area. See Letter from Agnar Pytte, President of Case Western Reserve University, included in Tab 1.

Clearly, given the dramatic increase in freight traffic due to the combined actions of CSX and NS, the intensity of development and the concentration of sensitive receptors, and the uniqueness of the University Circle and Little Italy districts, special attention to air pollution impacts on these districts is necessary for the final EIS. Further analysis that specifically addresses the concentration and dispersion of pollutants and the impact of air pollution on the sensitive receptors and populations must be undertaken.

As reflected in the summary table attached at Tab 2, the project is estimated to result in increases in criteria pollutants (those for which National Ambient Air Quality Standards have been set), as well as hazardous air pollutants. While an increase in criteria pollutant emissions may not represent a significant increase in pollutant burden on a regional basis, it may result in impacts at sensitive receptors in the immediate project vicinity. Even where it is determined through a detailed dispersion modeling analysis at this and other sensitive portions of the corridor (including the University Circle segment, in which the two combined rail lines would create an even greater increase in a segment adjacent to the Rainbow Babies and Childrens Hospital and the Abington Arms subsidized elderly apartment building) that primary or secondary standards may not be exceeded, increases in emissions may represent a degradation of existing environmental conditions. The increase in carcinogenic pollutants is especially troublesome here given the proximity of nearby residences, and the cumulative effect that may result from exposure to numerous

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carcinogens. For example, the Abington Arms apartment complex, which is home to senior citizens and handicapped persons living in unassisted arrangements less than 500 feet from the elevated tracks in this area. See Letter dated January 29, 1998, from Elizabeth B. Heil, Administrator, Abington Arms, to Elaine Kaiser, a copy of which is included in the letters attached to these Comments at Tab 1. The 1210 elderly residents, of whom 225 can be identified as disabled, are more susceptible to disease and the numerous ailments that come from poor air quality and living in close proximity to sources of air and noise pollution.

In addition, it should be noted that a portion of the respirable particulate matter (PM_{10}) is less than 2.5 microns in diameter, a size for which a new standard has been promulgated due to health risk concerns -- and for which no local exposure background data exists.

D. Hazardous Materials

CSX and NS propose to increase the volume of hazardous materials transported across some lines in the City of Cleveland from zero to 44,000 carloads per year. Through University Circle, the combined plans of the two railroads indicate that hazardous materials volumes will grow from the current volume of 7,000 carloads per year to 81,000, one of the largest hazardous materials concentrations on the former Conrail system, according to the information supplied with the DEIS. **In fact, this is the largest (by far) increase across in hazardous material transportation across the entire system, yet SEA requires no further analysis of potential mitigation.** Worse, because of the proximity of some of these line segments to each other, the numbers of carloads predicted are in some cases substantially understated. In response

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to this enormous increase, the mitigation proposed by the DEIS is -- safety drills! Surely, more study and a substantially heightened level of mitigation -- that reduces the risk rather than merely responding to the disaster once it occurs -- is required for this line.

The magnitude of the railroads' disregard for the impact of their proposals on the lives of the people of Cleveland is perhaps most glaring when viewed in the context of the potential disasters that could occur with this volume of this traffic moving so close to the bedroom windows of these communities. Projected accident rates along the Short Line through the City of East Cleveland, the Cleveland neighborhoods of Forest Hills, Glenville, and Fairfax and the University Circle and Little Italy districts (line segments C-072 and C-073) are projected to grow from 1:666 years per mile and 1:1344 years/mile, respectively, to 1:101 years per mile on both -- a rate curiously just above the 1:100 years/mile threshold for "significance" that SEA defines in the DEIS. The proximity of the Short Line to people's homes, the fact that the line runs through these neighborhoods on elevated section and is therefore difficult to access, and the fact that, elsewhere in the DEIS, the SEA acknowledges that accident rates may fluctuate on a year-to-year basis by as much as 10%, should indicate that the Short Line deserves special and careful scrutiny before the SEA can properly determine that this line is suitable for conversion from a little-used bypass to main line freight service with one of the highest HazMat throughput to found in the entire CSX/NS proposal.

The situation in University Circle is even more urgent. The combined accident rates of the two independent rail lines which will operate through the Circle -- CSX at

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1:101 years/mile and NS at 1:118 years/mile -- suggest that a true accident rate along the two mile section of parallel operations will be 1:54 years/mile, a rate significantly worse than the SEA's criteria for significance. Given this fact alone, let alone the concentration of employees, students, patients, elderly and poor households, along with other sensitive receptors in this important commercial, residential, cultural and institutional area of the City, require that special attention and study be given to this section before the Final EIS is prepared and accepted, and not at some yet-to-be specified time in the future.

Furthermore, these lines pass not only residences but scores of health care facilities, senior citizen residences, schools, and businesses. The Abington Arms complex, referred to above, is but one example. Despite the presence of all of these potential victims of a hazardous materials incident, Applicants have provided no plans for evacuation routes to insure that affected citizens can escape. There is no discussion of an obligation on the part of the railroads to develop these plans in consultation with the affected communities' leaders. Safety drills are a necessary but nowhere close to a sufficient measure to mitigate the potential impact of the transportation of this volume of hazardous materials through these communities.

A few points bear particular emphasis. First, the DEIS Table 5-OH-65, which identifies five Cleveland area segments that will become key routes, underestimates the impacts and risks by the increased load of hazardous materials on the key routes. The five key routes include:

C-072	Mayfield-Marcy
C-073	Quaker-Mayfield

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C-069 Marcy-Short

C-074 Short-Berea

N-081 White-Cleveland

The study fails to mention that segments of C-072 (Mayfield-Marcy) and C-073 (Quaker-Mayfield) are parallel and quite close to segment N-075 (Cleveland-Ashtabula), thereby increasing the overall load of hazardous materials in this rail corridor. The three lines occupy the same depressed/elevated rail corridor for a distance of about 2.5 miles with a separation distance of approximately 100 feet or less. The actual increase in hazardous materials transport frequency in this corridor is from 7,000-cars/year base case to a total of 81,000-cars/year-post acquisition.

Second, the proposed mitigation measures are inadequate. These proposed measures include no requirement for physical spill containment/collection and/or remediation in the event of the statistically projected eventual accident. These new key routes are located in primarily residential neighborhoods where topography and/or physical structures limit access to the rail corridor. For these segments, unless the Cleveland alternative is approved, mitigation must be required that will equip these line segments with spill containment/collection facilitates. Segments that meet these criteria are:

- C-073/N-075 and C-073 - Elevated trackage with current access at each end of a 2-mile segment. Noise mitigation measures could limit access, but would be required to adequately mitigate the projected three-fold increase in noise levels on this segment will further limit access.
- C-072/N-075 - Depressed and elevated trackage.

Additionally, segment C-072 (Elevated trackage) meets this criteria, but is located in an area with less residential density.

No matter what route is used for movement of these commodities through Cleveland, even the Cleveland alternative, mitigation measures to address the presence of this volume of hazardous materials must be part of the solution mandated by the STB. These facilities should be designed with the objective of collecting spilled liquid materials before the material can enter a natural waterway or impact a residential area, thereby minimizing the spread of contaminated materials onto adjoining properties endangering the health and safety of the local residents. The system would consist of a series of drainage channels, piping, and valves as well as detention basins and/or vaults, as required.

A typical hazardous materials spill containment system would consist of three parts: conveyance, containment, and discharge. Attached at Tab 3 are schematic concept drawings prepared by Parsons Brinckerhoff for a typical system.[5] Normally, the system will convey storm drainage through the system without containment in the pond or vault. This would be accomplished through the construction of drainage ditches adjacent to the railroad track. Such ditches would be designed to convey the peak runoff volume to the containment structure without flooding. Preliminary calculations were made that indicated ditch 1-foot deep and 7 feet across at the channel top would provide adequate capacity to convey the storm runoff in the Cleveland area.

[5]Cleveland recognizes and emphasizes that these are preliminary concept drawings only. Working together, the City, SEA and the railroads can develop a containment system that will address the potential spills along the affected lines.

Unlike a normal drainage ditch, a ditch that must also serve to convey hazardous materials would include an impervious membrane. This membrane, either a clay layer or an impervious geotextile, would be installed in the ditch to prevent hazardous materials from seeping into the surrounding soils.

Since much of the track is elevated, it is most likely built on fill material that would quickly absorb the hazardous substance, making cleanup more challenging. The discharge would be conveyed from the ditch via inlets to underground pipes to the containment structure. These pipes will be concrete pipes ranging from 12" to 18" in diameter. Other materials may be used if proper protection from potentially damaging hazardous materials is provided. Properly coated steel or ductile iron pipe may be substituted. The runoff (storm drainage or hazardous materials) will discharge from the underground pipe into a containment structure. This structure would either be a below ground vault or a surface pond. In either case the overall volume of the structure would be the same. It is assumed that in the event of an accident, a maximum spill of 20,000 gallons would be expected. This volume equates to the capacity of one fully loaded liquid tank car or the fuel capacity of six locomotives. A catastrophic accident is unlikely and would likely over-exert any containment measures. The hazardous materials containment system is designed to contain materials from fuel spills, low speed collisions, and/or tank failures.

NS or CSX could choose to use surface ponds, vaults, or both depending on site constraints and/or financial issues. Surface ponds are generally less expensive than large, cast-in-place concrete vaults. However, ponds require more space, flat terrain, and may require property purchases. A vault can be "squeezed" into the

confined space of a railroad corridor. A more thorough analysis of the type of structure to use would have to be made during the preliminary design phase of the project. A sketch of both structures is included in Tab 3.

The outlet would typically be a pipe connected to the storm sewer system or with an outfall to a nearby water body. The outlet pipe would be equipped with a manual control valve. This valve would remain in the open position to allow rainwater to discharge freely from the pond. In the event of a hazardous materials spill, the valve would be closed by the response team, thereby containing the spill within the corridor and the containment structure. As part of the cleanup process, materials would be removed from the containment structure and the right-of-way before the outlet valve would be opened.

E. Impact on Existing Highway Infrastructure, Including Bridges

The substantial increase in rail traffic through the City of Cleveland will create adverse effects that will ripple through a host of aspects of the City's life and the infrastructure that supports it. Increased truck traffic to and from the new Collinwood Yard intermodal facility is conservatively estimated by the applicants to show growth of only 49 trucks per day, see DEIS vol. 5B at OH-42, in order to avoid the 50 truck per day threshold that would require further study.

The extent of the impact on the City goes far beyond those 49 (or more) truck trips per day to and from Collinwood, creating impacts on the environment that require further careful study. What, for example, will be the impact on the infrastructure from increased delays to vehicle traffic at crossings? When cars and trucks are blocked at grade crossings, traffic will seek alternative routes through

residential neighborhoods. ...ades the deterioration of streets not designed for this level of traffic loading. ...e quality of life in the residential areas will suffer from increased traffic, more air pollution that accompanies vehicle traffic, and the increased safety risks that follow as well.

Increased train traffic will also have an impact on the crossings themselves, having further effect on the citizens that use them. Grade crossings are subject to faster deterioration due to increased train frequency. As a result, the adjacent roadways are subject to increased raveling, and potholes appear. Safety is diminished as vehicles cross the uneven tracks. Crossings in Cleveland at East 40th, East 39th, East 55rd, Bessemer, London, Nottingham and West 110th that will see substantial increases in freight traffic will require attention to be able to withstand the impacts of the volumes projected by Applicants.

F. Delays in Emergency Response

The DEIS correctly identifies increased delays at grade crossings as an area of significant impact from the Conrail acquisition. Specifically, Table 5-OH-54, DEIS, vol. 3B at OH-146, identifies "Estimated Maximum Delay for At-Grade Roadway Crossings on NS Cleveland-Ashtabula Line" for two crossings that meet SEA's threshold. The City of Cleveland shares this concern, and agrees with the designation. However, the table underestimates the actual impacts of the transaction. The way the criteria are applied to the two intersections in Cleveland suggests that, when applied properly based on the realities of train movements and vehicle usage of Cleveland's busy streets, the impacts will be as bad as was projected in CLEV-9 (see VS Denihan) and will require more mitigation than NS and CSX have planned.

One of the table's criteria, the change in crossing delay per stopped vehicle, is a function solely of the slightly increased train lengths. While the incremental change is not significant, this criterion is not relevant. The other criterion, total blocked time, is significant and is understated for Dille Road because the train speed used in the calculation (V = 50 mph) is too high. Train speeds are limited to 35 miles per hour less than 1.5 miles from the crossing. With a train length of 5,000 feet, and the need for the train to be within authorized speed before entering the limit for the decreased speed, it is highly unlikely that speeds significantly over 35 mph will occur at this location. The total blocked time for Dille Road is more likely to be as much as 70.3 minutes, which results in a **more than three-fold increase over pre-acquisition levels**.

The actual impacts are also understated, as the DEIS correctly notes, because the potential for delay in emergency response times is so significant and so difficult to quantify. In fact, the situation is even worse than the picture the DEIS paints because the areas that are potentially isolated by rail traffic delays at crossings are at the far reaches of the City limits. No Cleveland emergency services are located on the south side of the tracks in this vicinity.

The increased delays at crossings across the City will create a problem that NS and CSX must mitigate. SEA should require a recheck of the data for all of the crossings in the City to determine whether the actual speeds of the trains through crossings are, like Dille Road, less than the posted speed at the track at that location. Reality, not the optimal situation, should govern the analysis. When that is done, SEA should require NS and CSX to work with the City to identify the actual delays expected to occur at busy grade crossings and to implement plans to mitigate these delays and

insure that the residents of the affected areas will not suffer from increased response time for police, fire, and rescue vehicles delayed by an increase in the frequency and length of trains crossing City arterial streets.

G. Historic Resources

The DEIS recognizes that "[c]ultural resources include historic and archaeological features", DEIS, vol. 3B at OH-75. However, without further study of the impacts of the transaction on structures or use patterns in places like Cleveland that will experience dramatic increases in train frequencies, the DEIS then concludes that "potential effects to cultural resources would most likely occur during new construction and rail line proposed abandonment activities that meet or exceed the Board's threshold for environmental analysis." *Id.* Contrary to this conclusion, many local landmarks and historic districts face the potential for experiencing the types of adverse effects outlined by the Advisory Council on Historic Preservation that are listed in the DEIS itself, including "physical destruction, damage or alteration; isolation; introduction of elements that are out of character; neglect; and transfer, lease or sale." DEIS, vol. 1, section 3.13 at 3-38. Because of the impacts on the surroundings and the quality of life that the substantial increase in train frequencies will bring, the City's historic structures and districts face some or all of these risks, and SEA should conduct further study of the impacts.

