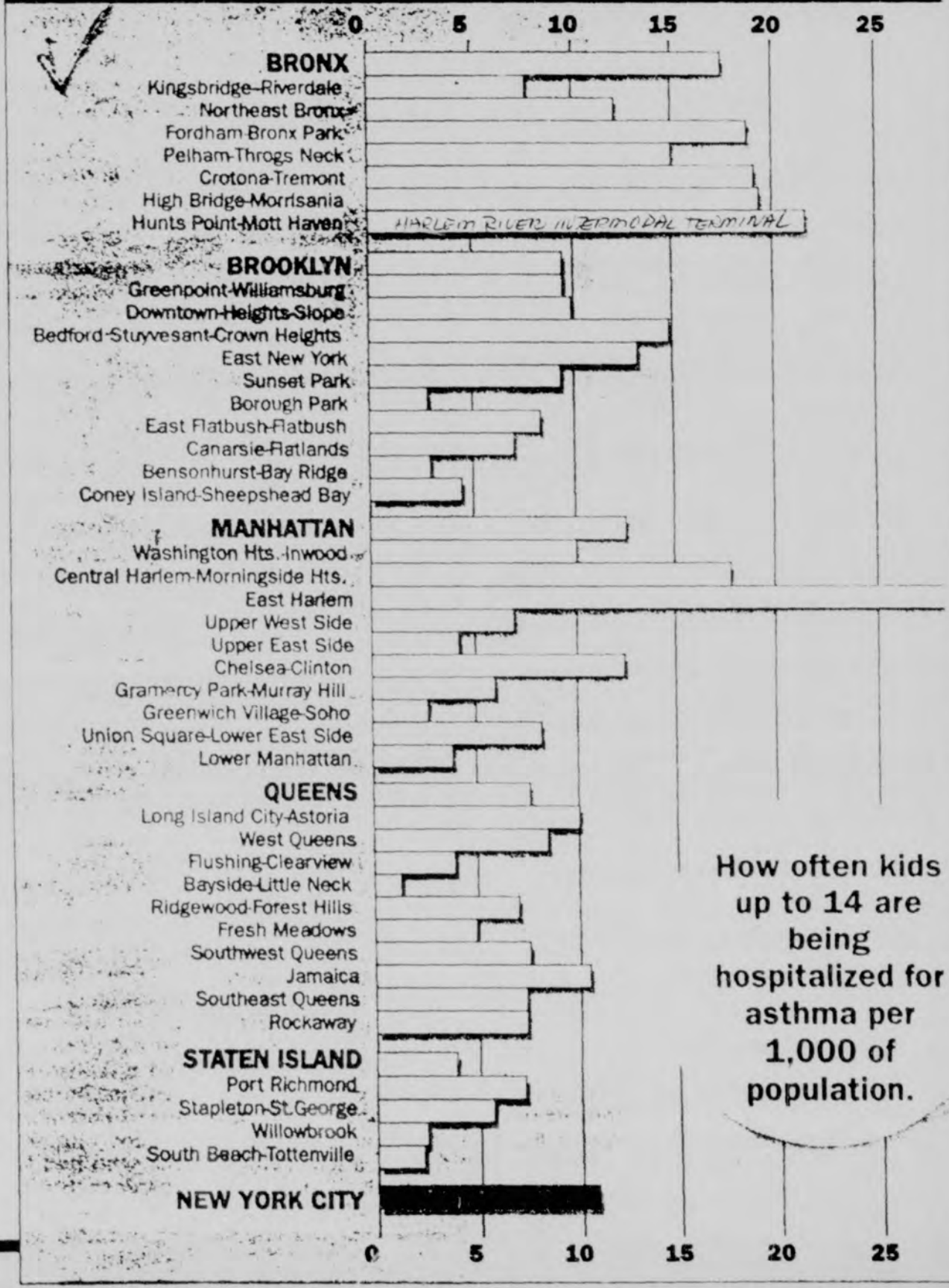
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Source: 1996 New York City Health Department figures

# ASTHMA HOSPITALIZATION BY NEIGHBORHOOD



How often kids  
up to 14 are  
being  
hospitalized for  
asthma per  
1,000 of  
population.

