

STB

FD-33388

11-26-97

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ID-BUSINESS



Norfolk Southern Corporation  
1500 K Street, N.W., Suite 375  
Washington, D. C. 20005  
202 383-4166  
202 383-4425 (Direct)  
202 383-4018 (Fax)

CENTRAL ADMINISTRATIVE UNIT

REC'D:

11/26/97

DOCUMENT #

11/26/97 11:24:25 AM

Bruno Maestri  
System Director  
Environmental Protection

ENVIRONMENTAL  
DOCUMENT

Washington, D.C. - November 25, 1997

BY HAND

Elaine K. Kaiser  
Chief  
Surface Transportation Board  
Section of Environmental Analysis ("SEA")  
1925 K Street, NW  
Washington, DC 20423-0001

Re: Finance Docket No. 33388: CSX and NS - Control and  
Acquisition of Conrail

Subject: Norfolk Southern Mitigation Proposal for Erie,  
Pennsylvania

Dear Ms. Kaiser:

This letter responds to a request from SEA for a written description of Norfolk Southern's ("NS") proposal for mitigation relating to post-Acquisition NS rail traffic at Erie, Pennsylvania. We understand that SEA intends to include this letter as an appendix to the Draft Environmental Impact Statement for Finance Docket No. 33388. Described below is NS' proposal for mitigation relating to post-Acquisition NS rail traffic at Erie, Pennsylvania. Specifically, NS provides herein a detailed description and analysis of a proposal to relocate rail traffic from the existing NS mainline running through Erie to an alternate location on existing Conrail right-of-way.

Background

NS has given careful study to the proposed routing of its trains through Erie, Pennsylvania as described in Applicants' June 1997 Operating Plan (Volume 3B, pages 281-282) and Environmental Report (Volume 6B, Page 503) submitted to the Surface Transportation Board (the "Board" or "STB") in conjunction with the joint Application in the above-referenced docket. As a result of the continuing work by NS to address where appropriate the potential environmental impacts of the

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proposed Acquisition, NS has conducted further analysis of the proposed post-Acquisition traffic routing both along the existing NS route through Erie and an alternate route to be considered as a mitigation measure.

Applicants' Operating Plan and Environmental Report included a brief discussion of a proposal by NS to reroute its freight rail traffic currently moving through Erie along 19th Street. To implement that proposal, NS and CSX negotiated a permanent easement to be granted by CSX to NS, subject to the Board's approval of the Application; the easement agreement was made an exhibit to the Application. The easement would grant NS an exclusive right-of-way to build a new track adjacent and parallel to the Conrail Cleveland-Buffalo Line that is to be controlled by CSX post-Acquisition.

#### **Purpose of the Proposed Mitigation**

Although the plan discussed herein was included in Applicants' filings, many elements were necessarily conceptual. Therefore, for the purpose of assisting the Board's environmental review process, the proposed realignment is being submitted in the form of a proposed mitigation.

The relocation of NS rail traffic to a new track on the Conrail right-of-way north of the existing NS tracks would permit NS to divert its trains away from approximately 1.25 miles of track along 19th Street, in a largely residential area of Erie. All 24.2 NS trains per day expected to cross through Erie post-Acquisition (representing an increase from the 1995 base case of 13 trains per day) would be removed from the 19th Street route and would run instead over the relocated NS line.

Significant safety benefits would be realized by this rail traffic relocation since the 19th Street route includes numerous at-grade crossings in a densely populated area which would no longer be used for NS freight traffic. Other benefits of the rerouting proposal include elimination of grade crossing delays and street running, as well as noise impacts from rail traffic moving through a heavily residential neighborhood. The relocation would permit more efficient train movement between Toledo, Cleveland and Buffalo.

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### **Description of the Proposed Mitigation**

As described above, CSX has agreed to grant NS an exclusive right-of-way along the existing Conrail mainline, north of the existing NS mainline. The agreement between CSX and NS is memorialized in a Deed of Easement, Exhibit LL to Railroad Control Application, Volume 8C of 8, pp.784-788. (Copy attached as Exhibit 1.) The easement runs from west of Pittsburgh Avenue near CP 89 to the existing NS/Conrail connection west of Downing Avenue.

The precise alignment of the NS track within the Conrail right-of-way ("northern route") has not yet been determined by the NS Engineering Department and will be the subject of further discussion and agreement between NS and CSX. The exact location of the new NS northern route on the existing Conrail right-of-way will be dependent upon such factors as ensuring CSX access to the Conrail OD yard, NS interchange with the Allegheny and Eastern Railway (A&E) and CSX access to customers on the Conrail mainline. While these and other issues pertaining to the alignment of the NS track are the subject of on-going study by NS and CSX, the feasible alternative alignments available for this project are not expected to vary significantly in potential environmental impact. Therefore, the final selection of the preferred alignment for the new NS track should not affect the evaluation of the substantial safety benefits of the proposed relocation to be realized by rerouting the NS traffic away from 19th Street to the easement along the Conrail right-of-way.

Although the precise siting of the proposed NS realignment on the existing Conrail right-of-way has not yet been determined, and engineering plans have not yet been drawn up, best estimates at this time would place the new NS line approximately as described below:

A potential plan that would avoid separation of the CSX mainline from the Conrail "OD" yard would provide for the new NS alignment to diverge from the current NS mainline west of Downing Avenue, at the west end of the existing NS "Dean" passing siding, utilizing existing NS right-of-way westward toward East Avenue. The proposed NS track would then cross East Avenue at grade. This plan would require one new public grade crossing at East Avenue, and one private industry crossing at Gaskell Street. Westward from East Avenue, the Conrail Erie Yard Industrial Track would either be crossed at grade, or realigned to connect with the



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proposed NS track. The new alignment would then follow the former PRR/NYC connection track, partially still in place. The OD yard could be expanded, bracketed by the CSX and NS mainlines, to handle interchange between the A&E and NS and CSX. A minor realignment to the north of the current Conrail line is anticipated due to restrictive side clearance near MP 88. Relocation of small impediments such as crossing signals, signal boxes and overhead poles would also be required. This plan would eliminate 17 at-grade crossings presently crossed by the existing NS line on 19th Street.

NS will seek to engineer the relocated track such that trains could operate at mainline speed (currently 60 mph) through the new alignment. Also, NS will seek to maintain Dean's Siding as a controlled siding for the realigned project.

It must be stressed that this is only a potential plan for the realignment and that no final decision has been made by NS as to its suitability. Moreover, discussions are ongoing with CSX and no formal agreement has yet been reached, beyond the easement deed, concerning the placement of the new NS track at the above-described location on the existing Conrail right-of-way. Adjustments may be necessary to accommodate specific engineering issues or CSX operational requirements. However, as discussed above, the environmental impacts of the siting of the new NS track within the confines of the defined easement would not vary appreciably.

The following attachments are included to assist understanding of this proposed mitigation project: Exhibit 2 - a map depicting the change in NS freight traffic routing that would result from the realignment; and Exhibit 3 - track charts of the project area.

#### **Environmental Analysis of NS Rerouting Proposal**

Burns & McDonnell has studied the environmental impacts of the proposed NS track relocation at Erie, based upon a site visit to the project area. The NS proposal would involve the relocation of the existing NS track and operation along 19th Street to a location parallel and adjacent to the existing northeast/southwest-trending Conrail lines through Erie. The new NS track would be constructed within the existing Conrail right-of-way through Erie and would not require the acquisition of new right-of-way. The existing NS line presently runs adjacent to

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the Conrail lines from the northeast, turning south away from the Conrail lines at Downing Avenue. The existing NS line enters Erie from the east, parallel to the Conrail line. At a point just east of Downing Avenue, the NS line curves to the southwest and diverges from the Conrail line. The NS line then is commonly aligned with 19th Street westward through downtown Erie, while the Conrail line utilizes a private right-of-way located approximately 1/4 mile to the north. The Conrail line curves to the southwest at Raspberry Street and then again becomes parallel with the NS line just west of Pittsburgh Avenue.

The area of the proposed NS track relocation along the Conrail right-of-way is primarily gravel-covered, with sparse, scattered grasses and weedy annuals. Along some stretches, vegetation forms a buffer zone along both edges of the Conrail right-of-way. The right-of-way has been previously disturbed by rail line construction and removal activities. Adjacent areas are dominated by rail, other transportation, utility and industrial uses. Approximately 26 residences are located within the 65 dBA noise contour of the proposed northern route. All of these residences currently experience noise generated by passing trains on the Conrail mainline. The proposed northern route area is zoned for general industry.

Land use adjacent to the existing NS line is roadway and dense residential and commercial use. A total of 630 noise receptors were counted by Burns & McDonnell within the 65 dBA noise contour along the existing NS line. All of these receptors currently experience noise from passing trains. As a result of the proposed realignment of NS traffic to the northern route, none of those residences would continue to experience noise generated by the NS trains.

The relocated NS line is expected to branch from the vicinity of the existing NS line west of Downing Avenue to a point west of Pittsburgh Avenue along the Conrail right-of-way, then turn south to join again with the existing NS line. All traffic on the NS line would be rerouted from the existing 19th Street rail corridor, with 19 at-grade crossings, to the new NS line within the existing Conrail rail corridor. If the relocation plan is implemented, 17 at-grade crossings on the NS line will be eliminated as will all street running along 19th Street. The proposed relocated NS main track alignment would have 6 public grade crossings within the project area, including one new public grade crossing at East Avenue and the expansion of

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4 of the existing public crossings. A new private industry grade crossing at Gaskell Street would also be added. All of the existing public crossings presently experience Conrail traffic.

No surface waters are found within the proposed project site, nor are any of the soils at the site classified as prime farmland. National Wetland Inventory maps for the area do not indicate any wetlands within 500 feet of the proposed rail relocation, nor were any wetland areas observed during site visits. The area is not within the 100-year floodplain. No evidence of potential hazardous waste sites was observed during the site visit.

The potential for wildlife at the proposed project site is limited because the area is very sparsely vegetated and is heavily disturbed, surrounded by rail, industrial and residential development. Wildlife is mainly limited to birds and small mammals that have adapted to developed areas. Both the U.S. Fish and Wildlife Service (USFWS) and the Pennsylvania Department of Environmental Resources (PDER) were consulted regarding the potential for threatened and endangered species in the proposed rail relocation area. The response from USFWS did not include any comment regarding potential impacts to threatened or endangered species in the area. PDER said that it is unaware of any rare species or critical habitats in the proposed project area. Additionally, no endangered or threatened species or their habitats were observed during the site visit.

The proposed construction would occur solely within existing rail right-of-way. The area has been previously disturbed by rail operations and no undisturbed cultural resources are expected to occur within the existing right-of-way. No potential historic resources occur within the right-of-way. Prior to any construction activities, the Pennsylvania SHPO would be consulted and the Section 106 process completed.

Erie County is an ozone non-attainment area. However, the proposed realignment is not expected to increase total rail traffic within Erie County. Indeed, the realignment may result in a slight improvement in overall air quality since the proposed realignment will allow for more direct, more efficient routing of trains, reducing locomotive operating times within Erie County as well as grade crossing delays.

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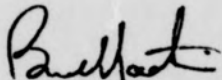
**Cost Estimate**

This proposal for the realignment of NS track in Erie is subject to public funding of a portion of the project cost. NS understands that the Commonwealth of Pennsylvania will support NS's efforts to obtain such public funding. NS would commit to pay its portion of the project cost. The total cost of realigning the NS track in Erie is estimated by NS to be approximately \$15,000,000.

**Conclusion**

NS believes that its track realignment proposal would eliminate or minimize any significant adverse environmental impacts related to post-Acquisition NS freight traffic changes at Erie. Should you or your staff have any questions or require additional information about this mitigation proposal, NS and its consultants would be pleased to offer any assistance needed.

Sincerely,



Bruno Maestri  
System Director  
Environmental Protection



Exhibit 1

Easement Agreement from Volume 8C  
of the Joint Application Submitted  
by CSX and NS for Control  
and Acquisition of Conrail



Attorney for Grantor  
Business Address:  
500 Water Street  
Jacksonville, Florida 32202

DEED OF EASEMENT

THIS DEED OF EASEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_, by and among New York Central Lines LLC, a Delaware limited liability company (hereinafter called "NYC"), CSX Transportation, Inc., a Virginia corporation, whose mailing address is 500 Water Street, Jacksonville, Florida 32202 (hereinafter called "CSXT") and Norfolk and Western Railway Company, a Virginia corporation, whose mailing address is Three Commercial Place, Norfolk, Virginia 23510 (hereinafter called "NW");

WITNESSETH:

THAT, for and in consideration of payment of the sum of ONE DOLLAR (\$1.00), which is the full monetary consideration for this conveyance, the receipt whereof is hereby acknowledged, NYC and CSXT do hereby GRANT and CONVEY, WITHOUT WARRANTY, unto NW, NW's successors and assigns, subject to the terms, conditions, exceptions and reservations herein made, a permanent EASEMENT, as hereinafter provided, on and over NYC's property in the County of Erie, State of Pennsylvania, hereinafter designated "the Easement", which Easement is more particularly described in Exhibit A attached hereto and incorporated herein.

TOGETHER WITH the right to construct, maintain, operate, replace and alter thereon, one line of railroad track together with all related signals and appurtenances deemed by NW to be necessary thereto.

TOGETHER WITH the right from time to time to redesign, rebuild or alter said line and to install such additional line(s), apparatus and equipment as NW may at any time deem necessary, and the right to remove any line(s) or any part thereof.

NW shall have the right from time to time to remove or clear and keep clear such trees, underbrush, and other obstructions from and upon the surface of said Easement area as in the judgment of NW may interfere with or endanger said line(s) or appurtenances; PROVIDED, however, any damage to the property of NYC (other than to property cleared or removed as hereinbefore provided) caused by NW in the course of constructing, rebuilding, repairing said line(s) or of such clearing shall be borne by NW.

L  
INCLUDING the right-of-entry upon NYC's said lands for all of the purposes aforesaid.

EXCEPTING and RESERVING unto NYC, its successors and assigns, the paramount right to continue to occupy, possess and use the land upon which the Easement is imposed for any and all purposes, including but not limited to the location of fiber optic cable and the right to construct, reconstruct, relocate, operate, maintain, repair, renew, replace and remove NYC's tracks and other facilities as now exist or which may in the future be located in, upon, over, under or across the Easement provided such use does not interfere with or impair the rights herein granted to NW.

TO HAVE AND TO HOLD the Easement and rights herein granted, solely for the purpose herein contained; SUBJECT, however, to any other public utilities and other facilities located in, on, over, under or across the Easement, and all agreements, easements and rights granted or reserved therefor, whether the instruments granting or reserving the same be recorded or unrecorded, and ALSO SUBJECT TO the following conditions and covenants:

1. NW, its successors and assigns, shall provide and forever maintain, at NW's sole cost and expense, adequate drainage facilities to prevent runoff and other collected surface waters arising from NW's occupancy of the Easement rights herein granted from flowing upon or over NYC's adjacent property (including railroad tracks).

2. NW, its successors and assigns, shall not at any time impair or interfere with the lateral or subjacent support of NYC's properties, structures, tracks or improvements on or adjacent to the Easement or otherwise damage the same in any way.

3. If, at any time, the Easement herein granted, or any part thereof, shall no longer be used by NW, its successors or assigns, for the purposes for which granted, said Easement or unused portion shall terminate, and NW, its successors or assigns, shall execute such instrument as now provided or as hereafter may be provided by law to clear title to the aforesaid property.

4. NYC shall not be responsible in any manner for loss of or damage to NW's railroad track, signals or appurtenances from any cause whatsoever, and NW assumes all risk(s) therefor.

5. NW hereby assumes, and agrees to defend, indemnify and hold NYC and CSXT harmless from and against all loss, costs, expenses (including attorneys' fees), claims, suits and judgments whatsoever in connection with injury to or death

of any person(s) or loss of or damage to any property caused by or in any way connected with the installation, maintenance, use, presence, reconstruction, relocation, renewal or removal of said railroad track, signals, and appurtenances on the Easement, EXCEPT when caused in whole or in part by the fault, failure or negligence of NYC or CSXT.

IN WITNESS WHEREOF, NEW YORK CENTRAL LINES LLC and CSX TRANSPORTATION, INC., pursuant to due corporate authority, has caused its name to be signed hereto by its officers hereunto duly authorized and its corporate seal, duly attested, to be hereunto affixed.

Signed, sealed and delivered  
in the presence of:

CSX TRANSPORTATION, INC.

\_\_\_\_\_

By: \_\_\_\_\_  
Vice President - Property Services

\_\_\_\_\_

Attest \_\_\_\_\_ (SEAL)  
Assistant Secretary

NEW YORK CENTRAL LINES LLC

\_\_\_\_\_

By: \_\_\_\_\_  
(Title)

\_\_\_\_\_

Attest \_\_\_\_\_ (SEAL)  
Assistant Secretary

STATE OF FLORIDA )

1 SS.

COUNTY OF DUVAL )

I, \_\_\_\_\_, a Notary Public of the State of Florida and the County of Duval, do certify that, on the date below before me in said County personally came \_\_\_\_\_, to me know, and known to me to be the person whose name is subscribed to the above instrument, who, being by me first duly sworn, did depose, acknowledge and say that: he resides in Jacksonville, Duval County, Florida; he is Vice President-Property Services, of CSX Transportation, Inc., the corporation described in and which executed said instrument; he is fully informed of the contents of the instrument; he knows the seal of said corporation; the seal affixed to said instrument is such seal; it was so affixed by authority of the Board of Directors of said corporation; he signed his name thereto for said corporation pursuant to such authority; and instrument is the free act and deed of said corporation; and the conveyance herein is not part of a transaction, sale, lease, exchange or other transfer or conveyance of all or substantially all of the property and/or assets of the Grantor.

IN WITNESS WHEREOF, I hereunto set my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

My commission expires on: \_\_\_\_\_ (SEAL)

\_\_\_\_\_



# ERIE, PA ERIE COUNTY

**CSX TRANSPORTATION**  
JOINT FACILITIES JACKSONVILLE, FL  
NS Permanent Easement on CSXT  
Right of Way at Erie PA  
West of Pittsburgh Ave to Downing Ave  
SCALE - None DRAWING NO - None  
May 9, 1997 RLB

LAKE ERIE

EXHIBIT A

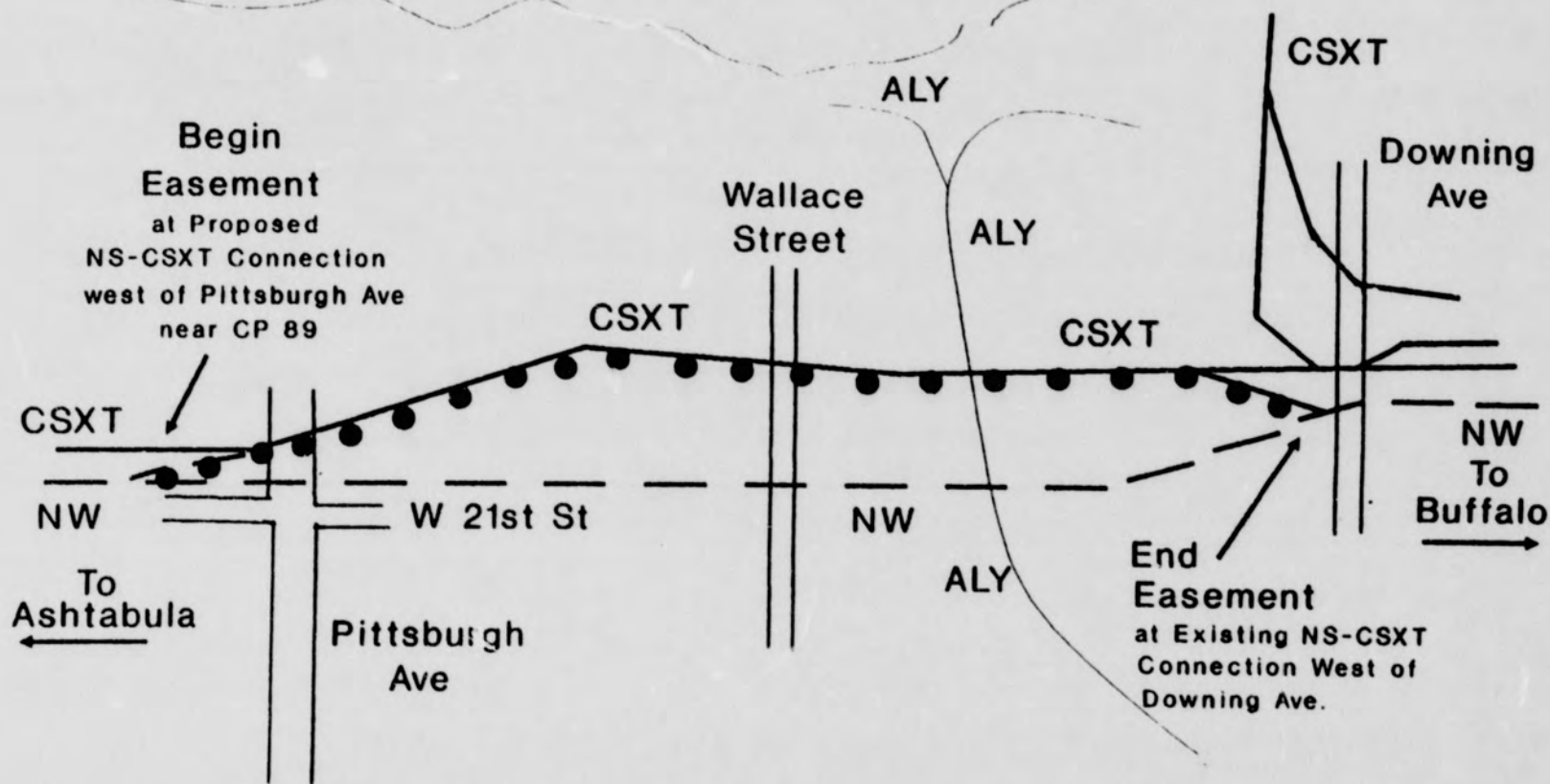




Exhibit 2

Map of Erie, PA. Project Site

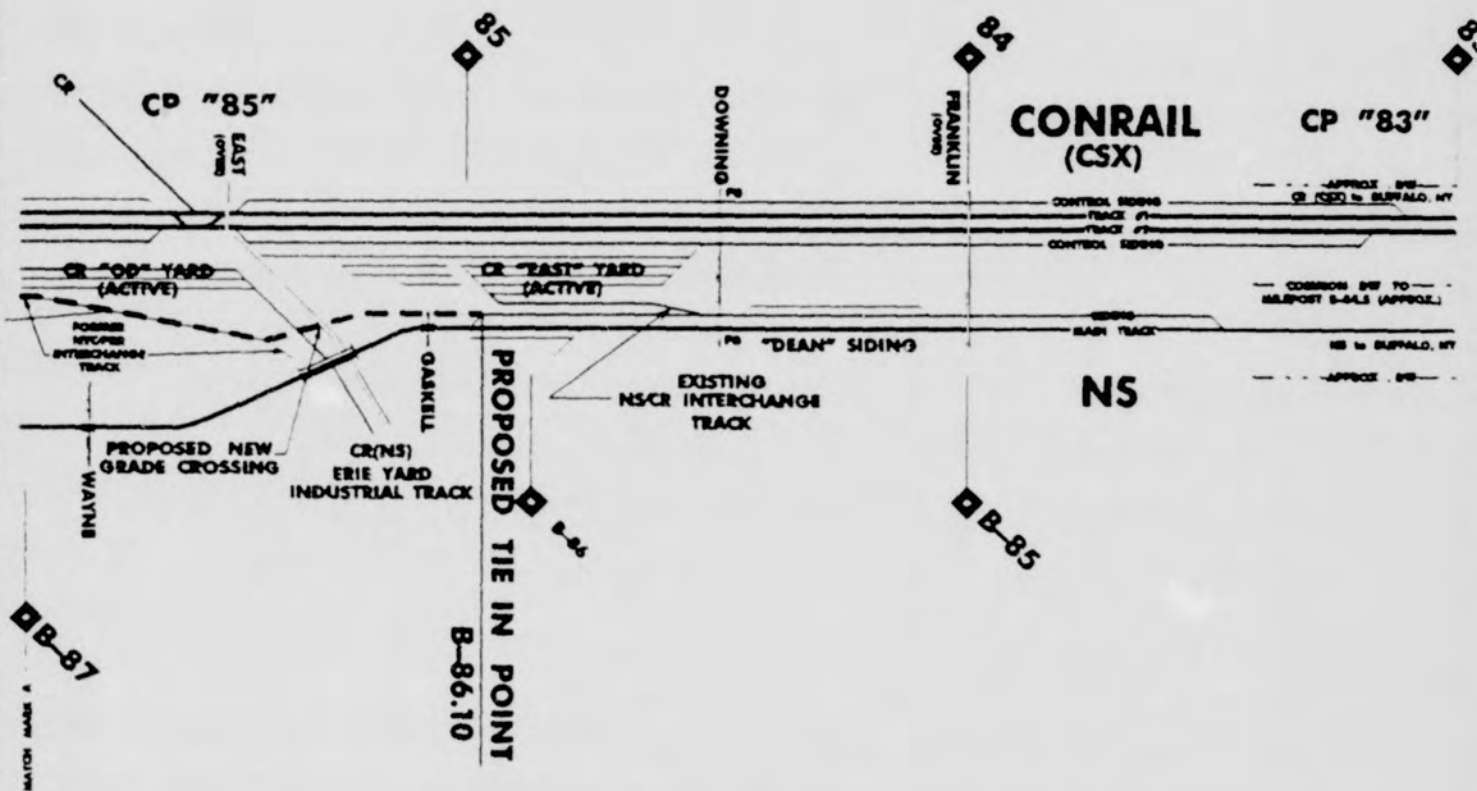


Exhibit 3

Track Charts of Project Site

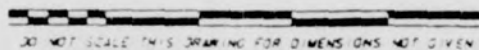
# ERIE, PA

PROPOSED NEW ROUTE - - -




NOTE: EXACT LOCATION AND CONFIGURATION OF PROPOSED TRACK  
TO BE DETERMINED BY MUTUAL AGREEMENT AT LATER DATE.

SCALE: NOT TO SCALE



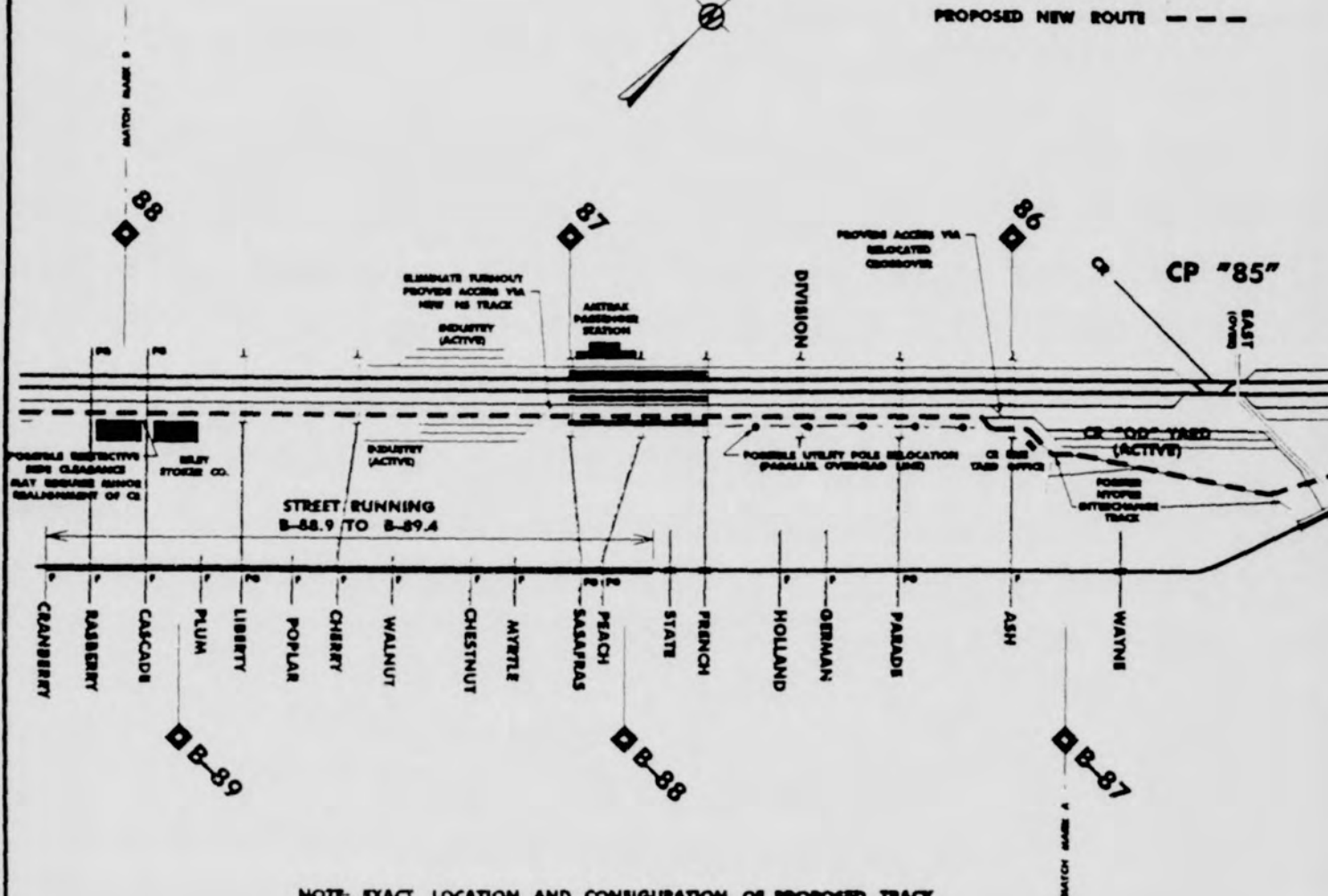
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NOTE: DRAWING BASED ON AVAILABLE INFORMATION  
NO FIELD SURVEY MADE - NOT ALL TRACKS SHOWN

 <b>NORFOLK SOUTHERN</b> NORFOLK SOUTHERN RAILWAY CO. DRAWING COMPANY		LOCATION		ERIE, PENNSYLVANIA	
		TITLE		PROPOSED NEW ROUTE UTILIZING EXISTING CONRAIL (CSX) RIGHT OF WAY TO ELIMINATE STREET RUNNING	
CON	DAB	VALUED	DATE	FILE NO.	B-85 TO B-9
CON	DAB	188-24	DATE	TA-97-0078 R1	
OPERATING DIVISION		OCTOBER 14, 1997			
DESIGNED BY THE CHIEF ENGINEER		DESIGN AND CONSTRUCTION IN ATLANTA, GA.			

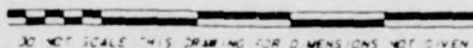
# ERIE, PA

PROPOSED NEW ROUTE - - -



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SCALE: NOT TO SCALE



NOTE: DRAWING BASED ON AVAILABLE INFORMATION  
NO FIELD SURVEY MADE - NOT ALL TRACKS SHOWN



NORFOLK SOUTHERN RAILWAY CO.