One tool available to communities seeking to protect areas of historic significance is the designation of "historic districts". In Cleveland, such districts can be designated on a national basis, as part of the National Register of Historic Places, or on a local basis, as Cleveland Landmark Districts. National Register Districts are

protected by virtue of the fact that federally funded development and exterior renovation in these districts is evaluated for compatibility by a hierarchy of local, state and national review bodies. The Cleveland Landmarks Commission, designated by the State Historic Preservation Officer as a "Certified Local Government", undertakes the local review of National Register designations and actions which may affected listed properties and districts. Local Cleveland Landmark Districts are created by legislative action of the City government and provide protection to listed properties and districts by virtue of the fact that all development and exterior renovations in these districts must be evaluated for appropriateness by the Landmarks Commission.

Currently in the City, 26 historic districts are listed on the National Register and 19 districts are designated as local Landmark Districts. Many of the districts listed nationally are also included within larger locally-designated districts. Of the 19, 14 are located on the City's east side, including four in the Downtown area. The National Register Districts are concentrated in four areas of the City: Downtown, Ohio City, Shaker Square and University Circle. Among the largest locally-designated districts is Little Italy, adjacent to University Circle. This Landmark District has approximately 375 buildings in it and, since its designation in the 1960's has become a vibrant arts and restaurant district immediately adjacent to the cultural resources of University Circle.

The Cleveland Landmarks Commission maintains a listing of existing and potential landmark properties and districts and undertakes surveys and studies necessary to determine the eligibility of potential properties and districts for local and national designation. In 1985, the Landmarks Commission, in cooperation with the

City's Department of Community Development, undertook a complete city-wide survey of residential and commercial areas to identify additional locations warranting consideration for historic designation based on architectural significance. the City Planning Commission subsequently adopted the Landmarks Commission's recommendations as part of the Citywide Plan, the official General Plan of the City of Cleveland. Among the largest of such eligible districts was the Magnolia Drive/Wade Park Avenue District in University Circle.

Two historic districts lie within half a mile of the proposed CSX/NS routes through University Circle: Little Italy and the Hessler Road and Court District. Two National Register Districts -- the Mather College Historic District and the Wade Park Historic District -- lie in the immediate vicinity as do 17 individually-listed properties:

- Parkside Dwellings
- Allen Memorial Medical Library
- Mary Chisholm Painter Gate
- Conrad-Bates House
- Holy Rosary Church
- Cleveland Museum of Art grounds
- Garfield Memorial
- Ford Motor Co. (Cleve. Inst. of Art)
- Mayfield Theatre
- Severance Hall
- Church of the Covenant
- Backus School of Law
- Amasa Stone Chapel
- Flora Stone Mather Hall
- Lakeview Cemetery
- Wade Memorial Chapel
- Cedar Glen Apartments

The routing proposed by CSX and NS, which is immediately adjacent to Little Italy, will have a serious detrimental impact on this district. The cumulative impacts of increased noise and pollution resulting from the drumatic increase in freight train traffic, will degrade the quality of this district. The same is true for the Hessler Road and Court District, a unique multi-family residential community, and for the Mather College District. The cumulative effects on the environment in these two Historic Districts, and upon individually listed buildings, have not been analyzed.

Severance Hall, the home of the Cleveland Orchestra, is a good example of the buildings in this area that are of particular concern. Built in 1931 of porous sandstone, it is highly sensitive to pollution. The increased burden of pollutants -- specifically particulate matter from the projected 80 or more multi-engine trains that will operate daily one block south of Severance Hall -- is of grave concern.

The DEIS makes no mention of any of these culturally significant buildings and districts. Presence or absence of construction is an inadequate criterion for determining the likelihood of impact on cultural resources like the many in Cleveland, the use and the longevity of which will be dramatically affected by the increased train frequencies proposed by CSX and NS. For the final EIS to be complete, SEA should require a careful analysis of the impacts of the proposed transaction on the City of Cleveland's many historic resources.

IV. DESCRIPTION OF THE CLEVELAND SOLUTION, AND COMPARISON OF IMPACTS

The evaluation of alternatives has been called the heart of the EIS by the CEQ. 40 C.F.R. § 1502.14. There should be a comparison of reasonable alternatives on relevant environmental and other grounds, particularly when a locally identified, environmentally preferable alternative exists. In making its decision, the STB should be informed of the full range of alternatives, and given a complete assessment of their commercial and operating viability along with the required comparison of the relative environmental impacts of each. In this case, the DEIS includes no analysis that could provide the Board with a basis to make that decision. The City of Cleveland is proposing alternatives here, and these Comments include some preliminary comments

on the cost and the comparative impacts on the environment. However, just as NS and CSX should have developed alternative routing arrangements in the first instance, they, working together with SEA, should be responsible for preparation of careful, objective review of the solutions proposed by Cleveland.

A. The Cleveland Solution

The City of Cleveland has identified operationally feasible alternatives for the routing of freight through the City. These alternatives reduce the net level of environmental impact. They route most rail traffic through industrial corridors, minimizing impacts on residential neighborhoods, reducing safety hazards and preserving quality of life. These plans provide a "global fix" because they not only benefit Cleveland's neighborhoods, but they provide a solution to the traffic increases or congestion problems that would otherwise be created for the west shore suburbs, East Cleveland, Euclid, Berea and others. The new traffic patterns will allow CSX and NS to provide efficient, competitive freight service, preserve the ability to provide commuter rail service in the future, and enhance regional development.

Each of the alternatives was assessed in terms of its ability to reduce the potential for noise, air quality, hazardous materials, and environmental justice impacts to the City of Cleveland while providing for efficient rail movement through the City. The two alternatives identified by the City and the original and modified alternatives identified by NS and CSX were evaluated in a screening procedure. This was based on the number of sensitive receptors located at critical distances to the tracks and socio-economic profile of neighborhoods most affected. Based on that analysis, both City alternatives were estimated to meet the goals and objectives of achieving a lower

potential for environmental impact. It is therefore recommended that a second tier EIS that will include the alternatives identified by the City, be prepared to address the localized affect.

CSX and NS have submitted an operating plan that calls for one primary CSX route and two primary NS routes through greater Cleveland. CSX would use a route from Greenwich in Huron County through Berea to Short, a rail junction near Brookpark Road/West 150th Street[8]. CSX would use the Short Line route, which parallels I-480 to White (located in the Broadway area south of Harvard), then via University Circle and East Cleveland to the Collinwood Rail Yard.

NS traffic destined for Pittsburgh and beyond would also enter the area at Berea, then use the Lake Shore route via the Cleveland Lakefront. It would then use the former Pennsylvania Railroad route via the east side of Cleveland and Bedford. The second NS route, for traffic destined to Buffalo and beyond in the northeast, would use the existing NS route from Bellevue, which passes through the western suburbs, skirts the south edge of downtown Cleveland, then passes through University Circle to Euclid.

While all of these routes use existing lines, some will see tremendous increases in rail traffic. As a result of concerns expressed by the western suburbs, NS submitted an alternative plan to reroute a portion of its Buffalo traffic to the Flats Industrial Track (the former Clark Branch) corridor, which diverges near Cloggsville (near west 25th Street) and runs to Short and Berea. This alternative plan would require substantial public funding. This alternative plan would require substantial public funding and

[8]Maps showing the original CSX/NS proposal, the CSX/NS proposal as revised in November 1997, and the two Cleveland alternatives are attached at Tab 4.

would substantially increase NS traffic through the City of Berea as a result of reducing traffic through the West Shore suburbs to the north.

Cleveland has a better idea. It has studied the configuration of lines in the region and developed two alternative arrangements that reverse the ownership of the lines in the area from the arrangement proposed by CSX and NS. In the first Cleveland alternative solution, CSX traffic from Greenwich would continue to enter the region in Berea, but would use the Lake Shore route via the Cleveland Lakefront to Collinwood. This line is currently used heavily by rail traffic. NS traffic bound for Pittsburgh and beyond would continue to enter the area at Olmsted Falls/Berea, but would use the Short Line to White, then diverge southeast through Bedford. In Alternative Number 2, NS Pittsburgh traffic would not use the Flats Industrial Track north and east of Short, using instead the Short Line east to Marcy. The southern portion of the Short Line would become NS's main line for both Pittsburgh and Buffalo traffic flows. At Marcy, NS traffic bound to and from Buffalo would continue on the existing Short Line through University Circle to Mayfield. Near the existing Mayfield connecting track, a new, higher-speed connection would be built between the Short Line and the NS line to Buffalo for trains to join the existing route.

Under both alternatives, each railroad would also have the use of a secondary line for overflow traffic, transfer movements, maintenance needs and emergency use. CSX's secondary route would be via the Short Line from Collinwood to Berea as CSX has currently proposed in its operating plan. Ownership of the Collinwood to Marcy segment could be in the hands of CSX. Trackage rights over NS would be required from Marcy to Berea. NS's secondary route for Pittsburgh traffic would also be the via

the route it now designates as its primary route, that is from White to the Cleveland Lakefront to Berea. Under the City's alternatives, the route from the Cleveland Lakefront to Berea would be via trackage rights over CSX.

Both of Cleveland's alternative solutions accept the fundamental premise of the railroads' revised proposal (see the second map included in Tab 4): to mitigate the impacts of increased freight traffic through the West Shore suburbs and Cleveland's Edgewater and Detroit Shoreway neighborhoods[3], it will be necessary to divert the traffic southward through Berea. Cleveland's two alternative solutions differ from the revised CSX/NS proposal by addressing the increased road - rail conflicts that will result in Berea and, in so doing, enabling the rerouting of traffic on the east side of Cleveland away from predominantly residential neighborhoods to predominantly industrial corridors. Both of Cleveland's alternatives also maintain joint access by both railroads to key shippers and yards. This includes the Ford motor plants in Brookpark, the Chevrolet plant in Parma, and NS's Rockport Yard. Traffic that must use the secondary routes to achieve maximum efficiency could also be run on modified – at this time the City's proposals would not preclude use of the line between the Lakefront and White (the Conrail Cleveland line) for limited traffic such as the NS (post-acquisition) ore traffic from the Port of Cleveland. The only requirement here would be NS's use of trackage rights to cross lines assigned to CSX (under the City's proposed arrangements) over the Cuyahoga River drawbridge.

[3]These neighborhoods' populations and the impacts of the Applicants' proposed routing are reviewed in detail in CLEV-9.

Both Cleveland alternatives require the two carriers' traffic flows to cross each other at Berea, and both propose to meet the problem of converging rail traffic in Berea on a permanent basis. In recognition of the railroads' need for efficient and competitive options, Cleveland proposes grade separation of the two lines through use of a rail/rail overpass structure. Other components of the project would include elimination of both Front Street at-grade crossings as well as elimination of the grade crossing at Bagley Road. In addition, the Cleveland solutions include grade separation on the NS Nickel Plate Line in Cleveland and Euclid at London and Nottingham/Dille Roads.

B. Infrastructure Requirements

Cleveland developed these alternatives with a "global fix" in mind. To this end, infrastructure components of the alternatives include those required to mitigate the impacts on the City of Cleveland and to meet the railroads' needs. These proposals recognize and account for the improvements Cleveland has assumed would be required to mitigate the impacts on Cleveland's suburban neighbors in conjunction with these alternatives. The following listing of infrastructure improvements, like the cost estimates that follow, are based on the City's work with its consultants and provide the beginning, not the end, of the analysis of the operating feasibility, the cost and the environmental impacts of these solutions.

The key infrastructure elements of the two alternative solutions include the following[4]:

(1) Alternative One:

[4]Locations of the various projects and improvements are in the vicinity of the locations identified on the maps included in Tab 4.

- Berea rail/rail grade separation project, referred to above and described more fully in the text attached at Tab 5
- Flats Industrial (West Side) Connection, as proposed (and cost estimated) by NS
- Short Line capacity improvements between Short and Marcy
- Harvard Connection (Marcy to Short) Secondary Track – provides subgrade improvements, additional capacity and lessened gradient
- Nottingham/Dille Road Underpass – mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- London Road Overpass – mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- Noise/Vibration Mitigation Allowance – preliminary investigation suggests that certain line segments, even under the Cleveland solution alternatives, may require mitigation measures to reduce noise and vibration impacts. Additional evaluation by SEA prior to completion of the Final EIS is necessary.
- Track/Signal Allowance at West End Rockport/Ford Yard – allowance to improve track conditions and signalization on the easterly lead track between the west end of Rockport Yard and Ford Yard. This is intended to increase flexibility and the capacity for switching movements at Rockport and at Ford Yard. Additional operating and engineering investigation is required.

(2) Alternative Two:

- Berea rail/rail grade separation project, referred to above and described more fully in the text attached at Tab 5
- University Circle connection – allowance for connecting the NS Buffalo line to the Short Line
- Short Line capacity improvements between Short and Marcy, as proposed and cost-estimated by CSX. Additional improvements may be required from Marcy to Mayfield, including the provision of

additional capacity in the tunnels, depending on NS's operational needs.

- Harvard Connection (Marcy to Short) Secondary Track – provides subgrade improvements, additional capacity and lessened gradient
- Nottingham/Dille Road Underpass – mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- London Road Overpass – mitigates transportation and emergency response time impacts caused by increased traffic on the NS Cleveland - Ashtabula line
- Hazardous Materials Mitigation – preliminary investigation suggests that certain line segments within the City may require mitigation measures, even under the proposed alternatives. Further analysis is required.
- Noise/Vibration Mitigation Allowance – preliminary investigation suggests that certain line segments, even under the Cleveland solution alternatives, may require mitigation measures to reduce noise and vibration impacts. Additional evaluation by SEA prior to completion of the Final EIS is necessary.
- Track/Signal Allowance at West End Rockport/Ford Yard – allowance to improve track conditions and signalization on the easterly lead track between the west end of Rockport Yard and Ford Yard. This is intended to increase flexibility and the capacity for switching movements at Rockport and at Ford Yard. Additional operating and engineering investigation is required. A portion of the cost of constructing these improvements may already be included in the NS estimates for the cost of the West Side Connection.

C. Comparison of Benefits of the Cleveland Alternatives

Cleveland's Alternative One provides a host of benefits to both the carriers and to the City. These include the following:

- The highest concentrations of rail traffic are concentrated in the existing industrial corridors in and around the City, ***away from the City's residential, commercial and institutional neighborhoods***.

- Train traffic in Cleveland's Collinwood and Forest Hills neighborhoods will decrease, minimizing impacts on residents.
- Train frequencies in the City's west shore neighborhoods and the adjacent communities will decrease, minimizing the impacts on residents, businesses and infrastructure.
- Both of the at-grade crossings on Front Street in Berea will be grade-separated. Benefits include elimination of traffic and emergency response delays, and dramatic decreases in noise from train horns.
- Grade separation of the Bagley Road CSX crossing in Berea will similarly reduce delays and noise.
- Grade separation of two of the four at-grade crossings heavily affected by increased NS traffic in the Euclid/Green neighborhood.
- Decreases the length of the CSX route through Cleveland by 2.7 miles.
- Decreases the length of the NS Pittsburgh route by 7.5 miles, including elimination of the drawbridge crossing.
- Minimizes freight traffic on certain key line segments potentially of interest to the public sector for the development of commuter rail services, such as the Cleveland Lakefront to Erie Crossing, Harvard or White and Lorain to Cleveland Lakefront.