450 W. 33d St., New York, N.Y. 10001

MORTIMER B. ZUCKERMAN, *Chairman & Co-Publisher*  
FRED DRASNER, *Chief Executive Officer & Co-Publisher*  
DEBBY KRENEK, *Editor in Chief*  
ARTHUR BROWNE, *Managing Editor*  
MICHAEL GOODWIN, *Editorial Page Editor*

11/24/97

# Rail monopoly rips us off

**ONE OF THE** reasons why New Yorkers pay top dollar for everything from food to furniture is that the city must rely on road-clogging, fume-spewing trucks to get goods to market. But the federal government now has a rare opportunity to change that. It can break the rail freight monopoly that has strangled the city for more than 20 years.

To do that, the federal Surface Transportation Board must reject the plan by Norfolk Southern and CSX Corp. to take over Conrail's freight monopoly — until the proposal is redrawn to allow cost-saving competition for New York City.

As crafted now, the deal would permit the two rail giants to compete in New Jersey, but it would grant CSX exclusive control over New York City. That would mean continuing the city's economic suffering.

Today, because of Conrail's refusal to use the tracks east of the Hudson or the rail float service between Brooklyn and New Jersey, New York gets only 2.8% of its goods by rail — compared with about 40% in other cities. That means that goods brought by rail from the mid-Atlantic region and Southeast must be unloaded in Jersey, then trucked into the city. About 3.6 million trucks cross the George Washington Bridge each year.

No wonder we pay more. It costs \$264 for one truck to cross the river, moving one rail freight car — the equivalent of four tractor-trailers — across on a float costs a mere \$21.

New York's political leaders are divided over how to restructure the Conrail takeover. Gov. Pataki and Mayor Giuliani want CSX and Norfolk Southern to compete east of the Hudson to Albany. Rep. Jerrold Nadler and 23 other Congress members have called for them to share ownership of New York City tracks and the rail ferry between Bay Ridge and Bayonne.

The solution is to do both. That would create the comprehensive competition needed to free the city from punishing prices.

To make this work, the city and state must take back the long-unused 85-acre Harlem River Yard. Doing so would remove 180,000 trucks a year from local roads and slash shipping costs by \$100 million per year, according to the state controller. It also would reduce air pollution, save an estimated \$500 million on road work and create 5,000 new jobs.

The state already has spent \$200 million on the Oak Point Rail Link that connects the Hudson lines with the yard. But the site is now held under a 99-year lease granted by then-Gov. Mario Cuomo to a developer who has vague plans to subdivide it for a recycling operation or printing plant. That is a devastating waste. If state and city officials can't buy back the lease, they should begin condemnation proceedings to regain this essential economic resource.

Getting New York on the right track in rail freight means lower prices, more jobs, less pollution and dramatic traffic relief. But only true competition will make that happen.

## Wanted: Hatchet person

The resignation of state budget director Patricia Woodworth

## From our lips to gov's ears

11/28/97

**G**OV. PATAKI IS GETTING close to being the only governor to be elected in the state since the 1994 mid-term election. The question is whether he will be re-elected in 2002.

After all, he's the only governor in the state who has a high approval rating. In a recent poll, Pataki had a 75 percent approval rating. That's a record for a governor in the state since the 1994 mid-term election. The MTA will make the decision for us when we vote next year. The MTA will make the decision for us when we vote next year.

The second option is that the governor seriously consider a 25 percent increase in the state income tax. The MTA will make the decision for us when we vote next year. The MTA will make the decision for us when we vote next year.

Some estimates are that the MTA would lose \$175 million a year by offering a 25 percent rate. If that's the case, the MTA would be in a worse financial position than it is now. The MTA would be in a worse financial position than it is now.

## College fight song

NYC AWAITS  
GOVERNOR  
ACTION!

# Gov. sides with riders



Sez spend surplus on service and fares

The MTA will make the decision, but my view is precisely what has been advocated by the Daily News. — GUY PATAKI

11/26/97



RETURN RECEIPT REQUESTED

Fold at line over top of envelope to  
the right of the return address

CERTIFIED

P 196 574 472

MAIL

ZEE FRANK

LANDMARK STUDIOS, INC.