OWNING COMPANY

OPERATING DIVISION

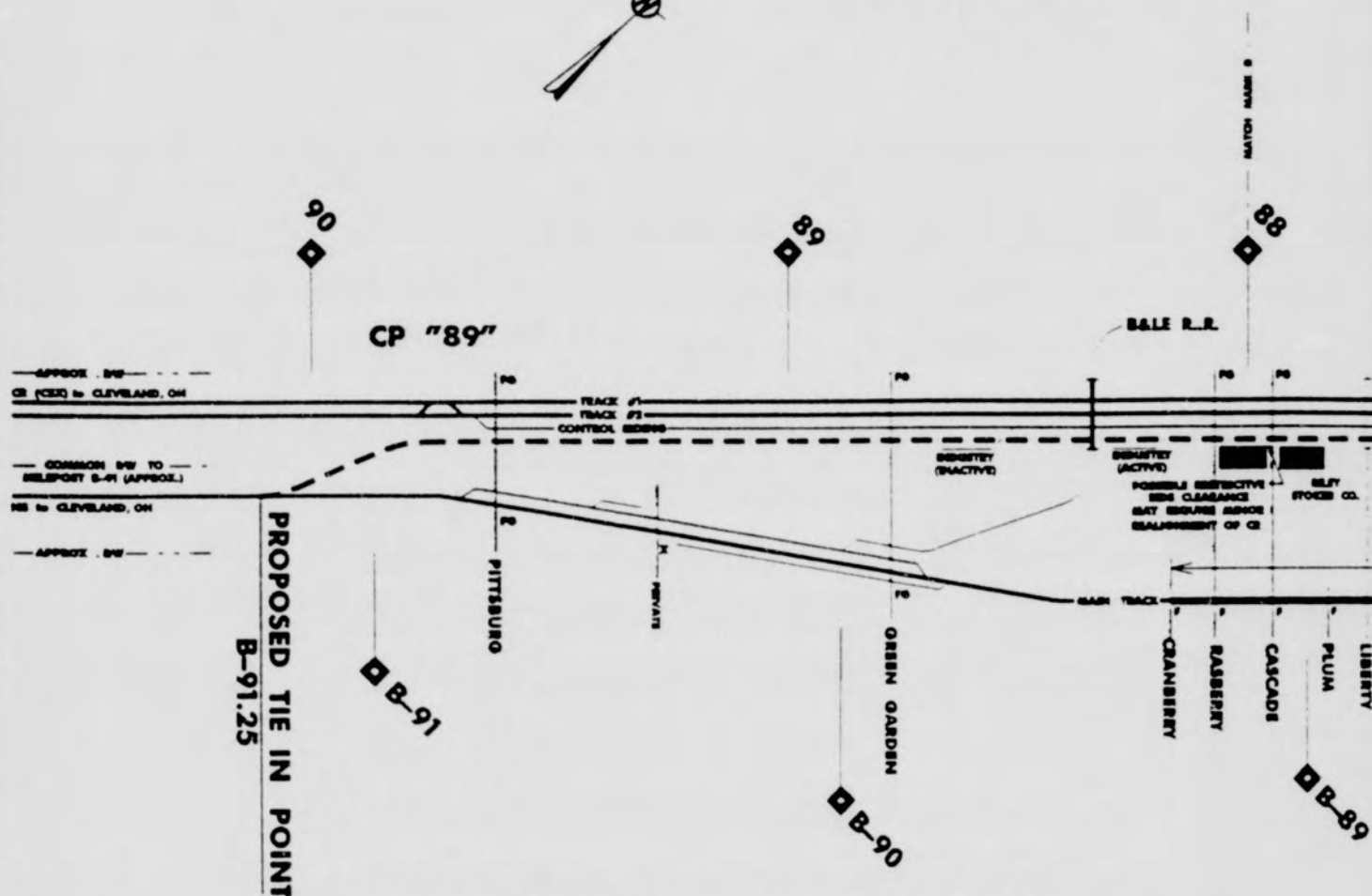
SEE REF TO THE PLANS FOR NEED FOR CONSTRUCTION IN ATLANTA, GA

LOCATION				ERIE, PENNSYLVANIA	
TITLE				PROPOSED NEW ROUTE UTILIZING EXISTING CONRAIL (CSX) RIGHT OF WAY TO ELIMINATE STREET RUNNING	
CON	DAB	FILE	188-24	DATE	OCTOBER 14, 1997
CHN	DAB	FILE	188-24	DATE	OCTOBER 14, 1997
MILE POST				B-85 TO B-92	
DRAWING NUMBER				TA-97-0078 R1	



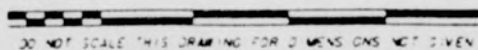
# ERIE, PA

PROPOSED NEW ROUTE - - -



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DO NOT SCALE THIS DRAWING FOR DIMENSIONS NOT GIVEN

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NO FIELD SURVEY MADE - NOT ALL TRACKS SHOWN

## **NS** NORFOLK SOUTHERN

NORFOLK SOUTHERN RAILWAY CO.

OWNING COMPANY

OPERATING DIVISION

OFFICE OF THE CHIEF ENGINEER, DESIGN AND CONSTRUCTION, ATLANTA, GA

ERIE, PENNSYLVANIA

PROPOSED NEW ROUTE  
UTILIZING EXISTING CONRAIL (CSX) RIGHT OF WAY  
TO ELIMINATE STREET RUNNING

CON	DAB	FILE NO.	MAP	MILE POST	B-85 TO B-92
OWN	DAB	188-24			
DATE	OCTOBER 14, 1997				

TA-97-0078 R1

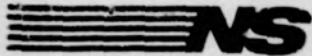
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ID-BUSINESS



**NORFOLK  
SOUTHERN**

**CENTRAL ADMINISTRATIVE UNIT**

REC'D: 11/26/97

DOCUMENT # 11/26/97 11 26 15 AM

Norfolk Southern Corporation  
1500 K Street, N.W., Suite 375  
Washington, D. C. 20005  
202 383-4160  
202 383-4415 (Direct)  
202 383-4018 (Fax)

**Bruno Maestri**  
System Director  
Environmental Protection

**ENVIRONMENTAL  
DOCUMENT**

Washington, D.C. - November 25, 1997

**BY HAND**

Elaine K. Kaiser  
Chief  
Surface Transportation Board  
Section of Environmental Analysis ("SEA")  
1925 K Street, NW  
Washington, DC 20423-0001

Re: Finance Docket No. 33388: CSX and NS - Control and  
Acquisition of Conrail

Subject: Norfolk Southern Mitigation Proposal for Lakewood,  
Rocky River, West Lake and Bay Village, Ohio and on to  
Vermilion, Ohio

Dear Ms. Kaiser:

This letter responds to a request from SEA for a written description of Norfolk Southern's ("NS") proposal for mitigation relating to post-Acquisition NS rail traffic at Lakewood, Rocky River, West Lake and Bay Village, Ohio and on to Vermilion, Ohio. We understand that SEA intends to include this letter as an appendix to the Draft Environmental Impact Statement for Finance Docket No. 33388. Described below is NS' proposal for mitigation to address potential environmental impacts related to post-Acquisition NS rail traffic changes along the former "Nickel Plate" line just west of Cleveland at Lakewood, Rocky River, West Lake and Bay Village, Ohio and on to Vermilion, Ohio ("Lakewood corridor"). This rail line is presently the only viable existing NS route through Cleveland for the increased east-west interstate commercial rail traffic anticipated by this transaction.

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NS has identified a potential alternative routing through Cleveland that would shift all of the anticipated increased traffic from the Lakewood corridor to a line that is less densely residential and more industrial in nature. The alternate routing is not presently available and would require the completion of substantial improvements and construction of track and ancillary facilities. NS will work with federal, state, and local officials to garner the requisite support and approvals for such a project.

The rerouting proposal presented herein is thus made fully contingent upon the receipt of public support and funding for the projects indicated. If the proposed transaction is approved, NS will seek to secure the needed support and complete timely construction so that the rerouting of increased post-Acquisition traffic on the Lakewood corridor can take place as expeditiously as possible.

### **Background**

The City of Lakewood and the three other communities that comprise the "West Shore" suburbs of Cleveland (Bay Village, West Lake and Rocky River) have indicated considerable community opposition to the NS plan for post-Acquisition routing of additional freight trains through the West Shore corridor along the Vermilion to Cleveland segment of the existing NS mainline. As described in the NS Operating Plan and the Environmental Report submitted with the joint CSX/NS Conrail control application and the Supplemental Environmental Report, traffic along the Vermilion to Cleveland rail line segment, part of the former Nickel Plate line, is projected to increase from the NS base case calculation (an average of 13.5 trains per day in 1995, the period analyzed by NS in its Operating Plan) to 34.1 trains per day post-Acquisition. Analysis of the most recent traffic data for this line segment shows that current 1997 traffic (as of May, 1997) averages 16.4 trains per day, which means that the West Shore communities would actually experience an increase of 17.7 trains per day above current 1997 levels if the Application were to be approved as submitted. This rail line is presently the only viable NS route through Cleveland for the increased east-west interstate commercial rail traffic anticipated by this transaction.

Lakewood currently has 27 public at-grade crossings within an approximate two-mile long section of the NS mainline. Flashing lights have been installed as safety protection at all of these grade crossings; 13 of the crossings have gates in addition to flashing lights. Bay Village and Rocky River have a total of nine public at-grade crossings, all of which have both flashing lights and gates. West Lake has no public at-grade crossings.

East of Lakewood to Cloggsville there are six public at-grade public crossings, all of which have flashing lights and three of which have gates. West of Bay Village on to Vermilion (up to and including NS Milepost 223.7 - the proposed Vermilion connection, discussed below, is east of this point), there are an additional 25 public at-grade crossings with all but one having flashing lights and gates (Beaver Park Road in Lorain has neither flashing lights nor gates.) In summary, this NS corridor has:

- 67 at-grade public crossings;
- 49 at-grade public crossings now protected by flashing lights and gates;
- 17 at-grade public crossings that have flashing lights only; and
- Only 1 at-grade public crossing that currently has neither flashing lights nor gates

There are, in addition, several grade separated crossings along this NS line.

#### **Purpose of the Proposed Mitigation**

NS fully recognizes the community concerns for pedestrian and vehicle safety and emergency vehicle response time voiced by the citizens of Lakewood and the other West Shore communities. Grade crossing safety has been an important issue in these communities for some time. NS has for many years worked actively with state and local officials to seek improvements in grade crossing safety along this corridor.

NS has developed a proposal to re-route all of the projected post-Acquisition increase in freight traffic to avoid



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Page 4

the West Shore communities following completion of track construction, improvements and other activities related to the rerouting proposal. Specifically, as an alternative to the route described in the Operating Plan and analyzed in the Environmental Report and the Supplemental Environmental Report submitted to the STB, NS proposes to re-route all of the 17.7 additional post-Acquisition NS trains presently slated for the Vermilion-Cleveland line via Lakewood to an alternate route via Berea and Cloggsville. If this NS mitigation proposal is implemented, the West Shore communities would experience on average no increase in train traffic, nor would any additional safety risks be experienced in these communities as a result of the proposed Acquisition.

NS's preliminary financial analysis of the proposed alternative route indicates that its cost far outweighs any economic benefits to NS, making implementation of this mitigation proposal unjustified without public funding. Therefore, NS will seek federal, state and local cooperation and funding. This alternative routing is designed solely to mitigate potential adverse effects on certain communities of a transaction that will provide very substantial transportation and economic benefits to most communities and the public at large; NS believes public funding is justified and will work with appropriate public officials to obtain requisite approvals and funding.

In addition to the rerouting proposal discussed above, NS proposes to eliminate any unnecessary grade crossings in Lakewood and to upgrade the remaining at-grade crossings along the West Shore corridor and on to Vermilion by adding automatic gates where they are not now in place. This grade crossing proposal would provide for enhanced rail safety to the communities along this corridor.

#### **Description of the Proposed Mitigation**

The alternate route proposed herein would require modification of a planned connecting track construction at Vermilion, Ohio between the existing NS mainline and Conrail's Chicago-Cleveland mainline. The Vermilion, Ohio connection construction discussed and analyzed in Volume 6C of the

Elaine K. Kaiser  
November 25, 1997  
Page 5

Environmental Report, Part 4, Section 8.9 would require reconfiguration and supplementation with a second connection in order to accommodate the NS mitigation proposal. The addition of a second connection at Vermilion will likely eliminate the need for a new at-grade public crossing anticipated by the original construction; however, additional property within the proposed project area will be required for the changed construction connection plans. The newly configured connecting tracks would allow NS traffic to move in both directions over the existing Conrail mainline via Berea to "CP 190" at Rockport Yard and the Flats Industrial Track. From there, the traffic would move over a portion of the NS Cleveland Belt Line to Cloggsville (NS Milepost B-185.50) where it would return to the NS mainline.

The mitigation project would include construction of a new connecting track and reconstruction and upgrading of the 7.5 miles of secondary trackage between Conrail's Rockport Yard and Cloggsville. This element of the proposal involves the most substantial construction, including track, bridge and signal activity. These improvements would permit NS to operate trains over the "Cloggsville Connection", which includes no at-grade crossings, at a speed of 40 mph, except for 25 mph speed restrictions for curves in the Rockport Yard area.

The present Conrail line from Berea to Vermilion is a mix of at-grade and grade-separated crossings. The mitigation plan includes provisions for two additional grade separation projects. A grade-separated crossing over the existing track would be constructed at Front Street (Conrail Milepost 193.6) in Berea and at Fitch Street (Conrail Milepost 197.5) in Olmsted Falls, Ohio. Based on a preliminary review by NS engineers, it appears the Berea separation would need to involve both the NS and CSXT tracks at this location. NS will seek to obtain the support of CSXT for this proposed project.

Highlights of the rerouting proposal, if funded and approved, include:

- Utilization of existing rail right-of-way.

Elaine K. Kaiser  
November 25, 1997  
Page 6

- Upgrading of track between Cloggsville and CP190 to main line standards and addition of a second track.
- Rehabilitation or replacement of bridges over Clark Street and 65th Street and construction of a new double track bridge over Train Street.
- Provision of unrestricted clearance under the Dennison Ave. bridge.
- Construction of a new ramp at Cloggsville to reduce the maximum gradient.
- Construction of a new interchange with Flats Industrial Railroad.
- Installation of power switches and crossovers to fully signalize the NS line between Cloggsville and CP190.
- Construction of a new double track route around Rockport Yard.
- Reconfiguration of existing trackage to provide unrestricted operation to and from the Conrail Chicago Line at CP190, each end of Rockport Yard and the Ford Assembly Yard.
- Construction of a two-lane overhead grade separation at Front Street in Berea over the NS and CSXT tracks.
- Construction of a two-lane overhead grade separation at Fitch Street in Olmsted Falls over NS tracks.
- Construction of a second connection at Vermilion (i.e., changing the connection construction plan proposed in the Application to include a double crossover).

In addition to the re-routing alternative, NS proposes to eliminate several unnecessary grade crossings in Lakewood and to upgrade the remaining 17 at-grade public crossings along the corridor from west of Cloggsville and on to Vermilion by installing automatic gates to supplement the existing flashing lights. NS also proposes to upgrade the Beaver Park Road at-grade public crossing in Lorain to include both flashing lights and gates.

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This grade crossing effort, particularly in Lakewood, is not new for NS. Indeed, NS began working in 1992 with the Ohio Department of Transportation, the Public Utilities Commission of Ohio, the Ohio Rail Development Commission as well as the City of Lakewood to promote the Lakewood "Safety Corridor Project". The project was developed as a way to reduce the potential for vehicle/train collisions within Lakewood by closing twelve redundant grade crossings in town and installing flashing lights and gates at all remaining crossings. In order to facilitate vehicular traffic, some new roads running parallel to the tracks would be built (with attendant removal of crossings on some existing through streets). Several dead-end "T" streets would also be built. NS offered to donate land to the City for new roads. All funding would have been provided by NS and the State (through Federal Highway Administration state funds to improve grade crossing safety). In 1994, NS offered a new version of the Lakewood "Safety Corridor Project" which would have upgraded all grade crossings in the City by installing flashing lights and gates and eliminated three redundant crossings. Lakewood rejected both proposals for improved rail safety, refusing both the closure of unnecessary grade crossings and the installation of automatic gates.

NS continues to believe that both the elimination of all unnecessary grade crossings and the addition of automatic gates to supplement flashing lights at all remaining crossings (and in one case, both flashing lights and gates) in this corridor (from west of Cloggsville on to Vermilion) is a prudent and appropriate safety measure. NS will seek all available assistance from local, state and federal authorities to obtain the necessary support for this important rail safety enhancement project.

#### **ANALYSIS OF THE NEW NS TRAFFIC REROUTING AND GRADE CROSSING PROPOSAL**

Rerouting post-Acquisition traffic from the Vermilion to Cleveland NS rail line segment means that the communities along the Lakewood corridor would experience on average no train traffic increase beyond the 1997 current average as a result of



Elaine K. Kaiser  
November 25, 1997  
Page 8

the Acquisition, once construction of the alternative routing is completed.

Implicit in any plan to reroute traffic from the West Shore corridor is an attendant increase in traffic along the alternate route. The "Cloggsville Connection" would eliminate the projected increase of 17.7 trains over present day (May, 1997) traffic; this is a reduction of 20.6 trains per day from the projection calculated from the 1995 base case from the Vermilion to Cleveland route that passes through from Vermilion through Lakewood and the other West Shore communities. This traffic would move over a line that contains no public at-grade crossings from Cloggsville to CP 190, and a total of 30 public at-grade crossings between CP 190 and the proposed second Vermilion connection. The Cloggsville Connection alternate route is located in a primarily industrial, and less densely residential area. Also, there are approximately 32 grade separated crossings along this highly trafficked route.

The proposed re-routing would result in train volume increases beyond those described in the Operating Plan at the following locations: Vermilion to CP 190 (Conrail mainline), an additional 17.7 trains per day; and CP 190 to Cloggsville via Rockport Yard, also an additional 17.7 trains per day.

Maps and drawings are attached as Exhibits 1 to 7 to show both the projected train volumes for the proposal included in the Operating Plan and for the alternate plan discussed herein. Exhibit 1 provides a schematic view of the NS proposal for additional post-Acquisition rail traffic through the West Shore corridor and on to Vermilion as described in both the NS Operating Plan and the Environmental Report. Exhibit 2 is a schematic drawing of the proposed alternate route discussed herein. A detailed map of the rail corridor through Lakewood is provided at Exhibit 3. A similar map is included as Exhibit 4 to indicate the location of the proposed grade separations to be constructed at Front Street in Berea and Fitch Street in Olmsted Falls. Finally, Exhibits 5 and 6 are maps indicating, respectively, the location of the NS proposal for the connection project at Vermilion described in the Environmental Report and the revised proposal discussed herein.



Elaine K. Kaiser  
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Page 9

Burns & McDonnell is conducting an environmental analysis of this NS proposal to reroute the additional post-Acquisition freight rail traffic away from the West Shore to Vermilion corridor. Upon completion of this work, NS will provide SEA and the third-party consultants with a copy of the written analysis.

#### **FUNDING OF NS TRAFFIC REROUTING AND GRADE CROSSING PROPOSAL**

NS expects that both the rerouting project and the grade crossing closure and upgrade project will qualify for federal and state funding.

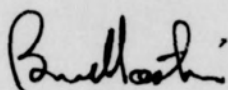
An "order of magnitude" estimate of the cost of the proposal to reroute the increased NS rail traffic resulting from the proposed Acquisition is \$46,950,000. This includes approximately \$24,350,000 to upgrade the existing Conrail track from CP 190 to Cloggsville, \$14,000,000 to construct the grade separation at Front Street in Berea, \$5,600,000 to construct the grade separation at Fitch Street in Olmsted Falls and \$3,000,000 to construct the second connection at Vermilion. NS estimates the cost of upgrading the West Shore to Vermilion at-grade public crossings to be approximately \$2,300,000. The cost of closing redundant at-grade crossings in Lakewood has not been calculated as it is dependent upon the location and number of such crossings to be eliminated. NS proposes that discussions with local and state officials be renewed to determine which of the grade crossings in the City are appropriate for closure and which should be upgraded to include both flashing lights and gates.

Both projects will require not only political and regulatory support from the federal government, the State of Ohio, and local officials but the commitment of public funding for these important safety-enhancing projects. To that end, NS will seek all available assistance from local, state and federal authorities to obtain the necessary funding to permit these projects to go forward to construction. Rerouting of the increased post-Acquisition rail traffic from the Lakewood corridor would take place upon completion of the proposed rerouting construction project.

Elaine K. Kaiser  
November 25, 1997  
Page 10

The proposed rerouting mitigation project is made fully contingent upon securing such public financing and support.

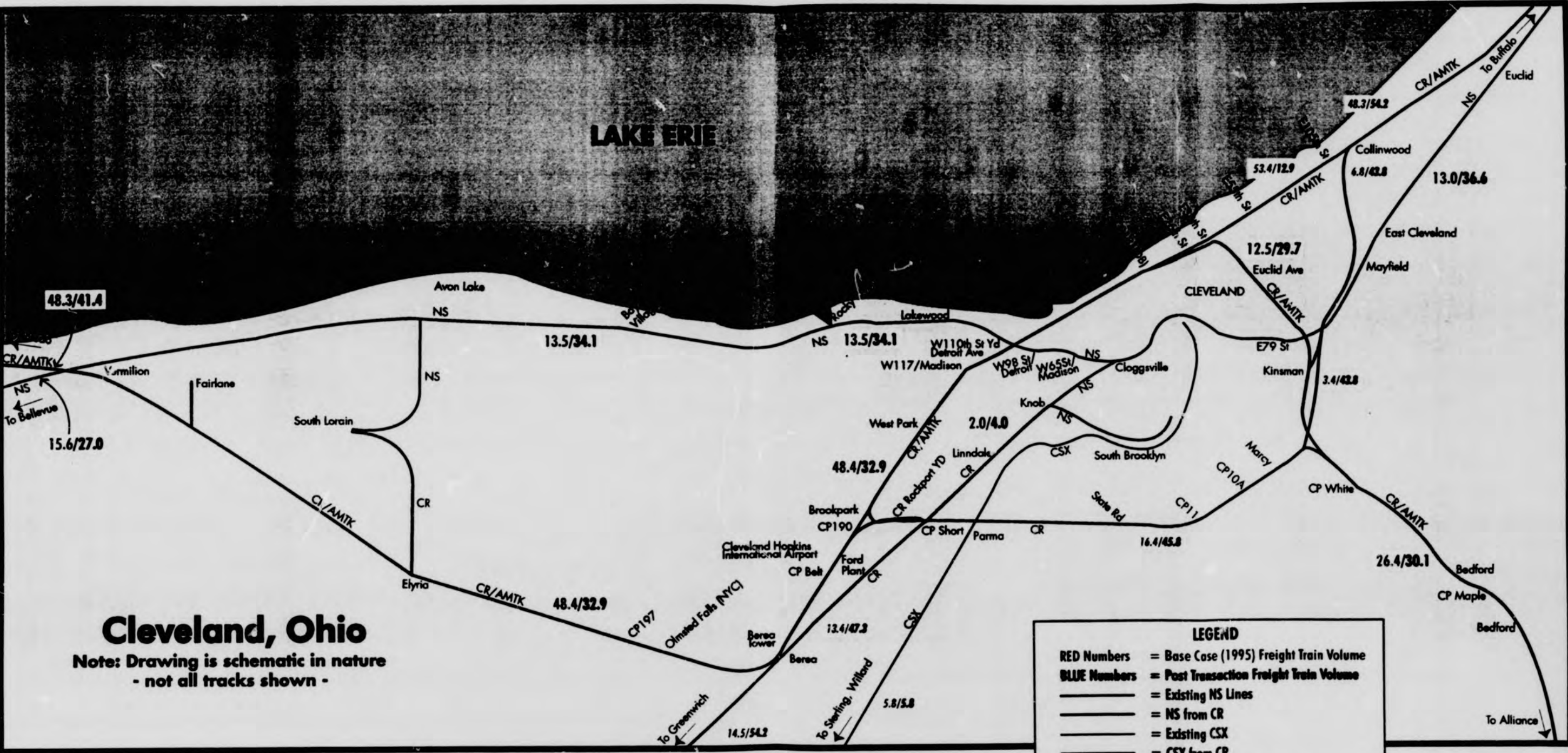
Sincerely,

A handwritten signature in dark ink, appearing to read 'Bruno Maestri', with a stylized, cursive script.

Bruno Maestri  
System Director  
Environmental Protection

# Existing Conditions

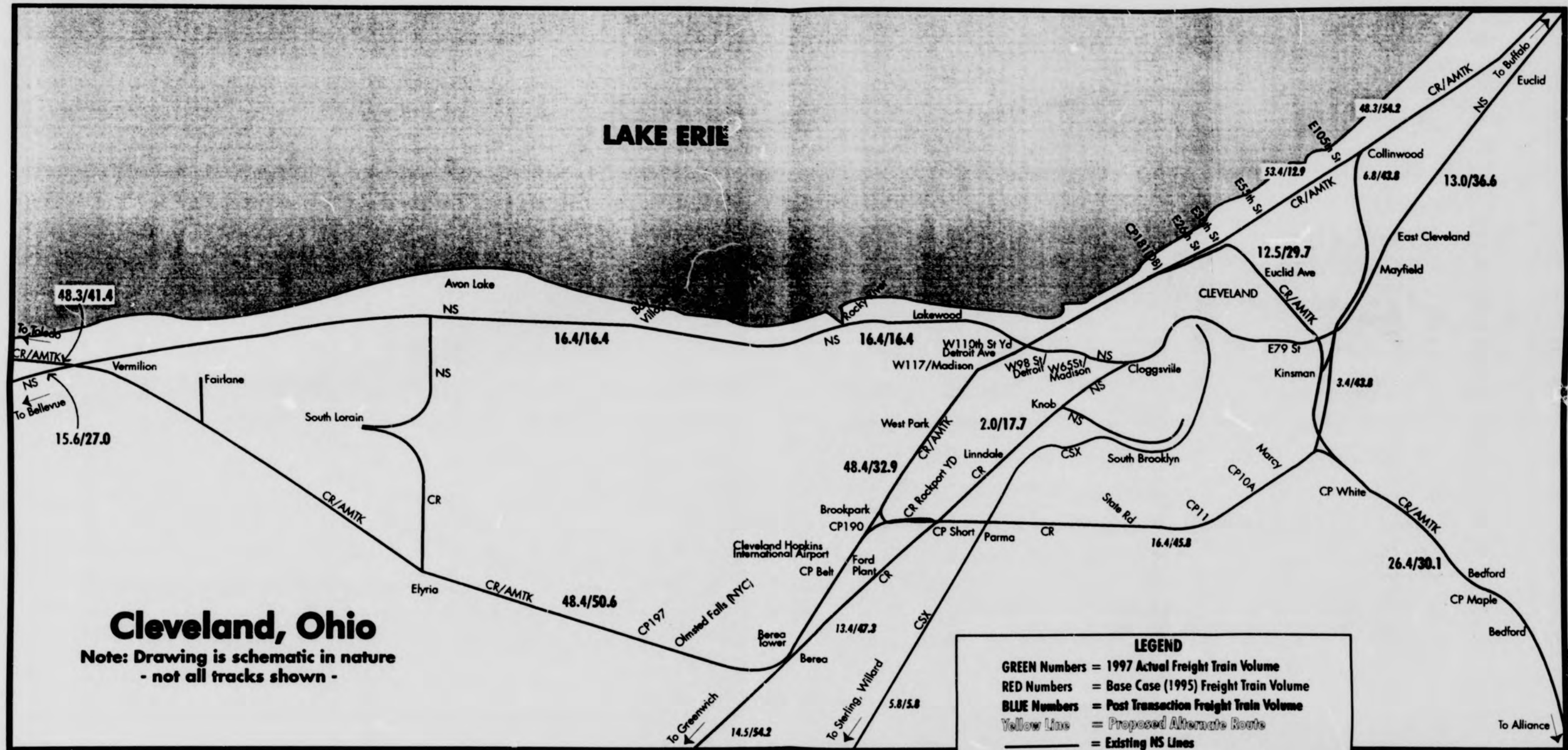
## (Freight Only)



**Exhibit 1**



# Proposed "Alternate" Route (Freight Only)



**Exhibit 2**

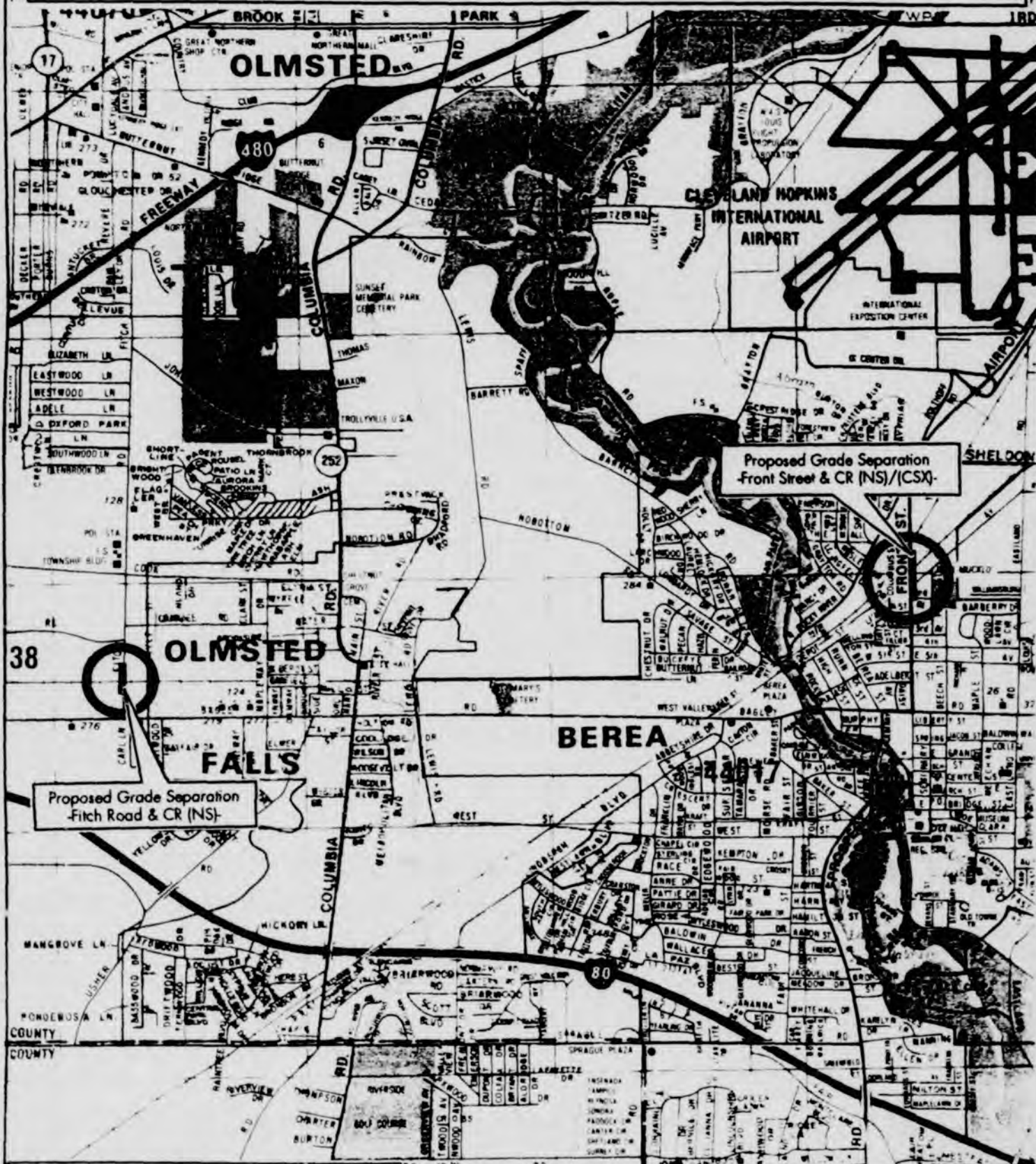
# LAKEWOOD and CLEVELAND, OHIO WEST of CLOGGSVILLE