Alternative Two provides many of the same benefits, but with even greater reductions in the impact on the City's neighborhoods, as described more fully below. The major difference between the two alternatives is in the impact on NS operations. As compared to Alternative One, the NS Buffalo route distance would be .3 miles longer as opposed to the route that uses the West Side (Cloggsville) connection. It also increases traffic on the Short Line. However, it has the advantage of providing NS with a route that does not include use of the drawbridge. It may also permit a reduction in the need for continued investment in operations at the East 55th Street Yard.

Recognizing the complex operating issues and trade-offs that would be involved in adoption of either of these scenarios for either of CSX or NS, the City does not aspire to submit with these comments a detailed comparison of the operating impacts of the two alternatives for the two carriers. However, Cleveland does submit that both of these alternatives are feasible and should be carefully evaluated by SEA and by CSX and NS in order to comply fully with the requirements of the CEQ guidelines.

D. Comparison of Alternatives

The City has had three focal points in mind while considering solutions to the problems created for its and its suburban neighbors' populace by the NS/CSX proposal -- reduction of impacts on the communities through routing trains away from sensitive residential and institutional sections and into the industrial corridors where they belong; reduction of the astonishingly disproportionate impact on low income and minority communities and recommendation of a solution that is at the same time operationally and economically feasible for the two carriers. The City's two recommended re-routing arrangements accomplish all three.

To begin with the train frequencies on the line segments through the residential communities, such as Cleveland - Vermilion on NS, Quaker - Mayfield, and Mayfield - Marcy diminish dramatically. Cleveland estimates the following numbers of daily train movements under the City's alternative routing arrangements, determined based on information available from the Application and other documents in this proceeding:

Train Frequencies

Line Segment	CSX/NS Revised Plan	Cleveland Solution – Alternative One	Cleveland Solution – Alternative Two
C-069 Marcy-Short	45.8	28.1	48.3
C-072 Mayfield-Marcy	43.8	Minimal*	20.2
C-073 Quaker-Mayfield	43.8	Minimal	Minimal
C-074 Short-Berea	50.6**	50.6**	50.6**
C-691 Quaker-Drawbridge	12.9	54.2	54.2
N-074 Cleveland-Short	17.7	17.7	2.0
N-075 Ashtabula-Cleveland	36.6	36.6	36.6 (Minimal west of Mayfield)
N-080 Cleveland-Vermilion (NS)	16.4	16.4	16.4
N-081 White-Cleveland	29.7	2.0	2.0
N-293 Cleveland-Vermilion (CR)	32.9	50.6	50.6

** Will be reduced by the number of trains using Rockport and the connection to Berea, improving conditions at grade crossings on this segment.

* Minimal, in this table means traffic ranging from zero to an average of several daily trains.

In terms of noise impacts, the number of sensitive receptors at critical distances (properties estimated to be within about 75 feet) from the nearest tracks were evaluated for each segment. This evaluation identifies the number of receptors expected to be affected, and the distance along the right-of-way that may require some form of mitigation. As shown in the following table, the number of affected residents and the amount of additional mitigation required both decline dramatically:

Preliminary Noise Analysis

Alternative Route	Number of Receptors	Potential Length of Noise Mitigation Required
Original CSX/NS Operating Plan	154	17,000 feet
Revised CSX/NS Plan	173	20,250 feet
Cleveland Solution – Alternative One	84	12,300 feet
Cleveland Solution – Alternative Two	25	6,500 feet

A preliminary study of comparative vibration impacts, using similar methodology, estimated houses located within a critical distance from the nearest track:

Preliminary Vibration Analysis

Alternative Route	Number of Receptors	Potential Length of Mitigation Required
Original CSX/NS Operating Plan	62	15,850 feet
Revised CSX/NS Plan	54	13,300 feet
Cleveland Solution – Alternative One	33	6,550 feet
Cleveland Solution – Alternative Two	16	4,900 feet

The reduction in impacts on the City's neighborhoods in every respect is obvious. While many of the at-grade crossings remain, the frequency of train operations will not increase to a point where delays from train movements pose a nearly constant threat to the health and safety of the communities' residents. Hazardous materials will continue to be moved through and near the City, but mitigation is available that could

be effective on corridors where the lines are accessible and do not pass so close to the bedroom windows of such a substantial number of households, schools, hospitals and cultural institutions. The minority and disadvantaged populations of the City will not bear the overwhelming share of the burdens of a transaction from which they will derive virtually no benefit. As shown on the table attached at Tab 6, the relative impacts of the two Cleveland solutions on the poor and minority communities are substantially less than the impacts described in CLEV-9. In order to accurately and objectively compare the Original and Revised proposals with the two Alternatives advanced by the City, the City undertook an Impact Analysis which examined the impact of additional freight traffic on people living within 1000 feet of each rail segment in the City. Base demographic data for this analysis was prepared for the City by Cleveland State University, using their Census mapping capabilities. The number of persons, minority persons, Hispanic persons, and persons of low income were calculated for each 1000-foot wide line segment in each of the four alternatives. Implementation of Alternative One will affect 49,547 people within 1000 feet of the combined rail corridors. Of these 18,359 (37.1%) are non-white, 2,955 (6%) are Hispanic and 14,458 (29.2%) are low income. The impacts from implementation of Alternative Two have a similar effect of reducing the environmental injustice of the CSX/NS proposal. It affects 32,625 people living within 1,000 feet of the rail lines, of whom 17,794 (54.5%) are non-white, 319 (1%) are Hispanic and 10,361 (28.7%) are low income. From the table that resulted, it is possible to compare each of the alternatives in terms of number of persons affected by increased freight traffic in each alternative. To adjust and account for the variations in impact that occur with varying levels of increased freight traffic on each

line segment, the City developed an "impact index" both rail proposals and both City proposals. That index considered two factors: 1) the number of additional trains proposed for a particular segment and 2) the number of residents living within 1,000 feet of the tracks. For each scenario or alternative, consideration was given to only those rial lines where an increase in freight traffic was proposed. Mathematically, the formula can be expressed as follows:

additional trains per day on each affected rail segment
x population within 1,000 feet of tracks on each segment
divided by 100,000

For each of the alternative scenarios, the Impact Index numbers for each affected segment were added to compute the overall Impact Index for the alternative.

The City's proposals make sense in relation to all three of the principal objectives the City has stated throughout its attempts to address the substantial impacts of this proposed transaction on Cleveland and its neighboring communities: it reduces of impacts on the communities through routing trains away from sensitive residential and institutional sections and into the industrial corridors where they more belong; it reduces the astonishingly disproportionate impact on low income and minority communities; and provides a solution that is at the same time operationally and economically feasible for the two carriers. As described more fully in the next section, the City's solution is more expensive than either of the NS/CSX proposals, but these costs pale by comparison to the nearly $1 billion in annual economic benefits that the two railroads have stated they will achieve on the backs of the people of this City and its neighbors and without regard for the burdens on their lives that their proposals will create.

k. Cost of the Alternatives

Neither the Applicants' original proposed routing and operating arrangements through the City of Cleveland, nor the City's solutions to the problems the Applicants will create by those arrangements, is without cost. The City's solutions require more investment in infrastructure improvements but present a fair solution to the problems the City did not seek and from which it will derive relatively little benefit. As shown in the table attached at Tab 7, the cost of completing the improvements and mitigation required to implement the various operating scenarios is:

Operating Scenario	Estimated Cost of Improvements
CSX/NS Original Operating Plan	$28,100,000
CSX/NS Plan, revised on November 25, 1997, to include Cloggsville/West Side Connection	$72,100,000
CSX/NS Plan, as revised on November 25, 1997, and including additional mitigation estimated to be required to begin to address impacts of the proposed transaction	$107,225,000
Cleveland Solution – Alternative One	$171,500,000
Cleveland Solution – Alternative Two	$147,780,000

The meaningful comparison here is among the last three rows on the above table. While the Applicants' revised operating plan included some cost of capital improvements in and around the City of Cleveland, it did not reflect the cost of the noise mitigation, crossing improvements, hazardous material spill containment, vibration mitigation and other measures that would be required to begin to offset the impacts of the transaction. The City has estimated the cost of some of that mitigation,

and those estimates are reflected in the adjustment to Applicants' proposal in the cost on the third scenario in the above table. It bears emphasis here that the cost of noise mitigation in this scenario is for measures that likely will not fully address the substantial increases in noise from wheels, from locomotive engines and from train horns that will result from implementation of the revised CSX/NS proposal while also being acceptable in terms of visual impacts and access for emergency response. In reality, the cost on this line is understated by the amount that would be required to construct further mitigation.

The estimates to complete the City's proposed solutions are based on preliminary assessments by the City's staff and consultants. Cleveland recognizes that as engineering work and additional expertise is brought to the analysis of all of these alternatives, the costs will change. The data available to the City suggests that its solutions are realistic and prudent, but they remain conceptual in nature. As the railroads' needs develop based on a further understanding of the implications of the revised operating scenarios, the costs could change. Additional savings through changes elsewhere in the area might be realized, and additional costs might be incurred as the precise requirements become known.

V. CONCLUSION

There is no substitute for careful analysis of the potential impacts of a transaction of the scope of this one on the communities along the railroads' lines, and there is no excuse for those railroads' failure to consider from the outset the impacts this transaction will have on the City of Cleveland and its neighboring suburbs. These

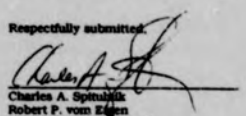
Comments begin the meaningful assessment of those impacts, and note the additional work that is required before a Final EIS can be prepared.

The City of Cleveland has striven to devise rerouting plans that will reduce the impacts on its residents, the fabric of its communities' lives and on the institutions it has fostered and housed over the course of its 200 year history. No matter which alternative rerouting plan is finally selected, there are some elements that must be included in any solution to the serious adverse impacts this transaction will create for Cleveland and the surrounding communities. The mandates of the President's Environmental Justice Order must be at the forefront of SEA's consideration of these impacts and the solutions that Cleveland has presented. Unless the Applicants are willing to adopt rerouting arrangements that accomplish the City's objectives, SEA should recommend and the STB should impose train limits or curfews that hold the neighborhoods harmless from the impacts they will experience from the implementation of Applicants' proposal. Fairness to Cleveland, its residents and its neighbors should prevent the STB from approving the proposed transaction without requiring mitigation of the substantial impacts it will otherwise create -- not trifling attempts to appease the citizens by planting trees and erecting low, nearly useless noise walls, but real efforts to reduce noise and intrusion into the peoples' lives by adoption

of a rerouting alternative that truly and effectively addresses the problems that the proposed transaction will create.

Dated: February 2, 1998

Respectfully submitted,



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Attorneys for The City of Cleveland, Ohio

UNIVERSITY CIRCLE

Forty Years of Ensuring Excellence in University Circle

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 10831 Magnolia Drive Cleveland, Ohio 44106-1967 216/791-3900 216/791-3930 Fax

- 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 conv[illegible]s that the increased traffic will adversely affect air quality; increase noise pollution (w[illegible] may prove problematic to The Cleveland Orchestra); and bring hazardous materials [illegible] 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 it's 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

2/3/98 4:27:43pm-58

Supplement to Cleveland Magazine

University Circle Incorporated

1997

Report to the Community

2/3/98 4:27:43pm-59

[illegible] UNIVERSITY CIRCLE INCORPORATED

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

[illegible]

Associate Member Institutions

[illegible]

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.

2/3/98 4:27:43pm-60

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. At 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, Jeptha 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 ethnic, musical and cultural district of note was becoming a reality. As was Jeptha 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 recommendations 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 validity 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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Board of Trustees

UCI Executive Staff

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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 1950s 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

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Public Safety

[illegible]

"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. Pippert, University Circle Police Department

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We keep this one-square mile

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.

2/3/98 4:27:43pm-65

Parking and Transportation

"We want our visitors to have a positive experience in University Circle even before they enter our museums. The Circulink 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

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We make easy.

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

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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

2/3/98 4:27:43pm-68

We take care of this place.

2/3/98 4:27:43pm-69

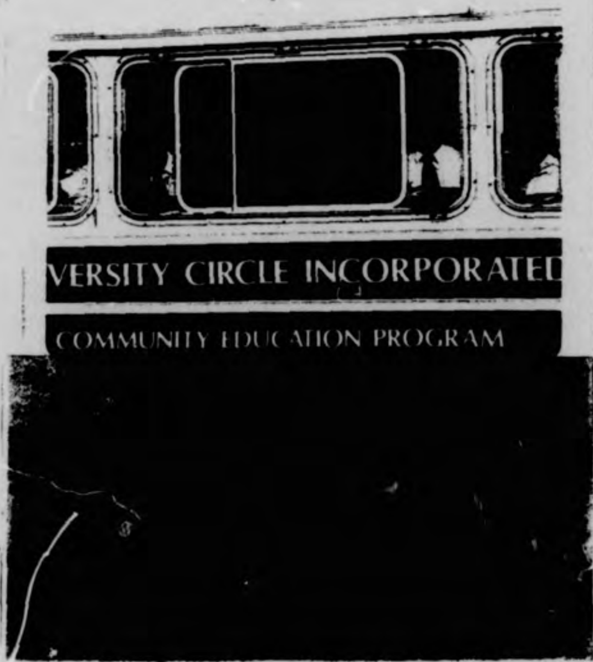
Community Outreach

"The lives of more than two million Cleveland schoolchildren have been enriched by visits to University Circle's museums, theatres, 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

2/3/98 4:27:43pm-70

We open doors that never close.