2 WILLIS AVE, PORT MORRIS

THE BRONX, N. Y. 10454-4417



MS. LINDA MORGAN ESQ. CHAIRMAN  
UNITED STATES SURFACE TRANSPORTATION BOARD  
1925 K ST.  
WASHINGTON, D.C. 20423

STB

FD-33388

2-25-98

J

ID-MOES

JOHN BREAU  
LOUISIANA

MINORITY  
CHIEF DEPUTY WHIP

COMMITTEES:

COMMERCIAL, SCIENCE, AND  
TRANSPORTATION

FINANCE

SPECIAL COMMITTEE ON AGING

WASHINGTON OFFICE

(202) 224-4623

TDD (202) 224-1986

senator@breau.senate.gov  
http://www.senate.gov/~breau

# United States Senate

WASHINGTON, DC 20510-1803

STATE OFFICES:

ONE AMERICAN PLACE, SUITE 2030  
BATON ROUGE, LA 70825  
(504) 382-3050

THE FEDERAL BUILDING  
705 JEFFERSON STREET, ROOM 103  
LAFAYETTE, LA 70501  
(318) 262-6871

WASHINGTON SQUARE ANNEX BUILDING  
211 NORTH 3RD STREET, ROOM 102A  
MONROE, LA 71201  
(318) 325-3320

HALE BOGGS FEDERAL BUILDING  
501 MAGAZINE STREET, SUITE 1005  
NEW ORLEANS, LA 70130  
(504) 589-2531

CENTRAL LOUISIANA  
(318) 487-8445

February 20, 1998

FD-33388

Mr. Dan King  
Congressional Liaison  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Dear Mr. King:

I have been contacted by several constituents regarding the tank car fire in New Orleans in 1987.

Please review the enclosed information sent to me. If there is any information you have that I may provide to my constituents with regards to this issue, it would be appreciated. Also, I ask that you give the views and concerns expressed by my constituents the appropriate consideration within federal guidelines. You may forward a reply to the attention of Sara Traigle in my Washington office.

Thank you for your attention and assistance.

Sincerely,

JOHN BREAU  
United States Senator

JB:set  
Enclosure

CHAIRMAN MORGAN  
FEB 25 3 37 PM '98  
SURFACE TRANSPORTATION BOARD

February 5, 1998

TO WHOM THIS MAY CONCERN:

From: Albert Dabney Sr.  
3116 Arts St.  
New Orleans, La. 70122  
(Phone # 949-1486)

Re: 1987 Tank Car Explosion (Beaudine)

#### HEALTH PROBLEMS AND COMPLICATIONS

When this explosion occurred on 9/9/87 I jumped out of bed and severely injured my left knee. (This loud noise awoken me from my sleep and I just tried to hurry out of bed to see what was happening) I immediately started having some chest pains which at that time I thought I had only pulled a muscle, but later only found out through several doctor visits that I had fluid building up around my heart and lungs.

Several months later I started suffering from breathing problems resulting from inhaling those fumes. In 1988 I was still having problems with my left knee. I returned to the doctor only to found out that I needed surgery to replace the artery in my knee with a plastic artery. I am on medication to help ease some complications resulting from this surgery. I can't walk around too long or just simply stand up for a long period of time.

I have also been hospitalized several times for heart and breathing conditions resulting from the chemicals inhaled (Beaudine). In 1994 and 1995 I was hospitalized several times for fluid around my heart and lungs. I was placed on oxygen to help ease the breathing problems I was experiencing. I have to take several different medications for the rest of my life to help control the fluid around my heart and lungs.

#### HOME DAMAGES

My home have sunken, shifted more to one side, floors and ceiling tiles are bulging, walls cracked and cement is also cracked. I had to repair the roof due to water going in my home when it rains.

I had to evacuate my home for three days due to the heat and chemicals in the air from the explosion very near to my home. After returning home I had to evacuate again for two more days because of the fumes inside of my home was unbearable.

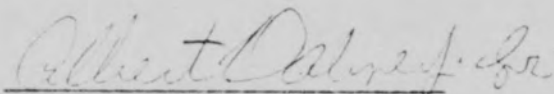
PERSONAL COMPLAINT

I honestly feel ten years of waiting for compensation to repair my home is too long of a wait. My monthly income isn't enough money to repair the damages done to my home. It's a know fact according to my health physcians I have to take medication for the rest of my life due to this explosion. Several months ago the Court System awarded the money, but as of this day I haven't received any money pertaining to this Class Action Suit. I often wonder if this is a racial or political issue or maybe the facts that GSX Railroad Co. is trying to purchase another Railroad Company and just trying to have this swept under the rug until the purchase of the Railroad is completed.