Exhibit 3



# BEREA & OLMSTED FALLS, OHIO

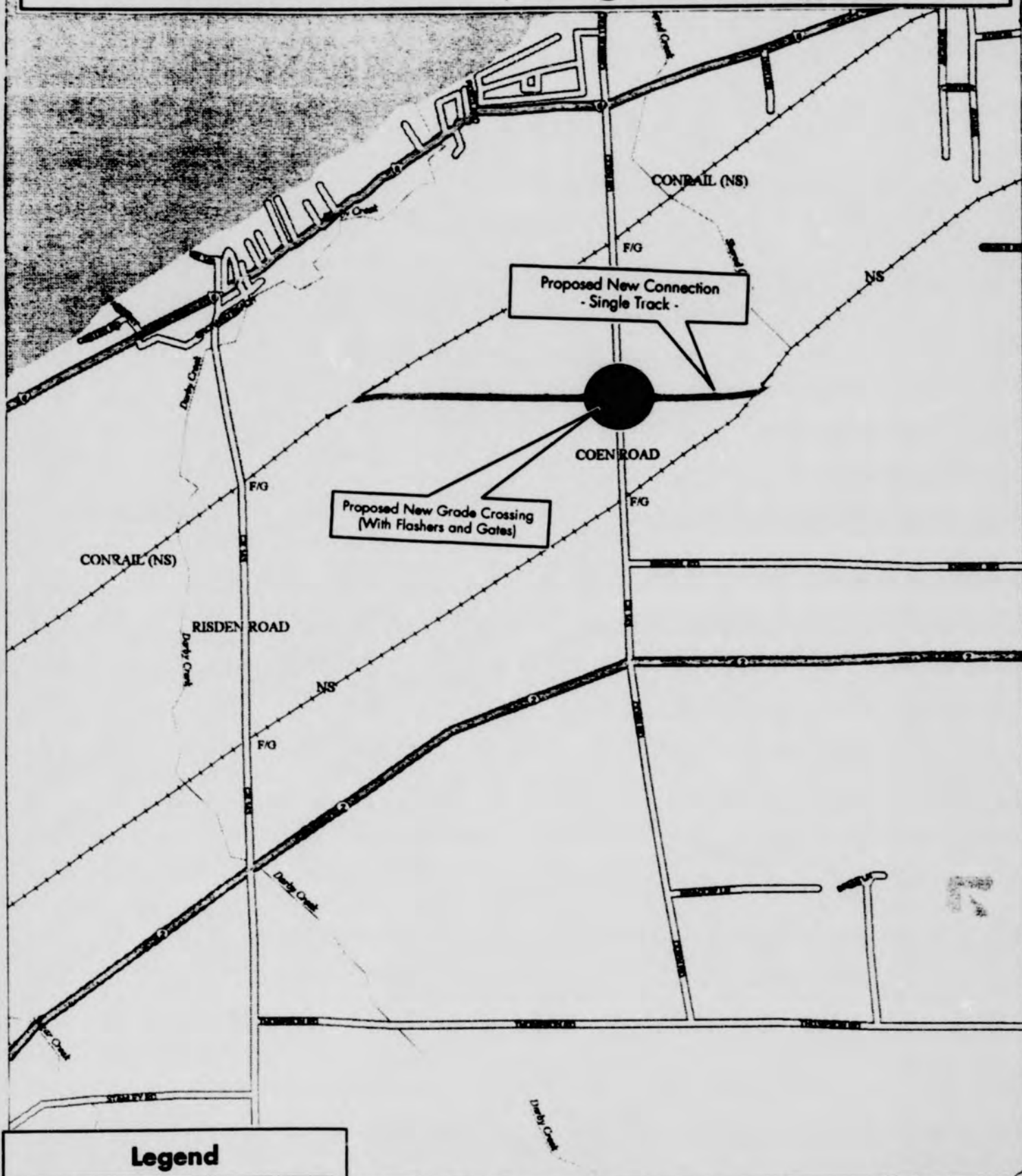


## Legend

— Proposed Grade Separations

Exhibit 4

# VERMILION, OH - Original Proposal

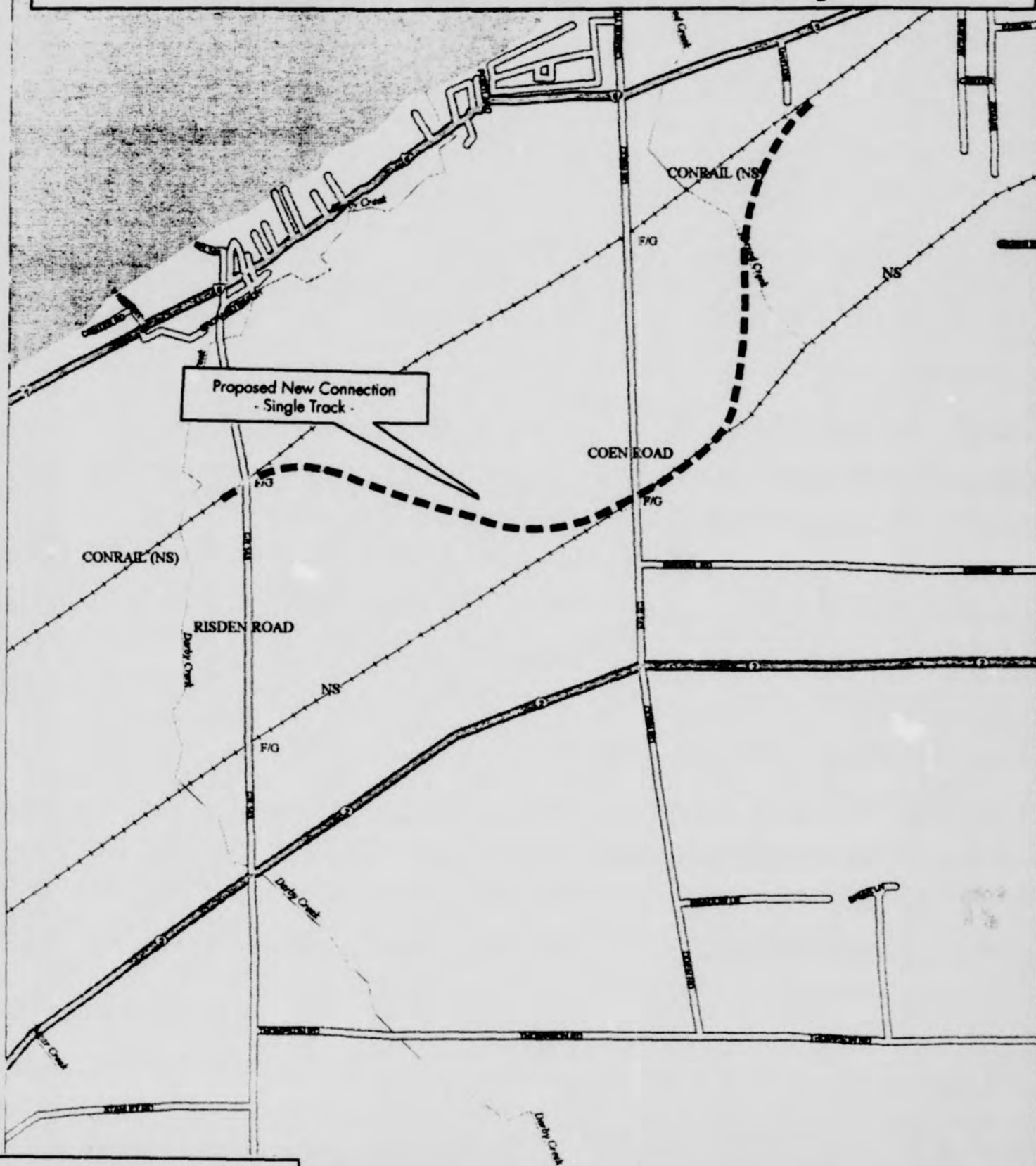


## Legend

- Proposed New Connection - Single Track
- Proposed New Grade Crossing (with flashers and gates)

**Exhibit 5**

# VERMILION, OH - Revised Proposal



## Legend

- Proposed New Connection - Single Track

STB

FD-33388

10-27-97

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City of Columbus  
Mayor Gregory S. Irschick

## Department of Trade and Development

George J. Arnold, Director

September 4, 1997

CENTRAL ADMINISTRATIVE UNIT

REC'D: 10/22/97

DOCUMENT # 11/6/97 12:52:23 PM

Mr. Carmen Gilotte  
DeLeuw, Cather & Company  
1133 15<sup>th</sup> Street, N.W.  
Washington, DC 20005

**received**

Director's Office  
99 N. Front St.  
Columbus, OH 43215-9031  
Phone: (614) 645-3581  
Fax: (614) 645-6075  
TDD: (614) 645-6407

Economic Development Division  
99 N. Front St.  
Columbus, OH 43215-9031  
Phone: (614) 645-8172  
Fax: (614) 645-7855  
TDD: (614) 645-6407

Planning Division  
109 N. Front St.  
Columbus, OH 43215-9028  
Phone: (614) 645-8002  
Fax: (614) 645-1483  
TDD: (614) 645-6407

Land Management and  
Recreation Division  
109 N. Front St.  
Columbus, OH 43215-9028  
Phone: (614) 645-7442  
Fax: (614) 645-8494  
TDD: (614) 645-6407

Development Regulation Division  
1250 I. Avenue Ave.  
Columbus, OH 43208-3372  
Phone: (614) 645-7433  
Fax: (614) 645-7840  
TDD: (614) 645-3293

Neighborhood Development Division  
50 W. Gay St.  
Columbus, OH 43215-9040  
Phone: (614) 645-7795  
Fax: (614) 645-6577  
TDD: (614) 645-6902

Racial Equality Division  
50 W. Gay St.  
Columbus, OH 43215-9040  
Phone: (614) 645-6767  
Fax: (614) 645-6767  
TDD: (614) 645-6902

The City of Columbus is an  
Equal Opportunity Employer

RE: Finance Docket No. 33388 - CSX and Norfolk Southern Control and Acquisition -  
Conrail: Agency Consultation on Constructions

Dear Mr. Gilotte:

Steve McClary asked me to respond on behalf of the City of Columbus Planning Division to the request made by the Surface Transportation Board's Section of Environmental Analysis for our review of the location and extent of proposed rail line segment construction in Columbus.

The segment of rail line identified in Columbus is located in a developed urban corridor between I-71, a major north-south highway, and an established neighborhood known as Clintonville. While the Columbus Comprehensive Plan does not identify or recommend specific land uses, it does provide general information on the location and character of residential neighborhoods. According to the Columbus Comprehensive Plan, the neighborhood west of the subject segment of rail line is comprised of medium to large single-family homes built from the late 1800s to the early 1900s. Additionally, there may be duplexes and apartments on the edges of the community.

The zoning in this area includes manufacturing uses east of the rail line, between the rail line and the highway, and single-family residential uses along the west side of the rail line. One notable feature along this segment of rail line is the Glen Echo Ravine. This ravine extends eastward through the neighborhood to the rail line, and includes a neighborhood park.

The proposed rail line segment construction is within an existing and active rail corridor. As such, it is recognized in and consistent with the Columbus Comprehensive Plan. Further, the proposed construction does not appear to create any inconsistent land uses or zoning designations in the subject area.

Finally, there are no prime agricultural lands in this area, and the proposed construction is not within a designated coastal zone.

Thank you for providing this opportunity for us to review and give input to the proposed rail line construction. If you have any questions, or if you require additional information, please contact me at (614) 645-8635.

Sincerely,

*Deneen M. DeRodes*

Deneen M. DeRodes, AICP  
Long Range Planner



STB

FD-33388

10-2797

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ID-CITIES



City of Sidney

Sent Via Facsimile  
August 26, 1997

CENTRAL ADMINISTRATIVE UNIT  
REC'D: 10/27/97  
DOCUMENT # 11/6/97 12:46:46 PM

**received**

Mr. Carmen Gilotte  
DeLeuw, Cather & Company  
1133 15th Street, N.W.  
Washington, DC 20005

Dear Mr. Gilotte:

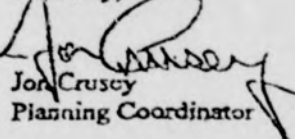
I have reviewed the maps and project description of the proposed rail line construction in Sidney. My review of this proposed project finds the following:

- 1a. The future land use plan classification for the area of new construction projects public/semi-public land uses.
- 1b. The area adjacent to the proposed construction project is the City's cemetery and police shooting range. The shooting range will be relocated to accommodate this project. While there are residential uses to west, they are buffered from the construction project by the former Miami-Erie Feeder Canal.
2. The proposed project site is presently occupied by the City's police shooting range. I am not aware of any potential effect the proposed rail line would have on prime agricultural lands.
3. This proposed project site is not located within a designated coastal zone.

It is therefore my opinion that the proposed rail line segment construction is consistent with the City of Sidney future land-use plan and map.

I hope this information is useful. Should you have any questions or need additional information, please contact me at (937) 498-8131.

Sincerely,

  
Jon Crusey  
Planning Coordinator

Municipal Building, 201 West Poplar St., Sidney, Ohio 45365-2781  
Phone 937-498-2035 Fax 937-498-8119

STB

FD-33388

10-27-97

K

ID-CITIES



## CENTRAL ADMINISTRATIVE UNIT

REC'D: 10/22/97

DOCUMENT # 11/6/97 11:33:44 AM

County of Erie

**received**  
9/18/97 207

DENNIS T. GORSKI  
COUNTY EXECUTIVE

DEPARTMENT OF ENVIRONMENT AND PLANNING

September 2, 1997

RICHARD M. TOBE  
COMMISSIONER

STANLEY J. KEYSA  
DEPUTY COMMISSIONER OF  
PLANNING & ECONOMIC  
DEVELOPMENT

Carmen Gilotte  
DeLeuw, Cather & Company  
1133 15th Street N.W.  
Washington, D.C. 20005

Re: Finance Docket No. 32388  
CSX/Norfolk Southern/Conrail

Dear Mr. Gilotte:

In response to your request for information on the above-referenced item regarding proposed new rail construction at the Blasdell and Gardenville Junction sites:

1. The Town of West Seneca (Gardenville site) identifies this area as "General Manufacturing" in its 1963 Master Plan. The site is now zoned M-2 (General Manufacturing). According to the Erie County Soils Survey, the site contains Niagara silt loam, which is a prime agricultural soil; however, there is no current agricultural activity within one-half mile of the site. The proposed action presents no inconsistencies with future land use plans.
2. The Village of Blasdell has zoned the area M-1 (Manufacturing). The site contains urban soil; no prime agricultural soils are present. The proposed action presents no inconsistencies with future land use plans. Please be advised, however, that Lake Avenue is a county highway; any plans affecting Lake Avenue must be reviewed and accepted by the Erie County Department of Public Works (John C. Loffredo, Commissioner; 716-858-8306).

If you have any further questions, please call me at 716-858-6086.

Very truly yours,

MICHAEL J. KRASNER, AICP  
Senior Planner

MJK:es

cc: Stanley Keysa  
John Loffredo  
mjk851

STB

FD-33388

2-10-98

K

ID-CITIES





Office of the Chairman

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

*File in Docket*  
*FD-33388*  
*(Environmental)*

February 10, 1998

The Honorable Madeline A. Cain  
Mayor  
City of Lakewood  
12650 Detroit Avenue  
Lakewood, OH 44107

Re: Finance Docket No. 33388: CSX and Norfolk Southern -- Control and  
Acquisition -- Conrail

Dear Mayor Cain:

Your letter to President Clinton dated October 7, 1997, has been forwarded to me for further response. In your letter, you express your concerns about the potential negative impacts on Lakewood from the proposal by Norfolk Southern and CSX to acquire Conrail, and enclose a copy of the Lakewood City Council resolution regarding that proposal.

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 and will prepare an Environmental Impact Statement (EIS). As part of its environmental review, SEA will address several environmental impact areas, including 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.

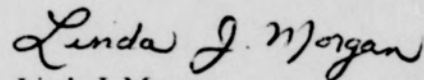
The EIS also will present an analysis of the increased probability of derailments and releases of hazardous materials due to increased train traffic. Further, SEA will examine local truck traffic increases attributable to increased intermodal activities, and safety issues associated with the integration of differing rail operating systems and procedures. In addition, SEA will 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. SEA is fully aware that these and other issues are of major concern to the residents of the Lakewood area.

Under the current procedural schedule adopted by the Board, SEA issued the Draft EIS on December 12, 1997, the public review and comment period ended on February 2, and the staff is currently evaluating those comments. After conducting an independent environmental analysis, reviewing all environmental information available to date, consulting with appropriate

agencies, and fully considering all public comments, SEA plans to issue in late May 1998 a Final 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 letter 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

FD-33388

December 2, 1997

The Honorable Madeline A. Cain  
Mayor of Lakewood  
12650 Detroit Avenue  
Lakewood, Ohio 44107

Dear Madeline:

\* Thank you for forwarding the copy of the Lakewood City Council resolution regarding potential effects of expanded freight rail service. I recognize the importance of the safety issues you have outlined.

As a matter of general policy, the White House does not intercede in ongoing proceedings of the Surface Transportation Board. I have forwarded your letter and resolution to the board for appropriate consideration.

Thanks again for writing.

Sincerely, **BILL CLINTON**

BC/LIJ/RSM/RLM/DWB/bws-lynn-ckb  
(Corres. #3726882) (ll.cain.ma)

cc: ICA, 106 OEOB

cc: w/inc Surface Transportation Board

RECEIVED  
SURFACE TRANSPORTATION  
BOARD  
JAN 12 3 59 PM '98  
OFFICE OF  
CHAIRMAN MORGAN



12650 DETROIT AVENUE • 44107 • 216/529-6600 • FAX 216/521-1379

MADLINE A. CAIN  
MAYOR

October 7, 1997

BY CERTIFIED U.S. MAIL

The Honorable William J. Clinton  
United States President  
The White House  
1600 Pennsylvania Ave., NW  
Washington, DC 20500

Dear Mr. President:

Under cover of this letter, I am submitting City of Lakewood, Ohio Resolution 7251-97 for your consideration and endorsement. This resolution calls your attention to critical public safety concerns we have regarding an application filed with the U.S. Surface Transportation Board by Norfolk Southern Railroad. STB Finance Docket No. 33388 is a plan we urge you to oppose in its current form because of specific adverse impacts it will have on our city and region. This plan has life-and-death implications for Lakewood, which has a population density of nearly 11,000 residents per square mile. Norfolk Southern plans to triple the number of freight trains running through Lakewood to 38 or more trains per day, cutting off and delaying our fire, police and medical emergency response teams from their urgent destinations.

If the Surface Transportation Board approves the current plan, our city's ability to timely and effectively respond to fire, safety, crime and medical emergencies will be crippled significantly, putting our population of 60,000 at an unreasonable and unacceptable risk, especially our nearly 10,000 schoolchildren and our significant senior citizen population.

Furthermore, the railroad's plan triples the likelihood of scenarios that could mandate the evacuation of our city's entire population (based upon U.S. Department of Transportation guidelines on hazardous materials) while at the same time cutting off coordinated evacuation assistance to at-risk areas, and timely escape routes for residents and many schools impacted by rail-related or natural disasters.

On behalf of the City of Lakewood, the City Council of Lakewood, its businesses, employees and residents of all ages, I ask, Mr. President, that you endorse our resolution and vigorously make your opposition to this part of Norfolk Southern's plan known to the Surface Transportation Board, as it adversely impacts the public safety of the City of Lakewood, State of Ohio.

Respectfully submitted,

Madeline A. Cain  
Mayor



A RESOLUTION to the President of the United States, the federal Surface Transportation Board ("STB"), local members of the United States Congress, the Governor of Ohio, the Ohio Rail Development Commission and other local officials urging the rejection of Norfolk Southern ("Norfolk") and CSX Corporation's current proposal for acquisition and allocation of the assets of Conrail, Inc.

WHEREAS, Norfolk and CSX Corporation are currently proposing acquisition and allocation of the assets of Conrail, and plan to triple the number of freight trains running through Lakewood and other Westshore Communities; and

WHEREAS, the proposal will be brought before the STB in June, 1998, for approval; and

WHEREAS, Lakewood has twenty-seven grade crossings in three miles and only one underpass whereby travelers may cross the City in a North-South direction without rail interruption; and

WHEREAS, as Lakewood is the most densely populated community between New York and Chicago, any increase in daily freight train use would create serious health and safety concerns and risks for the residents of the City of Lakewood by significantly interfering with the ability of Lakewood Hospital, its ambulances and paramedic squads, to directly and timely respond to medical emergencies from any and all causes, whereby minutes in response time can often mean the difference between life and death; and

WHEREAS, any increase in daily freight trains will interfere with the ability of Lakewood's police and fire safety forces to directly and timely respond to fires, crime and natural disasters; and

WHEREAS, any increase in daily freight trains will adversely impact the ability of all types of coordinated emergency response teams between Lakewood and other Westshore Communities to best use each others' medical facilities and fire and police forces and equipment in a predictable and timely fashion; and

WHEREAS, the potential increases in the transporting of hazardous materials raises grave concerns for health and safety in the event of a derailment, which would necessitate the evacuation of residents of Lakewood within 2 to 4 miles of the train tracks, an area that encompasses the entire City of Lakewood; and

WHEREAS, as a community of neighborhood schools in which the majority of Lakewood's 9,000 pre-school and school-aged children walk to their school, any increase of freight trains increases the risk to our school children; and

WHEREAS, an increase in daily freight trains would create environmental concerns due to significantly elevated levels of noise and air pollution; and

WHEREAS, any increase in freight trains will increase vehicular and pedestrian congestion, strangle its commercial health and generally lower the quality of life in our Community; and

WHEREAS, the Norfolk-owned and operated Cleveland-Vermilion line bisects the heart of Lakewood's densely populated residential neighborhoods; and



WHEREAS, any increase in freight trains will severely restrict traffic movements and congest traffic on numerous residential streets, thereby isolating the northern residential areas from Lakewood's southern commercial areas and downtown; and

WHEREAS, the present proposal before the STB means the abandonment of plans to introduce commuter rail service to the Westshore Communities, a great loss to Lakewood in terms of positive economic development and improved regional transportation; and

WHEREAS, the Cities of Lakewood, Bay Village and Rocky River have filed a notice of intent to participate with the STB so that they may become "Parties of Record";

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Council of the City of Lakewood, Ohio opposes the currently proposed acquisition and allocation of the assets of Conrail by Norfolk and CSX Corporation that would increase rail traffic threefold on the Cleveland, Ohio to Vermilion, Ohio line, thereby creating serious health and safety concerns and risks for the residents of the City of Lakewood and other Westshore Communities.

Section 2. That Council urges citizens of the City of Lakewood to support their efforts in opposition by forwarding letters of concern to the Surface Transportation Board, Section of Environmental Analysis (SEA), 1925 K Street, N.W., Washington, D.C. 20423, in an effort to have these concerns incorporated into the final version of the Environmental Impact Statement which will be considered by the STB prior to its final decision.

Section 3. That the Clerk of Council be and is hereby authorized and directed to submit a certified copy of this Resolution to the President of the United States, the Surface Transportation Board, Senator Michael DeWine, Senator John Glenn, Congressman Dennis J. Kucinich, Congressman Sherrod Brown, Governor George V. Voinovich, the Ohio Rail Development Commission, State Senator Patrick Sweeney, State Representative Dan Brady, the Cuyahoga County Commissioners, NOACA, RTA, the Regional Planning Commission, the City of Avon Lake, the City of Bay Village, the City of Rocky River, and the City of Westlake, and that a copy of this Resolution be spread upon the minutes of the meeting.

Adopted: September 2, 1997

William Boschee  
PRESIDENT

Approved: September 3, 1997

Karen A. Schaser  
CLERK  
William J. Kelly  
MAYOR

I HEREBY CERTIFY THIS RESOLUTION  
NO. 7251-97 TO BE A TRUE COPY  
OF THE ORIGINAL.

Karen A. Schaser  
CLERK OF COUNCIL

WHEREAS, any increase in freight trains will severely restrict traffic movements and congest traffic on numerous residential streets, thereby isolating the northern residential areas from Lakewood's southern commercial areas and downtown; and

WHEREAS, the present proposal before the STB means the abandonment of plans to introduce commuter rail service to the Westshore Communities, a great loss to Lakewood in terms of positive economic development and improved regional transportation; and

WHEREAS, the Cities of Lakewood, Bay Village and Rocky River have filed a notice of intent to participate with the STB so that they may become "Parties of Record";

BE IT RESOLVED BY THE CITY OF LAKEWOOD, STATE OF OHIO:

Section 1. That the Council of the City of Lakewood, Ohio opposes the currently proposed acquisition and allocation of the assets of Conrail by Norfolk and CSX Corporation that would increase rail traffic threefold on the Cleveland, Ohio to Vermilion, Ohio line, thereby creating serious health and safety concerns and risks for the residents of the City of Lakewood and other Westshore Communities.

Section 2. That Council urges citizens of the City of Lakewood to support their efforts in opposition by forwarding letters of concern to the Surface Transportation Board, Section of Environmental Analysis (SEA), 1925 K Street, N.W., Washington, D.C. 20423, in an effort to have these concerns incorporated into the final version of the Environmental Impact Statement which will be considered by the STB prior to its final decision.

Section 3. That the Clerk of Council be and is hereby authorized and directed to submit a certified copy of this Resolution to the President of the United States, the Surface Transportation Board, Senator Michael DeWine, Senator John Glenn, Congressman Dennis J. Kucinich, Congressman Sherrod Brown, Governor George V. Voinovich, the Ohio Rail Development Commission, State Senator Patrick Sweeney, State Representative Dan Brady, the Cuyahoga County Commissioners, NOACA, RTA, the Regional Planning Commission, the City of Avon Lake, the City of Bay Village, the City of Rocky River, and the City of Westlake, and that a copy of this Resolution be spread upon the minutes of the meeting.

Adopted: September 2, 1997

William Boock  
PRESIDENT

Approved: September 3, 1997

Karen A. Schaser  
CLERK

Michael J. Kain  
MAYOR

PFW/mmu

I HEREBY CERTIFY THIS RESOLUTION  
NO. 2251-97 TO BE A TRUE COPY  
OF THE ORIGINAL

Karen A. Schaser  
CLERK OF COUNCIL

STB

FD-33388

2-4-98

K

ID-BUSINESS

# ENVIRONMENTAL DOCUMENT



## OFFICERS

Chairman of the Board  
John J. Ferchill  
*J. Christopher Enterprises Inc.*

Vice Chairman  
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Vice Chairman  
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## EMERITUS

Michael Giangrande  
Jeffrey Lennartz  
Walter Robertson  
Thomas N. Tyrrell

## STAFF

Tim Donovan  
*Director*

Ms. Elaine K. Kaiser  
Chief  
Section of Environmental Analysis  
Surface Transportation Board  
Washington, DC 20423

Dear Ms. Kaiser,

January 30, 1998

I am writing on behalf of Ohio Canal Corridor, a grassroots non-profit organization whose mission is to develop the Ohio & Erie Canal National Heritage Corridor from Cleveland to Zoar, Ohio. The prime area of our concern lies in Cuyahoga County; as such, I will limit my comments to this area.

As it concerns the proposed merger, Ohio Canal Corridor is worried that increased train traffic would eliminate a beneficial community project in the Broadway/Warner/Turney area. There, the rail track is aligned alongside the 45 foot Mill Creek Waterfall. A community plan illustrates an opportunity to rediscover the waterfall by providing access with a trail to a nearby metropolitan park, Garfield Park. The community plan depicts direct access along the train corridor to a series of decks and platforms from which the public could view the falls.

This same plan shows a commuter train stop near the Broadway/Turney intersection. Since the falls is expected to be a prime destination attraction in our evolving national heritage corridor, the rail link would allow easy and practical access to it and the park system.

The Mill Creek Waterfall represents the center of early settlement in Cleveland. Before the construction of the canal, more people lived here than in the city of Cleveland.

A second concern involves opportunities gained through a merger and centers on the extension of the Cuyahoga Valley Scenic Railroad from its current northern end point at Rockside Rd. to Tower City in Cleveland's Flats. A merger deal that results in surplus trackage from Rockside Rd. through LTV to Tower City would enable the Scenic Railroad to complete a downtown Cleveland connection. This connection is vital to the growth of the Scenic Railroad and to the fulfillment of its mission as the only scenic railroad in America to link to the urban center of a major city.

Any merger of this proportion is laced with pains of change. It is my hope that any agreements reached will look to further community projects that add to the quality of life, while mitigating to highest degree possible the issues of noise and air quality.

Sincerely,

Tim Donovan  
Director

STB

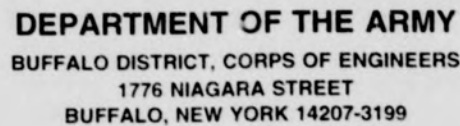
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# ENVIRONMENTAL DOCUMENT

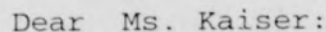
REPLY TO  
ATTENTION OF:

January 28, 1998

Regulatory Branch

SUBJECT: Department of the Army Processing No. 98-493-0001(1);  
STB Finance Docket No. 33388; Draft Environmental Impact  
Statement, "Proposed Conrail Acquisition"

Office of the Secretary  
STB Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423-0001



This is in reference to the Draft Environmental Impact Statement (DEIS) received by this office on January 2, 1998 entitled "Proposed Conrail Acquisition." The transmittal requested comments prior to February 2, 1998.

I have reviewed the DEIS with regard to potential impacts to waters of the United States within the Buffalo District. Eight projects were identified for which Department of the Army authorization would potentially be required. These projects include the following:

New York:

- Gardenville Junction Construction (Erie County, NY)
- Blasdell Connection (Erie County, NY)

Ohio

- Collinwood New Intermodal Facility (Cuyahoga County, OH)
- Oak Harbor Connection (Ottawa County, OH)
- Willard Fueling Facility (Huron County, OH)
- Vermilion Connection (Erie County, OH)
- Abandonment: Toledo to Maumee
- Abandonment: Toledo Pivot Bridge

In each of these projects, the proposal would either directly impact a water of the United States or potentially impact a water of the United States. The DEIS correctly

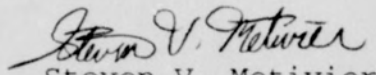
Regulatory Branch

SUBJECT: Department of the Army Processing No. 98-493-0001(1); STB Finance Docket No. 33388; Draft Environmental Impact Statement, "Proposed Conrail Acquisition"

indicates that Department of the Army authorization would be required for the placement of fill material into a water of the United States. The Buffalo District strongly encourages further coordination with this office prior to construction of any of the cited projects.

Questions pertaining to this matter should be directed to me at (716) 879-4314, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, or by e-mail at: Steven.V.Metivier@usace.army.mil

Sincerely,

  
Steven V. Metivier  
Biologist

STB

FD-33388

2-3-98

K

ID-GOV

Mel Carnahan  
Governor



State of Missouri

**OFFICE OF ADMINISTRATION**

Post Office Box 809  
Jefferson City  
65102

Richard A. Hanson  
Commissioner

Stan Perovich  
Director  
Division of General Services

January 20, 1998

Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423-0001



Attention: Elaine K. Kaiser

Dear Ms. Kaiser:

Subject: 97120047 - Draft Environmental Impact Statement  
Proposed Conrail Acquisition  
[Finance Docket No. 33388]

The Missouri Federal Assistance Clearinghouse, in cooperation with state and local agencies interested or possibly affected, has completed the review on the above project application.

None of the agencies involved in the review had comments or recommendations to offer at this time. This concludes the Clearinghouse's review.

A copy of this letter is to be attached to the application as evidence of compliance with the State Clearinghouse requirements.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lois Pohl".

Lois Pohl, Coordinator  
Missouri Clearinghouse

**ENVIRONMENTAL  
DOCUMENT**

LP:cm

STB

FD-33388

2-3-98

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ID-PUBLIC





1-28-98

Dear Mr. Kaiser,

This letter is in response to the Draft Environmental Impact Statement. We live in Rocky River, a west shore suburb of Cleveland. Our home is located 2 blocks from the train tracks. We have lived in this neighborhood for 11 yrs. This is a solely residential neighborhood.

We would like to respond to the applicants - NS statement that 16.4 trains per day travel on this section of track. When they announced their intention of buying the track and increasing the amount of trains by 20, this is when they increased their train load to 16.4 trains, before that we would say 10 trains a day on average came through, not even 13.5 trains as is stated. This increase of 16.4 trains has already started problems. Now in one hour, 3 trains can come through running 5 minutes in duration. This considerably stops traffic. The traffic gets blocked down to our home 2 blocks away. The traffic includes cars, RTA buses, school buses and trucks, all idling for 5 minutes. This results in more noise, pollution and

safety concerns of children trying to cross streets and getting on and off school buses. Also after the train has gone by, the cars speed away trying to make up time, putting pedestrians at a greater risk. Not to mention, our emergency response vehicles not being able to get through.

Being a resident of Rocky River and being familiar with the residential areas of Lakewood, Bay Village, Westlake and Cleveland, we have to state our concerns over Highway / Rail at Grade crossings safety of both cars and children needing to cross the tracks to get to schools, parks, neighbors houses, Emergency Response Delay, Hazardous Materials transported, noise, vibration, lowered property values and air quality remain the same! We feel that letting the Applicants - NS increase their train load would be a detriment to all West Shore communities. We feel if trains would increase people would move out of our area and move further west causing problems to our city of Rocky River as well as to the City of Cleveland.

We feel the following mitigation activities should take place.