2/3/98 4:27:43pm-71

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

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We make our

2/3/98 4:27:43pm-73

University Circle Incorporated

Annual Fund

The 1525 Endowment Challenge

Anonymous
Anonymous
Anonymous
Anonymous
Anonymous
Anonymous
The 1525 Foundation
[illegible]
Mr. and Mrs. Quentin Alexander
American Heart Association, Northeast Ohio Affiliate, Inc.
Mr. and Mrs. Robert Anderson
[illegible]
Mr. and Mrs. J.H. Baird
Mr. and Mrs. D. Robert Bailey
Mr. and Mrs. Francis H. Beam, Jr.
[illegible]
Richard J. Bogomolny and Patricia M. Kozerefski
James C. Boland
Frank H. Borchert, Jr.*
Dr. and Mrs. Richard S. Bond
[illegible]
Thomas G. Brick
George S. Brookes
Mr. and Mrs. Clark E. Bruner
[illegible]
Calfee, Halter & Griswold
Hugh Calkins
The M.E. and F.J. Callahan Foundation
[illegible]
Mr. and Mrs. David Connor
[illegible]
The Cleveland-Cliffs Foundation
John D. Clough, M.D.
Cole National Corporation
Thomas Coleman
Coopers & Lybrand L.L.P.
Mr.* and Mrs. Frederick C. Crawford
[illegible]
Marcia M. Davidson
[illegible]
Rosemary Leach Downing
[illegible]
Raymond J. Dunn
[illegible]
Early Childhood Options of University Circle
[illegible]
Mrs. Ruth Eppig
[illegible]
Euclid Fish Company
[illegible]
The GAR Foundation
GenCorp Foundation
[illegible]
John H. Gherlein
Robert R. Glaser
Mr. and Mrs. Bruce S. Glaser
[illegible]
The BFGoodrich Foundation, Inc.
Goodyear Tire and Rubber Company
Greater Cleveland Growth Association
The Gries Family Foundation
Fred J. Griffith
Mr. and Mrs. James B. Griswold
The Gordon and Llura Gund Foundation
[illegible]
Gerald J. Haggerty, Jr.*
[illegible]
James C. Hardie
Gordon D. Harnett
[illegible]
The Huntington National Bank
Mrs. David S. Ingalls*
The Louise H. and David S. Ingalls Foundation
[illegible]
Mrs. Cornelia Ireland*
Mr. and Mrs. James D. Ireland III
The Ireland Foundation
In Memory of R. Livingston and Margaret Allen Ireland
Jones, Day, Reavis & Pogue
Philip B. Kalin
Mr. and Mrs. G. Robert Klein
[illegible]
David F. Leahy
Mr. and Mrs.* David W. Lehman
Anne and Elmer Lindseth Endowment†
Elmer L. Lindseth
Catherine D. LaPine
The LTV Foundation
Robert R. Lintz
McDonald & Company Securities Foundation
[illegible]
Mrs. Anne M. Marriott
Elizabeth Ring Mather and William Gwinn Mather Fund
Robert A. Mauer
[illegible]
Mr. and Mrs. John C. Mosley
The Murch Foundation
David & Inez Myers Foundation
NACCO Industries, Inc.
Mr. and Mrs. Sterling Newell, Jr.
[illegible]
H. O'Neill Endowment
The William J. and Dorothy K. O'Neill Foundation
[illegible]
The Payne Fund
[illegible]
Mr. and Mrs. Joseph D. Pigott
[illegible]
RPM, Inc.
Mrs. Alfred M. Rankin
Mr. and Mrs. Alfred M. Rankin, Jr.
[illegible]
Thomas H. Roulston
[illegible]
John and Sally Schulze
[illegible]
The Second Foundation
Mrs. Ellery Sedgwick, Jr.
The Sedgwick Fund of The Cleveland Foundation
[illegible]
Craig R. Smith
Nancy King Smith
[illegible]
Sullivan Family Foundation
[illegible]
Dr. J. Mary Taylor
Mr. and Mrs. Joseph H. Thomas
[illegible]
The Elisabeth M. and William C. Treuhaft Fund of The Cleveland Foundation
Mr. and Mrs. Richard B. Tullis
Dr. Evan H. Turner
University Hospitals of Cleveland
The George Garretson Wade Charitable Trust #2
William N. Wiese
Thomas E. Wheeler
Alton W. Whitehouse
Henry L. Williams
Diane and Joe Wick
Mr. and Mrs. Robert E. Weiss
Henry L. Zucker

The Circle Bench Project

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

Alfred F. Ashley
[illegible]

In Memory of Kenneth J. Pinkerton, 3 families

[illegible]

Named Endowed Funds

The 1525 Foundation
[illegible]

Restricted

In appreciation to the following contributors for:

Supporting UCI's fund-raising efforts

[illegible]

Investing $100,000 or more in vital initiatives

The 1525 Foundation
[illegible]

Funding UCI's 10th Annual Summer Scholar Program

[illegible]

Upgrading the University Circle Police Department's Communications System

[illegible]

Designating contributions to other restricted funds

[illegible]
The Cleveland Foundation
John P. Murphy Foundation
Elizabeth Ring Mather and William Gwinn Mather Fund
Mrs. Kate H. Smith

Supporting a planning study for improvements to East 105th Street

Bank One, Cleveland, N.A.
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

[illegible]
Cleveland Coca-Cola Bottling Company, Inc.
The George Gund Foundation
[illegible]

Generous assistance

[illegible]

* Deceased
† Endowed by donor

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	36,010	59,290
Contributions receivable	758,860	610,693
Other assets	76,202	76,202
Office equipment, net	53,725	68,383
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	578,126
Land	5,127,067	5,127,067
Buildings, net	3,805,100	4,067,329
Total Assets	$27,324,749	$23,991,462
Liabilities and Net Assets		
Liabilities		
Accounts payable	$ 1,048,226	$ 995,033
Prepaid revenue	10,043	21,710
Other liabilities	276,810	262,967
Long-term debt	376,006	466,054
Total liabilities	1,711,085	1,645,764
Net Assets		
Unrestricted	15,674,580	14,356,286
Temporarily restricted	752,941	714,781
Permanently restricted	9,186,143	7,274,631
Total net assets	25,613,664	22,345,698
Total liabilities and net assets	$27,324,749	$23,991,462

Audited Financial Statements are available upon request.

Statements of Activities

University Circle Incorporated

For the Years Ended June 30	1997	1996
Changes in Unrestricted Net Assets		
Revenue		
Program and operating income	$11,926,561	$11,646,305
Unrestricted contributions	471,373	613,659
Parking return	396,415	389,710
Investment income	853,292	668,680
Unrealized gain from investments	609,401	277,632
Murfield triangle rent	31,230	31,230
Other income	242,599	273,625
Total unrestricted revenue	14,531,071	13,813,011
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	752,737	858,323
Total unrestricted revenue and net assets released from restrictions	15,283,808	14,671,334
Expenses		
Program and operating expenses	12,982,656	12,613,407
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	13,965,514	13,922,831
	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	(752,737)	(858,323)
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
	1,911,512	913,996
Total increase in net assets	3,267,966	1,833,588
Net assets at the beginning of the year	22,345,698	20,5[illegible]
Net assets at the end of the year	$25,613,664	$22,345,698

Cleveland Hearing & Speech Center

11206 Euclid Avenue
Cleveland, Ohio
4 4 1 0 6

216 231 8787 Voice & TTY Fax 216 791 7141

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

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 a 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.

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,

Bernard P. Henri, Ph.D.
Executive Director

2/3/98 4:27:43pm-82

2/3/98 4:27:43pm-83

UNIVERSITY CIRCLE POLICE DEPARTMENT

Timothy J. Pepparo
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

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. Pepparo
Chief of Police

UNIVERSITY CIRCLE POLICE DEPARTMENT • 12500 Euclid Avenue • Cleveland, Ohio 44106 • 216/791-2644 • FAX 216/791-8238

2/3/98 4:27:43pm-84

Abington Arms

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

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 inability disabled residents. Abington was built in part of their area to offer its residents a quality living environment. We have a total of 152 units with 157 tenants with approximately 60 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.

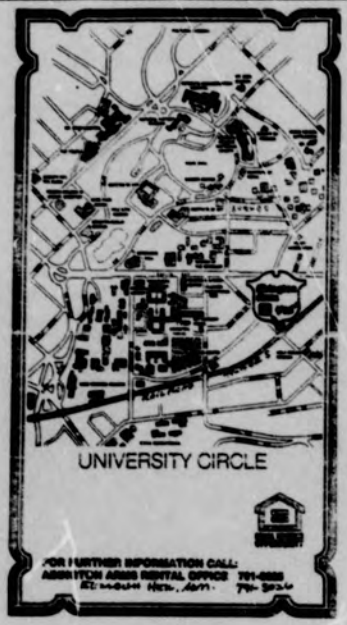
Most sincerely yours,

ABINGTON ARMS

Elizabeth B. Heil

Elizabeth B. Heil,
Administrator

2/3/98 4:27:43pm-85



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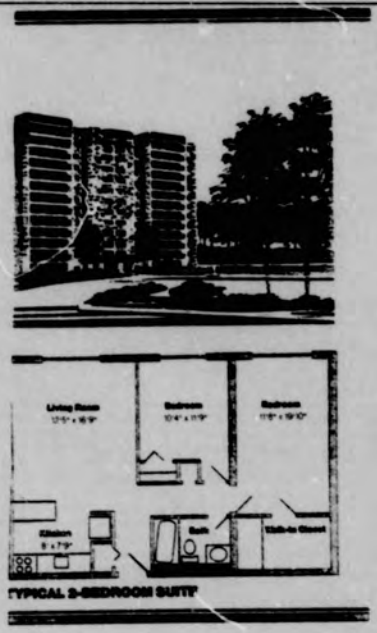

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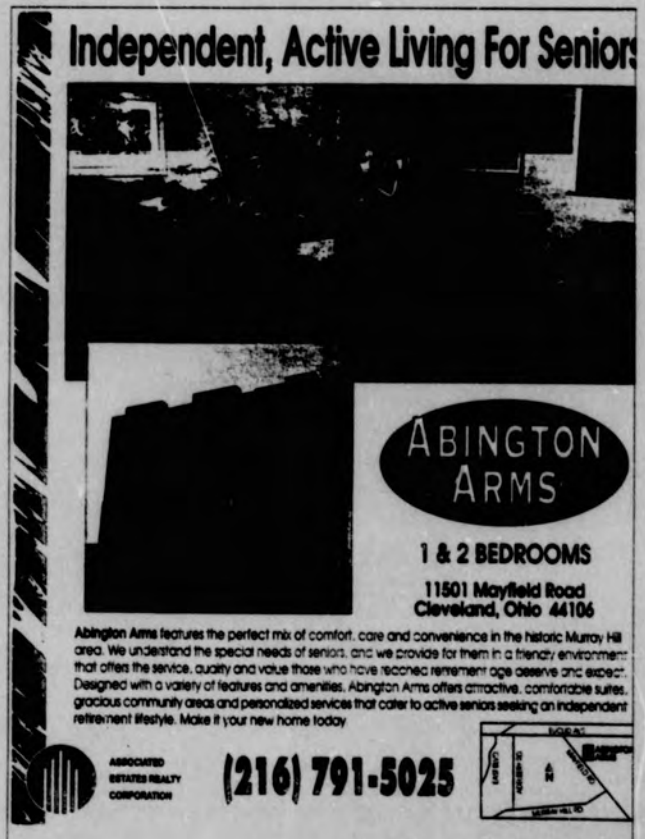
2/3/98 4:27:43pm-88



2/3/98 4:27:43pm-89

ABINGTON ARMS

11501 Mayfield Rd.
Cleveland, Ohio 44106

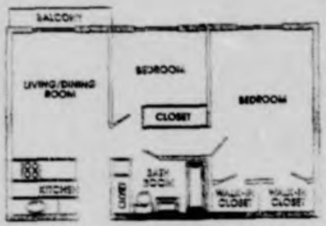
(216) 791-5025

A Quality Associated Estates Community for Independent Seniors Offering:

1-BEDROOM SUITE

APARTMENT FEATURES
- 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



2-BEDROOM SUITE

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

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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

Ann 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

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.

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 N. Bovito
Senior Property Manager

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

Potential Incremental Increase of Criteria and Toxic (Non-Carcinogenic and Carcinogenic) Air Pollutants in the Lollimwood Corridor

No.	Pollutants[1]	Increase in Emissions (Due to Increase in Train Operations) lb/year
	Criteria Pollutants and VOCs	
1	Carbon Monoxide	42.874
2	Nitrogen Dioxide	196.506
3	Particulate Matter (PM-10)	17.964
4	Total Organic Compounds (as CH_4)	5.717
	Carcinogenic Pollutants	
1	Benzene	1.80E+01
2	Formaldehyde	1.83E+00
3	Acetaldehyde	5.20E-01
4	Acrolein	1.62E-01
5	Propylene	5.75E+01
6	Benzo(a)pyrene	5.30E-03
7	Benzo(a)anthracene	1.28E-02
8	Anthracene	2.54E-02
9	Pyrene	7.85E-02
10	Chrysene	3.15E-02

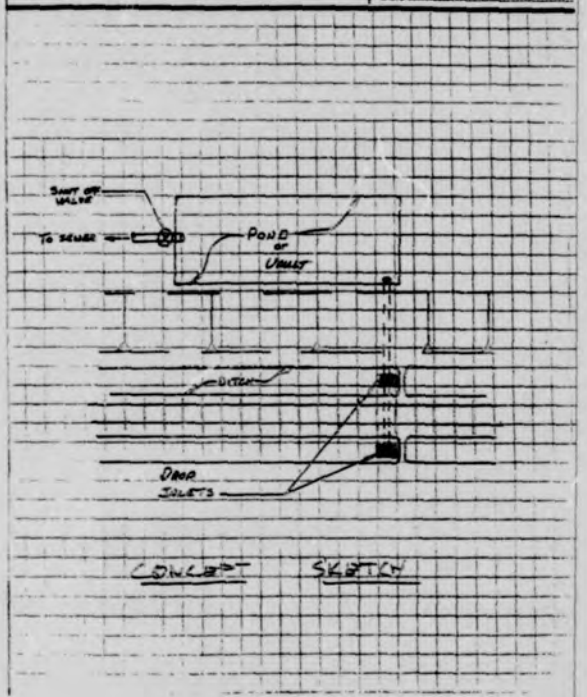
Note:
1. Pollutants and their emission factors were selected based on information provided in the EPA Document AP-42 "Compilation of Air Pollutant Emission Factors," Emission Factors for Large Stationary Diesel Engines, Section 3.4-1 through 3.4-4.