This explosion have physically abused my health and caused damage to my home. Presently I am seeking help through a higher authority by writing to you asking for your support in this matter. I think the Company which is liable for this incident occured should pay for their negligence so I can start repairing my dwelling before it becomes total deteriorated from an unbalance structure.

I kindly thank you in advance for your prompt attention to this matter and I will be looking forward to closure in the near future.

Sincerely,



Albert Dabney, Sr.

98 FEB 19 AM 11:52

2, 11, 98

I am one of these victims of the  
1987. Torrance fire in New Orleans, Louisiana  
I suffered from toxic chemical exposure  
and possible cancer. I was put out of  
my home for an set time eg 5 hours  
3 days I have seen my community  
deteriorate while those hazardous  
toxic car

are still being put up in our neighborhood my  
family & I have been suffering with this  
tragedy for ten years with no relief  
the case finally went to court this past  
summer and the jury gave us three  
billion dollars in punitive damages but now  
my lawyers are telling me it may be another ten  
years before we see one cent. Where is the  
justice in this?

I hear these big railroads are buying another  
big rail road Corral for ten billion dollars  
How is it they can afford to spend all that  
money buying up ~~more~~ rail roads when  
we are sitting here going bankrupt if the  
some federal agency ~~could~~ ~~could~~  
manufacture bread that has to

Approve This Buyout - maybe they could  
tell, CSX they have to pay their past  
debts before spending Billions for  
more Rail Roads that they can operate  
unsafely

please help us we are trapped here. Still  
surrounded by tank car that could  
explode at any minute we have been  
waiting patiently for ten years for some  
kind of compensation for our suffering  
Having to wait another ten years while  
watching CSX spend Billions for more  
Rail Roads is too much to bear

Virginia Clayborne  
2735 Mandeville St  
New Orleans L.A. 70117

February 12, 1998

98 FEB 19 AM 11:51

Dear Senator John B. Breaux,

This is to inform you as to the status of the Train Leak incident that happened in New Orleans in 1987, Sept. 9. I am a victim of that incident and I was informed that the CSX railroad is attempting to settle with their victims from the "New Orleans Tank Car" incident.

I would be very appreciative if you would look into this matter on behalf of the victims of the New Orleans Tank Car. Please contact ~~me~~ me on this matter. Let me know what can be done.

With much appreciation,  
Paul B. Caesar

Paul B. Caesar  
5531 New England Dr.  
New Orleans, La 70129



February 12, 1998  
98 FEB 19 AM 11:51

Senator John B. Breaux

United States Senate  
Washington, DC

Branka M. Wells  
1624 Ellettside Dr.  
N.C., SA 70126

20510-1803

I am a victim of the 1987 tank  
car explosion that happened in New  
Orleans, LA.

I understand that the railroad  
is trying to buy another railroad for 10  
billion if there is some federal  
agency that has to approve this deal.  
Maybe they could tell them to pay  
their debts to the people who have  
suffered from this explosion. We  
have been waiting for 10 ~~long~~ years.

Would you please contact me and  
let me know what can be done about  
this matter

Thank you,  
Branka M. Wells

Feb. 11, 1998

98 FEB 19 AM 11:51

Senator John B. Breaux  
United States  
Washington D.C. 205-1804

Dear Senator B. Breaux

I am one of the victims  
of the 1987 Tank car fire in  
New Orleans, La. I suffered  
from toxic chemical exposure  
and possible cancer. I was  
put ~~at~~ out my home for 2 days,  
and have been under the Doctors  
care for a respiratory problem since  
the accident. I think that I should  
be ~~compensated~~ compensated for <sup>my</sup> inconvenience  
and long suffering. please let  
me hear from you soon.

Thank you  
Mary L. Franzen

2241 Arts St  
New Orleans La 70117

2/10, 1998

98 FEB 19 AM 11:51

Dear Sir:

I am one of the 1987 tank & splasher victims on Franklin ave, on the 9th of Sept, it cause lots of discomfort to me running nose itching eyes upset stomach & vomiting, Went to the Doc. a few times.

My daughter an her three children were ~~also~~ living with me then they had the same problem.