The best scenario would be for the applicant - NS to build a new train track south of Cleveland in areas that are not developed yet. The next scenario would call for the board to limit the trains to 13.5 per day and have the applicant - NS figure out where to reroute the other trains. The applicant - NS should be required to improve it's tracks, gates and lights at Highway 1 Rail crossings, to increase train speed after improving rail line segments and taking care of noise problems. All of this should be done at the expense of the applicant - NS. They are a business which operates ~~at~~<sup>for</sup> a profit and if they want to increase their productivity they should pay for it like other business does. Also, the board should retain jurisdiction to impose additional environmental mitigation for a least 20 yrs or longer.

We thank you for your time and consideration on this matter. We hope you take the feelings and concerns of the residents of this area into account, when making your final statement.

Sincerely,  
Clay and Dean Kilgus (3)

Clay and Diana Kilgore  
21011 Maplewood Ave.  
Rocky River, Oh. 44116  
440-331-0707

STB

FD-33388

2-3-98

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ID-PUBLIC



January 25, 1998

Elaine K. Kaiser  
Surface Transportation Board  
1925 K Street, NW  
Washington, D.C. 20423-0001



Dear Ms. Kaiser

I am writing in reference to the proposed acquisition of the Conrail lines that run through our community (Vermilion, OH) by CSX and Norfolk and Southern Railroads.

It is my understanding that this acquisition would increase the traffic on these tracks that run adjacent to Lake Erie. It is my opinion that allowing this merger would be very devastating not just Vermilion, but to the entire state of Ohio. **Lake Erie is the greatest natural asset that this state has.** The current rail traffic already limits the ability to develop along Lake Erie. The transportation of hazardous waste risks contamination of the lake (as demonstrated with the major derailment of a train just last summer just feet away from Sandusky Bay).

You have heard the concerns about the safety issues for the communities like Vermilion, but the issue is much larger. Lake Erie is an asset that belongs to the entire state (and to some degree the entire country). Instead of considering something that could possibly endanger the future of such a valuable asset, you should be considering the use of eminent domain to acquire the tracks for use by passenger rail, enhancing access to Lake Erie, and increasing it's value.

**Take steps to save Lake Erie for future generations, don't put it at risk.**

Sincerely,

Bob Higley

**ENVIRONMENTAL  
DOCUMENT**

STB

FD\_33388

2-3-98

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ID-PUBLIC

# ENVIRONMENTAL DOCUMENT

Liz Pim  
1292 French Avenue  
Lakewood, OH 44107

January 29, 1998

U.S. Surface Transportation Board  
Attn: SEA - Finance Docket 33388  
1925 'K' Street, NW  
Washington, DC 20423



To whom it may concern:

I am writing to express my concerns regarding the NS-CSX Proposal, now before the Federal Surface Transportation Board in Washington, on Lakewood, Ohio.

As I have written before, I strongly disagree with this proposal for all of the reasons you have already heard.

I have some questions I would like answered which are listed below:

- 1.) Why is it that between 2:00am and 3:15am of January 28th (I guess that would make that the 29th), five trains came through Lakewood? Three pounded through between 2:00 and 2:30am and the other two between 2:30 and 3:15am. That's too many trains!!! We didn't sleep the rest of the night!
- 2) How many trains are permitted to go through Lakewood at night?
- 3) How many trains are permitted to go through Lakewood during a 24 hour period?
- 4) Why isn't there a limit as to how much train traffic is permitted after midnight?
- 5) Why aren't resident's of all communities involved allowed to vote on these issues?
- 6) Would anyone from the board like to spend an evening at my home so that you would have an opportunity to truly understand our dilemma?

Please do not send me a general letter; I would like my questions answered. If I sound angry - I am. I am considering seeking legal counsel.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Liz Pim'. Below the signature, the name 'Liz Pim' is printed in a simple, sans-serif font.

c: Mayor Madeline A. Cain Stephen W. FitzGerald

STB

FD-33388

2-3-97

K

ID-CITIES

# North Central Florida Regional Planning Council

2009 NW 67 PLACE, SUITE A, GAINESVILLE, FLORIDA 32653-1603  
(352) 955-2200 SUNCOM 625-2200 FAX (352) 955-2209



January 29, 1998

Elaine K. Kaiser, Environmental Project Director  
Surface Transportation Board  
Section of Environmental Analysis  
1925 K Street  
Washington, DC 20423-0001

RE: Surface Transportation Board - Finance Docket No. 33388 - CSX and Norfolk Southern -  
Control and Acquisition - Conrail: Draft Environmental Impact Statement

Dear Ms. Kaiser:

The North Central Florida Regional Planning Council functions as the Regional Clearinghouse for Planning District III as designated by the State of Florida pursuant to Presidential Executive Order 12372.

The following comment is submitted on the above-referenced item in accordance with State Clearinghouse procedures.

The North Central Florida Regional Planning Council has no comment on this item.

Comments on this item were requested by the Council from 28 local governments located within the region. No comments on this item were received by the Council from any of these local governments. Please do not hesitate to call if you have any questions concerning this matter.

Sincerely,

Steven Dopp  
Senior Planner

**ENVIRONMENTAL  
DOCUMENT**



STB

FD-33388

2-3-88

K

ID-CITIES

# TOWN OF ASHLAND

101 THOMPSON STREET  
P.O. BOX 1600, ASHLAND, VIRGINIA 23005-4600  
TELEPHONE: (804) 798-9219  
FAX: (804) 798-4892

STEWART F. REID  
MAYOR

ROSANNE SHALF  
VICE MAYOR

T. S. HERBERT VII  
COUNCILMEMBER

FRANKLIN D. JACKSON  
COUNCILMEMBER

JOHN W. NEWELL  
COUNCILMEMBER

DAVID W. REYNAL  
TOWN MANAGER

ELIZABETH C. KENNON  
CLERK OF COUNCIL

LARRY E. GILMAN  
TOWN ATTORNEY

## ENVIRONMENTAL DOCUMENT

January 27, 1998



Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

RE: Draft Environmental Impact Statement  
"Proposed Conrail Acquisition"

Dear Sir or Madam:

I am writing on behalf of the Council of the Town of Ashland, Virginia. We have reviewed the Draft Environmental Impact Statement ("EIS") for the Proposed Conrail Acquisition and have the following comments:

1. The analysis of passenger rail service does not show Ashland among those localities with AMTRAK service (Volume 3-B, Page VA-14), although we currently have eight passenger trains with regular stops in Ashland. The Town of Ashland has long been a strong supporter of AMTRAK services and ridership at this stop has increased significantly over the past several years. We believe that the acquisition of Conrail should not, in any way, impede the continued potential for growth of AMTRAK services in this area. This is a concern in view of the projected increase in length of freight trains.
2. England Street in Ashland (identified as England Street in Hanover County, on Segment No. C-102 on Table 5-VA-7 (Revised)) is the major east-west roadway in this area. This major highway carries a significant amount of traffic within the community and provides a critical transportation link to western Hanover. It appears that the EIS uses erroneous information with regard to the present condition at England Street and therefore does not provide an accurate picture of the effect of the Conrail

acquisition. It is understood that the Supplemental Errata dated January 21, 1998 shows a reduction in the Average Delay per Vehicle (and thereby improved Levels of Service) in both Pre-Acquisition and Post-Acquisition conditions. However, the Table still shows a vehicle count (ADT) of 7,775 at the England Street crossing. Two traffic counts from the Virginia Department of Transportation taken within three blocks in either direction from the tracks in 1995 show daily volumes of 9,654 and 16,549 vehicles. Given the road network in the area, the higher number is probably the more accurate reflection of crossings at the tracks. We believe that the actual vehicle count at the England Street crossing is therefore at least twenty-four percent and as much as two hundred thirteen percent higher than indicated in the EIS. The EIS also shows train speeds at this point of 50 mile per hour when they are, in fact, either 35 or 45 mph depending on the time of day. Additionally, in a letter to the Town in 1997, CSX made a commitment to maintain these speeds through Ashland "...for the foreseeable future". Based on the erroneous information, the Average Delay ("ADV") is calculated to be 3.35 minutes Pre-Acquisition (4.9 minutes Post-Acquisition) and a Level of Service for crossing vehicles of A for both Pre- and Post-Acquisition conditions. We believe that using more accurate data for this location may reduce the Level of Service to unacceptable levels.

The narrative indicates "...a minimal increase in crossing delay per stopped vehicle... The maximum queue would increase by one vehicle." (Volume 3-B, Page VA-17) However, given the erroneous information previously cited, this determination may also be incorrect. Further, the "Post Acquisition" condition shows an ADV of 4.9 minutes, an increase of 1.55 minutes, or 46.3% if the formula were based on correct information.

3. The EIS does not make any provision for emergency vehicle response or the unique circumstances resulting from extended crossing delays. (Volume 1, Page 4-44) A fire station and rescue squad are located one block away from the railroad crossing. There are no other responders within many miles of the crossing. High occupancy college dormitories are located across the tracks from the two stations. "Average delays" for emergency vehicles in excess of five minutes (and more for those actually stopped for trains) may endanger lives and property in the Ashland area.

4. The land use adjacent to the railroad tracks in Ashland includes the historic downtown business district. The railroad tracks are immediately adjacent to Railroad

Avenue at grade level, meaning vehicles drive parallel to and within five feet of the train tracks. The Ashland downtown is part of the national historic register. The sidewalks and stores along Railroad Avenue in the downtown shopping district are within thirty feet of the railroad tracks. The increase in the length and number of trains as the result of the Acquisition and the high levels of human occupancy within very close proximity of the tracks pose an increasing potential danger to the Ashland community.

5. Finally, it appears that the table showing Highway-Rail At Grade Crossing Accident frequency for the CSX rail segments has been omitted from the report. Table 5-VA-4 does show data for Norfolk Southern rail segments in Virginia.

The Town of Ashland was founded by the Richmond, Fredericksburg and Potomac Railroad in the mid-1800s. The community has long associated itself with the railroad which runs through its very center. However, the Town is concerned about the potential adverse effects of the proposed acquisition of Conrail on the Ashland community, particularly in terms of potential increased AMTRAK service, increased traffic delays, emergency response time and increased potential danger to the historic downtown. We would request that you revise the EIS to reflect the erroneous data described above. Further evaluation of the other effects of the merger on Ashland appears warranted. Specifically, the Town requests that the Surface Transportation Board:

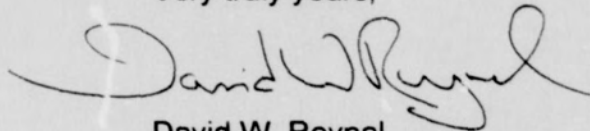
a. Correct the EIS to show Ashland as an AMTRAK stop, correct the train speed to 35/45 mph and recalculate the formula with the higher traffic volumes for Route 54. If the level of service of traffic on England Street deteriorates to an unsatisfactory level, provide some form of mitigation to the thousands of motorists who use this road, including possibly the construction of grade-separated crossings on alternative crossing routes. Grade separation on Route 54 in the middle of the historic downtown would be highly inappropriate.

b. Provide a special review of the unique circumstances in Ashland, in light of the erroneous data, the increase in delays, the impact on emergency vehicle crossings, and the high level of human occupancy immediately adjacent to railroad tracks in downtown and determine whether other means of mitigation are appropriate.

Surface Transportation Board  
Finance Docket No. 33388  
January 27, 1998  
Page four of four

Thank you for your consideration. We would appreciate your response to the information provided herein.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David W. Reynal". The signature is fluid and cursive, with the first name "David" being the most prominent.

David W. Reynal  
Town Manager

cc: Mr. Leo J. Bevon, Director, Department of Rail and Public Transportation  
Mr. Robert Shinn, Vice President, CSX



STB

FD-33388

2-3-98

K

ID-CITIES

CITY OF NEW ORLEANS  
**MARC H. MORIAL**  
MAYOR

January 21, 1998



Office of the Secretary  
Case Control Unit  
STB Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

**ENVIRONMENTAL  
DOCUMENT**

Dear Ms. Kaiser:

After considering Conrail's proposal concerning the sale of their railway to CSX and Norfolk, the City of New Orleans strongly opposes the acquisition. There are numerous considerations that would have a negative impact on the city, the environment and community residents.

One of our greatest concerns is the estimated doubling of hazardous materials traffic traveling through Louisiana. According to the SEA, more than 20,000 cars containing hazardous materials (hazmats) will be transported from Mobile, AL to New Orleans each year. Along with a greater number of cars comes an increased risk of accidents. We have serious concerns for the safety of community residents, the wetlands, and wildlife inhabiting areas near the railway. A hazmat accident, or any train accident, could pollute our drinking water supply and damage sensitive wetlands and wildlife in the area.

Not only do residents face a risk of contaminated drinking water, they also face the risk of exposure to hazardous fumes and materials. The SEA reports that it plans to recommend that CSX and NS be required to prepare a hazmat emergency response plan and implement a response drill with the voluntary participation of local emergency response teams once every two years. However, there is no guarantee that these plans will be prepared or implemented. If the assistance of local emergency response teams is voluntary, we have no guarantee that there will be enough staff to perform the necessary response plan in the event of an emergency.

The increase in traffic around the Oliver intermodal facility in New Orleans will create abundant problems for the residents living near the station and for those who travel on Almonaster Avenue, Florida Avenue, and Louisa Road. There will be an increase of sixty-three trucks per day traveling to and from the Oliver station. There will be an estimated increase of 126 trucks per day on Florida Avenue, and 113 more truck trips per day on Almonaster Avenue and Louisa Road. The EIS does not discuss how this increase in truck traffic will affect noise conditions and air quality. We believe the additional truck traffic will have a negative environmental impact on the community.

Page 2

Office of the Secretary

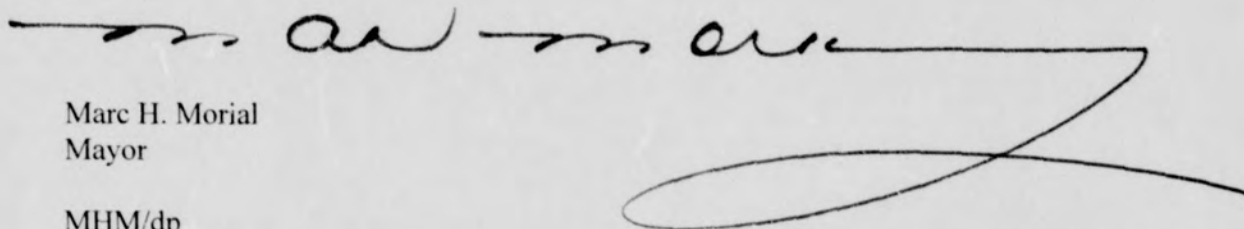
January 21, 1998

The area surrounding the Oliver station is composed primarily of low-income residential homes. Most of the houses are within several feet of the street and many houses on Florida and Almonaster have back yards adjacent to the facility. The increased activity and traffic will increase air pollution and cause noise disruption to the families in the area especially if truck traffic continues late at night and during the early morning hours. If the facility is in operation 24 hours, there will be no stop in the train and truck noise.

Safety is also a relevant concern for the residents near the Oliver station. There are numerous churches in the area as well as a playground. This means children are playing near the road and many pedestrians are getting in and out of cars parked on the street. Increased truck traffic can only result in a greater risk of accidents.

It is for these various reasons and a grave concern for the safety of the citizens living in this area of New Orleans that we oppose the acceptance of the Conrail proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Morial', with a long, sweeping horizontal line extending to the right and a large loop at the end.

Marc H. Morial  
Mayor

MHM/dp

c: Marlin N. Gusman, Chief Administrative Officer  
Jerald L. White, Director, Mayor's Office of Environmental Affairs

STB

FD-33388

2-3-98

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ID-CITIES



215 W. Main Street • Northville, Michigan 48167-1540  
Phone: (248) 349-1300 • FAX: (248) 349-9244

**ENVIRONMENTAL  
DOCUMENT**



January 27, 1998

Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423-0001

**Attention: Elaine K. Kaiser, Environmental Project Director  
Section of Environmental Analysis**

**Re: Finance Docket No. 33388 -- CSX and Norfolk Southern --  
Control and Acquisition -- Conrail: Environmental Impact --  
City of Northville**

Dear Ms. Kaiser:

The City of Northville is aware of plans for joint acquisition of Conrail Incorporated by CSX Corporation and Norfolk Southern Railway. We are also aware that the Section of Environmental Analysis for the Surface Transportation Board has prepared a Draft Environmental Impact Statement (EIS) and is accepting comments on all aspects of this transaction. The City of Northville appreciates this opportunity to comment, and offers the following.

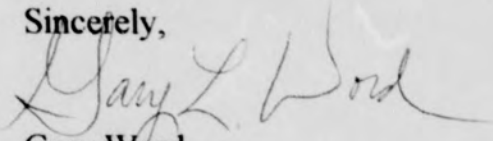
The City of Northville is concerned that the subject acquisition will result in a significant increase in the amount of hazardous material moving through our community. From Appendix A-1 (Master Table of All Rail Line Segments) which we reviewed from your Draft Environmental Impact Statement, we have learned that there will be a 75% increase in the amount of hazardous material rail cars going through our community each year. This equates to 24 more rail cars of hazardous material per day.



As a residential community with only a volunteer fire department, the City objects to any plans to increase the amount of hazardous material transported through Northville. The City is not equipped to handle a catastrophic disaster which could result from a hazardous material accident or spill. Therefore, the City of Northville opposes this transaction and respectfully requests that the Surface Transportation Board deny this acquisition request unless it will result in the transportation of less, and not more hazardous material through our community.

Thank you for this opportunity to comment on the proposed Conrail acquisition.

Sincerely,



Gary Word  
City Manager

cc: City Council  
John Engler, Governor  
Bob Geake, State Senator  
Gerald H. Law, State Representative  
Kay Schmid, Oakland County Commissioner  
Thaddeus G. McCotter, Wayne County Commissioner  
James R. DeSana, State Transportation Director  
SEMCOG

# APPENDIX A-1 MASTER TABLE OF ALL RAIL LINE SEGMENTS

Appendix A, Rail Line Segments and Traffic Density Changes

SR REF	SEG ID	OWNERSHIP		SEGMENT COORDINATES		MILE LENGTH (MI)	PASGR & FRT TRAIN DATA										FREIGHT RAIL DATA										CRITERIA MET											
		PRE ACQ	POST ACQ	BETWEEN	AND		1986 BASE					POST ACQ					MILLION GROSS TONS (T)					HAZ. MATERIAL CARS (T)					EST. ANNUAL HAZ. MATERIAL CARS (T)					CURRENT RAIL ROUTE	NEW RAIL ROUTE	NEW RAIL ROUTE	NEW RAIL ROUTE	NEW RAIL ROUTE	NEW RAIL ROUTE	
							PSGR TRN	FRT TRN	TOTAL	PSGR TRN	FRT TRN	TOTAL	Δ	1986 BASE	POST ACQ	Δ	1986 BASE	POST ACQ	Δ	1986 BASE	POST ACQ	Δ	1986 BASE	POST ACQ	Δ	1986 BASE	POST ACQ	Δ										
SA 436 26	C-211	CSX	CSX	Lester	OH	Lorain	23	0.0	1.4	1.4	0.0	1.4	1.4	0.0	0.7	0.7	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%						
SA 436 29	C-212	CSX	CSX	Lester	OH	Lester	18	0.0	5.3	5.3	0.0	5.3	5.3	0.0	7.0	7.5	7%	3	3	0%	1,000	1,000	0%	1,000	1,000	0%	1,000	1,000	0%	1,000	1,000	0%						
SA 436 30	C-213	CSX	CSX	Lester	OH	Cleveland	30	0.0	5.8	5.8	0.0	5.8	5.8	0.0	8.3	7.5	10%	3	4	1%	1,000	1,000	0%	1,000	1,000	0%	1,000	1,000	0%	1,000	1,000	0%						
SA 436 31	C-214	CSX	CSX	Lester	MI	Plymouth	25	0.0	15.1	15.1	0.0	12.3	12.3	-2.8	12.8	11.1	13%	24	38	58%	14	8,000	13,000	63%	14	8,000	13,000	63%	14	8,000	13,000	63%						
SA 436 32	C-215	CSX	CSX	Lester	MI	Grand Rapids	124	0.0	11.4	11.4	0.0	6.4	6.4	-5.0	13.4	9.8	27%	15	8	-45%	5	5,000	2,000	-60%	5	5,000	2,000	-60%	5	5,000	2,000	-60%						
SA 436 33	C-216	CSX	CSX	Lester	MI	Waverly	26	2.0	8.2	10.2	2.0	4.5	8.5	-3.7	8.2	5.8	-32%	15	2	-87%	13	5,000	0	-100%	13	5,000	0	-100%	13	5,000	0	-100%						
SA 436 34	C-217	CSX	CSX	Lester	MI	Porter	110	2.0	4.8	6.8	2.0	2.8	4.8	-2.0	8.7	3.3	-62%	12	2	-83%	12	2	-83%	12	2	-83%	12	2	-83%	12	2	-83%						
SA 436 35	C-218	CSX	CSX	Lester	MI	Flint	29	0.0	10.0	10.0	0.0	12.2	12.2	2.2	10.3	12.1	18%	11	21	10%	10	4,000	7,000	75%	10	4,000	7,000	75%	10	4,000	7,000	75%						
SA 436 36	C-219	CSX	CSX	Lester	MI	Saginaw	28	0.0	12.8	12.8	0.0	14.0	14.0	1.2	14.5	17.8	22%	33	58	75%	25	12,000	21,000	75%	25	12,000	21,000	75%	25	12,000	21,000	75%						
SA 436 37	C-220	CSX	CSX	Lester	MI	Holly	20	0.0	11.3	11.3	0.0	12.5	12.5	1.2	14.5	17.4	20%	33	58	75%	25	12,000	21,000	75%	25	12,000	21,000	75%	25	12,000	21,000	75%						
SA 436 38	C-221	CSX	CSX	Lester	MI	Wixom	12	0.0	12.2	12.2	0.0	12.9	12.9	0.7	18.3	18.5	14%	34	58	71%	25	12,000	21,000	75%	25	12,000	21,000	75%	25	12,000	21,000	75%						
SA 436 39	C-222	CSX	CSX	Lester	MI	Plymouth	8	0.0	23.8	23.8	0.0	26.5	26.5	2.7	51.0	53.0	4%	39	58	33%	19	14,000	21,000	50%	19	14,000	21,000	50%	19	14,000	21,000	50%						
SA 436 40	C-223	CSX	CSX	Lester	MI	Wayne	15	0.0	22.9	22.9	0.0	24.8	24.8	2.0	44.0	57.4	30%	39	58	33%	19	14,000	21,000	50%	19	14,000	21,000	50%	19	14,000	21,000	50%						
SA 436 41	C-224	CSX	CSX	Lester	MI	Carleton	34	0.0	25.4	25.4	0.0	26.5	26.5	1.1	49.9	50.4	1%	56	88	55%	32	20,000	32,000	60%	32	20,000	32,000	60%	32	20,000	32,000	60%						
SA 436 42	C-225	CSX	CSX	Lester	OH	Dayton	37	0.0	22.6	22.6	0.0	24.8	24.8	2.0	44.3	62.8	42%	56	87	55%	31	20,000	31,000	55%	31	20,000	31,000	55%	31	20,000	31,000	55%						
SA 436 43	C-226	CSX	CSX	Lester	OH	Sidney	35	0.0	22.6	22.6	0.0	15.3	15.3	-7.3	44.3	44.3	0%	55	69	25%	16	20,000	25,000	25%	16	20,000	25,000	25%	16	20,000	25,000	25%						
SA 436 44	C-227	CSX	CSX	Lester	OH	Lima	33	0.0	26.5	26.5	0.0	14.9	14.9	-11.6	43.8	40.2	-8%	58	78	33%	18	21,000	27,000	29%	18	21,000	27,000	29%	18	21,000	27,000	29%						
SA 436 45	C-228	CSX	CSX	Lester	OH	Deshler	28	0.0	33.3	33.3	0.0	37.4	37.4	4.1	66.7	79.3	19%	21	81	287%	81	7,000	29,000	314%	81	7,000	29,000	314%	81	7,000	29,000	314%						
SA 436 46	C-229	CSX	CSX	Lester	OH	Toledo	20	0.0	17.8	17.8	0.0	17.4	17.4	-0.4	40.0	44.0	10%	14	35	25%	14	5,000	12,000	140%	14	5,000	12,000	140%	14	5,000	12,000	140%						
SA 436 47	C-230	CSX	CSX	Lester	OH	Maum	53	0.0	11.7	11.7	0.0	11.4	11.4	-0.3	40.2	41.9	4%	1	1	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%						
SA 436 48	C-231	CSX	CSX	Lester	OH	Columbus	112	0.0	2.8	2.8	0.0	2.9	2.9	0.1	3.9	4.9	25%	8	7	-13%	1	2,000	2,000	0%	1	2,000	2,000	0%	1	2,000	2,000	0%						
SA 436 49	C-232	CSX	CSX	Lester	VA	Cincinnati	80	4.0	9.8	13.8	4.0	8.8	12.8	-1.0	38.2	37.8	-1%	3	3	0%	0	1,000	1,000	0%	0	1,000	1,000	0%	0	1,000	1,000	0%						
SA 436 50	C-233	CSX	CSX	Lester	VA	Hampton	229	0.0	9.8	9.8	0.0	9.7	9.7	-0.1	54.2	53.4	-1%	8	11	38%	3	2,000	4,000	100%	3	2,000	4,000	100%	3	2,000	4,000	100%						
SA 436 51	C-234	CSX	CSX	Lester	VA	Rivanna Jct	195	0.0	9.8	10.7	0.9	10.9	11.8	1.1	57.0	59.7	5%	10	18	80%	8	3,000	5,000	67%	8	3,000	5,000	67%	8	3,000	5,000	67%						
SA 436 52	C-235	CSX	CSX	Lester	VA	Clifton Forge	29	0.0	10.9	11.8	0.9	12.8	13.7	1.0	68.1	68.0	-0%	18	26	44%	8	8,000	9,000	50%	8	8,000	9,000	50%	8	8,000	9,000	50%						
SA 436 53	C-236	CSX	CSX	Lester	VA	St Albans	10	0.0	13.4	14.3	0.9	14.9	15.8	1.5	71.1	89.3	25%	19	26	37%	7	8,000	9,000	50%	7	8,000	9,000	50%	7	8,000	9,000	50%						
SA 436 54	C-237	CSX	CSX	Lester	VA	Barboursville	10	0.0	15.5	16.4	0.9	16.8	17.7	1.3	62.2	67.1	8%	48	55	13%	9	18,000	20,000	25%	9	18,000	20,000	25%	9	18,000	20,000	25%						
SA 436 55	C-238	CSX	CSX	Lester	VA	Huntington	8	0.0	32.5	33.4	0.9	33.2	34.1	0.7	59.1	65.5	11%	48	55	13%	9	18,000	20,000	25%	9	18,000	20,000	25%	9	18,000	20,000	25%						
SA 436 56	C-239	CSX	CSX	Lester	VA	Kenova	1	0.0	32.5	33.4	0.9	30.5	31.4	-2.0	67.8	95.1	40%	76	87	15%	11	27,000	31,000	15%	11	27,000	31,000	15%	11	27,000	31,000	15%						
SA 436 57	C-240	CSX	CSX	Lester	VA	Big Sandy Jct	8	0.0	32.5	33.4	0.9	32.5	33.4	0.0	107.0	103.0	-4%	76	84	11%	8	27,000	30,000	11%	8	27,000	30,000	11%	8	27,000	30,000	11%						
SA 436 58	C-241	CSX	CSX	Lester	VA	Ashland	19	0.0	20.8	21.7	0.9	18.8	19.7	-2.0	87.3	88.4	1%	66	79	20%	13	24,000	28,000	17%	13	24,000	28,000	17%	13	24,000	28,000	17%						
SA 436 59	C-242	CSX	CSX	Lester	VA	Russell	121	0.0	9.8	10.7	0.9	9.8	10.7	1.1	26.8	30.5	14%	0	0	0%	0	0	0%	0	0	0%	0	0	0%	0	0	0%						
SA 436 60	C-243	CSX	CSX	Lester	VA	Covington	28	0.0	14.0	14.0	0.0	16.8	16.8	2.8	23.5	31.1	32%	15	20	33%	5	5,000	7,000	40%	5	5,000	7,000	40%	5	5,000	7,000	40%						
SA 436 61	C-244	CSX	CSX	Lester	VA	W Virginia C	48	0.0	9.4	9.4	0.0	12.0	12.0	2.6	20.0	27.3	36%	15	20	33%	5	5,000	7,000	40%	5	5,000	7,000	40%	5	5,000	7,000	40%						
SA 436 62	C-245	CSX	CSX	Lester	VA	MR Jct	26	0.0	9.4	9.4	0.0	12.0	12.0	2.6	20.0	27.3	36%	15	20	33%	5	5,000	7,000	40%	5	5,000	7,000	40%	5	5,000	7,000	40%						

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# MIDDLESEX COUNTY FIRE ACADEMY

1001 Fire Academy Drive ■ Sayreville, NJ 08872  
Phone: (908) 727-0008 FAX: (908) 721-0158



January 27, 1998

Office of the Secretary, Case Control Unit  
Finance Docket #33388  
Surface Transportation Board, Room 500  
1925 K St. NW  
Washington, DC 20423-0001

Attn: Chief, Section of Environmental Analysis

Dear Sir or Madam,

I would like to take this opportunity to express my gratification and support for the assistance we have received from Conrail Hazardous Materials Systems during our training programs at the Middlesex County Fire Academy.

I would like to thank both Skip Elliot and Alan Richter for their dedication and commitment to the emergency service groups in New Jersey. Without their support, we would not have been able to successfully complete the hazardous materials training programs we have conducted for hundreds of students at our fire academy.

I hope and urge that with the impending merger of Conrail, provisions can be made to continue a hazardous materials support system that will be available to assist the various agencies as it has done in the past. A serious void will occur without a training and response group being available to the emergency services in New Jersey concentrating on rail emergencies.

Sincerely,

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DOCUMENT**

Rory R. Zach  
Acting Director

RRZ/kr

PROVIDING FIRE SAFETY THROUGH EDUCATION AND TRAINING



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*Proud of our past, Confident in our future*

January 27, 1998

Elaine Kaiser  
Environmental Project Director  
Surface Transportation Board  
Washington D.C. 20423



RE: CONRAIL ACQUISITION INVOLVING CSX

Dear Ms. Kaiser:

The Village of Holly in the State of Michigan, would like to add comments to the Environmental Assessment to be performed on the above-mentioned acquisition.

The Village of Holly believes an increase in traffic will result if this acquisition goes through. Extra traffic will have an impact on our community.

As a means to mitigate these impacts we would like to recommend that an **annual meeting** be held between CSX and the municipalities in Western Oakland County to address these issues. The level of existing communication is too low. Additional traffic will exacerbate this. I volunteer the Village of Holly as the location of the first of these meetings.

Sincerely,

Mark Abeles-Allison  
Village Manager

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DOCUMENT

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2-2-98

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**BERKSHIRE REGIONAL PLANNING COMMISSION**

33 DUNHAM MALL, PITTSFIELD, MA 01201-6207

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

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LOIS A. LENEHAN, Vice-Chairman  
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ROBERT W. BIRCH, Member-At-Large  
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NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

**ENVIRONMENTAL  
DOCUMENT**



Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

Attention: Elaine K. Kaiser  
Environmental Project Director  
Environmental Filing

Re: **CSX ACQUISITION OF CONRAIL - DEIR**

Dear Ms. Kaiser:

At their meeting on January 14, 1998 the BRPC Executive Committee voted unanimously to forward the following comments on the Draft Environmental Impact Report (DEIR) for the Proposed Conrail Acquisition. These comments are a follow-up to comments we have previously submitted (copy attached).

1. Since the chart in the Executive Summary had Hazmat (332) checked as meeting the threshold on the NY to Westfield line, as well as other lines in Massachusetts, some explanation should have been made on page MA-2 of Volume 3A as to the nature of this threshold and why it was determined that a site-specific analysis did not apply.
2. We would like to see some assurance that this change in ownership will not absolve CSX, or Conrail, from any future liability from hazardous substances that may later come to light.
3. The response to our previously expressed concerns that CSX be cooperative with regard to shared uses of rail rights-of-way was limited and rather disappointing as it appears on page MA-4 of Volume 3A entitled "Future Services Under Study."