Assumptions used in this analysis:
1. The maximum rated power of 6,000 hp was assumed for each diesel engine.
2. Increase in exposure to potential emissions due to train traveling through corridor was estimated using the following assumptions:
   - Link length = 3 miles
   - Train average speed = 30 mph
   - Number of trains increased = 37 train a day
   - Number of days per year = 365 days

PB PARSONS BRINCKERHOFF COMPUTATION SHEET

Page 1 of 3
Made by CJH
Date 1/16/98
Checked by
Date

Subject TYPICAL SYSTEM
HAZ MAT CONTAINMENT

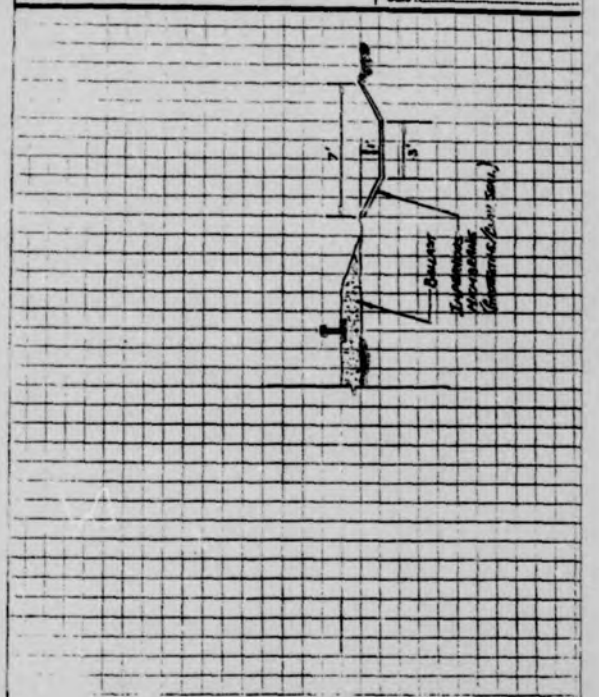


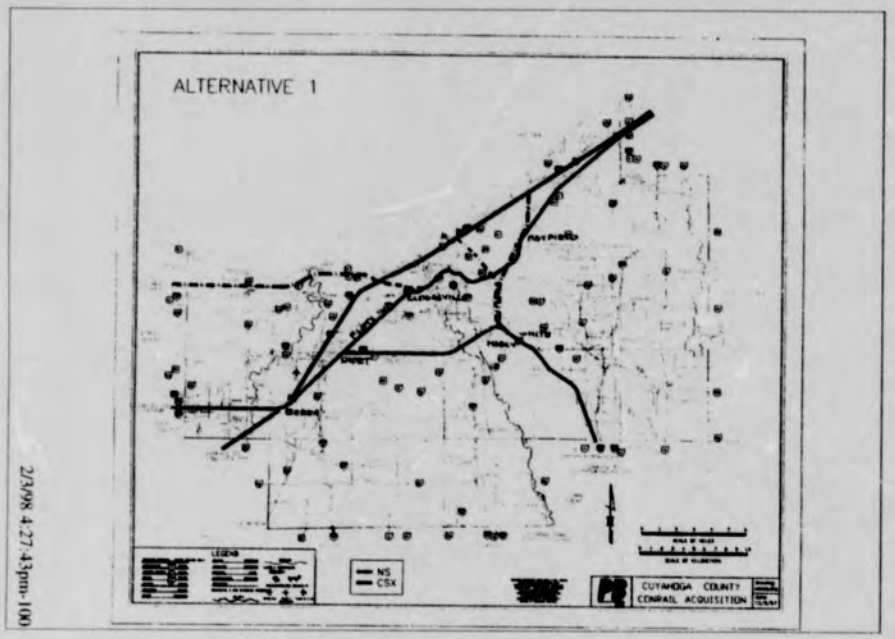
CONCEPT SKETCH

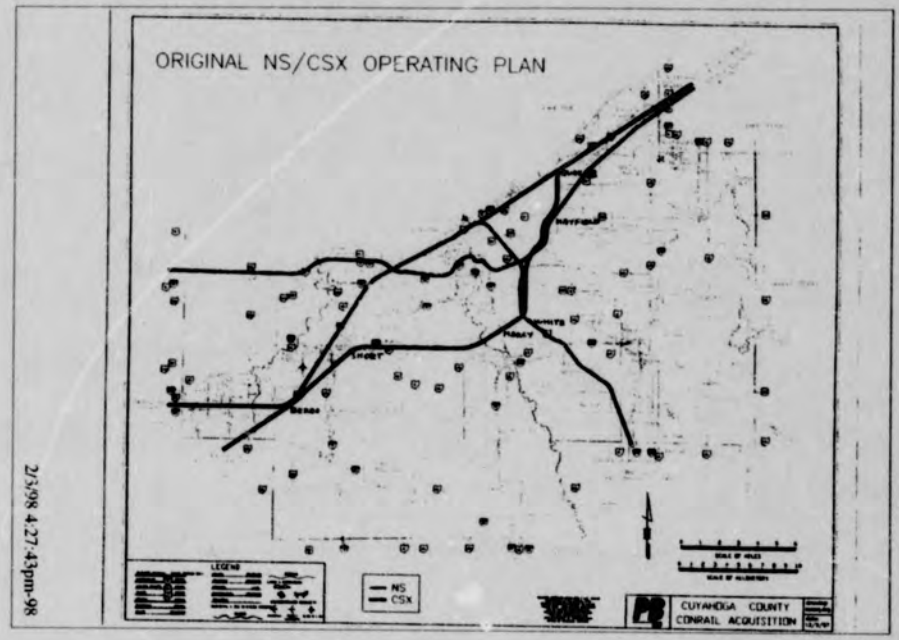
PB PARSONS BRINCKERHOFF COMPUTATION SHEET

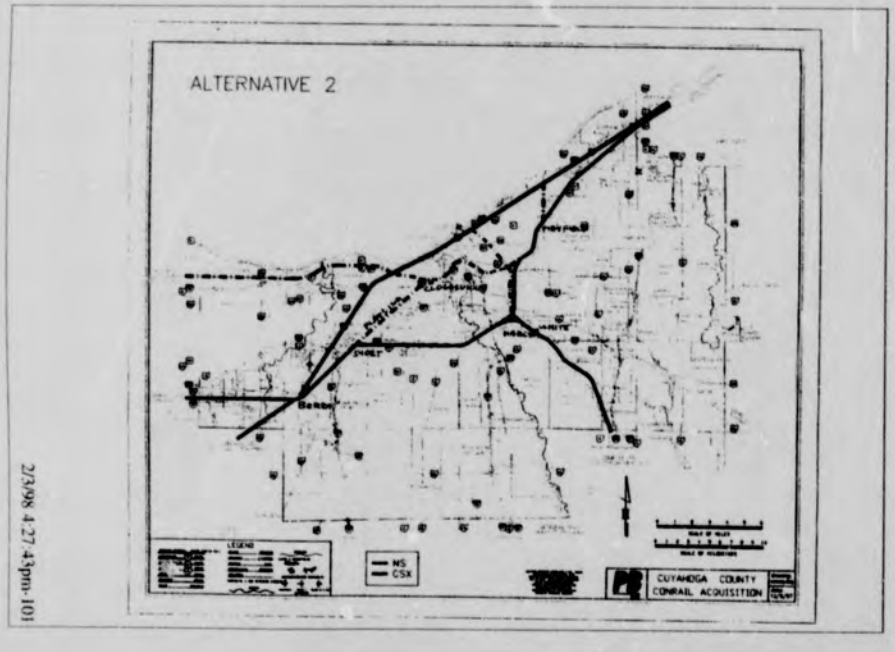
Page 3 of 3
Made by CJH
Date 1/16/98
Checked by
Date

Subject TYPICAL DRAINAGE DITCH




ALTERNATIVE 1
NS
CSX
CUYAHOGA COUNTY
CONRAIL ACQUISITION
2/3/98 4:27:43pm-100


ORIGINAL NS/CSX OPERATING PLAN
NS
CSX
CUYAHOGA COUNTY
CONRAIL ACQUISITION
2/3/98 4:27:43pm-98


ALTERNATIVE 2
NS
CSX
CUYAHOGA COUNTY
CONRAIL ACQUISITION
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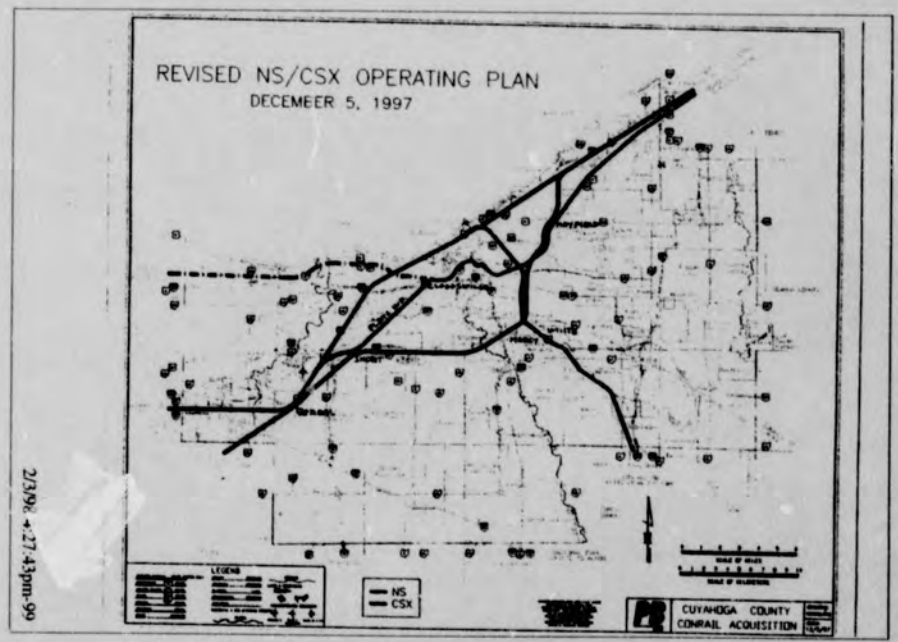

REVISED NS/CSX OPERATING PLAN
DECEMEER 5, 1997
NS
CSX
CUYAHOGA COUNTY
CONRAIL ACQUISITION
2/3/98 4:27:43pm-99

Berea Grade Separation

The construction of a rail/rail grade separation in Berea requires an engineering and construction effort on the scope of a major freeway interchange. Two primary existing Conrail lines converge from each direction in BE Tower interlocking, located in the northern portion of the City of Berea. These lines extend from Chicago; St. Louis via Greenwich; Buffalo via the Cleveland Lakefront and CP 190; and Pittsburgh via the Short Line. Additionally, Front Street, a major arterial roadway, crosses both main lines at grade about 1200 feet to 1600 feet east of the Tower itself.

Based on conceptual analysis, it appears that the best design solution would locate an NS double track line from Chicago to the Short Line over a CSX double track line from Greenwich to the Lakefront. Two potential schemes were developed. One would keep CSX approximately at grade, with the NS line changing in elevation. The total distance involved would be about 10,000 feet and would result in a gradient of 0.6 percent or less. At the south crossing of Front Street, an underpass would carry Front Street under NS, with the new roadway about 6 feet below current elevation. Front Street would continue downgrade to pass under CSX at the north crossing, about 23 feet below current elevation. All dimensions are approximate only. The approaches to the rail/rail overpass would be earth embankment wherever no encroachment on adjacent property owners would result. Significant lengths of retaining walls were included, and would be required to accomplish this objective.

At the rail/rail separation, a second scheme would raise NS about 15 feet above its current elevation, and drop CSX 15 feet. This would allow the approach distances to be reduced to 7500 feet, with gradients of 0.6% or less on both CSX and NS. This would also have the benefit of minimizing structural quantities and visual impacts, and minimizing the impact on Front Street. In this scheme, the north Front Street crossing

would be an overpass over the railroad. In either scheme, Front Street gradients would be in the 5 percent range after accounting for vertical curvature and sight distances. However, as a trade-off, this scheme appears to have greater constructibility challenges because of the need for traffic to be maintained on both railroads and on Front Street. Temporary relocations and structures are likely required.

Obviously, additional schemes that involve other final railroad and roadway elevations, with corresponding cost and benefit trade-offs, are also possible, and should be considered.

A connection track oriented eastbound from NS to the CSX corridor leading to the Lakefront, is included to accommodate Amtrak trains and NS trains that must pick up and set off at Rockport. The connection, designed for 40 mph, could diverge from the NS main line near the crest of the overpass, then curve north to parallel CSX. It would tie into the existing Conrail south control siding located parallel and immediately southeast of the two CSX main line tracks. Ownership of the control siding would be with NS. This arrangement would allow NS trains destined for Rockport to reach the yard without conflicting with any CSX traffic.

Alternatively, the connection track could be located east of the properties just east of Front Street. The county owns vacant parcels, proposed to be the location of a waste transfer station, that appear to be sufficient to accommodate the connection and the transfer station if desired. A portion of the connecting track would be located parallel to Front Street, about 800 feet to the east. In either case, the connecting track would reach grade west of the next at-grade crossing, Sheldon Road.

The control siding is currently used by Conrail trains working at Rockport, so little change in operating practices would be necessary. If additional capacity is required at the west end of Rockport, since some yard switching would likely occur

there, the parallel second lead track (which leads also to Ford Yard) would be upgraded and could be signaled. Ford plant switching is performed from the west end of the Ford Yard, so it appears reasonable that any conflict with switching movements would be minimal, and would be mitigated by the upgrade of the second lead track, which is now only lightly used.

This conceptual investigation did not include detailed consideration of utility impacts. It is known, however, that in Berea the Northeast Ohio Regional Sewer District interceptor sewer does parallel the line from the Lakefront, then crosses under the tracks to parallel the line to Greenwich. According to our information, this sewer is located about 60 feet below grade. Additional investigation is necessary, but no insurmountable conflict appears to exist.

To accommodate the needs of the public and of the railroads, the project would include the following components:

- Rail/rail grade separation and approaches
- Grade separation of Front Street from both railroads. The south crossing with NS likely involves NS over the road, while at the north crossing with CSX Front Street could go either over or under the railroad, depending on the configuration selected for the rail/rail overpass
- Reconstruction of Front Street for its entire length through the two railroad crossings, beginning near the First Street intersection to the south and continuing to or beyond the Emerson Street intersection to the north
- Connection track from NS to CSX for Rockport trains and Amtrak
- Modification of the NS (north) stone arch bridge over the Rocky River. No modification appears necessary to the CSX (south) bridge, now under reconstruction
- Replacement of the I-8 (north) bridge over Rocky River Drive. No modification appears necessary to the CSX (south) bridge
- Sheldon Road crossing of the line to the Lakefront may require grade separation for the scheme with CSX at-grade, depending on the rail/rail bridge elevation. This crossing is not affected with a partial NS up/CSX down scheme

Most construction can occur on railroad-owned property except:

- A Front Street grade separation will require property impacts, even under the railroads' plans
- A temporary connection track may be required west of the Rocky River over NEORSD property
- The connection east of Front through county property

The consideration of this grade separation project in Berea was not taken lightly; the proposed project involves numerous trade-offs and significant engineering and construction phasing considerations. However, it appears very feasible, and should be considered.