I thank CSX should pay us insled of standing Monday for somather railroad. ten \$ars is atony Time to wait,

Sincerely,

Miss Flora Moses

Flora Moses  
2414 Arthur St,  
N.O., La, 70119

STB

FD-33388

2-18-98

J

ID-BUSINESS

**QUALIT//CH**

Qualitech  
Steel  
Corporation

11 South Meridian Street  
Suite 301  
Indianapolis, Indiana  
46204-3510  
Telephone: (317) 681-9953  
Facsimile: (317) 681-1633

February 11, 1998

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001



STB FINANCE DOCKET NO. 33388

CSX CORPORATION AND CSX TRANSPORTATION, INC.  
NORFOLK SOUTHERN CORPORATION AND  
NORFOLK SOUTHERN RAILWAY COMPANY  
-CONTROL AND OPERATING LEASES/AGREEMENTS-  
CONRAIL INC. AND CONSOLIDATED RAIL CORPORATION

STB FINANCE DOCKET NO. 33388 (SUB-NO. 76)

INDIANA SOUTHERN RAILWAY COMPANY  
-- TRACKAGE RIGHTS --  
CSX TRANSPORTATION, INC. AND INDIANA RAILROAD COMPANY

VERIFIED STATEMENT  
OF  
GORDON H. GEIGER

My name is Gordon H. Geiger, Chairman and Chief Executive Officer of Qualitech Steel Corporation. I am writing in support of the application by the Indiana Southern Railroad for trackage and service rights on the former CONRAIL track between Indianapolis (Avon yard) and Crawfordsville, IN, specifically serving our new 700,000 ton per year steel plant in Pittsboro, IN.

We are currently, and will continue to be unless you grant ISRR these rights, served by a single carrier, CONRAIL now, CSX later. This is a very poor competitive situation for rail transportation and very likely will give a competitive edge to trucks both for inbound scrap and outbound product. Giving service rights to ISRR will allow us to have competitive prices for shipments to the St. Louis, Cincinnati, Memphis and Chicago markets, among others.

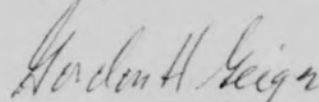
The Indiana Southern has a good reputation in service to customers and we would welcome their service. We believe it is in the interest of improving rail service nationwide that you maximize the competition on existing rail lines. Your experience with the recent UP-SP merger should tell you that.

In summation, we request the Surface Transportation Board to grant the trackage rights requested by the Indiana Southern Railroad (ISRR) to, from and between Indianapolis and Pittsboro, IN. We believe the ISRR trackage rights will increase competition, protect my company and others from potential post-merger rate increases, and guarantee rail transportation in the event of service problems such as those experienced recently in the west.

I, Gordon H. Geiger, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verified statement.

Executed on February 11, 1998.

Sincerely,



GORDON H. GEIGER  
Chairman and CEO

GHG/jc

Copy: Phil Wilzbacher, Indiana Southern

STB

FD-33388

2-12-98

J

ID-MOES



Office of the Chairman

Surface Transportation Board  
Washington, D.C. 20423-0001

*File in Docket*  
*FD-33388*

February 12, 1998

The Honorable John Glenn  
United States Senate  
Washington, D.C. 20510-3501

Dear Senator Glenn:

Thank you for your letter on behalf of Reserve Iron & Metal, L.P., regarding the proposal by CSX and Norfolk Southern (NS) to acquire control of Conrail and to divide certain assets of Conrail between the two acquiring railroads, and the effect it may have on competition in Ohio.

This proceeding has been docketed at the Surface Transportation Board (Board) as STB Finance Docket No. 33388. As you may know, the Board adopted a procedural schedule for deciding the merits of the control application filed in this proceeding, which it extended by 45 days to accommodate the filing of safety integration plans by the applicant railroads. As provided by the procedural schedule, the Board has received comments and evidentiary submissions from all interested parties addressing the merits of the merger proposal, which were filed with the Board on or before October 21, 1997, and the Board has received replies to these filings, including rebuttal by the applicant railroads, which were filed on or before December 15, 1997. The Board is currently analyzing those filings. A final written decision in this matter will be issued on July 23, 1998.