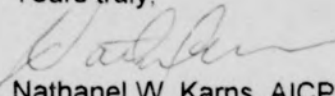
*"... (BRPC) advocates that the Berkshire Scenic Railway Museum (BSRM) excursion train in Lenox, MA be granted trackage rights to the proposed intermodal transportation center in Pittsfield, Massachusetts. The BSRM presently does not have sufficient operating rights on the Housatonic Railroad Company to reach the connection to Conrail in Pittsfield. The Boston Line of Conrail is assigned to CSX."*

We know this. However, progress is being made toward achieving that goal, at which time we hope the necessary cooperation from CSX will be forthcoming.

4. In addition, cooperation is also needed from CSX with regard to the efficiency of Amtrak passenger rail service, the viability of the proposed Intermodal Transportation Center in the Pittsfield CBD, and the potential abandonment and/or shared uses of other Conrail ROW.
5. We note that on Page MA-1, paper and plastics are missing in the list of important rail freight commodities in Massachusetts. Also, on that page, unless the Guilford Railroad which operates through the Hoosic Tunnel has ceased to operate, or has been downgraded, Conrail is not the only Class I railroad in Massachusetts.

We hope that our concerns will be given careful and serious consideration. If you have any questions or require any additional information, we will be pleased to oblige.

Yours truly,



Nathaniel W. Karns, AICP  
Executive Director

Encl.

BERKSHIRE REGIONAL PLANNING COMMISSION

33 DUNHAM MALL, PITTSFIELD, MA 01201-0207

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

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NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

August 5, 1997

Office of the Secretary  
Case Control Unit  
STB Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street N.W.  
Washington, D.C. 20423-0001

Attn: Elaine K. Kaiser, Chief  
Section of Environmental Analysis  
Environmental Filing

Re: **CSX Acquisition of Conrail - Draft Scope for EIS**

Dear STB:

Thank you for your invitation to comment on the proposed scope for the EIS for the Acquisition of Conrail by CSX in Berkshire County, Massachusetts. We have previously submitted comments to the railroad's consultants (copy attached). At this time we would also like to expand upon those comments.

While the proposed EIS will focus on construction of facilities and potential abandonments, our concerns are primarily focused on issues related to ownership and control of the railroads in Berkshire County. These concerns should perhaps be addressed in the EIS as issues of social equity. For example, we hope that CSX will be amenable to the continuation of Amtrak's rail passenger service in Pittsfield, and will cooperate in efforts to preserve that service and give it reasonable priority in scheduling. Also in regard to passenger service, we hope that CSX will be cooperative in allowing trackage rights for the Berkshire Scenic Railway Museum to provide tourist service into Pittsfield from the south.

There is also a feasibility study underway concerning the development of an Intermodal Transportation Center (ITC) in the Pittsfield CBD. Currently Conrail has a representative serving on the ITC study committee. We would hope for the cooperation of CSX in that study, and specifically with regard to the location of the Amtrack station and any air rights that may be necessary.

Another issue of concern is the future use of the secondary branch line in Pittsfield which extends to the town line in Lanesboro. This ROW has potential for use as a bike path and/or as

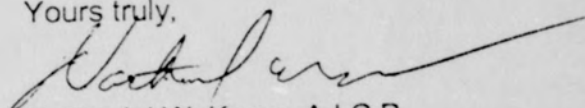


an alternative highway location pending the results of ongoing studies. We would also hope for the cooperation of CSX in this regard.

Finally, the preliminary EIS we received indicated that in Massachusetts there would be no increase in traffic "above STB thresholds" and therefore no impact. However, we would like the estimates to be shown demonstrating that they are below the threshold. Similarly, we would like to see the estimates of truck rail diversions in order to gauge the magnitude of the benefits alluded to in the preliminary EIS.

We appreciate the opportunity to provide these comments and understand that we will be given additional opportunities to comment on the Draft and Final EIS's as they become available. If you have any questions on these issues please feel free to contact the Charles Cook, Senior Transportation Planner, at 413-442-1521.

Yours truly,

A handwritten signature in dark ink, appearing to read "Nathaniel W. Karns", with a long, sweeping horizontal line extending to the right.

Nathaniel W. Karns, A.I.C.P.  
Executive Director

BERKSHIRE COUNTY REGIONAL PLANNING COMMISSION

33 DUNHAM MALL, PITTSFIELD, MASSACHUSETTS 01201-6207

TELEPHONE (413) 442-1521 • FAX (413) 442-1523

ROBERT W. BIRCH, Chairman  
THOMAS D. McCANN, Vice-Chairman  
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NATHANIEL W. KARNS, A.I.C.P.  
Executive Director

January 30, 1997

Mr. Gabe Hernandez  
Agency Coordinator  
Burns & McDonnell  
9400 Ward Parkway  
Kansas City, Missouri 64114

Re: **ACQUISITION OF CONRAIL (Docket # 33286)**

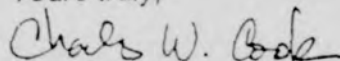
Dear Mr. Hernandez:

The Berkshire County Commissioners have referred your letter of January 14, 1997 to us for response. In that letter you asked for comments and concerns regarding increased traffic on our primary rail freight line resulting from your proposed merger with Conrail. Given the relatively short time frame, we cannot provide a definitive response to your request at this time. However, we do understand that there will be additional opportunities to provide input and comment upon the proposal at a later time.

One issue that has come to our attention is the concern that the merger of rail freight companies will reduce the opportunities for competition among rail service providers. In addition, there are issues related to the utilization of abandoned rail lines, and trackage rights for tourist passenger services. Specifically, the secondary branch line from the North Adams Junction in Pittsfield north to the Lanesborough town line has not been used in some time, and has been identified as having potential utility as a public right-of-way for a bike path or possible highway use. Another concern has to do with trackage rights for the local scenic tourist train, the Berkshire Scenic Railway Museum, which would like to provide service into Pittsfield from the south.

Enclosed for your use is a copy of our 1993 Regional Transportation Plan which will provide further background information. Please note that this plan is currently being updated in accordance with ISTEA regulations, and a revision will be in place after March 31 of this year.

Yours truly,



Charles W. Cook  
Transportation Planner

cc: Berkshire County Commissioners

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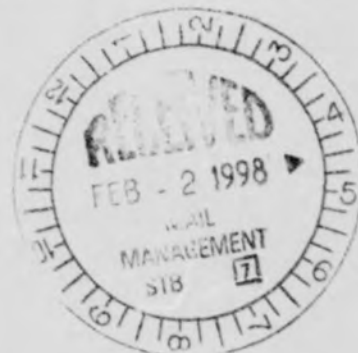
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## ENVIRONMENTAL DOCUMENT



January 30, 1998

Office of the Secretary  
Case Control Unit  
Finance docket No. 33388  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-001

### **Re: CSX and Norfolk Southern (NS) Proposed Acquisition of Conrail**

Dear Office of the Secretary:

University Circle Incorporated (UCI) is the nonprofit planning and service organization for University Circle. **University Circle** is the cultural, medical, and educational center of Cleveland and northeast Ohio – it is one-square mile in size and home to 44 institutions (with an additional 35 institutions in the area immediately adjacent to its boundaries). University Circle is a very unique area, not only to the city of Cleveland but nationally – no other city in the world has such a prominent concentration of institutions. I have enclosed a copy of our current annual report that lists all of these institutions.

I am writing on behalf of many UCI member institutions to document our concern that we have not been afforded the opportunity to meet, raise questions, and obtain specific information about the many potential impacts of the proposed merger of CSX and Norfolk Southern in our community. It is UCI's role to insure that the quality of its environment is not only preserved, but continually improved. The density of the Circle's daily population makes infrastructure matters critical. Note that:

- Our health care institutions serve 1.7 million patients who come to the Circle each year;
- University Circle is an employment center with approximately 26,800 employees (for a point of reference, downtown Toledo draws 25,000 employees daily);

University Circle Incorporated  
January 30, 1998  
Pg. 2

- 16,400 students are enrolled in Circle educational institutions, the largest of which is Case Western Reserve University;
- More than 5,000 people reside in University Circle; and
- As a major tourist destination, the Circle attracts 2 million visitors annually.

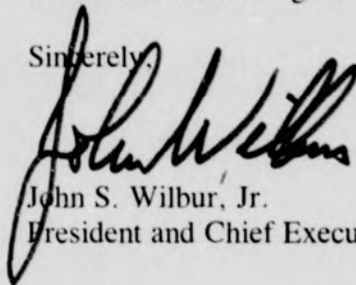
University Circle institutions play a significant economic role in Cleveland. Since 1990, University Circle institutions have invested approximately \$500 million in capital expenditures to build state-of-the-art facilities, and expect to invest more than \$200 million in additional capital expenditures during the next five years.

It is our collective concern that the increased train traffic that will result from the proposed CSX merger will adversely affect our economic progress and plans. We base this on the convictions that the increased traffic will adversely affect air quality; increase noise pollution (which may prove problematic to The Cleveland Orchestra); and bring hazardous materials into the Circle creating the potential need for emergency evacuation in an area with three major hospitals.

Based on the issues identified, UCI and many of its institutions support the city's proposal that alternate routes should be considered that would lessen the impact on residential, business, and other non-industrial neighborhoods of Cleveland. In addition, we believe that representatives of the railroads should meet with members of our community to discuss such impacts.

I strongly encourage you to read the enclosed statements from specific individual institutions addressing their specific concerns.

Sincerely,



John S. Wilbur, Jr.  
President and Chief Executive Officer

Attn: Elaine K. Kaiser  
Environmental Project Director  
Environmental Filing





**Report to the community**

**University Circle's one-square mile is home to a concentration of 44 institutions that is unmatched in the world.**

**An additional 35 institutions (our associate members), are located in the area immediately adjacent to our boundaries.**

## Member Institutions

Ambleside Towers  
 American Heart Association, Northeast Ohio Affiliate, Inc.  
 Case Western Reserve University  
 The Center for Dialysis Care, Inc.  
 The Church of the Covenant  
 Cleveland Botanical Garden  
 Cleveland Friends Meeting  
 Cleveland Hearing & Speech Center  
 Cleveland Hillel Foundation, Inc.  
 The Cleveland Institute of Art  
 The Cleveland Institute of Music  
 Cleveland Medical Library Association  
 The Cleveland Museum of Art  
 The Cleveland Museum of Natural History  
 The Cleveland Music School Settlement  
 The Cleveland Psychoanalytic Institute  
 Cleveland Sight Center  
 Cleveland Student Housing Association  
 Early Music America  
 Epworth-Euclid United Methodist Church  
 Fine Arts Garden Commission  
 First Church of Christ, Scientist  
 Gestalt Institute of Cleveland  
 Hallinan Center  
 Hanna Perkins School  
 The Hill House  
 Hope Lodge  
 Judson Manor/Judson Park  
 The Junior League of Cleveland, Inc.  
 Maximum Independent Living  
 The Mt. Sinai Health Care Foundation  
 Mt. Zion Congregational Church  
 Musical Arts Association  
 Ohio College of Podiatric Medicine  
 Ohio Montessori Training Institute  
 Pentecostal Church of Christ  
 Rainbow Children's Museum & TRW Early Learning Center  
 Ronald McDonald House of Cleveland, Inc.  
 The Sculpture Center  
 The Temple-Tifereth Israel  
 University Circle Housing, Inc.  
 University Hospitals of Cleveland  
 The Western Reserve Historical Society  
 Young Audiences of Greater Cleveland, Inc.

## Associate Member Institutions

African American Museum  
 Alta Social Settlement  
 Amasa Stone House  
 American Sickle Cell Anemia Association  
 Antioch Baptist Church  
 Calvary Presbyterian Church  
 Catherine Horstmann Home  
 Church of the Transfiguration  
 Cleveland Center for Contemporary Art  
 Cleveland Center for Research in Child Development  
 The Cleveland Chamber Music Society  
 The Cleveland Clinic Foundation  
 Cleveland Cultural Gardens Federation  
 The Cleveland Play House  
 Cleveland Signstage Theatre  
 Dunham Tavern Museum  
 Eliza Bryant Center  
 Ernest J. Bohn Golden Age Center of Cleveland  
 Euclid Avenue Congregational Church of the United Church of Christ  
 Fairhill Center for Aging  
 First English Lutheran Church  
 Grace Lutheran Church  
 The Health Museum of Cleveland  
 Hitchcock Center for Women, Inc.  
 Holy Rosary Church  
 Hough-Norwood Family Health Care Center  
 The Institute for Creative Living  
 Karamu House  
 The Lake View Cemetery Association  
 Lexington Bell Community Center  
 MetroHealth Clement Center for Family Care  
 Nature Center at Shaker Lakes  
 St. Adalbert Church  
 Shaker Historical Society  
 Unitarian Society of Cleveland  
 United Cerebral Palsy of Greater Cleveland, Inc.

*Featured throughout this report are the public service advertisements that appear in Cleveland Magazine in conjunction with the quarterly University Circle Calendar of Events. They depict the major services provided by University Circle Incorporated—what we do day-to-day for this very special place called University Circle and for all of those who come here.*

## About University Circle and University Circle Incorporated

The story of University Circle begins with blacksmith Nathaniel Doan, a member of Moses Cleaveland's surveying party that founded our city in 1796. He soon found city living not to his liking and moved his family to a woodland area just five miles to the east along an old Indian trail that would become Euclid Avenue. As Doan's Corners (as it came to be called) flourished, the leading citizens of the day recognized the area's potential and began to create something extraordinary—something that would distinguish our city from all others.

Three significant events shaped the destiny of this location. In 1882, Jephtha H. Wade, founder of the Western Union Telegraph Company, thought the area well enough developed to donate 75 acres of land to the city of Cleveland for a public park and an art gallery. When Western Reserve University moved from Hudson (Ohio) in 1882, railroad tycoon Amasa Stone donated \$500,000 to establish Adelbert College in memory of his son. And, in 1885, real estate magnate Leonard Case, Jr. relocated his Case School of Applied Sciences to the site from downtown.

The streetcar line that served Euclid Avenue made a turnaround at East 107th Street—the stop was called University Circle—and so the area was given its name. By 1900, the colleges and beautiful setting attracted other organizations and an educational and cultural district of note was becoming a reality. As was Jephtha Wade's dream. The Cleveland Museum of Art was built in 1916 overlooking the Wade Park Lagoon. The Cleveland Orchestra was given a permanent home when Severance Hall opened in 1931; that same year, University Hospitals was dedicated.

By 1950, 34 institutions had chosen University Circle as their home—but the Circle was facing some serious challenges. In the words of Mr. Stanley A. Ferguson, then president of University Hospitals: "...after nearly 20 years of depression and war, the institutions in University Circle faced a mammoth need for expansion and improvement... the city's population had grown... people were enjoying more leisure time and were looking for worthwhile ways of spending it... museums, libraries, and concerts were filled as never before... however, expansion was more than a matter of money or determination because there just wasn't enough room, and because the area was becoming built up like a patchwork quilt."

Enter one of Cleveland's most spirited civic leaders, Mrs. William G. Mather, who recognized that University Circle was at a pivotal point. Her vision and generosity made possible the hire of the renowned Boston planning firm of Adams, Howard & Greeley, and after a rigorous 18-month study, the *1957 University Circle Master Plan* was issued. The Plan not only gave direction for the Circle's orderly growth, it did something inspiring: it reaffirmed that Cleveland had succeeded in creating the most impressive concentration of educational, cultural, and medical institutions in the country.

Perhaps the most important recommendation made was to "establish a central organization to administer the Plan and give it some real authority." And so, with full institutional support, the University Circle Development Foundation (the predecessor of University Circle Incorporated) was formed. Initial efforts were focused on creating a land bank to purchase and hold available land until needed by an institution for expansion. Soon, services that could be provided more efficiently if done collectively—parking, shuttle bus service, public safety, architectural review, and landscaping of common areas—were added. The stability provided by these services gave new confidence to the institutions and the Circle's growth skyrocketed.

In 1970, the University Circle Development Foundation was reorganized as University Circle Incorporated (UCI) with an added emphasis on strengthening the relationship between University Circle and its adjacent neighborhoods. In its outreach to the broader community, UCI began working closely with neighborhood organizations to build housing and provide access to broader community resources. UCI's Community Education Program was created in 1973 to bring the Circle together with Cleveland schoolchildren—a wonderful collaboration that thrives today. The *1990 University Circle Master Plan*, which updated the 1957 Plan, strongly reinforced the importance of neighborhood partnerships.

UCI's reorganization moved it from simply being the "caretaker" of the Circle's physical environment (although that role remains very important) to being a catalyst for economic development and an advocate for the whole of University Circle as a major force in the progress of our city and Northeast Ohio. Uniquely positioned to look to the future with a collective eye on behalf of the institutions it serves, UCI has been dedicated to ensuring the excellence of University Circle for 40 years.

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## From the Chairman and President

This is a milestone year for University Circle Incorporated (UCI)—our 40th anniversary—and in the spirit of celebration we are presenting this report to the larger community by its inclusion in *Cleveland Magazine*. University Circle is a very special place and Clevelanders are rightly proud of it—as a source of civic pride it has long ranked high on the list of city assets.

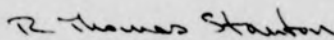
What many do not know about University Circle, however, is that since 1957 there has been an organization dedicated exclusively to ensuring the Circle's collective well being. As described in the preceding introduction, the 1950's brought the Circle to a turning point that was met boldly and determinedly by the formation of UCI. It is our privilege to work on behalf of this organization that is integral to the success of a remarkable concentration of institutions—one only needs to consider the level of achievement that is reached every day in this one square mile to understand the Circle's significance.

The core of what UCI does for the Circle is tangibly depicted on the following pages. Our services make it possible for each of our member institutions to thrive in a place that is safe, convenient, orderly, and beautiful—and to carry on with their important work for their visitors, clients, and patrons. But it is the combination of providing day-to-day services, framing longer-term strategies, and taking the collective long view that captures UCI's role. Simply put, UCI is working to make University Circle—today and tomorrow—a vibrant, active community that is known as one of the truly extraordinary urban districts in the country.

We are glad to report that the financial status of UCI is sound. UCI's unrestricted operating revenue for the year totaled \$15.3 million, which included annual fund contributions of \$472,000. In addition, UCI received \$1.4 million in endowment fund gifts. We acknowledge the foundations, business organizations, public agencies, and individuals who so generously contributed to this organization.

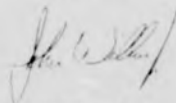
Our gratitude is also extended to UCI's Board of Trustees and our dedicated volunteers. With sad regret we note the deaths of four of our trustees, three of them noteworthy women who served us so well: Dr. Ruth R. Miller, Mrs. A. Dean Perry, and Mrs. Herman L. Vail. Frank R. Borchert, Jr., Vice President for Budget & Planning at Case Western Reserve University, will be much missed as a colleague and friend.

We are grateful for the contributions of our valued employees and acknowledge each of our member and associate member institutions for all that they bring to the quality of life in Cleveland and Northeast Ohio.



R. Thomas Stanton

*Chairman of the Board of Trustees*



John S. Wilbur, Jr.

*President and Chief Executive Officer*

*September, 1997*

*Tom Stanton (standing) and John Wilbur are pictured with the handsome park bench in front of UCI's Administrative Office on Magnolia Drive. It is one of many being placed throughout University Circle by The Circle Bench Project—an endowed beautification program started by UCI in 1996.*





## Public Safety

When the University Circle Police Department was formed in 1959, it was the only private police department in the country. The bold thinking that led to its creation was that of civic leader Mrs. William G. Mather and T. Keith Glennan, the president of Case Institute of Technology, both of whom were instrumental in creating University Circle Incorporated two

years earlier. In 1959, public safety was a primary concern among the Circle institutions and there was full agreement that a police department exclusively dedicated to University Circle would complement the efforts of the Cleveland Police Department and enhance the security efforts of each institution.

Thirty-eight years later, the UCPD's success speaks for itself—by any measure, University Circle has long been one of Cleveland's safest areas. The presence of the UCPD, along with its reputation for quick response, is a strong deterrent to criminal activity in the Circle. Minimized opportunity coupled with timely and decisive intervention in actual criminal incidents has characterized the UCPD's safety strategy since its inception.

This year, in its continued dedication to community policing, the 28-member department increased the presence of officers in the Circle's busiest area—the intersection of Mayfield Road and Euclid Avenue—by opening a mini-station in an attractive storefront on Euclid. With an ever-growing number of special events in University Circle, the UCPD has hired 4 part-time officers who are available when extra police power is needed—this federally-funded part-time program has worked very well during the past year. Congratulations are extended to two longtime members of the force, James Radca and Kenji Kurokawa, who were recently promoted to the rank of sergeant.

Now in its third year, the University Circle Mounted Courtesy Patrol has proved to be a popular addition to the Circle's security efforts. Comprised of 12 seasoned equestrians, the Patrol rides in pairs on weekends from June through October to provide friendly assistance and information to Circle visitors. Recently, two Patrol members graduated from the Cleveland Heights Police Academy and now serve as part-time UCPD officers.



**"University Circle is safe today because for nearly 40 years the institutions that comprise University Circle have been committed to making it safe. "**

—Chief Timothy J. Peppard, University Circle Police Department

# We keep this one-square mile **safe.**



University Circle is not only one of Cleveland's most beautiful areas—it is one of the safest.

Created in 1959 by University Circle Incorporated, the 28-member **University Circle Police Department** is unique in that it serves the 44 important institutions that make their home in University Circle's one-square mile.

A full-service police department, the UCPD's success is noteworthy given University Circle's concentration of institutions and activity—during an average day, 35,000 people come here to work, study, or visit.

FOR MORE INFORMATION ABOUT UNIVERSITY CIRCLE INCORPORATED, CALL 216/791-3900.



*Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle —the cultural, medical, and educational center of Northeast Ohio.*

## Parking and Transportation



University Circle is a dynamic urban neighborhood—5,000 people live within its one-square mile and every day more than 15,000 employees and 16,000 students come here to work and learn. To take in a concert, exhibit, or lecture—or to keep a medical appointment, thousands more visit daily. The 70-plus institutions located within the Circle and its adjacent rim have diverse missions and, accordingly, have different needs. But common to all of the institutions is the need for well-run functional elements, such as parking and transportation, so that they can successfully carry on with their business. University Circle Incorporated has not only been instrumental in providing these services for decades, but in constantly bringing together the Circle institutions to discuss how best to meet their ever-changing needs.

UCI maintains a fleet of 20 buses that transports more than one million passengers annually. Known fondly

**"We want our visitors to have a positive experience in University Circle even before they enter our museum. The Circlelink shuttle is a fine example of how the Circle institutions have come together to provide a visitor amenity that makes the total University Circle experience a friendly one."**

—Dr. James E. King, Director, The Cleveland Museum of Natural History

as the "greenies" for many years because of their color, the updated look of our vehicles reflects the attention we pay to their maintenance and appearance. This free shuttle service efficiently delivers employees from parking lots to workplaces, takes students to all points of the CWRU campus, and is available to casual visitors. To better serve the latter, Circlelink service was created—its friendly, easy-to-spot buses and signs make it particularly appealing to those visiting the Circle for the first time.

Most urban centers face the challenge of providing adequate parking space where it is most needed, and with its high concentration of institutions and people, University Circle is no exception. To that end, UCI and eight Circle institutions work collaboratively to provide accessible, safe, and cost-effective parking. Included in the system are 11 parking garages and 51 parking lots containing more than 10,000 parking spaces. In keeping with the level of service that the University Circle institutions warrant, our parking lot attendants are ready at a moment's notice to provide assistance to our customers—from fixing flat tires to supplying emergency gasoline.

We make museum **hopping** easy.



University Circle's one-square mile is an extraordinary cultural, medical, and educational center—complete with free **Circlelink** shuttle service provided seven days a week by University Circle Incorporated.

Whether you are here to visit the Circle's wonderful museums, take a class at one of its prominent schools, enjoy a superb performance, or keep an important appointment, in this renowned medical hub, we are here to serve you.

FOR A CIRCLELINK MAP AND SCHEDULE CALL UNIVERSITY CIRCLE INCORPORATED, 216/791-3900.



*Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.*



## Community Planning

**"University Circle is the most outstanding institutional complex in the country—it truly sets Cleveland apart from all other cities. Without a doubt, the decades of guidance and planning provided by University Circle Incorporated have made the Circle what it is today."**

*—Michael R. White, Mayor, City of Cleveland*

University Circle did not happen by chance—well-planned community development has always been critical to the success of University Circle and its institutions. While Circle institutions have individual development plans, University Circle Incorporated works for the collective whole to allow the Circle to reach its maximum potential. To this end, there have been two major planning tools for the Circle—the 1957 and the 1990 University Circle Master Plans—both were created by the Circle institutions and implemented under UCI's guidance.

The 1957 Master Plan accomplished many things, including the formation of UCI to oversee the Circle's progress. The need for a coordinated approach to physical development led to the creation of a "land bank" to allow UCI to buy available land and hold it until needed by Circle institutions for expansion or for projects that benefit the Circle community. To ensure that the Circle's high architectural standards were maintained, the Architectural Review Board was established—its nationally noted architects continue to review all proposed building plans.

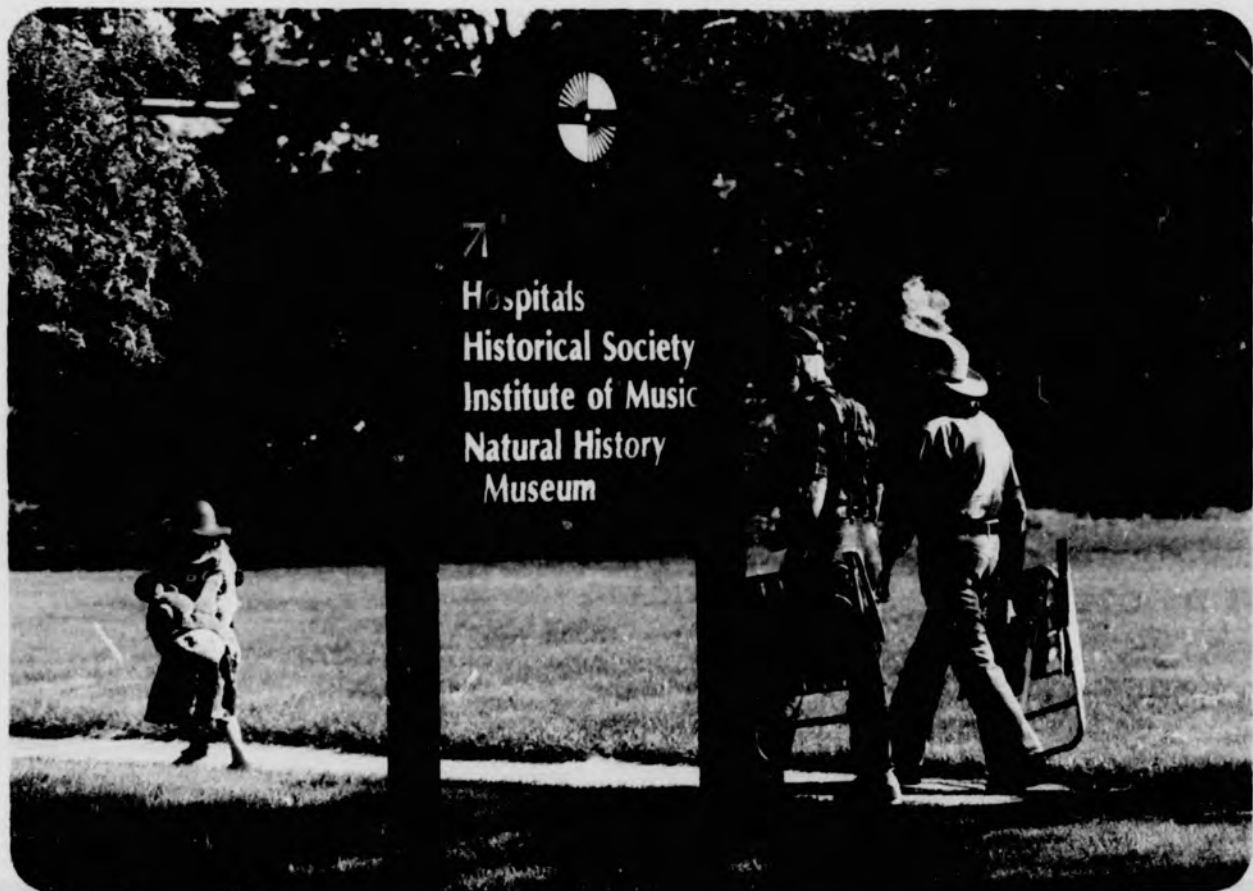
The 1990 Plan, which re-examined and updated the 1957 Plan, set forth new development guidelines to make the Circle more accessible, coherent, and beautiful. A few examples of completed and proposed projects include the comprehensive wayfind-

ing system comprised of 100 handsome signs and the multi-headed lanterns lighting the Fine Arts Garden. With the goal of redesigning Euclid Avenue as the Circle's "main street," a task force made up of institutional representatives is reviewing proposed plans. Although still in the planning stages, the building of an apartment complex at the corner of Euclid Avenue and Ford Drive remains a priority. Add to these the extraordinary level of investment our institutions have made in keeping with the Master Plan's goals—since 1990 new building projects have exceeded \$350 million.

One of the most important components of our planning efforts is maintaining strong partnerships with the neighborhoods adjacent to University Circle and working together to improve their respective residential and commercial areas. Currently, UCI is focusing on the refurbishment of East 105th Street at the Circle's northern edge. The well-being of University Circle and that of its surrounding neighborhoods are inextricably linked; we are dedicated to planning that is mutually beneficial.



# We take care of this special place.



University Circle did not happen by chance. Well-planned **community development** has always been essential to the Circle—and University Circle Incorporated provides the vision and services necessary to maintain the quality environment so important to this very special place.

Our wayfinding system is comprised of 100 handsome signs that efficiently guide you to your Circle destination.

It is but one example of the coordinated approach taken by University Circle Incorporated and its 44 member institutions to make University Circle a better place for our visitors.

FOR A BROCHURE ABOUT OUR COMMUNITY DEVELOPMENT PROGRAM, CALL UNIVERSITY CIRCLE INCORPORATED, 216/791-3900.



*Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.*

## Community Outreach

In 1970, University Circle Incorporated was reorganized so that it could take a more active role in serving the neighborhoods around the Circle both in terms of physical development and in the programs it offered. One goal was to bring the area children more closely together with the Circle's cultural institutions; to that end, UCI's Community Education Department was established in 1973.

Each year, this effort reaches 35,000 Cleveland students through many worthwhile programs. The

most comprehensive is the Field Trip Program that serves students from 26 Cleveland schools and arranges field trips with 16 of the Circle's cultural institutions. The field trips are designed to be relevant to current lesson plans to maximize each student's experience. In addition to providing the admission fees, UCI provides transportation on our "Enrichment Express" buses. (When UCI buses are not in use for school programs, they shuttle senior adults who live in the

University Circle area to many Circle museums and events.)

Other offerings include the Artist in Education Program that arranges in-school residencies for artists who lend their expertise in dance, drama, visual arts, and creative writing—this year museum visits will add a valuable dimension. For a select group of outstanding high school students, the Summer Scholar Program provides a five-week internship at one of 15 University Circle institutions.

For the first time, a program is being offered that addresses the learning needs of preschool children. Modeled after a Smithsonian Institution program, the Early Learning Initiative is an exciting effort that brings together seven Circle institutions and five area preschools under the direction of UCI's Museum Education Specialist, Diane V. Hansson. This important collaboration features a curriculum that takes full advantage of the wonderful museum collections and performances offered by the participating institutions.

**"The lives of more than two million Cleveland schoolchildren have been enriched by visits to University Circle's museums, theaters, concert halls, and gardens—and University Circle Incorporated has made this possible. We look forward to working together to serve many more."**



—Ms. Elizabeth O'Ward, Principal, Harvey Rice Elementary School

**We** *University Circle doors* **that never close.**



**UNIVERSITY CIRCLE INCORPORATED**

**COMMUNITY EDUCATION PROGRAM**

University Circle's concert halls, theaters, museum galleries, and gardens are living classrooms—  
and the bringing together of these profound educational resources with the schoolchildren of our community is one  
of the many services provided by University Circle Incorporated.

Since its creation in 1973, our **Community Education Program** has happily served more than two million students.

Together with our important institutions, University Circle Incorporated encourages children to enjoy  
a lifetime of learning in University Circle.