NEIGHBORHOOD IMPACTS OF FREIGHT RAIL TRAFFIC INCREASES

Comparison of Alternatives

ALTERNATIVE	TRAINS per DAY current → proposed (for lines with proposed increases)	RESIDENTS LIVING WITHIN 1,000 FEET OF RAIL LINES PROPOSED FOR INCREASED FREIGHT RAIL TRAFFIC: POP.	% NON-WHITE	% HISPANIC	% BELOW POVERTY	MEDIAN INCOME	GRADE CROSSINGS	IMPACT INDEX*
CSX/CSX Original Proposal	42 → 115 174% increase	67,84[illegible]	52.3% (35,489 persons)	5.3% (3,598 persons)	37.0% (25,132 persons)	$14,868	13	22.4
NS/CSX Revised Proposal (12/5/97)	42 → 115 174% increase	68,317	51.6% (35,260 persons)	4.7% (3,207 persons)	33.9% (2[illegible],[illegible]50 persons)	$16,212	7	21.4
Alternative 1: Lakeshore/West Side	46 → 67 46% increase	49,547	37.1% (18,359 persons)	6.0% (2,955 persons)	2[illegible].2% (1[illegible],[illegible]58 persons)	$17,456	4	1.1
Alternative 2: Lakeshore/Short Line	46 → 67 46% increase	32,625	54.5% (17,794 persons)	1.0% (319 persons)	28.7% (10,[illegible]61 persons)	$16,175	4	5.2

* The "Impact Index" numbers were determined on the basis of the following calculation:

additional trains per day on *each* rail line segment x population within 1,000 feet of tracks on *each* rail line segment ÷ 100,000 = Impact Index

The rail line segments and the associated neighborhoods are identified on the maps and tables which show the neighborhood impacts of increased freight rail traffic.

Higher impact numbers indicate *greater impacts* on neighborhoods. *Lower impact numbers* indicate *lesser impacts* on neighborhoods.

Revised 1/5/98

CITY OF CLEVELAND

CONRAIL ACQUISITION CLEVELAND ROUTING ALTERNATIVES
CONCEPTUAL ESTIMATE OF POTENTIAL CAPITAL COSTS

JANUARY 30, 1998 REVISION

Item	CSX/NS Plan Original	CSX/NS Plan Rev. 12/5/97*	CSX/NS Rev. Plan with Mitigation	Alternative 1 Lakeshore/West Side	Alternative 2 Lakeshore/Short Line	Origin of Estimate
Berea Separation Rail Components	$0	$0	$0	$66,400,000	$60,500,000	PB estimate for NS over CSX
Berea Separation Roadway Components	$0	$19,600,000	$19,600,000	$30,000,000	$30,000,000	PB estimate
Flats Industrial (West Side) Connection	$0	$24,400,000	$21,400,000	$24,400,000	$0	NS estimate
Vermilion Connection (Whd NS to CR)	$3,000,000	$3,000,000	$3,000,000	$0	$0	NS estimate
University Circle Connection (NS to CSL)	$0	$0	$0	$0	$2,000,000	PB estimate
Short Line Upgrade Short to Marcy	$18,600,000	$18,600,000	$18,600,000	$18,600,000	$18,600,000	CSX discussion; orig. est. $11.6M **
Short Line Upgrade Marcy to Collinwood	$6,500,000	$6,500,000	$6,500,000	$0	$0***	CSX estimate, may be req. for Alts
Short Line Fulmer Tunnels (Optional)	$0	$0	$0	$0	$0***	CSX estimate is $25M
Harvard Connection Second Track	$0	$0	$0	$5,500,000	$5,500,000	PB estimate
NS Nottingham/Dille Underpass	$0	$0	$5,000,000	$5,000,000	$5,000,000	PB estimate
NS London Underpass	$0	$0	$6,800,000	$6,800,000	$6,800,000	PB estimate
Hazardous Materials Mitigation Measures	$0	$0	$925,000	$0	$480,000	PB estimate
Noise/Vibration Mitigation Measures	$0	$0	$7,100,000	$4,200,000	$2,400,000	PB estimate
Improve Track/Signals near Rockport/Ford	$0	$0	$0	$2,000,000	$2,000,000	PB estimate
CSX Bagley Road Underpass	$0	$0	$15,000,000	$15,000,000	$15,000,000	PB estimate
Berimer Ave. Crossing Realignment	$0	$0	$300,000	$0	$0	City of Cleveland estimate
TOTAL	**$28,100,000**	**$72,100,000**	**$107,225,000**	**$171,500,000**	**$147,780,000 *****	

Notes:

These estimates should be considered conceptual in nature, and are subject to change following further investigation.

These estimates generally do not include improvements common to all alternatives, such as Collinwood intermodal improvements.

* Norfolk Southern's revised submittal regarding the Flats Industrial (West Side) Connection is actually dated 11/25/97.

** It is our understanding that CSX's estimate for this Short Line segment and Cuyahoga River bridge upgrade, originally documented at $11.6M, may increase to over $18M. Note that this uncertainty does not affect the comparison of the costs of the alternatives.

*** Several estimates are based on railroad-provided figures. Following the re-designation of ownership of certain segments, evaluation by the other railroad may result in the need for different improvements with different costs. This is especially true regarding the possible need for the Harvard tunnels and improvements on the Short Line from Marcy to Mayfield in Alt. 2.

PARSONS BRINCKERHOFF

Alt-cos5.xls
1/31/98

COPY

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

Finance Docket No. 33388

CSX Corporation and CSX Transportation Inc.,
Norfolk Southern Corporation and
Norfolk Southern Railway Company
-- Control and Operating Leases/Agreements --
Conrail Inc. and Consolidated Rail Corporation

VERIFIED STATEMENT OF EMMANUEL ONUNWOR

1. I am Emmanuel Onunwor, Mayor of the City of East Cleveland. I submit this verified statement on behalf of the City of East Cleveland regarding the environmental and safety effects of the above-captioned transaction.

2. We have reviewed the issues facing the City of East Cleveland as addressed in the Draft Environmental Impact Statement ("DEIS") prepared by the Section of Environmental Analysis ("SEA"). We are deeply concerned about the adverse impacts the people of the City of East Cleveland will face as a result of this transaction if proper mitigation measures are not imposed.

3. Specifically, we oppose the current DEIS and Application because they do not adequately address issues regarding safety, transportation of toxic materials and substantial increase in volume of rail traffic in and around the City of East Cleveland.

4. The people of the City of East Cleveland will experience the significant effects the City of Cleveland has described in detail in their Comments filed October 21, 1997 and in the Comments on the DEIS which they are filing today. We are working closely with the City of Cleveland to develop alternative

routing scenarios in order to diminish the environmental impacts on our residents. We, like the City of Cleveland, strongly believe that aggressive alternatives, such as re-routing trains, are necessary to avoid serious adverse impacts upon our residents. The mitigation proposed by the SEA in the DEIS is insufficient to address the environmental impacts on our residents.

5. The City of East Cleveland, therefore, urges the SEA to reexamine the environmental impacts of the transaction upon the City of East Cleveland and the City of Cleveland. Particularly, we suggest the SEA examine alternatives, such as re-routing of trains, in order to avoid serious adverse impacts upon our residents. We are anxious to consider suggestions and recommendations, including those proposed by the City of Cleveland, that adequately address these significant issues.

VERIFICATION

I, Emmanuel Onunwor, verify under penalty of perjury that I have reviewed the foregoing Verified Statement, and that all of the facts stated therein are true and correct. Further, I certify that I am qualified and authorized to verify and file this Verified Statement. Executed on this 2nd day of February, 1998.

Emmanuel Onunwor

Subscribed and sworn to before me this 2nd day of February, 98.

Notary Public
BEVERLY GRAY
Notary Public, State of Ohio, Erie Cty.
My Commission Expires July 20, 2000

My commission expires:

July 20, 2000

2/3/98 12:13:45pm-3

ENVIRONMENTAL DOCUMENT

COPY

ERIE COUNTY
DEPARTMENT OF ENGINEERING
2900 COLUMBUS AVENUE
SANDUSKY, OHIO 44870

JOHN D. FARSCHMAN, P.E., P.S.
COUNTY ENGINEER

ROBERT G. CREECH, P.E., P.S.
DEPUTY COUNTY ENGINEER

February 2, 1998

Elaine K. Kaiser,
Environmental Project Director
Section of Environmental Analysis
Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 E. Street, NW
Washington, D. C. 20423-0001

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
DOCUMENT #: 2/4/98 5:08:36 pm

Re: Proposed acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad

Dear Ms. Kaiser:

Attached is a survey the Erie County Engineer of Ohio has completed relative to the proposed Conrail acquisition.

It is considered imperative those conditions are met as delineated in the tabular form attached and as further addressed following, in order such an acquisition be recommended, due to the substantial increase in railway traffic of between 2 and 8 times current daily volume.

Please note that there is an existing underpass on Miller Road which was not addressed. It lies about midway between the Cities of Sandusky and Bellevue, Ohio and will provide the only means of emergency access between the east and west side of the N & W Railroad. Without it emergency equipment will not be able to access either side during any time the crossing may be closed due to this increased rail traffic. It is necessary that this underpass be reconstructed to accomodate physically large fire equipment and provide for other situations including but not limited to medical, or those of a national emergency nature.

1

2/4/98 5:08:36pm-1

Additionally there is need to consider possible major reconstruction at the Perkins Avenue - Cleveland Road intersection at the Conrail tracks just east of the City of Sandusky which has not been addressed in any form of which I am aware.

Similarly it is believed due to the high volume of truck and other vehicle traffic on S. R. 99, an overpass should be constructed over the existing N & W Railroad. There already are major highway traffic delays there with the existing volume of rail traffic, and this can only get worse by completing this acquisition.

Please consider these requests in any action which is to be taken relative to this subject matter..

Very truly,

John D. Farschman, P.E., P.S.
Erie County Engineer

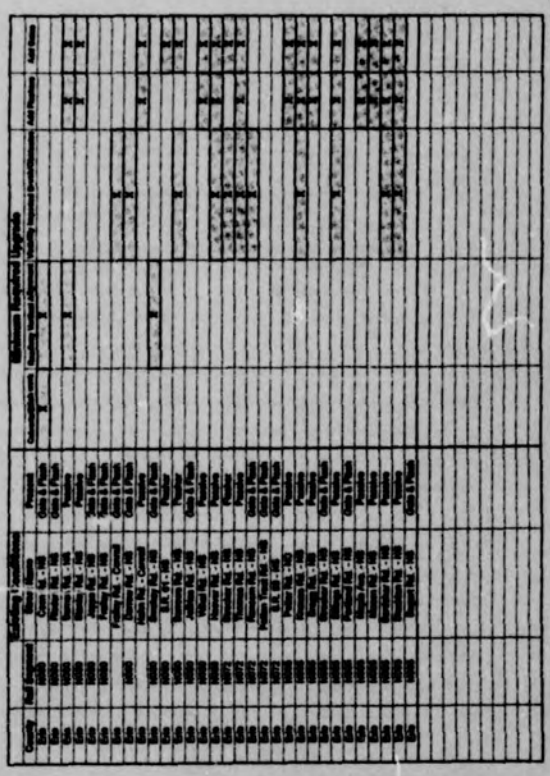
JDF/crc

xc: Project File
Corres. File

2

2/4/98 5:08:36pm-2

Railroad Crossing By Erie County Highways For Proposed Conrail Acquisition



2/4/98 5:08:36pm-3

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 3:58:14 PM

3221 W. 37th Street
Lorain, [illegible]
Feb 2 [illegible]

ENVIRONMENTAL DOCUMENT

RECEIVED FEB - 5 1998 MAIL MANAGEMENT STB

Office of the Secretary
Case Control unit
Finance Docket No 3338[illegible]
Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

Dear Sir or Madam,
I am writing you in behalf of the CSX Rail road System. I am James and Evelyn Patton. We are very much opposed to any more rail system coming through Lorain. there is children here. Also there would be no time for the ambulance to carry sick people too the hospital.

Thanks for your Cooperation in this matter.

Signed
James & Evelyn Patton

2/5/98 3:58:14pm

Mario Louise Kittredge

◆◆◆

6027 Indiana Ave
Cleveland, OH 44105

ENVIRONMENTAL DOCUMENT

RECEIVED FEB - 6 1998 MAIL MANAGEMENT STB

February 02, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/6/98
DOCUMENT # 2/6/98 4:02:33 PM

Re: Proposed Conrail CSX Norfolk Southern Merger

Dear Ms. Fisher

I am writing to oppose the abovementioned merger for three reasons.

1) I live in the Broadway neighborhood in Cleveland. All of the proposals I have seen, including the Mayor's compromise proposal have a huge increase in train traffic at the vicinity of Broadway and Harvard, a few blocks from my house. I am worried about the increased hazardous waste, the noise, and the dirt that the extra train traffic will create.

2) I am committed to mass transit, particularly trains, there has been a proposal to put a commuter rail stop at the Broadway Harvard intersection. I believe the merger will be the end of that proposal.

3) My life's work has been the revitalization of cities. For ten years I have lived and worked in the Broadway neighborhood, and we have made significant progress in increasing the attractiveness of this neighborhood as a place for people to choose to live. I believe the merger, with the increased train traffic will have a significant negative impact and wipe out much of the progress we have made. Cities have taken the brunt of the "negative" features of our modern culture. To survive and prosper, they can no longer be a dumping ground, or a pass through for things which are detrimental, without being compensated in such a way to allow cities to lessen the negative effects.

Thank you for considering my comments.

Respectfully,

Mario Kittredge

2/6/98 4:02:33pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 1:45:54 PM

RECEIVED FEB - 2 1998 MAIL MANAGEMENT STB

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

RESPONSIVE COMMENTS TO
DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND
REQUEST FOR PROTECTIVE CONDITIONS
SUBMITTED ON BEHALF OF
THE OHIO ATTORNEY GENERAL,
OHIO RAIL DEVELOPMENT COMMISSION
AND
THE PUBLIC UTILITIES COMMISSION OF OHIO

THOMAS M. O'LEARY
Executive Director
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FAX: (614) 728-4520

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Public Utilities Commission of Ohio
180 East Broad Street - 5th Floor
Columbus, OH 43215-3793
(614) 466-3191
FAX: (614) 752-8349

KEITH G. O'BRIEN
JOHN D. HEFFNER
ROBERT A. WIMBISH
Rea, Cross & Auchincloss
1920 N Street, NW
Washington, DC 20036

Dated: February 2, 1998

ATTORNEYS FOR STATE OF OHIO PARTIES OF RECORD

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2/3/98 1:45:54pm-1

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2/3/98 1:45:54pm-2

BEFORE THE

SURFACE TRANSPORTATION BOARD

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FINANCE DOCKET NO. 33388

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

. . . . . .

RESPONSIVE COMMENTS TO
DRAFT ENVIRONMENTAL IMPACT STATEMENT
AND
REQUEST FOR PROTECTIVE CONDITIONS
SUBMITTED ON BEHALF OF
THE OHIO ATTORNEY GENERAL,
OHIO RAIL DEVELOPMENT COMMISSION
AND
THE PUBLIC UTILITIES COMMISSION OF OHIO

. . . . . .