In deciding whether a control transaction such as the one being proposed here is in the public interest and should be approved, the Board must consider various factors required by law, including the interest of all rail carrier employees affected by the proposed transaction, the effect of the proposed transaction on the adequacy of transportation to the public, and whether the proposed transaction would have an adverse effect on competition among rail carriers in the affected region or in the national rail system. In this regard, let me assure you that the Board will give full consideration to the issues that you have raised. Because this proceeding is pending before the Board, however, it would be inappropriate for me to comment further on the case.

I am having your letter made a part of the public docket in this proceeding. I appreciate your interest in this matter, and if I may be of further assistance, please do not hesitate to contact me.

Sincerely,

*Linda J. Morgan*  
Linda J. Morgan



JD-33388

COMMITTEES

- GOVERNMENTAL AFFAIRS
- ARMED SERVICES
- SELECT COMMITTEE ON INTELLIGENCE
- SPECIAL COMMITTEE ON AGING

# United States Senate

WASHINGTON, DC 20510-3501

January 22, 1998

CHAIRMAN MORGAN

JAN 20 5 13 PM '98

RECEIVED  
SURFACE TRANSPORTATION BOARD

Ms. Linda Morgan  
 Chairman  
 Surface Transportation Board  
 1925 K Street, NW  
 Washington, DC 20423

Dear Ms. Morgan:

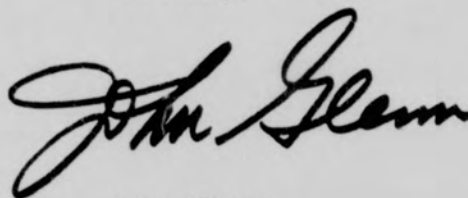
Reserve Iron & Metal, L.P., a scrap processor in Cleveland, Ohio, has contacted me to express its concerns about the impact that the proposed acquisition of Conrail by Norfolk Southern and CSX may have on its service with the Wheeling & Lake Erie Railway Company (W&LE).

It is my understanding that Reserve Iron & Metal, the largest processor of blast furnace iron in the United States, relies heavily on Conrail and the W&LE to ship its product to mills. Last year, Reserve shipped 3,167 cars over the W&LE. In every case, Conrail offered direct competition. Reserve is concerned that Conrail's acquisition may result in the loss of competitive advantage to the locations it serves, which include Republic Engineered Steel in Canton, LTV Steel in Cleveland, and Wheeling Pittsburgh Steel in Steubenville, Ohio. To that end, Reserve supports the W&LE's petition to gain direct commercial access to its Cleveland facility. I ask that you give the W&LE's petition every appropriate consideration.

Thank you for your attention to this matter.

Best regards,

Sincerely,



John Glenn  
 United States Senator

JG/slw

STB

FD-33388

1-30-98

J

ID-MOES

2

OF

2

C

VERIFICATION

I, Kenneth Miron, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on this 17 day of October, 1997.

Kenneth Miron CEO.

October, 20th 1997

Submitted to Surface Transportation Board  
Finance Docket #33338

Verified Statement on Behalf of Weyerhaeuser Canada

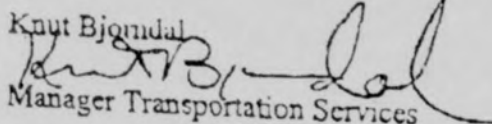
I am the Manager of Transportation Services for Weyerhaeuser Canada. Weyerhaeuser currently uses a rail to truck lumber reload facility on the Housatonic Railroad in Hawleyville CT for distribution to customers in CT, NJ and NY states. Weyerhaeuser competes for much of this business with firms located in these states, including firms which are situated in the North Jersey shared asset area.

Weyerhaeuser is concerned that certain aspects of the Conrail acquisition by NS and CSXT. The transaction as proposed, will introduce competition by CSXT and NS in areas west of the Hudson River but will have no such effect in Connecticut. The Housatonic Railroad will have access only to CSXT.

The CSXT/NS competition in NJ and NY will introduced competition and likely lower costs for those customers situated in the shared access zone, giving them competitive advantage over Weyerhaeuser. This could result in reduction of our market share and consequently cause losses to the Housatonic Railroad.

In order to address the competitive balance which will certainly occur with the current acquisition proposal, Weyerhaeuser supports the application of the Housatonic Railroad to acquire access to other connections, including NS, CP Rail and ST through trackage rights or haulage arrangements to the Albany area.

We urge the Surface Transportation Board to grant the application of the HRRRC to acquire access to Albany, NY area for interchange with other carriers.