FOR MORE INFORMATION ABOUT OUR COMMUNITY EDUCATION PROGRAM, CALL UNIVERSITY CIRCLE INCORPORATED, 216/791-3900.



**UNIVERSITY  
CIRCLE**  
(INCORPORATED 1973)

*Established in 1957, University Circle Incorporated is the non-profit  
service organization dedicated to ensuring the excellence of University Circle  
—the cultural, medical, and educational center of Northeast Ohio.*

## Tourism and Promotion



**"Cleveland is enjoying remarkable tourism growth which has contributed significantly to the state's economy and has helped propel Ohio to its rank of sixth in the nation in the number of leisure visitors. An outstanding attraction, University Circle is vital to our national standing as a destination."**

—George Zimmerman, State Tourism Director, Ohio Division of Travel & Tourism

University Circle has been a prime visitor destination for more than 75 years. Both local visitors and out-of-towners alike are drawn to what is perhaps the most impressive cultural center that has ever been built—today, it attracts more than 2 million visitors annually. With nine museums, outstanding performing arts organizations, and beautiful gardens, there is constant activity—the rich architectural heritage and beauty of the setting are a bonus. Add to that great local restaurants and the ease of getting around on the free Circlelink shuttle; the result is a perfect destination that satisfies a wide range of interests from symphony-goers to families seeking a full day of fun.

Tourism is one of the fastest growing industries in the world—U.S. tourism generates \$422 billion annually. Cleveland is happily seeing an increase in its tourism market and University Circle is a full partner in the efforts of both the Convention & Visitors Bureau of Greater Cleveland and the Ohio Division of Travel & Tourism.

To garner a greater share of the group tour segment of the market and to better position the Circle as a fascinating destination, five of the Circle's largest attractions—The Cleveland Museum of Natural History, The Cleveland Play House, The Cleveland Museum of Art, The Cleveland Orchestra, and The Western Reserve Historical Society—have come together under the direction of University Circle Incorporated to hire Nancy Feighan, the Circle's first Tourism Manager. With a focus on group tours, she is packaging and selling the Circle to groups from many states, as well as Canada.

In addition to tourism, UCI works in other ways to promote University Circle. Now in its second year, the *University Circle Calendar of Events* remains in high demand and more than 500,000 *Visitor Guides* are distributed annually. We handle inquiries from all over the world—not only about the Circle as a cultural mecca, but as a medical and educational center as well.

To showcase this extraordinary place and to encourage people to visit, two annual community events are hosted in the Circle. Coordinated by UCI, the summer's "Parade The Circle Celebration" and December's "Holiday CircleFest" have become beloved traditions and are enjoyed by thousands.

# We make our tourists



University Circle Incorporated welcomes tourists from near and far to the most remarkable cultural center in the world. **University Circle** is not only a fascinating destination, it is one of the most beautiful. With nine museums, outstanding performing arts, and wonderful gardens—all in one-square mile—it offers the perfect combination of culture and fun.

University Circle Incorporated strives to make the Circle visitor-friendly for all of our guests.

Our Tourism Manager works exclusively with motorcoach tours  
(the Circle is bus-friendly, too) to bring ever more visitors to this not-to-be-missed place.

FOR A FREE VISITORS MAP & GUIDE, CALL UNIVERSITY CIRCLE INCORPORATED 216/791-3900.



*Established in 1957, University Circle Incorporated is the non-profit service organization dedicated to ensuring the excellence of University Circle—the cultural, medical, and educational center of Northeast Ohio.*





**A multifaceted organization, UCF's many areas of responsibility are:**

- Planning and facilitating physical development in the Circle;
- Buying and assembling properties to make them available for projects that benefit the Circle community;
- Maintaining public safety through the University Circle Police Department;
  - Managing many of the Circle's parking areas;
  - Working with adjacent neighborhoods toward mutual goals and benefits;
  - Providing a Circle-wide transportation system;
- Introducing Cleveland's schoolchildren to the resources of Circle institutions through educational programs;
  - Enhancing the area's natural beauty; and
- Promoting University Circle as one of Cleveland's and Northeast Ohio's prime tourist destinations and most important assets.



**We extend our sincere appreciation to our supporters.**

## Annual Fund

*University Circle Incorporated's Annual Fund is the lifeline that sustains our Community Development, Community Education, and Communications programs. We are grateful to all who contributed to UCI's 1997 Annual Fund:*

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 Anonymous  
 Anonymous  
 Anonymous  
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## **The Circle Bench Project**

*In appreciation to the following contributors who have purchased park benches in the initial phase of The Circle Bench Project:*

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### **In Memory of Kenneth J. Pinkerton, 3 benches**

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The 1525 Foundation  
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## **Restricted**

*In appreciation to the following contributors for:*

### **Supporting UCI's land banking efforts**

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The George W. Codrington Foundation  
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Elisabeth Severance Prentiss Foundation  
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University Hospitals of Cleveland  
Village Capital Corporation

### **Investing \$100,000 and above in vital initiatives**

The 1525 Foundation  
The Abington Foundation  
The Cleveland Foundation  
The George Gund Foundation  
KeyCorp  
Mr. and Mrs. G. Robert Klein  
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Elizabeth Ring Mather and  
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John P. Murphy Foundation  
The Reinberger Foundation

### **Funding UCI's 10th Annual Summer Scholar Program**

The Martha Holden Jennings Foundation  
David & Inez Myers Foundation  
The Nondson Corporation Foundation

### **Upgrading the University Circle Police Department's Communications System**

The Lubrizol Foundation

### **Designating contributions to other restricted funds**

Claude M. Blair  
The Cleveland Foundation  
John P. Murphy Foundation  
Elizabeth Ring Mather  
and William Gwinn Mather Fund  
Mrs. Kent H. Smith

### **Supporting a planning study for improvements to East 105th Street**

Bank One, Cleveland NA  
The Huntington National Bank

*In appreciation for contributions to  
University Circle's two community  
events, Parade the Circle Celebration  
and Holiday CircleFest:*

### **Major sponsorship support**

Aetna Health Plans  
Cleveland Coca-Cola Bottling Company, Inc.  
The George Gund Foundation  
Metropolitan Savings Bank

### **Generous assistance**

American Greetings Corporation  
B & M Distributors  
Best Sand Corporation  
City Blue  
Cleveland Parent  
Fabri-Centers of America, Inc.  
Free Times  
Hillside Dairy Co., Inc.  
Ohio Arts Council  
WDOK-FM  
WKSU-FM  
WUAB-TV43

\* Deceased

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# Statements of Financial Position

University Circle Incorporated

June 30

1997

1996

## Assets

Cash	\$ 59,692	\$ 6,073
Accounts receivable	986,927	837,232
Interest receivable	37,907	46,586
Prepaid expenses	56,010	59,290
Contributions receivable	758,860	610,693
Other assets	76,202	76,202
Office equipment, net	53,725	68,583
Notes receivable	223,891	231,719
Unrestricted investments	7,108,773	5,637,688
Restricted investments	8,475,037	6,644,375
Prepaid lease	555,558	578,626
Land	5,127,067	5,127,067
Buildings, net	3,805,100	4,067,328
Total Assets	<u>\$27,324,749</u>	<u>\$23,991,462</u>

## Liabilities and Net Assets

### Liabilities

Accounts payable	\$ 1,048,226	\$ 895,033
Prepaid revenue	10,043	21,710
Other liabilities	276,810	262,967
Long-term debt	376,006	466,054
Total liabilities	<u>1,711,085</u>	<u>1,645,764</u>

### Net Assets

Unrestricted	15,674,580	14,356,286
Temporarily restricted	752,941	714,781
Permanently restricted	<u>9,186,143</u>	<u>7,274,631</u>
Total net assets	<u>25,613,664</u>	<u>22,345,698</u>
Total liabilities and net asset	<u>\$27,324,749</u>	<u>\$23,991,462</u>

Audited Financial Statements are available upon request.

# Statements of Activities

University Circle Incorporated

For the Year Ended June 30

1997

1996

## Changes in Unrestricted Net Assets

### Revenue

Program and operating income	\$11,926,561	\$11,646,305
Unrestricted contributions	471,573	615,659
Parking return	396,415	359,710
Investment income	853,292	608,650
Unrealized gain from investments	609,401	277,832
Mayfield triangle rent	31,230	31,230
Other income	242,599	273,625
Total unrestricted revenue	<u>14,531,071</u>	<u>13,813,011</u>

### Net Assets Released from Restrictions

Satisfaction of program restrictions	702,737	793,323
Expiration of time restrictions	50,000	65,000
Total net assets released from restrictions	<u>752,737</u>	<u>858,323</u>
Total unrestricted revenue and net assets released from restrictions	15,283,808	14,671,334

### Expenses

Program and operating expenses	12,982,656	12,813,407
General and administrative	750,318	790,089
Fund raising	157,424	153,301
Transfer to permanently restricted programs	75,000	166,000
Other expenses	116	34
Total expenses	<u>13,965,514</u>	<u>13,922,831</u>
	1,318,294	748,503

## Changes in Temporarily Restricted Net Assets

Temporarily restricted contributions	753,446	976,579
Investment income	10,021	13,670
Other income	27,430	39,163
Net assets released from restrictions	<u>(752,737)</u>	<u>(858,323)</u>
Increase in temporarily restricted net assets	38,160	171,089

## Changes in Permanently Restricted Net Assets

Permanently restricted contributions	1,452,090	392,071
Net investment income	467,448	86,747
Unrealized (loss) gain from investments	(83,026)	269,178
Transfer from unrestricted programs	75,000	166,000
	<u>1,911,512</u>	<u>913,996</u>

Total increase in net assets	3,267,966	1,833,588
Net assets at the beginning of the year	<u>22,345,698</u>	<u>20,512,110</u>
Net assets at the end of the year	<u>\$25,613,664</u>	<u>\$22,345,698</u>

STB

FD-33388

2-2-98

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ID-BUSINESS



January 30, 1998

ENVIRONMENTAL  
DOCUMENT



Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Attn: Elaine K. Kaiser,  
Environmental Project Director

Dear Ms. Kaiser:

Last Wednesday a group of University Circle executives met to review the proposed routing of CSX and Norfolk Southern freight traffic through University Circle in Cleveland, Ohio. As was clear from our numerous questions, many of us have significant concerns, particularly from a safety perspective.

As detailed, the possibility that up to 81,000 freight cars containing hazardous cargo would be transiting through University Circle annually. While the accident statistics that were presented are somewhat reassuring, it was expressed quite clearly that the possibility of serious accident cannot be eliminated. I would like to most strongly encourage you to convey to the Surface Transportation Board the unique nature of the University Circle area. It certainly has the largest concentration of hospitals, nursing and elderly care facilities and other institutions, such as our own Cleveland Hearing & Speech Center, which work with very special populations. How could a hazardous cargo accident be contained should it occur within the confines of densely populated University Circle?

This organization, Cleveland Hearing & Speech Center, must express its particular concerns regarding the significant increases in noise which such volumes of rail traffic would create. On a daily basis our agency serves persons with significant hearing loss resulting from long term exposure to noise. We also see the psychological consequences to persons who suffer from noise exposure. Why are the noise abatement considerations which always are applied to airports not relevant to this instance? Should there not be similar noise abatement regulations which apply to the railroad industry?

11206 Euclid Avenue

Cleveland, Ohio

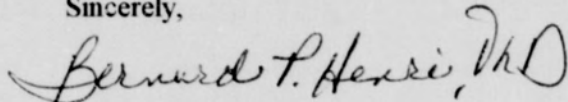
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Of an even more significant nature is our concern that the proposed rail traffic is being routed through low income neighborhoods. Are there not alternative routes that could be used?

While I understand the need for railroad transportation, particularly in a booming economy, I am hoping that the questions raised in this letter can be constructively addressed and reviewed.

Sincerely,

A handwritten signature in cursive script that reads "Bernard P. Henri, Ph.D." The signature is fluid and elegant, with the initials "Ph.D." written in a slightly larger, more formal hand at the end.

Bernard P. Henri, Ph.D.  
Executive Director

STB

FD-33388

2-2-98

K

ID-PUBLIC



Arnold Dahm  
Church of the Covenant  
11205 Euclid Ave.  
Cleveland, OH 44106

January 29, 1998

Office of the Secretary  
Case Control Unit  
Finance docket No. 33388  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

Dear Sirs,

The Church of the Covenant is located in University Circle, Cleveland, Ohio. The CSX and NS railroads have proposed a change in rail traffic through the City of Cleveland which would dramatically increase rail traffic through the heavily congested University Circle area. We oppose this plan and urge the Surface Transportation Board to adopt an alternate plan proposed by Cleveland mayor, Michael White.

Our church has a large number of elderly members who live in the Judson retirement and nursing communities in close proximity to the rail line. We also serve students at Case Western Reserve University located next to the rail lines. We feel that these populations of our members, particularly the elderly and infirm, are endangered by the proposed heavy traffic, 81,000 cars/year, of Hazardous Materials. It would be difficult to rapidly evacuate these members in the event of an accident accompanied by a spill of hazardous materials.

Our church is a leading advocate for the poor, and powerless and for minorities in Cleveland. We have by intention a racially diverse congregation. We object to the proposed plan of the CSX and NS railroads which will place the burden of an increase in noise, pollution, and danger of hazardous spills on the minority and low income population through which this increased rail traffic will pass.

Sincerely yours,

Arnold J. Dahm, President  
Church of the Covenant

ENVIRONMENTAL  
DOCUMENT

Attn: Elaine K. Kaiser  
Environmental Project Director  
Environmental Filing



## CASE WESTERN RESERVE UNIVERSITY

January 30, 1998

The Honorable Michael R. White  
Mayor, City of Cleveland  
601 Lakeside Avenue  
Cleveland, Ohio 44114

Dear Mayor White:

Thank you for bringing to our attention the proposal by CSX and Norfolk Southern to increase significantly the number of trains being routed through University Circle. These tracks run directly through our campus, where we accommodate 10,000 students and nearly 5,000 faculty and staff members. In discussion with University Circle, Inc., and our institutional neighbors here in the Circle, it is apparent that the proposed increase in train traffic raises important issues that need to be examined before the project can proceed.

At best, the increased noise generated by additional traffic would be a nuisance. Perhaps more troublesome is the effect of the increased vibration that would be produced. These are matters we will need to examine carefully.

Most disturbing, however, is the prospect that emissions from train engines would be quadrupled in an area which previous studies (not conducted by CWRU) have shown to be one in which air currents do not rapidly disperse. Thus, particulates and other emissions from increased train traffic might be expected to concentrate in the University Circle area, a situation that has implications for public health. We have not had an opportunity to study this matter adequately yet, but I suspect it is an issue that will be of interest to the larger community as well.

My heartfelt request is that the Surface Transportation Board expect that the railroads engage the community in a thorough discussion of these and other concerns that have been raised about their proposal, including a review of the environmental consequences of the change. We support your effort to secure such a commitment, and we will cooperate with your office in doing so.

Sincerely,

Agnar Pytte  
President

Office of the President

MAILING ADDRESS  
Case Western Reserve University  
10900 Euclid Avenue  
Cleveland, Ohio 44106-7001

VISITORS AND DELIVERIES  
216 Adelbert Hall  
2040 Adelbert Road

Phone 216-368-4344  
Fax 216-368-5861



ASSOCIATED  
ESTATES  
MANAGEMENT  
COMPANY

January 30, 1998

Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, N.W.  
Washington D.C. 20423-0001

Dear Ms. Kaiser,

I am writing to you regarding grave concerns I have related to the proposed radically increased routing of train traffic through University Circle by CSX and Norfolk Southern.

I manage over 625 suites and 70,000 square feet of office and retail establishments some directly adjacent to and others in close proximity to the Mayfield Road elevated tracks.

Over 400 of my residents live in low income HUD subsidized properties for the elderly and handicapped and low income families. Abington Arms, a HUD Building for low income elderly and handicapped, is located less than 500 feet from the elevated tracks.

I do not believe that the data provided by CSX and NS sufficiently relates the negative impact of increased traffic of approximately 20 some trains a day to 80 plus trains a day. While the added noise alone for elevated tracks is of concern, my greater concern is the heavy increase of pollutants that not only significantly impact air quality, but may in fact be introducing carcinogenic and other pollutants with wide reaching medical repercussions.

With the increased transportation of toxic waste, comes the increased potential for the devastating effect of a major spill which would occur in this densely populated area.

5025 Sweetland Court

Richmond Hts., Ohio 44142

Phone 216-261-5000

Fax 216-289-9600

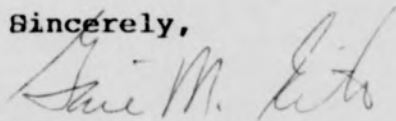


You may not be aware of the unique nature of University Circle. Directly adjacent to the rail line is the historic community of Little Italy and nationally renowned hospitals and university. The Circle is home to many cultural institutions including, the world renowned Cleveland Museum of Art and the Cleveland Orchestra. The Circle is also the home of an additional 1200 HUD subsidized suites for the elderly, as well as many conventional apartments and businesses. Studies show that upwards of 30,000 people populate the Circle on any given day.

On behalf of myself, my residents and neighbors, I urge you to demand from the train companies more inclusive information on the adverse affects. I further urge you to support the alternate plans proposed by Mayor Michael R. White, which takes the additional traffic through the industrial corridors with minimal impact upon the residential neighborhoods.

I believe an open meeting with yourself and the residents and institutions of University Circle will enable you to make a more informed decision that would best benefit the community as a whole.

Sincerely,



Gail M. Eovito  
Senior Property Manager

ATTN: Elain K. Kaiser,  
Enviromental Project Director  
Enviromental Filing

STB

FD-33388

2-2-98

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ID-PUBLIC



11501 Mayfield Road • Cleveland, Ohio 44106  
(216) 791-5025 • Fax: (216) 791-0370



Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K. Street, N.W.  
Washington D.C. 20423-0001

## ENVIRONMENTAL DOCUMENT

January 29, 1998

Attn: Elaine K. Kaiser, Environmental Project Director

Located in University Circle, Abington Arms is an HUD assisted high rise apartment building for low-income elderly and mobility disabled residents. Abington was built in this cultural area to offer its residents a quality living environment. We have a total of 152 units with 157 tenants with approximately 66 in the disabled category.

Abington Arms is located approximately 475 feet from the bridge, with elevated railroad tracks, in Little Italy, an Historic District. Of great concern to us is the new CSX merger. Their proposed route will increase freight rail traffic through our area from 20 trains/day to approximately 81 trains/day and as the economy improves, volume would also increase. The negative impact on our residents, in terms of health and well-being is enormous; ie, a triple increase of noise levels which cannot be ameliorated because the tracks are elevated; dangerously increased levels of pollutants and carcinogenic materials in the immediate environment; and the increased probability of accidents involving railroad transported hazardous materials.

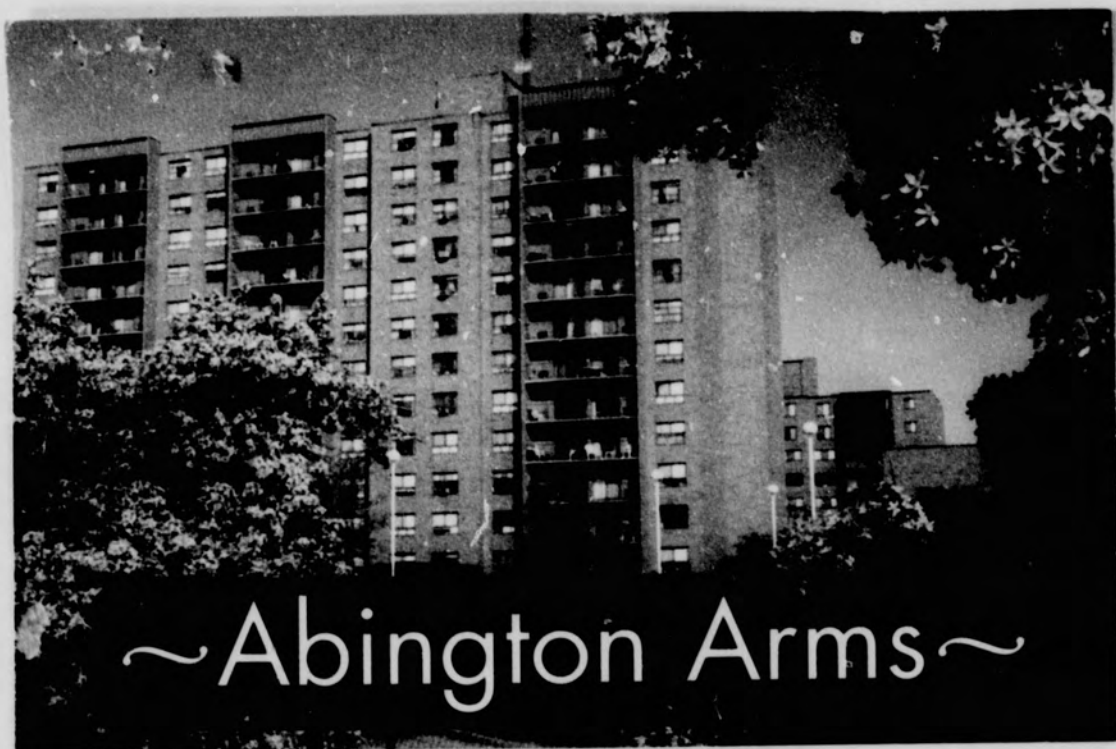
Abington Arms is only one of many HUD assisted senior apartment buildings located in the University Circle area comprised of approximately 1200 units, with approximately 1210 elderly, of which 225 could be identified as disabled. A daytime railroad accident, involving an hazardous spill, necessitating evacuation of these numbers of people plus all of the other approximately 30,000 people who work in the University Circle area daily would be a disaster of immeasurable proportions.

Please consider the alternate routes proposed by our City of Cleveland Mayor White.

Most sincerely yours,

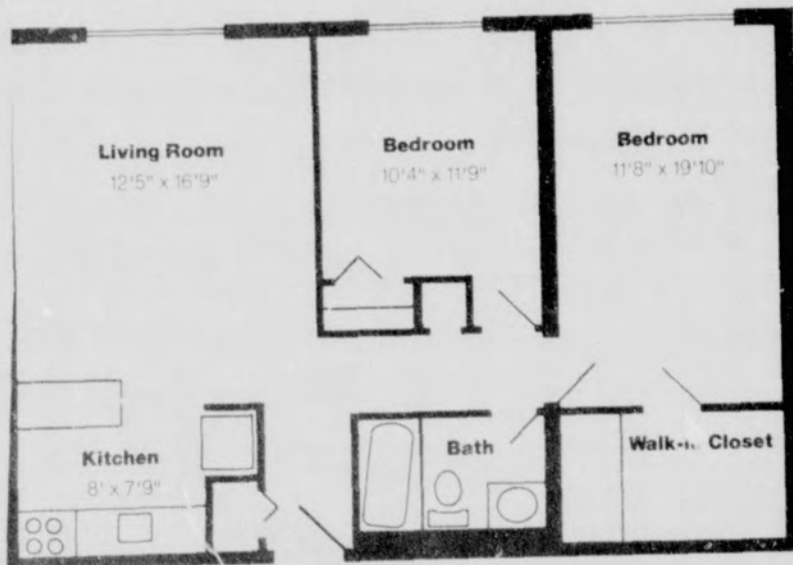
ABINGTON ARMS

Elizabeth B. Heil,  
Administrator









**TYPICAL 2-BEDROOM SUITE**

# Independent, Active Living For Seniors



## ABINGTON ARMS

**1 & 2 BEDROOMS**

**11501 Mayfield Road  
Cleveland, Ohio 44106**

**Abington Arms** features the perfect mix of comfort, care and convenience in the historic Murray Hill area. We understand the special needs of seniors, and we provide for them in a friendly environment that offers the service, quality and value those who have reached retirement age deserve and expect. Designed with a variety of features and amenities, Abington Arms offers attractive, comfortable suites, gracious community areas and personalized services that cater to active seniors seeking an independent retirement lifestyle. Make it your new home today.



ASSOCIATED  
ESTATES REALTY  
CORPORATION

**(216) 791-5025**



# ABINGTON ARMS

11501 Mayfield Rd.  
Cleveland, Ohio 44106

**(216) 791-5025**

*A Quality Associated Estates  
Community for Independent  
Seniors Offering:*

## APARTMENT FEATURES

- 1 and 2 Bedrooms
- Special Wheelchair Adapted Suites
- Heat, Water & Electric Included
- Kitchen with Breakfast Bar
- Refrigerator & Electric Range
- Fully Carpeted Suites
- Abundant Closet Space
- Handicap Accessible Entry-Ways
- Individually Controlled Heat
- Mini-Blinds In Bedrooms
- Smoke Detectors & Automatic Sprinklers
- Four Laundry Centers in Building
- Intercom Entry System
- Cable TV Available

## RECREATION

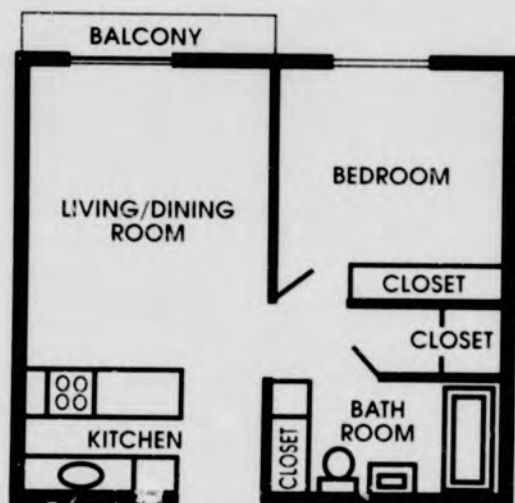
- Picnic Area with Grill
- Library, Chapel, Music Room and Art Room
- Big Screen TV In Community Room
- Social Activity Programs
- Art Therapy Program

## DINING

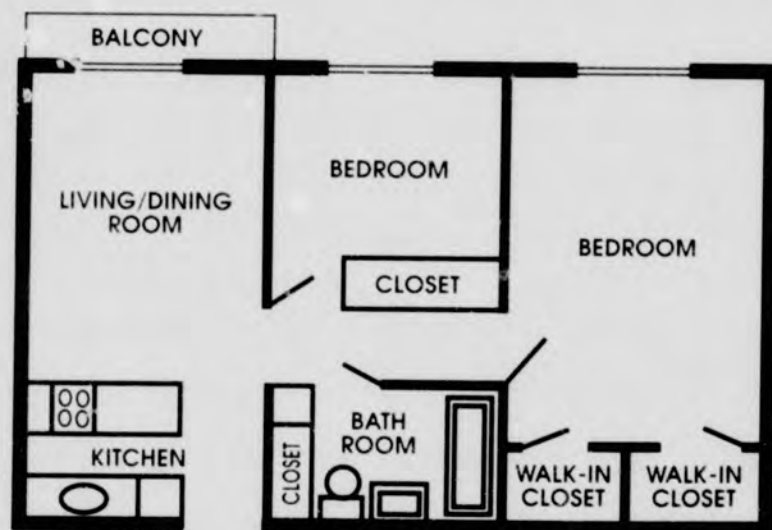
- Community Room with Kitchen  
(Home Cooked Breakfast 5 Days-a-Week)

## CONVENIENCE

- RTA at Your Door
- Door-to-Door CRT Senior Transportation Service
- Walk to Shopping & Dining
- Visiting Podiatrists Twice Monthly
- Services Coordinator
- Easy Access to Major Highways, Medical Facilities, Senior & Community Center



**1-BEDROOM SUITE**



**2-BEDROOM SUITE**

Professionally Managed By Associated Estates Management Company

*\*Artist renderings only; actual dimensions & features may vary slightly*



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FD-33388

2-2-98

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ID-CITIES



Founded 1875

# Village of LaGrange

355 South Center Street  
LaGrange, Ohio 44050

January 29, 1998

Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001



Dear Ms. Kaiser,

I would like to voice several concerns on the proposed Conrail Acquisition. Rail traffic will increase in our small municipality from 14 to 54 trains per day. We object to that great an increase.

Our Fire Department and Rescue Squad is manned by volunteers. Our Village has a full-time Police Force. The increased rail traffic and increased length of trains will isolate one side of our Village/Township from their emergency vehicles and/or emergency personnel. This can become a life threatening situation if needed personnel or equipment cannot get to a disturbance, an accident or fire scene in a timely manner. I would like to remind you that minutes, if not seconds, can mean life or death in many situations. For safety reasons we must state that we disapprove of the increased traffic.

On the same note, we believe there is a need for flashing lights at our Township Railroad Crossings. These crossings are dangerous now. If the increased rail traffic is allowed, they will become deadly.

We also must insist that if this plan is permitted to go forward, that a written Emergency Response Plan for Rail Personnel and Local Service Providers be implemented with joint training provided and funded by the railroad on an annual basis.

We need to have our concerns addressed. We do not feel that the time period for voicing our concerns is long enough for us to review all the issues which would affect our community; therefore, with due respect we request an extended hearing time period so that we and our citizens may respond to the railroad's request for this expansion.

It is hoped that you will take our concerns under advisement.

Respectfully,

*Donna R. Stewart*

Donna R. Stewart  
Mayor, Village of LaGrange

ENVIRONMENTAL  
DOCUMENT



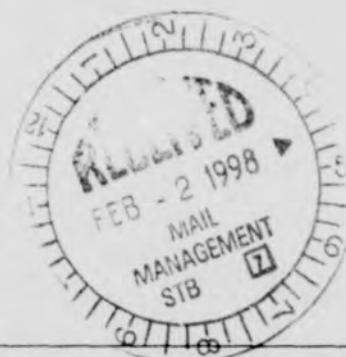
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ID-CITIES



**Timothy J. Peppard**  
Chief of Police

January 30, 1998

Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K. Street, N.W.  
Washington, D.C. 20423-0001

## ENVIRONMENTAL DOCUMENT

Ladies or Gentlemen:

CSX and Norfolk Southern Railroads have filed a joint application with the Surface Transportation Board to acquire the Conrail Railroad, and subsequently divide Conrail's assets. I have been advised that this joint venture will result in a threefold increase in freight train traffic thru University Circle to include 44,000 carloads of hazardous waste.

University Circle is the cultural, medical, and educational center of Cleveland and Northeast Ohio. It is the home of internationally renowned museums, illustrious performing arts organizations, an eminent university and college, noted music and art schools, prominent hospitals and clinics, important health and human service agencies and many religious institutions.

Maintaining public safety in University Circle is the responsibility of the University Circle Police Department (UCPD). A key ingredient of the UCPD mission is to provide a safe environment that allows the valuable institutions located in the Circle to thrive. I would be remiss in my responsibility to this mission if I failed to express my concern for the affect the proposed rail plan may have on the safety and quality of life in University Circle. This community has yet to be engaged in dialogue by the parties to the proposed acquisition. This lack of inclusion is both inappropriate and unacceptable. University Circle is far too important to the life and vitality of greater Cleveland to be excluded from a decision that will have affect thru the next millennium. I request you consider University Circle as this process proceeds.

Sincerely,

Timothy J. Peppard  
Chief of Police

STB

FD-33388

2-2-98

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ID-CITIES

**ENVIRONMENTAL  
DOCUMENT**



**POSITION ON NORFOLK SOUTHERN/CSX ACQUISITION**

**FINANCE DOCKET 33388**

**CITY OF OLMSTED FALLS, OHIO**

January 21, 1998

Office of the Secretary  
Case Control Unit  
STB Finance Docket 33388  
Surface Transportation Board  
1925 K Street NW  
Washington, D.C. 20423-0001  
Attn. Elaine K Kaiser  
Environmental Project Director

**ENVIRONMENTAL FILING**

# City of Olmsted Falls

## INDEX

Position Statement on Norfolk Southern/CSX Acquisition  
Finance Docket 33388  
City of Olmsted Falls, Ohio

- Exhibit 1: Map of Existing Conditions(Freight Only)  
City of Olmsted Falls inset
- Exhibit 2: Map of Proposed Alternate Route (Freight only)  
City of Olmsted Falls inset
- Exhibit 3: Tracks Segments with grade crossings in Olmsted  
Falls
- Exhibit 4: STB Figure 3-1: Common Sound levels
- Exhibit 5: STB Page F-12: Impact Area of Horn Systems
- Exhibit 6: Olmsted Falls Grade Crossings in Neighborhoods
- Exhibit 6B: Ohio Revised Code on Warning Signs and Signals
- Exhibit 7: Letter from Fire Chief re: proposed train increase
- Exhibit 8: School bus crossing data
- Exhibit 9: Olmsted Falls Historic District Legislation and Map
- Exhibit 10: Olmsted Falls Legislation: Obstruction of Streets  
by Railroad Companies
- Exhibit 11: Cases handled by Mayor's Court for railway  
obstructions in Olmsted Falls



Position on Norfolk Southern/CSX Acquisition  
Finance Docket 33388  
City of Olmsted Falls, Ohio

The City of Olmsted Falls, Ohio is firmly opposed to the proposed acquisition of ConRail trackage by Norfolk Southern and CSX because of the impact that increased rail traffic will have on our town unless certain mitigations are introduced.