I. INTRODUCTION

A draft Environmental Impact Statement (draft EIS) was issued by the Surface Transportation Board's Section on Environmental Analysis (SEA), on December 12, 1997. That draft EIS incorporated safety integration plans which were filed by CSX Transportation and Norfolk Southern Corporation (collectively "Joint Applicants") as required in the Board's Decision No. 52. Interested parties were invited to file responsive comments concerning the draft EIS by February 2, 1998. Such comments are to be considered by SEA in preparation of the final EIS expected to be issued in May of 1998. Specifically, the SEA seeks comment on the feasibility of mitigation matters proposed in the draft EIS and invites parties to submit additional and/or alternative

mitigation proposals. These comments are timely submitted on behalf of the Ohio Attorney General, the Ohio Rail Development Commission (ORDC), and the Public Utilities Commission of Ohio (PUCO) (collectively "Ohio").

II. STATEMENT OF INTEREST

Ohio experiences prolific rail traffic. Three Class I railroads and over 30 short-line and regional rail carriers operate throughout the state. Ohio has a significant stake in issues involving safety, traffic flows, noise abatement, environmental-related matters, and other issues raised by this Joint Application. With nearly 6,500 public highway-railroad grade crossings located throughout Ohio, issues of crossing safety and traffic congestion are of paramount concern to the state.

Ohio applauds the efforts of the SEA staff in identifying and discussing the myriad of issues addressed in the draft EIS. Ohio recognizes, as does the SEA, that a cooperative railroad-public partnership is critical to the effective resolution of many of these issues. The PUCO, in coordination with ORDC, has regularly involved railroad and local governmental officials in the process by which public highway-railroad grade crossings are identified and selected for publicly-funded construction of

active warning devices. Ohio certainly endorses continuation of this process.[1]

If granted, the proposed Joint Application will have profound impacts upon Ohio communities and residents in both urban and rural areas throughout the state. Although Ohio is actively participating in recognizing problems and developing solutions to minimize or mitigate these impacts, state financial resources are extremely limited. This fact, coupled with the significant benefits that the Joint Applicants seek to realize under the proposed transaction mandates that the railroads be required to participate throughout the process of identifying serious environmental and safety problems and contribute heavily from their considerable expertise and resources to redress the adverse impacts that post-Conrail Acquisition increased levels of rail traffic will have upon the State of Ohio.

Ohio here makes some general observations that will be discussed in greater detail below. Ohio believes that construction of grade separations should be made a larger part of the mitigation effort in Ohio, particularly in areas where post-merger train traffic volumes are expected to increase dramatically over existing levels.[2] Obviously, construction of

[1] Ohio concurs in SEA's recognition that significant public outreach activities by the Joint Applicants are critical to a thorough understanding and assessment of local safety, congestion and environmental justice concerns discussed in the draft EIS.

[2] See attached map depicting post-merger traffic increases/decreases. Exhibit 1.

grade separations promotes public safety and reduces railroad liability exposure by eliminating the opportunity for train-vehicle collisions. Grade separations also relieve vehicle traffic congestion and attendant problems, including emergency vehicle response. Ohio has identified below several locations for which grade separation projects will be particularly effective in mitigating serious problems which will result from the proposed Conrail acquisition. The locations specifically mentioned do not represent a complete list of communities with grade separation needs.

In the area of grade crossing safety, Ohio believes that implementing a "corridor" approach more efficiently and economically promotes crossing safety. A corridor study focuses upon rail segments for safety upgrades rather than simply identifying single crossings over a scattered area. By focusing upon the rail segments that the Joint Applicants have targeted for significant train traffic increases Ohio can most effectively assess and address Acquisition-related safety impacts. In addition to identification of grade crossings for safety upgrades, PUCO/ORDC also evaluates the feasibility of closing public grade crossings permanently to public vehicular traffic as part of any corridor analysis. Development of comprehensive corridor safety plans by State officials working together with motivated railroad representatives provides fora more focused and efficient employment of limited state resources while maximizing the positive deployment of railroad resources.

Ohio has successfully negotiated several smaller corridor-type agreements with the Class I railroads. The so-called "B&O corridor" project represents a recent example of how effectively the joint efforts of railroads and Ohio officials can be in addressing significant safety concerns that arise from the Conrail Acquisition application. This agreement is discussed in greater detail below and is provided as Exhibit 2 to these comments. Other relevant heavy rail traffic corridors are also under study by PUCO/ORDC as of this writing and are referenced later in these comments. Insufficient time has simply not permitted PUCO/ORDC and the Joint Applicants to complete assessment of the impacts on these other corridor areas and to fully evaluate required mitigation measures, allocation of cost responsibility for such measures and other related issues. Ohio requests that the Board impose a condition directing the Joint Applicants to reach and finalize agreements with Ohio that address such issues on all environmentally significant corridors identified by Ohio and direct CSX and NS to commit to full compliance with such agreements prior to increasing train traffic over existing levels on any of these corridor segments, including the B&O corridor.

In sum, Ohio maintains that it is in the best position to identify areas within its borders that will be most heavily impacted by the proposed Conrail acquisition and, in coordination with the Joint Applicants, to evaluate and tailor solutions to most effectively address those impacts. Although the SEA is to

be commended for the time and effort spent in designing study parameters and proposing specific mitigation measures, Ohio is confident that the sheer magnitude of the project and the corresponding time constraints imposed upon limited SEA staff resources have precluded the more "localized" approach that must be taken to ensure that the uniqueness of Ohio problems are captured in Ohio solutions. Ohio believes that it can more effectively assess and address post-Acquisition impacts through negotiated agreements with the Joint Applicants that will themselves target specific areas and identify specific projects to mitigate such impacts.[1] Ohio concurs with the observation of the SEA staff that many of the environmental impacts addressed in the draft EIS can be "most effectively resolved" through mutually-acceptable agreements involving the Joint Applicants, affected local communities and appropriate government agencies. Executive Summary at ES-15. Ohio has successfully negotiated the B&O corridor safety agreement and is progressing negotiations with Applicants on other corridors. In committing considerable effort and resources to progressing specific talks with the major railroad stakeholders Ohio clear objective is to present the Board with Ohio-specific safety agreements and mitigative

[1] Perhaps the most glaring example of this fact is the omission from the draft EIS text of any mention of Fostoria, OH, an area that all parties, including the Joint Applicants, have recognized for some time would be significantly impacted under the Conrail Acquisition Plan. In assessing specific solutions to Ohio-specific impacts, the Board should give due regard to Ohio-specific facts and circumstances rather than simply relying upon the more generalized "rule of thumb" thresholds for environmental analysis devised by the SEA staff to trigger remedial measures.

measures. The Board should order the Joint Applicants to diligently and in good faith negotiate with Ohio to reach agreements that comprehensively address Ohio's concerns and which will effectively mitigate impacts upon Ohio that will be occasioned if the proposed Transaction is approved.

III. CONDITIONS

The State of Ohio asserts that the Joint Application, as proposed, is not in the public interest and should be denied unless the Board directs that the following conditions attach in addition to other essential relief as previously identified:

(a) The Board should expressly recognize the important and primary role that Ohio occupies in addressing issues relative to grade crossing safety and rail/public traffic congestion and safety-related issues within the State. The Joint Applicants should be required to assume a significant role in identifying and funding safety improvements needed to address impacts upon Ohio that will result from post-Acquisition increased rail operations within the state. The Board should order and impose as a condition that the Joint Applicants continue good faith negotiations with Ohio officials for the safety improvements along rail corridors with significant adverse environmental impacts resulting from the Conrail Acquisition. As a condition to approval of the application, the railroads should be required to enter into firm agreements with Ohio that assess Ohio impacts

and provide for appropriate mitigation measures, including construction of active warning devices at public crossings and construction of grade separations where essential as remedial measures, to alleviate public traffic congestion and facilitate emergency vehicle response. Ohio has committed its efforts and its resources in order to submit such agreements for the Board's consideration in the next 90-120 days. The Joint Applicants should be required to cooperate with Ohio in completing such agreements, which must include significant railroad funding commitments, and to commit to fulfilling their obligations thereunder before implementing any significant increases in rail traffic over certain Ohio rail corridors as contemplated in the Application.

(b) The Board should order and impose upon the Joint Applicants more stringent requirements regarding rail transportation of hazardous materials. The Board should also require more frequent track and equipment inspections than those discussed in the OT-55B. Ohio urges the Board to impose reporting requirements to ensure that the Joint Applicants allocate resources sufficient to demonstrate a firm commitment to safe hazardous materials transportation. In this regard, the Board should require the Joint Applicants to expand current employer and public response training programs and to report annually for the next five years regarding the nature and effectiveness of such expanded programs. Where significant increases in hazardous materials traffic will occur in specific

corridors, the Joint Applicants should be ordered to fund equipment purchases, travel and tuition expenses for advanced training and the costs associated with development of community emergency response plans for public agencies. The Joint Applicants should also be required to earmark funds to be specifically used for community emergency response training and equipment grants. The Board should also order the Joint Applicants to annually report on hazardous materials incidents and violations on "key" and "major key" routes, and the Board should urge development of specific monetary sanctions for patterns of violations along such routes.

IV. OEPA CONCERNS

The Ohio Environmental Protection Agency has also reviewed the draft EIS in the context of potential impacts of the proposed Acquisition on Ohio communities. OEPA is very much concerned that key air quality and emissions were not adequately addressed in the draft EIS. These include the fact that there is no suggested mitigation for 7,000 tons per year for increased nitrogen oxide emissions. There is also insufficient information in the draft EIS from which to determine the impact of the merger on the 1-hour and 8-hour national air quality standards for ozone. Also the draft EIS does not address the impact of increased emissions of particulate on national air quality

standards for PM. See attached copies of internal OEPA memoranda addressing the specific concerns.[4]

V. DISCUSSION

Ohio Highway/Rail At-Grade Crossing Safety

A. B&O Corridor Agreement

On November 25, 1997, the Public Utilities Commission of Ohio (PUCO) adopted an agreement to enhance safety at public grade crossings located along 75 miles of the "B&O" corridor extending from Greenwich, Ohio to the Ohio/Indiana border. See Exhibit 2. Ohio selected this corridor, which contains a large number of passively protected crossings, in response to significant increases in train traffic levels that CSX expects to occur under the proposed Acquisition. CSX has announced plans to make significant capital investments to double track this corridor to accommodate greater volumes of higher-speed train traffic as part of double-track service CSX expects to offer linking Cleveland and Chicago. Post-Acquisition train traffic is expected to more than double on certain portions of this corridor. This milestone public safety agreement allocates costs of safety upgrades[5] to reflect the increased accident prediction

[4] See Exhibit 3.

[5] The PUCO's policy is to promote maximum protection at public grade crossings through installation of both traffic gates and flashing warning lights at public grade crossings. The PUCO evaluates and ranks crossings for publicly-funded safety upgrades by applying the federal Accident Prediction Formula.

formula ranking for corridor crossings due to physical and operational changes at those locations. Additionally, the agreement requires PUCO and the ORDC to work closely with local communities to identify grade crossing locations that could be closed permanently as an alternative to construction of warning devices. In the event a grade crossing originally targeted for construction of warning devices is closed, the B&O corridor agreement is flexible enough to permit transfer of dollars earmarked for crossing improvements to be applied for safety projects at other locations within the defined corridor.

The B&O Corridor Safety Agreement is the reasoned end product of extensive negotiations between CSX and Ohio officials to achieve a common goal - to proactively address heightened grade crossing safety concerns occasioned by CSX-proposed, Acquisition-related operating changes along this corridor. This public-private partnership recognizes the various stakeholders and invites them to participate in resolution of important safety concerns. As the PUCO noted on page four of its Order,[6] the B&O corridor agreement represents only an initial step to address Acquisition-related safety concerns, and the PUCO fully expects CSX cooperation in assessing other impacted areas and developing responsive mitigative measures. Ohio expects to reach similar types of safety agreements with the NS and Conrail as well, negotiations for which are currently underway. Given the highly localized nature of grade crossing safety and the many factors

[6] Exhibit 2, p. 4.

that must be considered, Ohio requests that the Board direct the Joint Applicants to continue cooperative negotiations with State of Ohio officials and local communities on corridor-type crossing safety agreements that will most efficiently deploy limited resources.

B. Corridor Evaluation Approach

Since 1989, the PUCO, in conjunction with ORDC, has administered a program to identify public grade crossings for construction of federally-funded automatic warning devices. Under Ohio law, the PUCO is charged with developing and maintaining an index which ranks or prioritizes Ohio public crossings for funded safety improvements. Ohio utilizes the federally-adopted Accident Prediction Formula to perform this ranking. Since 1990, the PUCO has ordered installation of traffic gates and warning lights at nearly 800 public grade crossings throughout Ohio at a cost of over $88 million. The PUCO administers a limited state-funded program which typically results in construction of safety upgrades at an additional 10-12 public crossings per year. The PUCO also makes limited state funds available to qualifying local communities for interim types of safety improvements such as installation of overhead lighting and rumble strips to heighten public awareness of crossing dangers. PUCO/ORDC has been very active in recent years in working closely with local governmental authorities to permanently close grade crossings to vehicular traffic under

arrangements which often involve railroad-provided incentives which assist local authorities in addressing other important community needs.

PUCO/ORDC has been both active and aggressive in addressing crossing safety issues and PUCO/ORDC believes that all stakeholders, public and private, must provide input and actively participate in solutions. Ohio officials have increasingly recognized the wisdom of targeting rail corridors or segments, rather than isolated crossings at scattered locations, for safety improvements. These corridor studies involve a focused review of rail segments by Ohio officials, local interests and the railroad and appropriately evaluate the feasibility of crossing closures. Based upon considerable experience Ohio has found that this approach represents a superior methodology for evaluating and targeting crossings for safety upgrades in response to significant increases in rail traffic in comparison with the "all the eggs in one basket" approach employed by the SEA in the draft EIS.

WEAKNESS OF SEA CROSSING SAFETY ANALYSIS

The SEA's efforts to address crossing safety issues, although commendable, nonetheless suffer from two key flaws: (1) use of 1995 base year information, and (2) a tendency to analyze individual crossing locations in isolation. The SEA's use of 1995 data to evaluate crossing safety is inadequate since the risk level of any crossing can rise or fall dramatically based

upon changing circumstances. By not using the latest information from the states, the SEA also appears to have duplicated analysis which has already been performed. For example, 20 of 35 crossings that the SEA has recommended for safety upgrades have already been selected by PUCO for construction of gates and lights as part of Ohio's ongoing grade crossing safety program.

The need for current accident information data is particularly important. In evaluating crossings for safety upgrades, Ohio considers the most recent five years of crash information. Of the Ohio crossings evaluated in the draft EIS, over 10 percent (125 of 900) had different accident histories when 1993-1997 data was considered rather than when 1991-1995 data was used. This, in turn, can artificially inflate or reduce perceived risks at particular crossing locations. Extrapolating 1991-1995 data also led to an evaluation of gated crossings using crash data for periods prior to installation of safety devices. At only two (Crossing Nos. 155821J and 473668W) of seven crossings for which the SEA recommended installation of quad gates or barriers did accidents occur following installation of the safety devices.