Knut Bjorndal  
  
Manager Transportation Services

Verified Statement of Jerome Blankenship  
Kimberly-Clark Corporation

October 20, 1997

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
STB Finance Docket No. 333388  
1925 K. Street, NW  
Washington, DC 20423-0001

Dear Mr. Williams:

My name is Jerome L. Blankenship and I am Vice President of Transportation for Kimberly-Clark Corporation. I have held my present position for seven years. My duties include management of all aspects of transportation in North America for Kimberly-Clark.

Kimberly-Clark is a major manufacturer of consumer products with approximately four billion dollars in annual sales. We have a large consumer products manufacturing plant located on the Housatonic Railroad Company in New Milford, Connecticut which receives 900 carloads, or 65,000 tons, of woodpulp annually for conversion to various products.

We have previously supported the acquisition of Conrail by CSXT and the Norfolk Southern because it introduces rail-to-rail competition at numerous points in the Northeast. We continue to be supportive of the acquisition.

However, it is apparent that the acquisition, as proposed, does not enhance the competitive environment substantially for our mill located in New Milford, Connecticut. The application of CSXT and Norfolk Southern, if granted as currently proposed, would result in the Housatonic Railroad having a connection only with the CSXT. From a competitive standpoint we would have a more favorable rate and service environment if the Housatonic could also have a connection with the Norfolk Southern and CP Rail in the Albany, New York area.

To this end, the Housatonic has given notice to the STB that it intends to file a responsive application in the above proceedings requesting certain trackage rights or haulage arrangements to acquire access to other connections, including NS, CP Rail and ST in the Albany, New York area.

Mr. Vernon A. Williams  
Page -2-  
October 20, 1997

Our New Milford, Connecticut mill is dependent upon reliable rail transportation and competitive rates in order to compete with other consumer products producers located in areas of the Northeast that will enjoy more favorable rail-to-rail competition. For example, any producer located in the proposed "joint access area" can purchase woodpulp, a major raw material for our New Milford plant, from producers jointly served by CSXT and Norfolk Southern in the Southeast and have the ability to bid traffic between railroads on a single line basis.

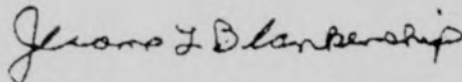
At New Milford, the current plan would result in two or three line rates when traffic originates at southeastern mills jointly served by CSXT and Norfolk Southern. While the two line haul over CSXT and Housatonic is an improvement over the three line rates we have today with Conrail, it still puts us at a competitive disadvantage compared to other producers located in the Northeast who will enjoy single line rates.

The request of the Housatonic Railroad to reach connections with other carriers such as the Norfolk Southern and CP will not result in our New Milford mill enjoying the benefits of single line rates. However, it would result in our ability to have rail-to-rail competition via CSXT or NS to connections with the Housatonic Railroad, and two line versus three line rates on woodpulp received from CP origins in Canada. Kimberly-Clark owns a large pulp producing facility in Terrace Bay, Ontario that currently ships 24,000 tons annually to the New Milford mill. There is no doubt that this would be a more favorable competitive situation for moving inbound raw materials into our New Milford mill.

For these reasons, we respectfully request that you give serious consideration to the Housatonic Railroad request for trackage rights or a haulage arrangement to acquire access to other connections including Norfolk Southern, CP Rail and ST in Albany, New York.

I, Jerome L. Blankenship, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this verified statement. Executed on October 20, 1997.

Sincerely,



Jerome L. Blankenship  
Vice President, Corporate Transportation  
Kimberly-Clark Corporation

jlr

cc. Edward J. Rodriguez - FAX 860-767-7419

VERIFIED STATEMENT ON BEHALF OF  
QUALITY FOOD OILS, INC.  
NEW MILFORD, CONNECTICUT

Submitted to Surface Transportation Board  
Acquisition by CSX Corporation and Norfolk  
Southern Corporation of Assets of Consolidated  
Rail Corporation. Finance Docket #33338

I am the General Manager of Quality Food Oils, Inc. in New Milford, Connecticut which receives various food oils by rail and distributes finished products throughout the eastern U.S. Quality Food Oils, Inc. competes directly with a firm in New Jersey situated within the shared access area.