We protest any attempt to vacate usage of the current Norfolk Southern (former Nickel Plate) Tracks known as segment N-80 on the Cleveland-Vermilion Run and divert traffic to segment N293 also known as the Cleveland to Vermillion Run or to Segment C-061 known as the Berea to Greenwich Run..

We also challenge the accuracy of traffic figures projected on line segments N293 and C-061 (Exhibit 1 and 2) because they do not indicate total traffic, lacking information regarding special trains, passenger trains, short engine hauls and work trains, all of which impact the total time crossings are blocked. Maria Ward of the PR staff on the ConRail Dearborn Division indicates that actual traffic on Segment N293 averages 93 trains per day. This is confirmed by the Berea Tower (see map Exhibit 1 and 2) which handles between 90 and 105 trains per day. The Berea Tower notes 16 actual trains per day on Segment C-061. We would request that STB-SEA confirm the accurate daily count from ConRail Dearborn Division for the Erie to Chicago run and the ConRail Indianapolis Division for the Berea to St. Louis run. Our experience shows actual trains on segments noted above to be much higher as indicated.

The reason we challenge the figures is the direct effect those numbers have on blocked crossings per day for emergency runs, school bus transportation and general traffic. As noted on the enclosed map, Exhibit 3, the City of Olmsted Falls is situated in an area where both line segments bisect the town and corresponding traffic on heavily traveled St. Rt. 252, Columbia Road.. The average daily traffic count for the portion of Columbia Road crossing line Segment C-061 at crossing FRA ID 524367U is based on Cuyahoga County (Ohio) Engineer Traffic Study of July 20, 1993 and is determined to be in excess

of 9500 ADT. The average daily traffic count for the portion of Columbia crossing Segment N293 is determined by the same source to be in excess of 11,500 ADT. The need for an up-to-date traffic count is necessary as traffic has increased due to more homes in the area and traffic from southern Lorain and Medina Counties using SR 252 to gain access to Interstate Rts. 480 and 90 to our north.

Using the statistics for blocked crossing time in Table C-5 it is calculated that Columbia Road on Segment C-061 will be blocked 2.8 hours per day when trains are traveling at 30 miles an hour. This creates an untenable situation for our safety forces in emergency response whether to fires, medical squad runs, or general police emergencies. The only potential solution to this problem (created also for the City of Berea to the East) is that both Cities would respond to any fire or medical call in a proscribed area, at the same time, thus creating a heavy economic burden on the City's treasury in both communities. It seems this situation requires the mitigation measure outlined in Section 3.7.3 on page 3-19 of the Draft EIS. Specific communications between the railroads and emergency dispatch center would almost certainly be required. That situation could be resolved also by a separated grade crossing to eliminate Acquisition-related impacts on the crossing. The City of Olmsted Falls cannot fund a second fire facility nor the staff to maintain it in the area of town which would be blocked by traffic on Segment C061. (Exhibit 7.)

On Line Segment C-061 the Ldn would need to be calculated for the housing developments immediately before the FRA ID 524367U and 524368B because there is less than 80 rods or 1320 feet separating these segments and the Ohio Revised Code requires trains whistles to be sounded three times when approaching grade crossings. Compounded with the ambient wayside noise outlined on page OH-74 unless some measure mitigates the noise at said crossings the noise would exceed 70 Ldn which is unacceptable for residential areas. (See Figure 3.1 in Exhibit 4.)

We would request consideration for Grade Mounted Horn systems outlined on Page F-12 of the EIS on crossings FRA ID 524364Y, FRA ID 524367U and FRA ID 524368B on Segment C-061. The State of Ohio Revised Code (Sections 4955.32 and 4999.04 Exhibit 6B) contains directions for warning at grade crossings. It gives individual communities the right to introduce regulations of such warnings with the municipal corporation limits. (See Figure F-13 in Exhibit 5 and 6.)

Similarly we would request Grade Mounted Horn systems outlined on page F-12 on four at-grade crossings on Segment N293 which already are in a 65-70 Ldn because of location under the approach to Cleveland Hopkins International Airport which has announced plans to extend the major SW runway from 8999 feet to 12,500 ft. putting nearly half the town under the 70-75Ldn in that area. (See Figure F-13, Exhibit 5 and 6.)

Both segments, N293 and C061, bearing increased traffic would increase delay in general traffic but more specifically in Public School busses trying to deliver children to two elementary schools, one parochial school, one middle school and one high school on time. The delay in educational attendance must be addressed. These buildings are outlined on the enclosed map. Also included are logs from the Olmsted Falls School Transportation Bus Garage noting problems with trains. State law requires busses not to cross tracks when signals are engaged. Our school busses run nine shifts per day beginning at 6:40 a.m. and concluding at 5:05 p.m., not including special routes such as athletic events and field trips. Furthermore, the Cities of Lakewood and Fairview Park (to our north) house their school transportation stock at the Olmsted Falls School Bus Garage and blocked crossing lead to delays in these two systems also. (Exhibit 8)

Segment N293 traverses the Olmsted Falls Historic District which has two buildings on the National Register of Historic Places within 500 feet of that line segment. We are sure you must do a Section 106 Review as outlined in the National Historic Preservation Act of 1966 referred to on page G-2 of your EIS. Mitigation measures might also include the Grade Mounted Horn System outlined on Page F-12. (Exhibit 9 Historic District)

One of our recurring problems with Segment N293 is trains that stop and block railway crossings or trains that slow below 30mph because of approaching crossover of segments C061 and N293 in the City of Berea, Ohio to our east. As trains approach the next signalization to the East of Lewis Road which curves to the northeast because of limited sight distance. Trains have slowed to below 30 mph as they head East causing four blocked crossings. We understand there

will be, but find no reference to, the elimination of this crossover at the Berea. Because trains heading East cannot have clear sight distance of the next signal for the next signal which advises either slowing to below 30 or preparing to stop for access to the yard, prudent engineers slow to be ready. We have had to repeatedly levy fines against ConRail in local court for blockages of crossing exceeding five minutes in length. The legislation has held up in higher court and will remain on our local books. (Exhibit 10.)

Enough is enough. Our town cannot be permitted to be a scapegoat for benefit of all the surrounding communities and the Airline industry and the Railroad industry. We are a middle class community of nearly 3,000 homes and very little industry and a growing population because of affordable housing.

We request that you thoroughly review and respond to our position before approval is given to this proposed acquisition and proper mitigations be implemented.

Sincerely yours,

Thomas C. Jones, Mayor

Beverly B. Smith, Pres. Of Council

Rosann Jones, Pres. Pro Tem

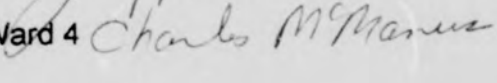
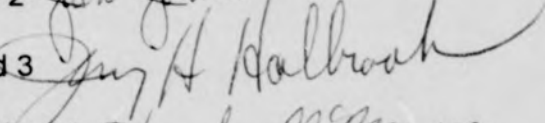
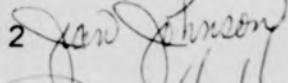
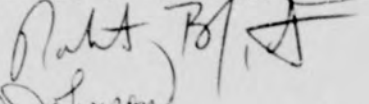
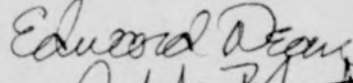

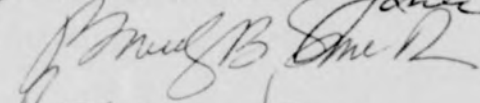
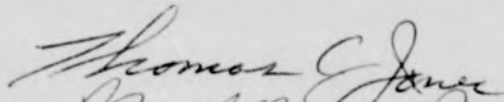
Edward Dean, At Large

Robert Blomquist, Ward 1

Jean Johnson, Ward 2

Jerry Holbrook, Ward 3

Charles McManus, Ward 4





STREET

OLMSTED FALLS

BEVERLY

CUYAHOGA COUNTY

LORAIN COUNTY

↑ N



## Exhibit 1

# Proposed "Alternate" Route (Freight Only)

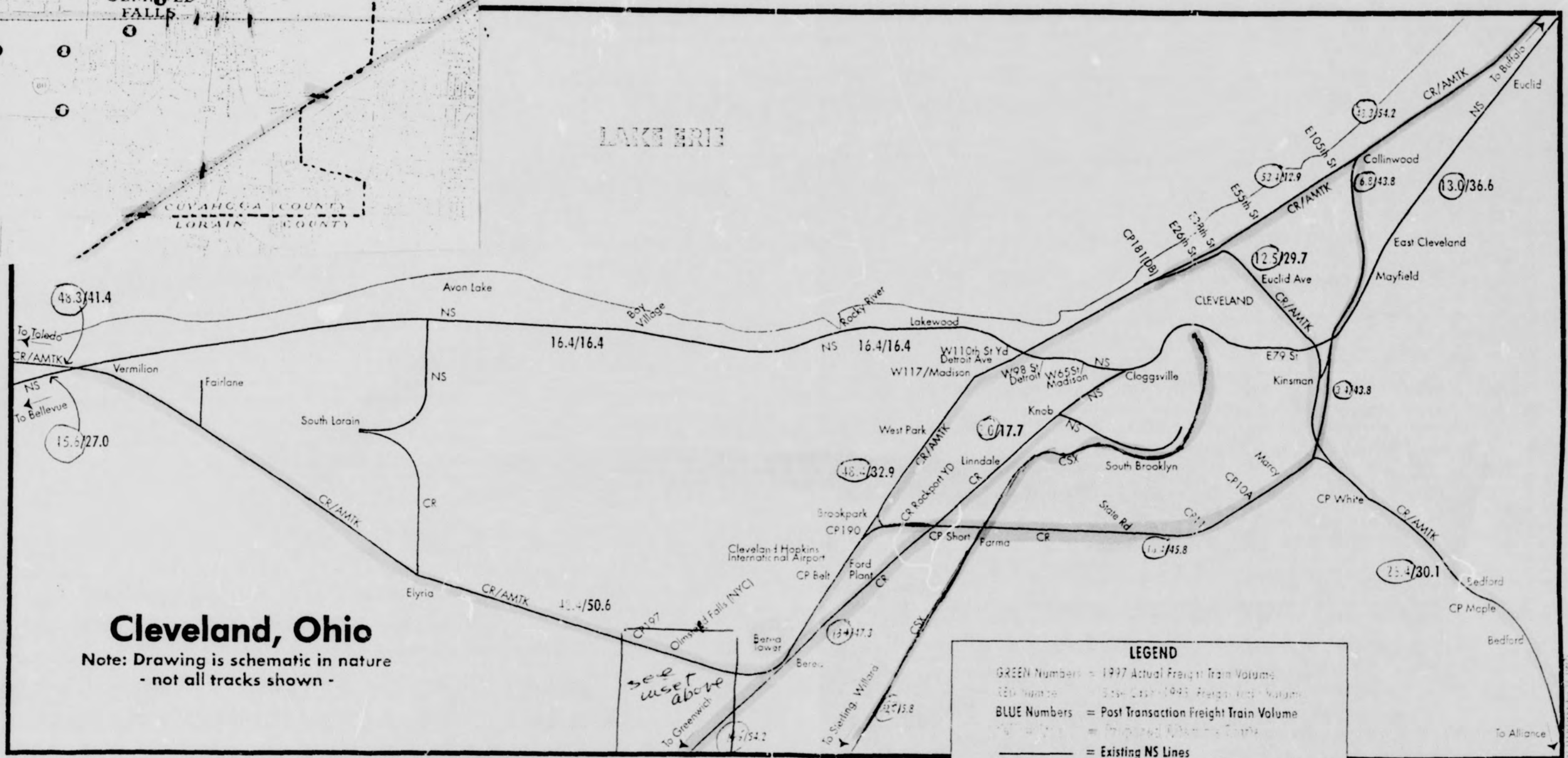


Exhibit 2

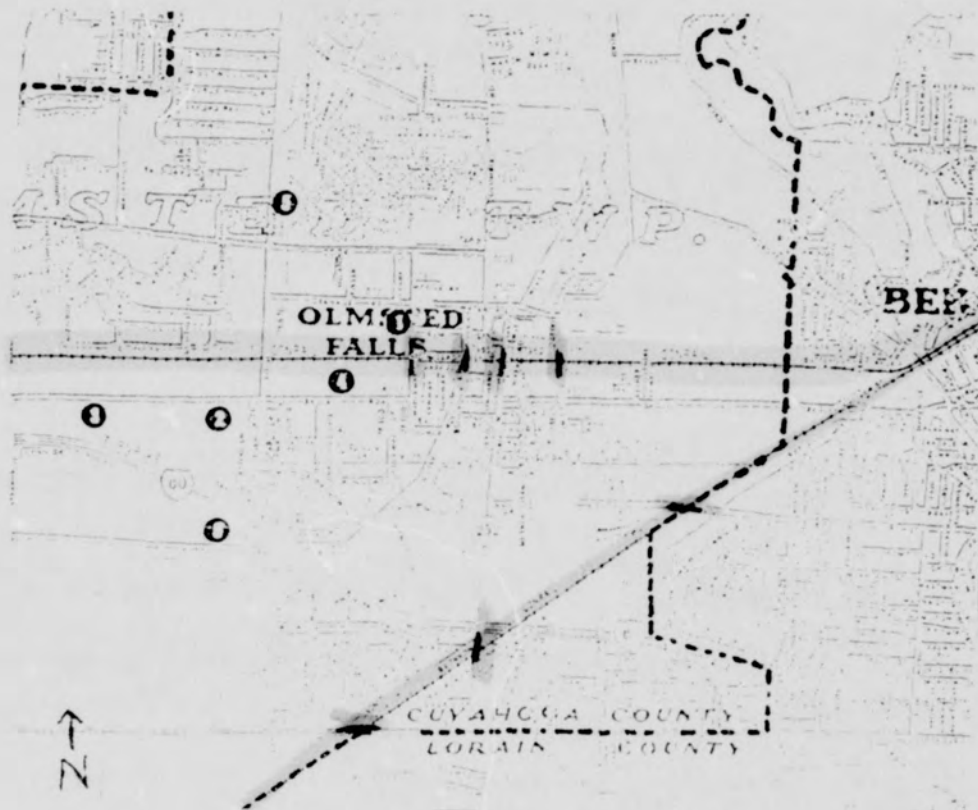


# City of Olmsted Falls

FOUNDED IN 1814  
9722 COLUMBIA ROAD  
OLMSTED FALLS, OHIO 44138

ADMINISTRATION BUILDING  
(216) 235-5550

## EXHIBIT 3



### LEGEND

YELLOW LINE IS PROPOSED ALTERNATE ROUTE LISTING FREIGHT TRAFFIC ONLY. SFB LISTS CURRENT TRAFFIC AT 48.4 WITH PROJECTED INCREASE TO 50.6. THE BERA TOWERS SAYS AVERAGE IS 93 as of 1/21/98.

GREEN LINE (SEGMENT C-061) NOW LISTS TRAFFIC AT 14.5 WHEN ACTUAL IS 16 AND PROJECTED IS 54.2, INCREASE OF 250%.

SEGMENT N293 (North tracks) HAS FOUR GRADE CROSSINGS, 3 ARE ARE GATED, ALL HAVE LIGHTS.

SEGMENT C-061) HAS THREE GRADE CROSSINGS. ALL ARE GATED, ALL HAVE LIGHTS.

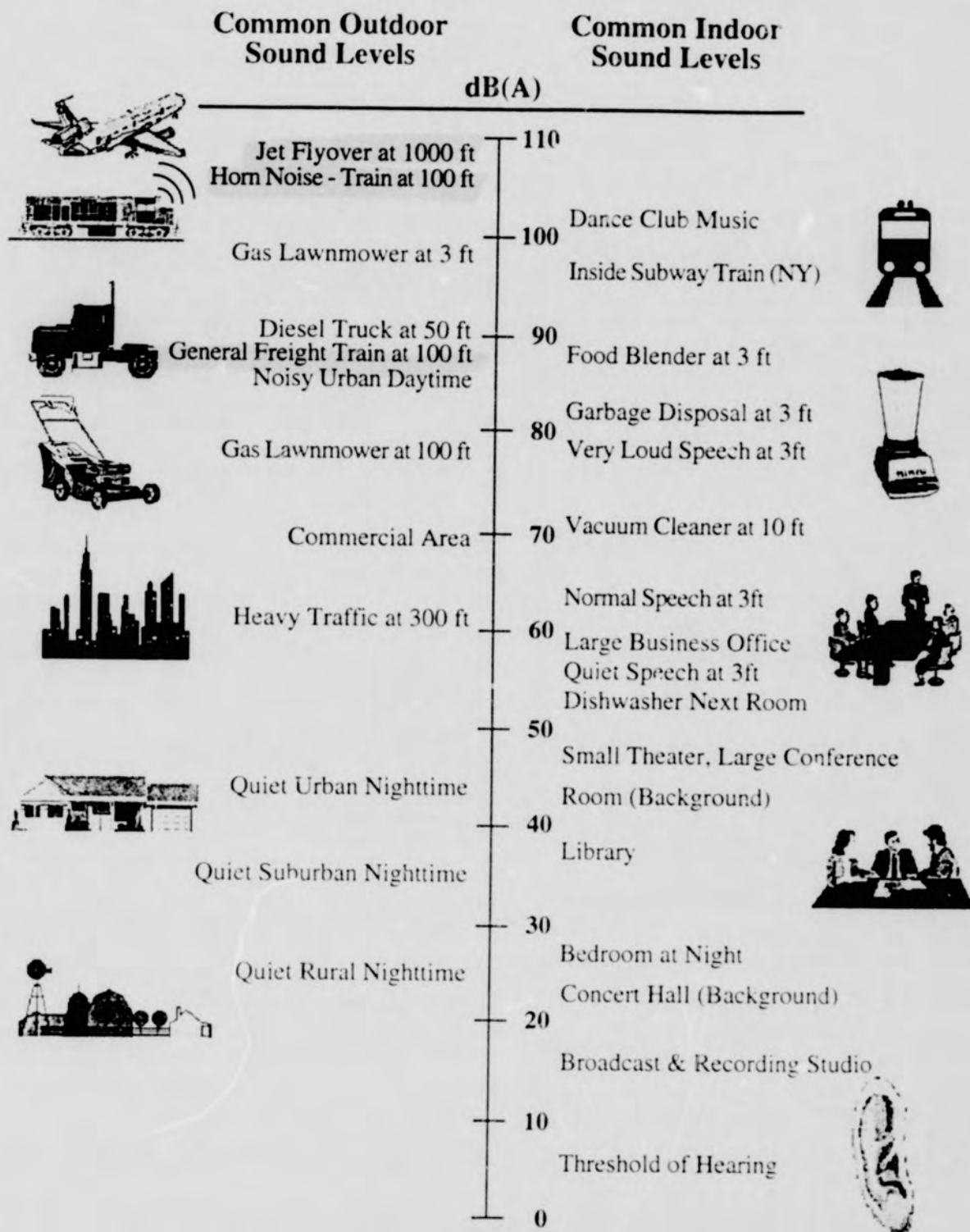
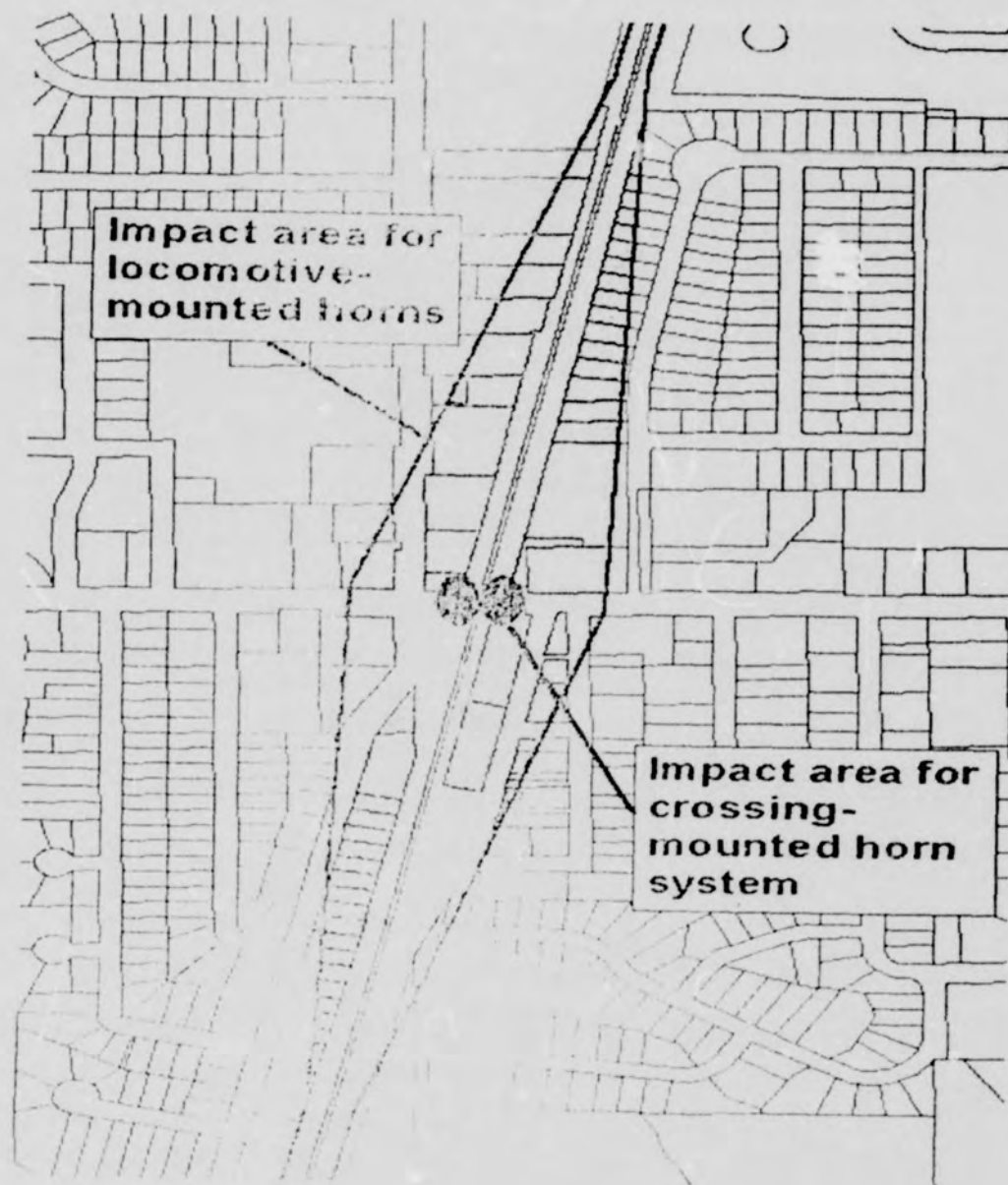


Figure F-3  
Comparison of Impact Areas for Train Mounted Horn and  
Highway/Rail At-Grade Crossing-Mounted Horn Systems

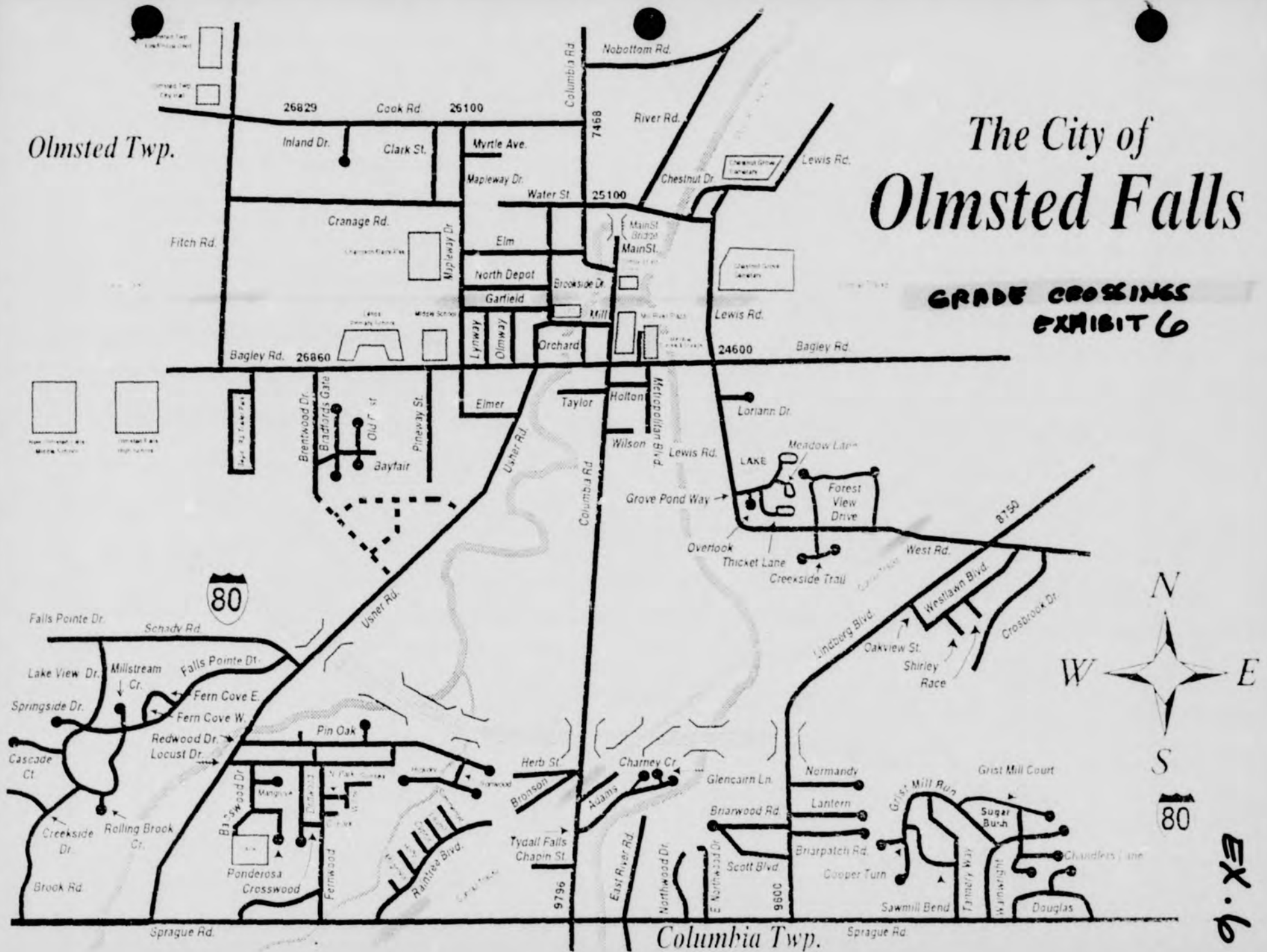


An AHS installation at a highway/rail at-grade crossing typically costs \$12,000-\$15,000, depending on whether the crossing is a two-lane or a divided highway. The type of road affects the complexity of the installation. This cost assumes that existing circuitry is appropriate

Olmsted Twp.

# The City of Olmsted Falls

**GRADE CROSSINGS  
EXHIBIT 6**



EX-6

**TRACKS CROSSINGS****4955.32****Library References**

Railroads § 81, 92-1  
 WESTLAW Topic No. 320

Olur 3d 79, Railroads § 8, 207, 211

**Notes of Decisions and Opinions****Scope**

common carrier. Hence although a coal mining company owns all the stock in such railroad company, freight tendered by any other shippers must be received. *Barlow & Son v. Public Utilities Commission* (Ohio 1921) 103 Ohio St. 647, 134 N.E. 468.

**1. Scope**

This section does not apply to a road constructed by a railroad company having the powers of eminent domain and the duties of a

**4955.31 Plan must be approved**

Before a person constructs a railway across a railroad as provided in section 4955.30 of the Revised Code, he shall submit the plan of construction to the public utilities commission for its approval, which at the cost of such person for traveling expenses or otherwise, must see that the structure in all respects conforms to the requirements of such section.

(1953 H. L. CH. 10-1-53; GC 8862)

**Historical and Statutory Notes**

Pre-1953 H. L. Amendments: RS 3356

**Library References**

Railroads § 91(5)  
 WESTLAW Topic No. 320

Olur 3d 79, Railroads § 207

**WARNING SIGNS AND SIGNALS****4955.32 Use of locomotive signal at crossing***Old Revised Code*

Every company shall attach to each locomotive engine passing upon its railroad a bell of the ordinary size in use on such engines and a steam or compressed air whistle. When an engine in motion and approaching a turnpike, highway, or street crossing or private crossing where the view of such crossing is obstructed by embankment, trees, curve, or other obstruction to view, upon the same line with the crossing, and in like manner where the railroad crosses any other traveled place, by bridge or otherwise, the engineer or person in charge of such engine shall sound such whistle at a distance of at least eighty and not further than one hundred rods from such crossing and ring such bell continuously until the engine passes the crossing.

This section shall not interfere with the proper observance of an ordinance passed by the legislative authority of a municipal corporation regulating the management of railroads, locomotives, and steam whistles on locomotives, within the limits of such municipal corporation.

(1953 H. L. CH. 10-1-53; GC 8853, 8854)



## Historical and Statutory Notes

Pre-1953 H 1 Amendments: 119 v 27; RS  
3336

## Comparative Laws

Ariz.—A.R.S. § 40-854.  
Ark.—A.C.A. § 23-12-410.  
Cal.—West's Ann Cal Pub Util Code § 7604.  
Idaho—I.C. § 62-412.  
Ind.—West's A.I.C. § 6-4-1.

Iowa—I.C.A. § 327G.13.  
Ky.—Baldwin's KRS 277.190.  
Mich.—M.C.L.A. § 466.13.  
N.M.—NMSA 1978, § 63-3-34.  
N.Y.—McKinney's Railroad Law § 53 b.

## Library References

Railroads *in* 244.  
WESTLAW Topic No. 320.  
C.J.S. Railroads §§ 428, 429.  
OJur 3d. 79, Railroads § 286, 292, 293, 413.  
Am Jur 2d. 65, Railroads § 373 to 378, 501 to  
505.

Customary or statutory signal from train as  
measure of railroad's duty as to warning at  
highway crossing. 5 ALR2d 112.

## Law Review and Journal Commentaries

Ohio Railroad Crossing Law: The Scope of  
Liability, Donald P. Tract. 27 Clev St L Rev 505  
(1978).

## Notes of Decisions and Opinions

In general 1  
Conflict of laws 6  
Defenses 8  
Evidence 5  
Extrastatutory warning 3  
Scope 7  
Sounding bell and whistle 2  
Unobstructed view 4

## I. In general

If a spur track of a railroad does not extend  
eighty rods from a highway, rendering compli-  
ance with RC 4955.32 impossible, negligence  
cannot be bottomed upon a claimed violation  
thereof. *Gagliardi v. New York, C. & St. L. R. Co.*  
(Ohio App. 1958) 107 Ohio App. 174, 157  
N.E.2d 447, 8 O.O.2d 76.

RC 4955.32 and 4955.34 do not deprive a  
railroad of the defense of contributory negli-  
gence. *Ginsley v. Baltimore & O R Co.* (C.A.6,  
Ohio) 1974) 495 F.2d 585, certiorari denied  
95 S.Ct. 232, 419 U.S. 988, 42 L.Ed.2d 184.

G.C. 8856 (RC 4955.34) read with this sec-  
tion does not change rule of Ohio respecting  
separability of actions against master and ser-  
vant under certain conditions. *Anonymous v.*  
*Pennsylvania Railroad Co.* (C.A.6 (Ohio)  
1942) 125 F.2d 747, 23 O.O. 172, certiorari  
denied 62 S.Ct. 1283, 316 U.S. 641, 86 L.Ed.  
1762.