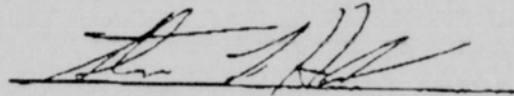
Quality Food Oils, Inc. is concerned about certain aspects of the Conrail acquisition by NS and CSX. The transaction, as proposed, will introduce vigorous rail competition by CSX and NS in much of New York and New Jersey and will benefit our competition but will have no such effect in Connecticut. We are rail served by Housatonic Railroad at New Milford. Housatonic Railroad will have access only to CSX.

The CSX/NS competition in New York and New Jersey is expected to reduce transportation costs for firms situated in the competitive zone. As a consequence, those firms will gain a competitive advantage over Quality Foods and, because of their lower material costs, will be able to gain market share at our expense, causing a reduction in business and revenue to Quality Food Oils, Inc.

In order to address the competitive imbalance which will occur by introducing rail competition for our competitors, we vigorously support the application of Housatonic Railroad to acquire access to other connections, including NS, CP Rail and ST through trackage rights or haulage arrangements to the Albany area.

VERIFICATION

I, Steve Hunt, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on this        day of October, 1997.

A handwritten signature in cursive script, appearing to read "Steve Hunt", is written over a horizontal line.



VERIFIED STATEMENT ON BEHALF OF  
FIDCO  
NEW MILFORD, CONNECTICUT

Submitted to Surface Transportation Board  
Acquisition by CSX Corporation and Norfolk  
Southern Corporation of Assets of Consolidated  
Rail Corporation. Finance Docket #33338

I am the Distribution Manager of FIDCO, a Nestles Company, which receives various food ingredients by rail and distributes finished products throughout the eastern U.S. Fidco competes with firms in New York and New Jersey.

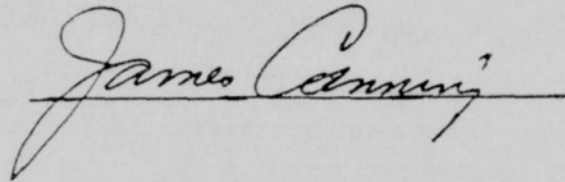
Fidco is concerned about certain aspects of the Conrail acquisition by NS and CSX. The transaction, as proposed, will introduce vigorous rail competition by CSX and NS in areas west of the Hudson River but will have no such effect in Connecticut. We are rail served by Housatonic Railroad at New Milford, Connecticut. Housatonic Railroad will have access only to CSX.

The CSX/NS competition in New York and New Jersey is expected to reduce transportation costs for firms situated in the competitive zone. As a consequence, those firms will gain a competitive advantage over Fidco and, because of their lower material costs, will be able to gain market share at our expense, causing a reduction in business and revenue to Fidco.

In order to address the competitive imbalance which will occur by introducing rail competition for our competitors, we vigorously support the application of Housatonic Railroad to acquire access to other connections, including NS, CP Rail and ST through trackage rights or haulage arrangements to the Albany area.

VERIFICATION

I, James Canning, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on this 17 day of October, 1997.

A handwritten signature in cursive script that reads "James Canning". The signature is written in dark ink and is positioned above a solid horizontal line that spans the width of the signature.

## EXHIBIT 9

VERIFIED STATEMENT ON BEHALF OF  
SHEFFIELD PLASTICS, INC.  
SHEFFIELD, MASSACHUSETTS

Submitted to Surface Transportation Board  
Acquisition by CSX Corporation and Norfolk  
Southern Corporation of Assets of Consolidated  
Rail Corporation. Finance Docket #33338

I am the Director of Purchasing of DSM Sheffield Plastics, Inc., a division of DSM EPP, Inc. situated in Sheffield, Massachusetts. Our company operates a sheet extrusion facility employing approximately 180 persons and receives plastic resins by rail. The delivering carrier is the Housatonic Railroad.

Our firm relies heavily on rail service. Truck service would be inadequate both because of cost considerations and because we are unable to accommodate the volume of truck traffic which would be required of our facility. In addition, Sheffield Plastics is situated in a small town without convenient access to major highways. Traffic, environmental and other local concerns would make truck traffic unacceptable.

If Sheffield Plastics did not have rail service, it would seriously effect our ability to continue to operate and compete in our marketplace.

## VERIFICATION

I, Al DiNicola, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verified Statement. Executed on this day of October, 1997.