Violation of this section constitutes negli-  
gence per se. *Baltimore & O R Co. v. Joseph*  
(C.A.6 (Ohio) 1940) 112 F.2d 518, 18 O.O.  
151, certiorari denied 61 S.Ct. 551, 312 U.S.  
682, 85 L.Ed. 1121, certiorari denied 61 S.Ct.  
710, 312 U.S. 714, 85 L.Ed. 1144.

## 2. Sounding bell and whistle

The defendant company was required to  
sound a whistle at a distance of at least eighty  
and not further than one hundred rods from  
the crossing, and to ring the bell continuously  
until the engine passed the crossing. *Cleveland, C. C. & St. L. R. Co. v. Kuhl* (Ohio) 1934  
123 Ohio St. 532, 176 N.E. 222.

Section 3336, Rev. St., requires the engi-  
neer having in charge an engine in motion to  
ring the bell and sound the whistle on  
approaching a place where the road crosses  
any highway or traveled place, by a bridge or  
other structure. *Toledo & O C Ry. Co. v.*  
*Jump* (Ohio 1893) 50 Ohio St. 651, 78 N.E.  
1054.

The failure of a locomotive engineer to  
sound a whistle as the locomotive approached  
a grade crossing is not the proximate cause of  
the death of a passenger in an automobile  
which collided with the side of the locomotive  
which had come to rest on that crossing  
where the driver and occupants of the auto-  
mobile were so far away that they would not  
have heard such sound had it been sounded.

## 4999.03

## PUBLIC UTILITIES

### Historical and Statutory Notes

Pre-1953 H 1 Amendments: RS 6981

### Library References

Railroads — 12.  
WESTLAW Topic No. 320  
C.J.S. Railroads §§ 194 to 196.

Ohio 3d, 29, Criminal Law § 2186.7, Railroads § 9

## ENGINEERS, FLAGMEN AND CREWS

### 4999.04 Duties of engineer

(A) No person in charge of a locomotive shall do the following:

(1) Fail to bring the locomotive to a full stop at least two hundred feet before arriving at a crossing with another track, or proceed through the crossing before signaled to do so or before the way is clear;

(2) When approaching a grade crossing, fail to sound the locomotive whistle at frequent intervals, beginning not less than thirteen hundred twenty feet from such crossing and continuing until the locomotive has passed the crossing.

(E) Whoever violates this section is guilty of a misdemeanor of the fourth degree. If violation of this section causes physical harm to any person, whoever violates this section is guilty of a misdemeanor of the third degree.

(1977 S 167, eff. 8-26-77; 1972 H 511)

### Historical and Statutory Notes

Ed. Note: Former 4999.04 repealed by 1972 H 511, eff. 1-1-74. 1953 H 1, GC 12549, 12550.

Pre-1953 H 1 Amendments: RS 6980

### Library References

Railroads — 12.  
WESTLAW Topic No. 320  
C.J.S. Railroads §§ 194 to 196.  
Ohio 3d, 79, Railroads § 292, 298.  
Am Jur 2d, 68, Railroads § 494 et seq.

Customary or statutory signal from train as measure of railroad's duty as to warning of highway crossing 5 ALR2d 112.  
Duty to maintain flagman at crossing 23 ALR2d 1161.  
Schoeder Katz, Ohio Criminal Law, Statutory Charges.

### 4999.05 Flagmen on railroads

No person or company owning, operating, or controlling a railroad shall employ as a flagman, hostler, or assistant hostler, a person who cannot read, write, and speak the English language. Whoever violates this section shall be fined not less than five hundred nor more than one thousand dollars. This section does not apply to flagmen at street or highway crossings.

(1953 H 1, eff. 10-1-53, GC 12551)

# City of Olmsted Falls

FOUNDED IN 1814  
DIVISION OF FIRE  
8051 BROOKSIDE DRIVE  
OLMSTED FALLS, OHIO 44138-1950  
WILLIAM FISHER, FIRE CHIEF

OFFICE OF THE CHIEF  
(216) 235-3238  
FAX: (216) 235-3267

EMERGENCY 235-1212

January 22, 1998

To: Mayor Jones  
Council President Smith

Re: Proposed Increase in Train Traffic

The Fire Department has a great interest in railroad activities as the trains often impact us in our community. With the fire station located next to the tracks at the north end of town we see first hand the numbers of trains, their speeds, their stops, the blocked crossings, the malfunctioning gates, and on occasion a delay in our emergency responses.

In Olmsted Falls we have the unfortunate situation of having two different rail lines serving two different service areas. This in effect divides the city into 3 different areas or zones, with the fire station located in the center zone, which is the largest of the 3 and consequently has the most emergencies. Approximately 50% of our calls are in this center zone; with about 25% each for the northern and southern zones. Fortunately being located near the north tracks, segment N293, we can determine almost immediately if we are blocked from crossing the north tracks. If we should encounter a delay crossing to the north we can immediately call Olmsted Twp. Fire Department to respond to our emergency call so as to reduce any delay caused by the train and potentially save a life or in the case of fire reduce property damage.

The southern tracks, segment C061, have not created as many problems for us because their volume is low when compared to the north tracks. (Approximately 14 on C061 as compared to 80+ on N293). However we are not aware that a train is potentially blocking our response until we are several minutes into the response and approach the crossing. Mutual aid is then called from Berea, Strongsville, or Columbia Twp. This extended delay could have fatal or costly consequences for our residents.

EXHIBIT 7

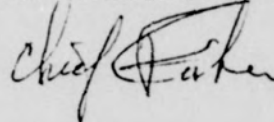
It has been projected we could see a 250% increase in the train traffic for the southern tracks. Because of our situation as explained above I would suggest an automatic response from Berea Fire Department for any call to the southern zone. Our fire department would also respond and once we are clear the tracks we would call Berea off or take over the emergency once we arrive on the scene. To provide a degree of fairness for Berea we would offer the same automatic response to their community for the section of Bagley Road that is west of the tracks and potentially blocked from their fire department. Potential cost increases for call back manpower for Olmsted Falls could be around \$8,000.00 per year.

I have been told there are communications systems available that can send a signal from the railroad to an emergency dispatch center to advise of an approaching train. This may be valuable for our purposes and definitely worth looking into.

If I can be of any service regarding these matters please contact me.

Sincerely,

Chief William Fisher

A handwritten signature in dark ink, appearing to read "Chief Fisher", written over the printed name.

Safety Director Burland  
file



EXHIBIT 8

# Olmsted Falls City Schools

## INTER-SCHOOL MEMORANDUM

TO: School Bus Drivers

FROM: Timothy Atkinson *Timothy Atkinson*

DATE: October 10, 1996

RE: Train Survey Update

Please record for each bus you operate (if applicable) the number of times you cross the following RAILROAD TRACKS per DAY on your regular routes (include AM and PM or MIDDAY). Thank you very kindly. Please complete this by Friday, October 18, 1996, and return to me.

### TOTALS

	EAST - WEST TRACKS (N293)						NORTH-SOUTH TRACKS (C061)					
	B R O N S O N	S T E A R N S	M A P L E W A Y	F I T C H	B R O O K S I D E  <small>Now Open 1997-98</small>	L E W I S	C O L U M B I A N	S P R A G U E	B A G L E Y  <small>Bow</small>	W E S T R O A D	C O L U M B I A S	
DAILY TOTALS	10	18	31	73	(CLOSED) <small>FIX</small>	13	17	28	17	8	24	= 239 <small>DAILY GRANT TOTAL</small>
SCHOOL YEAR TOTAL	1810	3258	5611	13213	<small>SEWER WORK ON ROAD</small>	2353	3077	5068	3077	1448	4344	
PER CENT USAGE	4%	8%	13%	31%		5%	7%	12%	7%	3%	10%	

I am drafting a letter to Conrail and the P.U.C.O. (Public Utilities Commission of Ohio) and will be using this information to help support some facts that I need to convey to those officials at Conrail and the P.U.C.O.

\* to take student to Shaker Area Vocational School *43,259* *school year*

A Great Place To Learn





## Olmsted Falls City Schools

### INTER-SCHOOL MEMORANDUM

TO: School Bus Drivers

FROM: Timothy Atkinson *T. Atkinson*

DATE: May 18, 1993

RE: Train Survey

Please record for each bus you operate (if applicable) the number of times you cross the following RAILROAD TRACKS per DAY (include AM and PM or MIDDAY). Thank you very kindly. Please complete this by Friday, May 21, 1993, and return to me.

Bus #	East/West Tracks	North/South Tracks
4	9	7

16

(includes Bronson, Stearns, Mapleway, Fitch, Brookside, Lewis, Columbia)

7

(includes Sprague, Bagley, West, Columbia)

4

I am drafting a letter to Conrail and will be using this information to help support some facts that I need to convey to those officials at Conrail.

134  
59  
East/West  
North/South

193/day

34,933/school  
year (181 days)

A Great Place To Learn

ORDINANCE NO. 5-95 (as amended)

INTRODUCED BY: Mayor Tom Jones

**AN ORDINANCE REAFFIRMING THE BOUNDARIES  
OF THE OLMSTED FALLS HISTORIC AREA CONSERVATION  
DISTRICT, REPEALING ALL LEGISLATION INCONSISTENT  
HEREWITH AND DECLARING AN EMERGENCY.**

WHEREAS, the City of Olmsted Falls, Ohio has previously established the boundaries of its Historic Area Conservation District; and

WHEREAS, based upon information from Joseph N. Schaller, P.E. from the office of Michael Benza and Associates, Inc., City Engineer for the Municipality, the previous boundaries were modified in February 1990; and

WHEREAS, the said Joseph N. Schaller, P.E., has recommended that the boundaries of the Historic Area Conservation District, as revised, should be presented to Council for approval; and

WHEREAS, the said Joseph N. Schaller, P.E., has prepared a map indicating the current boundaries of the Olmsted Falls Historic Area Conservation District, a copy of which is attached hereto, marked Exhibit A and incorporated herein by reference; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, OHIO,  
THAT:

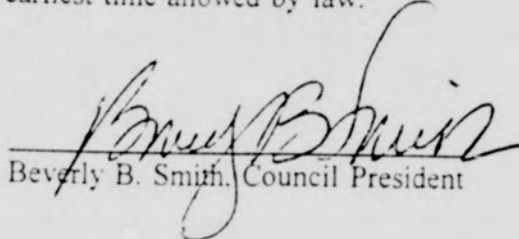
SECTION 1. The boundaries of the Olmsted Falls Historic Area Conservation District are hereby reaffirmed to conform with the modifications approved in February 1990 as evidenced in the map outlining the boundaries of the said Historic Area Conservation District attached hereto, marked Exhibit A and incorporated herein as if fully rewritten.

SECTION 2. All prior legislation inconsistent with this legislation in whole or in part are repealed to the extent necessary to avoid conflict with this Ordinance.

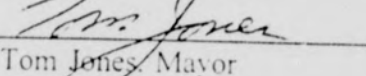
SECTION 3. That the Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Olmsted Falls for the reason that the revised boundaries were approved in February 1990 and should be established by law as soon as practicable. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

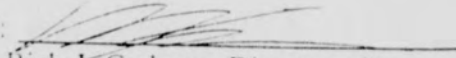
cc: M.B.  
POST Lib S.H.F.D.  
Bldg dept  
ARB  
BZA

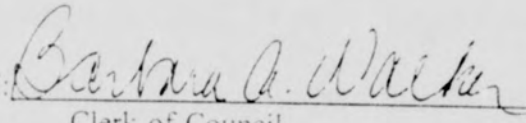
  
Beverly B. Smith, Council President

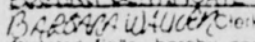
PASSED: 2-28-95

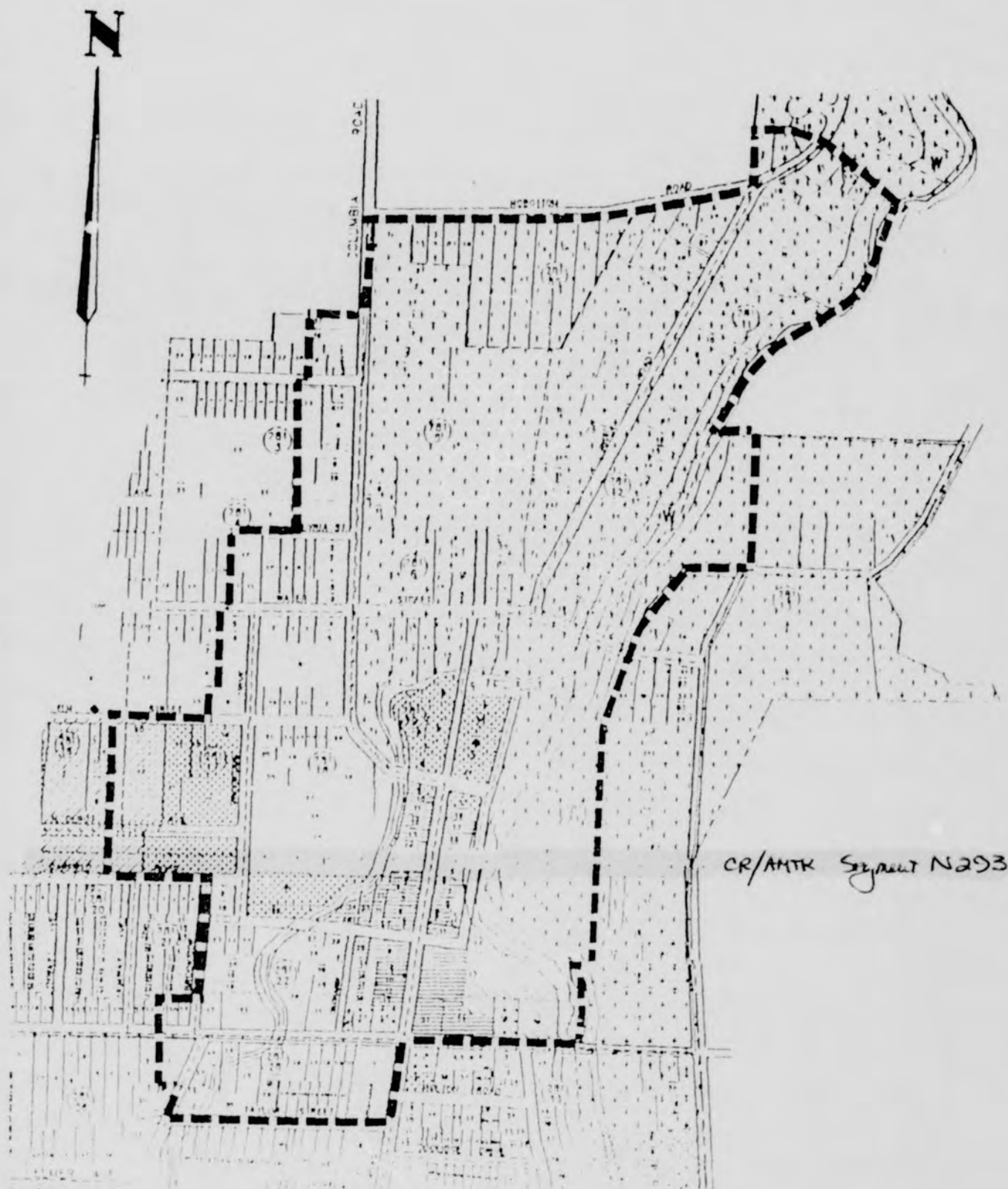
APPROVED:   
Tom Jones, Mayor

2-28-95  
Date

APPROVED AS TO FORM:   
Rick J. Carbone, Director of Law

ATTEST:   
Barbara A. Walker  
Clerk of Council

**POSTING CERTIFICATE CITY OF OL MSTED FALLS**  
 Clerk of Council of the City of  
Olmsted Falls, hereby certify that ORD 5-95  
was adopted on the 15<sup>th</sup> day of MARCH 1995  
and will remain in effect for a period of 15 days  
after its effective date as required by the charter of  
the City Barbara A. Walker Clerk of Council



# HISTORIC AREA CONSERVATION DISTRICT CITY OF OLMSTED FALLS

## CLMSTED FALLS

## CHAPTER 654

## Railroads

- |   |   |
|---|---|
| 654.01 Obstructing streets by railroad companies. | 654.03 Speed of trains.                   |
| 654.02 Climbing upon railroad cars.               | 654.04 Duties of locomotive engineer.     |
|   | 654.05 Signal devices and crossing gates. |

## CROSS REFERENCES

See section histories for similar State law  
 Lighting railroads - see Ohio R.C. 723.33 et seq.  
 Duties of engineers - see Ohio R.C. 4999.04  
 Stopping at grade crossings - see TRAF. 432.31 et seq.  
 Definitions generally - see GEN. OFF. 606.01  
 Organizational criminal liability - see GEN. OFF. 606.08  
 Personal accountability for organizational conduct - see GEN. OFF. 606.09  
 Livestock in railroad cars or compartments - see GEN. OFF. 618.05

## 654.01 OBSTRUCTING STREETS BY RAILROAD COMPANIES.

(a) No railroad company shall obstruct or permit or cause to be obstructed a public street, road or highway by permitting a railroad car, locomotive or other obstruction to remain upon or across it for longer than five minutes to the hindrance or inconvenience of travelers or a person passing along or upon such street, road or highway. No railroad company shall fail, at the end of each five minute period of obstruction of a public street, road or highway, to cause such railroad car, locomotive or other obstruction to be removed for sufficient time, not less than three minutes, to allow the passage of persons and vehicles waiting to cross.

This section does not apply to obstruction of a public street, road or highway by a continuously moving through train or caused by circumstances wholly beyond the control of the railroad company, but does apply to other obstructions, including without limitation those caused by stopped trains and trains engaged in switching, loading or unloading operations.

Upon the filing of an affidavit or complaint for violation of this section, summons shall be issued to the railroad company pursuant to Ohio R.C. 2935.10(B), which summons shall be served on the regular ticket or freight agent of the company in the county where the offense occurred. (ORC 5589.21)

(b) Should any railroad crossing be closed by a railroad company for purposes of construction at or around such crossing, such railroad company shall provide written notification to the City at least thirty days prior to the commencement of such construction or, in the case of emergency construction where at least thirty days notice cannot be given, such written notice shall be given as soon as the railroad company has knowledge that the construction will occur. Further, such railroad company shall provide flagmen and the proper



personnel to direct detoured traffic at any such crossing, which flagmen and personnel shall be provided under the supervision of, and with the approval of, the Chief of Police.

(c) Whenever a police officer or law enforcement officer determines that a railroad train, locomotive or railroad car is in violation of this section, he or she shall proceed as follows:

- (1) The officer shall order the train crew to open such train.
- (2) After such train is opened, the officer shall make a physical arrest of the conductor, or such other person in charge of such train, locomotive or railroad car and cause such person to post bond in accordance with the degree of misdemeanor of which he or she is charged.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02. Organizations violating any of the provisions of this section, as provided in Section 606.08, shall be punished as provided in Section 698.04. (Ord. 74-84. Passed 5-29-84.)

#### 654.02 CLIMBING UPON RAILROAD CARS.

(a) No person shall climb, jump, step or stand upon or cling or attach himself to a locomotive, engine or car upon the track of a railroad, unless in compliance with law or by permission under the rules and regulations of the corporation managing such railroad. (Ord. 81-73. Passed 12-11-73.)

(b) Whoever violates this section is guilty of a misdemeanor of the fourth degree. Punishment shall be as provided in Section 698.02.

#### 654.03 SPEED OF TRAINS.

(a) No person shall operate or cause to be operated a locomotive, railroad train or railroad car at a rate of speed greater than thirty miles per hour while within the corporate limits of the City.

(b) No person shall operate or cause to be operated a locomotive, railroad train or railroad car at such a slow rate of speed, without good and sufficient reason or cause, so as to detour or delay traffic unnecessarily.

(c) For the purpose of this section the engineer and conductor, if physically present on the railroad train, locomotive or railroad car, shall each be deemed to be operating or causing to be operated the locomotive, railroad train or railroad car.

(d) Whoever violates any of the provisions of this section is guilty of a misdemeanor of the first degree. Punishment shall be as provided in Section 698.02. Organizations violating any of the provisions of this section, as provided in Section 606.08, shall be punished as provided in Section 698.04. (Ord. 74-84. Passed 5-29-84.)

SEPTEMBER 18, 1997

CONRAIL CASES HANDLED  
BY OLMSTED FALLS MAYOR'S COURT

1994 55 CASES

1995 38 CASES

1996 32 CASES

1997 26 CASES

( 01/01/97-08/29/97 )

TOTAL CASES 151 CASES

LONGEST B.C. 18 HOURS/ 4 MINUTES

SHORTEST B.C. 8 MINUTES

BLOCKED CROSSINGS 1 HOUR OR LONGER 27

STB

FD-33388

2-2-98

K

ID-CITIES



## Department of Engineering Services

Division of Design & Construction (419) 627-5829  
Division of Streets (419) 627-5881

222 MEIGS STREET  
SANDUSKY, OHIO 44870  
FAX (419) 627-5933  
FAX (419) 627-5911

### ENVIRONMENTAL DOCUMENT

January 30, 1998

Office of the Secretary  
Case Control Unit  
Finance Docket No. 33388  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001



RE: Draft Environmental Impact Statement  
"Proposed Conrail Acquisition"

Dear Reader:

Upon review of the Draft Environmental Impact Statement, Finance Docket No. 33388, "Proposed Conrail Acquisition" the City of Sandusky, Ohio, hereby submits the following written comments regarding this document. Enclosed also please find Resolution 002-98R passed by the City Commission of the City of Sandusky in open session on January 26, 1998. This document states the resolve of the City of Sandusky to oppose the proposed acquisition of Conrail by CSX and Norfolk and Southern Railway Co. This course of action is required and based on concerns raised by review of the Draft EIS. This opportunity to voice the City's concern prior to a decision being made by the Surface Transportation Board relative to this acquisition is appreciated.

On a macro-scale the Draft EIS (DEIS) states that increased use of rail for shipping will result in a decrease in truck traffic and a decrease in highway accidents because of the decrease in truck traffic. An analysis of this statement as it relates to local communities develops some very disturbing realities.

Decreased truck traffic means:

- A) Fewer trucks using interstate highways and major state routes however the number of trucks making local deliveries and using local routes will remain the same and may in fact increase depending upon the location of an intermodal facility.
- B) Fewer trucks making cross county hauls decreases the amount of fuel purchased and therefore fewer dollars in the gas tax fund. This means less dollars available for highway/roadway maintenance, repairs and improvements.

- C) When, realizing the above two comments in concert it can be seen that at-grade crossings in most urban settings will experience the same amount or more vehicular traffic as experienced pre-acquisition while the density of rail traffic will increase. This combination leads toward an increased need for safety measures as well as inconvenience issues which will force grade separations. With fewer dollars in highway funds, traditional sources of funding for grade separations will not be able to contribute toward new projects in any meaningful way.

It truly is in our overall best interest to encourage as much transportation of goods by rail as possible. Until such time as trains make delivery of goods in each municipality the increased rail density will continue to conflict with vehicle traffic causing safety and delay problems. The solution is to separate the conflicting movements through individual grade separations or by relocating the rail lines to the less populated areas very similar to what was done with our interstate system. Either option is expensive and must be paid for from the revenues charged to move goods. It is therefore suggested that a fund be established based on tonnage of goods moved that will be dedicated to solving the problems created by vehicular and rail conflicting movements. Since the owners of the rail companies will benefit from the increased rail traffic the fund must be provided for by the rail companies.

The City of Sandusky also questions the applicability of the average vehicle delay time. Using the average time allows the actual delay (from the time crossing guards go down to when they return to the up position) to be divided in half. The greatest traffic safety concern is not with the vehicle that approaches the mid point of the queue but is with the first or second vehicle in the queue. Will these drivers anticipate a long delay and therefore take the risk of crossing by going around guards or over the crossing while the lights are flashing? Total length of delay experienced by the first vehicle in the queue is the factor which leads to irritation and the decision for risk taking and is therefore the time that must be used in analysis and decision making.

Another concern of the City is the threshold limit of 5000 ADT for analysis of grade crossings. Where did the ADT originate and what year were the traffic counts taken? Who took the counts and what method was used? The assumption that roadway segments carrying less than 5000 ADT will not experience problems at crossings is not a valid assumption. Many problems can be caused by seasonal or hourly peaks of traffic volume which are not consistent with an average traffic volume. Was there any consideration for seasonal peaks of traffic volume in highly congested tourist areas? Was there any consideration of rush



hour traffic on certain roadways due to plant adjacency or industrial locations? There is also the speed of the train to consider which should change the threshold value of ADT used. If line segments of rail will experience very slow train movement (5-10 mph) the affect at any crossing will be greater than if the train is moving 45 mph. Was this considered in the analysis or is there a possibility of removing the threshold ADT value?

Specific to Sandusky, Ohio, there are many concerns. The footnote to Table 5-OH-2 Page OH-9 of Chapter 5 Volume 3B indicates that NS notified SEA that its intermodal facility would be moved to Sandusky, Ohio. There has been no contact to the City from NS regarding this issue and the City has no idea of what is being planned or the impact of this action. Does anybody know what this entails? Is the City to be included in these discussions? Will this mean an increase truck traffic of 65 vehicles per day and if so on which routes? The City feels it needs answers to these questions before any evaluation of impact can be made.

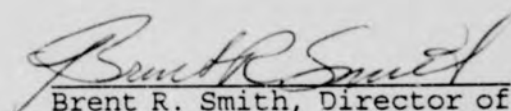
The Bellevue, Ohio, to Sandusky Docks, Ohio, rail segment is predicted to see an increase of freight traffic estimated at 10.3 trains per day. It is our understanding that this increase will be for east-west connection onto the current Conrail east-west main line. Is this true? The document does not indicate if the rail traffic is to dead-end at the dock or to make east-west connection. For either scenario the speed of the trains will be between 5 and 10 mph due to either the stopping at the dock or the tight turning radius onto the Conrail mainline. Within one half mile of the Conrail mainline the NS Bellevue to Sandusky Dock line crosses two (2) major roadways. These roadways are Tiffin Avenue (SR 101) and Venice Road (USR 6). With total train traffic, post acquisition, of 11.7 trains per day each crossing will be closed for 6.5 minutes eleven times a day or an hour and eleven minutes each day. This directly impacts emergency response time to the entire west end of Sandusky. It also hinders the ability to provide for economic development in the west end thereby limiting the City's ability to expand its economic base.

The City of Sandusky has "Impacted City Status" with 53% of its population in the low to moderate income level and a significant minority population (23%). Any funds that the City expends to resolve problems caused by rail traffic will not be available for other projects or services which may directly benefit the L-M income and minority populations. There will be significant problems caused by the increased rail traffic which will cause economic hardships and social injustice.

There is also a significant residential population along the existing Conrail line and at the NS/Conrail diamond. With increased rail traffic will come increased hazardous material shipments. Sandusky Bay, a major recreational water and water supply, is also adjacent to this rail line. Any hazardous material incident will have grave impacts to human health and safety as well as significant environmental impacts. Within the last 5 years there have been three derailments in or adjacent to Sandusky. The increased possibility that hazardous materials will be involved in future derailments is a great concern. The suggested solution is to increase training and awareness of the haz-met teams in the area. This will not be sufficient. A concerted effort must be made to evaluate and assess each community for the types of incidents which may occur and the associated appropriate response. If the communities do not have the necessary equipment to appropriately respond then the rail company must be responsible for working with the cities to equip them for any accident and bear the financial responsibility of doing so.

It is hoped that further dialogue will take place concerning this acquisition. There are many issues which need to be discussed and the solutions must be incorporated into whatever plan of mitigation is decided upon. The City of Sandusky would like to be a part of the process as a decision is being formulated. Again, the City is appreciative of this opportunity and looks forward to more dialog on this subject.

Sincerely,

  
Brent R. Smith, Director of  
Engineering Services

BRS/imn

cc: Richard M. Finn, City Manager

Don Iscman, Law Director

Richard Stroemple, Director of Community Development

conrail

RESOLUTION NO. 002-98R

A RESOLUTION OBJECTING TO THE PROPOSED ACQUISITION OF CONRAIL, INC. AND CONSOLIDATED RAIL CORPORATION (CONRAIL) BY CSX CORPORATION AND NORFOLK AND SOUTHERN RAILWAY COMPANY (NS), AND REQUESTING THAT THE SURFACE TRANSPORTATION BOARD NOT APPROVE THE SAME AND DECLARING AN EMERGENCY.

WHEREAS, an application has been submitted requesting approval of the acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX Corporation and the Norfolk and Southern Railway Co. (NS); and

WHEREAS, the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX Corporation and Norfolk and Southern Railway Co. would result in physical and operational changes in the City of Sandusky, Ohio, and Erie County, Ohio; and

WHEREAS, the proposed acquisition will result in increased rail traffic within the City of Sandusky, Ohio, and that increase will result in the disruption of motor vehicle and pedestrian traffic movements in many areas of the City; and

WHEREAS, the increase in rail traffic will result in the isolation of sections of the City of Sandusky, Ohio, thereby affecting the City's ability to provide emergency service delivery (police, fire and emergency medical services) which in turn will create unacceptable delays and could have the potential to threaten life as well as property; and

WHEREAS, the proposed increase in rail traffic will have detrimental social consequences for City residents including a large percentage of the population which is classified as low-to-moderate income persons as well as minority persons; and

WHEREAS, the City of Sandusky, Ohio, has been designated as an "Impacted City" reflecting distress factors related to socio-economic conditions, and any use of City funds to address the impacts of the proposed rail acquisition would have the effect of reducing funds available to meet recognized local needs; and

WHEREAS, the City of Sandusky, Ohio, has recently completed a strategic planning process (1997) which process identified the need for continued economic development efforts, particularly in the western section of the City which would be isolated by increased rail traffic; and

WHEREAS, the City of Sandusky, Ohio, is in the process of finalizing a Comprehensive Plan to guide the future growth and development of the City and that the plan emphasizes the need for protecting and enhancing the potential of the western section of the City for both residential and industrial development, and that area of the City would be isolated by increased rail traffic; and

WHEREAS, the City of Sandusky, Ohio, has previously identified the need for a grade separation crossing on U.S. Route 6 (Venice Road) at the NS tracks and any increase in rail traffic as proposed through this acquisition would further exacerbate transportation problems in the City; and

WHEREAS, the City of Sandusky, Ohio, questions some of the assumptions and methodology employed in developing the Surface Transportation Board's "Draft Environmental Impact Statement" and the resulting conclusion from the same (in particular the use of ADT levels that do not address the concern of smaller urban and rural communities); and

WHEREAS, comments and objections to the proposed acquisition must be filed with the Surface Transportation Board by February 2, 1998; and

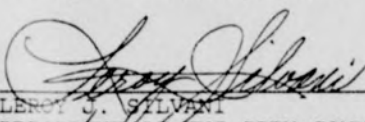
WHEREAS, it is deemed necessary in order to provide for the preservation of the public peace, property, health, safety and convenience of the City of Sandusky, Ohio, its citizens and businesses, the City Commission finds it advisable to declare this Resolution to be an emergency measure and to take effect immediately upon its adoption; and NOW THEREFORE,

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF SANDUSKY, OHIO:

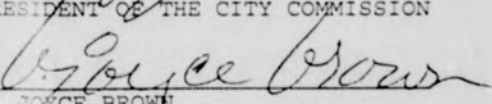
Section 1. That the President of the City Commission and the City Manager of the City of Sandusky, Ohio, be and hereby are authorized to forward to the Surface Transportation Board notice of the City's objection to the proposed acquisition of Conrail, Inc. and the Consolidated Rail Corporation (Conrail) by CSX and the Norfolk and Southern Railway Co.; and

Section 2. That copies of the City's objection to the proposed acquisition of Conrail, Inc. and Consolidated Rail Corporation (Conrail) be forwarded to Congressman Paul E. Gillmor, U.S. Senators Glenn and DeWine, State Senator R. Latta, State Representative Opfer, the Ohio Rail Development Commission, and Erie County, and

Section 3. That for the reasons set forth in the preamble hereto, this Resolution is hereby declared to be an emergency measure which shall take effect and be in full force immediately upon its passage, and due authentication by the President and the Clerk of this Commission of the City of Sandusky, Ohio.

  
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LEROY C. SYLVANI  
PRESIDENT OF THE CITY COMMISSION

ATTEST:

  
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B. JOYCE BROWN  
CLERK OF THE CITY COMMISSION

Passed: January 26, 1998