Use of 1995 baseline data for analysis does not reflect current train volumes. The Deshler-Toledo corridor represents a prime example. Under the SEA analysis, this corridor increases from 0.6 trains per day to 14.2 trains daily. In fact, CSX added

over 13 trains per day[1] on this corridor beginning in May, 1997 (independent of the Acquisition Application), resulting in a much smaller increase in train traffic which might call into question the SEA-proposed mitigation measure.

Likewise, use of current vehicle traffic data is of obvious importance to any safety analysis, and reliance upon only the national data base may not capture changing vehicle traffic volumes through a crossing. A sampling by PUCO illustrated the following wide discrepancies in ADT:

Crossing No.	SEA/ADT	PUCO/ADT
155799Y	510	1612
155814Y	1270	2239
142313G	540	1133
142314N	540	1828

The SEA's use of "stale" national data base information calls into question the reliability of the Ohio crossings selected and proposed by SEA for mitigation.

While the FRA accident prediction formula is a good tool for use in prioritizing crossings and allocating available funding,

[1] The present pre-Acquisition train count on this segment indicated in the draft EIS may be incorrect. By letter dated June 4, 1997, CSX informed the PUCO Railroad Division that existing traffic on this segment was at a rate of approximately 10 trains per day.

it was never intended to provide the type of surgical precision that the SEA has applied in the draft EIS. Ohio has long recognized this fact and, therefore, uses this formula only as a beginning point in its crossing safety analysis. The failure to use the latest data can produce results that are not adequate in identifying locations where accidents are likely to occur in the future.

STRENGTHS OF OHIO CORRIDOR APPROACH

Ohio has demonstrated that the more effective approach to grade crossing safety is to develop a comprehensive plan for improved protection along entire corridors using updated information and broader analysis of the local situation. Ohio has undertaken such an approach in its efforts to prepare for the changing traffic patterns resulting from the proposed acquisition of Conrail.

As a beginning point in its analysis, Ohio considers the risk factor of the crossing considering the new level of train traffic with revised traffic counts and the most recent five years of accident data. If passenger trains are running on the segment of tracks, the maximum timetable speed is adjusted accordingly. The potential for consolidation projects along the corridor is then considered. The age of current circuitry is evaluated on gated crossings. Finally, *actual site visits* are scheduled to evaluate the lay of the land or nearby obstructions that make a crossing more risky than it appears from the data

analysis. All of these issues cannot be considered by simply projecting a risk factor from national data base information. This complete analysis can only be done at the state level.

Using the Board's environmental threshold levels, Ohio expects train traffic to significantly increase on 21 affected line segments, (see map included as Exhibit 1) including the aforementioned B&O Corridor which will serve as a CSX main line for east-west traffic and is currently undergoing major track and signal improvements in anticipation of significantly increased train traffic in the post-Acquisition time period.* Given the significant magnitude of projected train traffic increases, PUCO/ORDC is committed to the corridor approach on other segments including the existing Conrail segment from Greenwich to Collinwood, and NS lines from Cleveland to Ashtabula, Ashtabula to Youngstown, Bellevue to Oak Harbor, and Cleveland to Vermilion and all corridors where there are significant impacts. (See Exhibit 1). In this regard, Ohio identified crossings with an accident frequency as low as 0.043 (as opposed to SEA's 0.15 threshold) as sufficiently impacted to warrant construction of safety improvements. In the case of the B&O Corridor Agreement, which provides for upgrades to flashing lights and gates at 39 crossing locations, PUCO/ORDC used the latest vehicular and train counts available to produce a revised FRA Prediction Formula ranking for all crossings on the corridor. This ranking was then compared with the existing ranking to develop average post

* See Exhibit 1.

acquisition increases in risk along the corridor. Using this figure as a benchmark, Ohio negotiated a cost sharing agreement with CSX to upgrade these locations.

The negotiated "B&O corridor" agreement is mutually beneficial and illustrates the effectiveness of a public-private partnership to promote public grade crossing safety by reducing the probability of accidents. In preparation for this agreement, PUCO/ORDC representatives inspected and updated data on almost 150 public crossings on this corridor, nearly two-thirds of which are only passively (crossbuck signage) protected. PUCO/ORDC conducted an extensive public outreach program which included meetings with various county, township, and local officials in six counties to discuss possible closures in exchange for upgrades at those crossings not initially selected as part of the agreement. This process is continuing and Ohio expects to receive local agreement on closing and/or upgrading potentially another 20 crossings on the B&O corridor. Once completed, Ohio will be very close to achieving maximum protection (lights and gates or closures) at each of the public crossings on the CSX B&O corridor between Greenwich, Ohio, and the Ohio/Indiana state line in advance of significantly increased post-Acquisition train traffic. Ohio believes that public outreach efforts are essential to obtain a thorough understanding of impacts and assessment and evaluation of appropriate solutions.

Ohio urges that the SEA employ a two-pronged approach to mitigation in this area. First, the SEA should recognize the

important role states have traditionally played in identifying and selecting grade crossing locations for upgraded warning devices. As administrators of grade crossing improvement programs, the states are the best and most complete source of information on pending and planned projects, as well as other local conditions which may impact crossings selected for upgrade. Any effective mitigation plan must, therefore, include Ohio as a significant partner in the selection of grade crossings for safety improvement.

Secondly, the railroads must be required to assume a significant role in funding safety improvements on these corridors since their proposed actions will directly contribute to the increased public risk. The railroad's financial commitment should be commensurate with the increased risks created by their proposed operations within each corridor.

Considering these factors, Ohio recommends that the Board include a condition directing the Joint Applicants to timely reach agreements with Ohio for the improvement of grade crossings on rail corridors deemed environmentally significant. The Board should direct that the Joint Applicants not be permitted to operate at increased post-Acquisition train levels until completed agreements are in place with Ohio and the railroads have committed to complete their assigned responsibilities as expeditiously as possible.

Should the Board choose not to direct the Joint Applicants to work closely with Ohio on implementing a corridor approach to

grade crossing safety and, instead, chose to evaluate all crossings and select particular locations for mitigation, the Board must, to most effectively address impacts, do so based upon the most current information. In that event, Ohio recommends that the Board's staff coordinate with Ohio officials to ensure that the Board has the best information possible with which to identify and select crossings for safety upgrades. That process should be concluded before SEA completes its final Environmental Impact Statement and makes specific recommendations to the STB regarding conditions that should be adopted should the Application be granted.

Ohio also urges the SEA to reconsider its approach to the type of warning devices that it has recommended in the draft EIS. Ohio maintains that any upgrades should include both gates and lights, rather than just flashing lights. Lights alone are not a cost effective solution. The major cost of upgrading a crossing involves the initial design and installation work and the addition of traffic gates results in only a minor increase in costs, while eliminating the need for an expensive enhancement in the event of continuing accidents at the locations.

Additionally, the SEA should reconsider its recommended use of four quadrant gates and barriers as a safety mitigation measure. While Ohio is not philosophically opposed to their use, such devices currently are experimental in nature and require additional time and expense for state agencies in securing necessary approvals. Site-specific considerations should be

taken into account. For example, use of median barriers on rural area crossings may prove impractical in light of the need to move large farm machinery through a crossing. Additionally, the need for circuitry upgrades should be evaluated prior to any decision to install four-quadrant gates at a crossing location. Ohio strongly recommends that the use of these types of proposed mitigative measures not be routinely ordered by the Board unless the Board is prepared to coordinate changes in existing federal program requirements with the FHWA.

C. Rail Transportation of Hazardous Materials

As a cross roads state and a major industrial and manufacturing center, Ohio experiences a large volume of hazardous materials movements through its borders. As indicated in table B8-3, Ohio had more hazardous materials incidents than any other state on the Applicants' systems between 1992 and 1996. Ohio enjoys the dubious distinction of being the site of the largest hazardous materials-related evacuation, resulting from a 1986 derailment and fire on the CSX system near Miamisburg, Ohio.

Ohio clearly has a vested interest in safe rail transportation of hazardous materials and, consequently, has been a leader in efforts to address this area. Those efforts have included development of a comprehensive system of carrier registration, civil penalties, and funding of emergency response training. Ohio's program was designed as a multi-modal program to improve the safety of our citizens regardless of the mode

chosen by chemical manufacturers and marketers to ship their products.*

Ohio finds it particularly noteworthy to note that table B8-4 of the draft EIS shows that the two most frequent causes of hazardous materials incidents on Applicants' rail lines, between 1992 and 1996, are human error and package failure. Ohio believes this demonstrates short comings in existing railroad employee training and operating practices relative to the inspection, loading and transportation of hazardous materials shipments. Such shortcomings need to be addressed.

The Joint Applicants and the SEA have devoted significant text to discussion of hazardous materials "key routes" and the special care taken in the areas of employee training and emergency response training. Ohio has two concerns in this regard. First, "key routes" represent a voluntary concept nowhere incorporated in existing Federal Railroad Administration regulations and it is not clear that legal sanctions exist for railroad failures to follow these guidelines, even when they have been incorporated into railroad operating policies. Secondly, the guidelines are minimal in nature and represent more of a baseline for acceptable operations rather than a goal of excellence. The number of incidents listed in Table B8-4 speaks

* Ohio is particularly concerned about rail transportation of hazardous materials throughout the State. As a result of railroad lawsuits, Ohio has been unable to implement its safety regulations for this mode of hazardous materials transport, although Ohio actively regulates hazardous materials carriage over its highways.

volumes in demonstrating that promulgation of these guidelines has not solved the problem of the accidental release of deadly chemicals along rail corridors and within rail yards. Given the anticipated level of increased hazardous material movements resulting from this acquisition, particularly in and around Cleveland, Ohio believes the railroads and federal regulators can and should do more to ensure safe transportation of these materials.

While Ohio believes that greater overall efforts are required by the railroads to train employees and inspect cars and packages transporting hazardous materials, the SEA's draft EIS approach of focusing upon particularly high density routes is reasonable to address increases in hazardous material traffic expected to result in certain lines as a result of the Conrail Acquisition. It is essential, however, that the Board take steps to ensure that the guidelines are actually implemented and consistently followed. The guidelines should also be strengthened and more broadly applied than as proposed in the draft EIS. Ohio urges the Board in the first instance to require that all key routes, not just newly identified key routes, be brought into compliance with the key route standards of OT-55B. The Board should also specifically condition any approval of the Acquisition upon demonstration of compliance with these guidelines through reporting procedures over the next five years designed to reveal any patterns of FRA citations or incidents along each key route.

On major key routes, as defined in the draft EIS, the Board should order additional requirements over existing OT-55B in the area of frequency of track and equipment inspections. Similarly, there should be reporting requirements detailing the number of employees devoted to these activities to ensure a continuing level of commitment to safe hazardous materials transportation. Joint Applicants should be required to expand current employee and public emergency response training and to report annually for the next five years regarding the frequency and nature of classes conducted and persons trained. In addition, the Joint Applicants should be required to specifically fund equipment purchases, travel and tuition expenses for advanced training, and the costs associated with development and implementation of community emergency response plans for public agency emergency responders which will be necessitated by substantial increases in hazardous materials traffic over specific routes. Given the heavy volumes of hazardous material train traffic that certain areas of Ohio will experience and the fact that many areas must rely upon volunteer emergency services, ordering of such funding by the Board will provide an absolutely essential supplement to minimal local resources that are available and is critical to ensure the availability of effective emergency response services.

Finally, adequate sanctions should be established for patterns of violations on both key and major key routes. As a condition to approval of the Acquisition, the Applicants should be subject to continuing Board oversight for a period of not less

than five years and the Board should urge development of specific monetary sanctions for patterns of violations of key route and major key route conditions established by the Board. Money raised by these payments should be used to fund community emergency response training and equipment grants.

D. Roadway Crossing Delays

The impacts associated with vehicle traffic delays and resulting congestion are of great concern to local communities in Ohio. In Section 5-OH.9. the SEA analyzed the effects of the proposed Conrail acquisition on roadway systems at existing highway/rail at-grade public crossings. In developing its approach to crossing delays the SEA has erred in two respects. First, the SEA has relied too heavily upon a statistical review based upon numbers of vehicles, train cars and speeds, while failing to take into account real world conditions that result in blocked crossings. Secondly, even if one argues that a mere statistical approach is appropriate, SEA's use of a 5,000 ADT threshold for consideration is far too high and has resulted in elimination of severely impacted locations.

Effective evaluation of this issue can only be achieved through on-site field reviews in affected communities along routes of environmental significance to examine the factors which contribute to crossing blockage. Factors contributing to these conditions can include operational problems which cause trains to slow beyond normal speeds or delay progress altogether. Examples

include location of control points, proximity to rail yards or sidings, lack of appropriate signals, delays at diamonds or other aspects of rail operations that cause trains to occupy crossings for an extended period. Additional factors that must be considered are the nature and location of businesses along the lines serviced by the railroad.

Use of the arbitrary 5000 ADT figure results in severely-impacted locations in smaller communities being overlooked under the SEA analysis even though these locations are currently experiencing serious blockage problems. The most remarkable failure of the SEA approach is highlighted by the absence of any discussion whatsoever of the serious problems faced by Fostoria, Ohio is presenting the Fostoria issue not only as an issue to be remediated but also as an example of what detailed local analyses is likely to reveal in other Ohio communities.

The City of Fostoria is a major railroad junction where existing railroad traffic and switching operations negatively impact vehicular traffic flow and emergency vehicle response. In its October 21 response to the STB, the State of Ohio highlighted its concerns regarding the acquisition of Conrail and its ramifications which will exacerbate Fostoria's environmental and safety problems. Included in that filing was the Verified Statement of Charles I. Dodge, Administrative Assistant to the Mayor of Fostoria and the statement of Philip G. Pasterak of Parsons Brinckerhoff Ohio, Inc. concerning the serious impacts of the proposed Acquisition on Fostoria. The SEA's environmental

analysis of the Conrail Acquisition, however, completely ignored these issues and failed to discuss the serious safety and environmental impacts on Fostoria. Therefore, the State of Ohio, working with the City of [illegible] commissioned Parsons Brinckerhoff to prepare a comprehensive environmental analysis to focus on the magnitude of these issues. The Fostoria Remediation Study is attached as Exhibit 4.

All three of the intersecting railroad lines in Fostoria are projected to receive significant increases in rail traffic. Currently, an average of 84 trains pass through the city every day. As a result of the Conrail Acquisition by NS and CSX, the number of trains in Fostoria will increase by nearly 30 percent to 108 trains per day. The most critical impact from increasing rail traffic is on safety and emergency response time.

Two areas of the community, one to the east and one to the west, have been dubbed "Iron Triangles" by emergency response forces. This is because of the difficulties in identifying reliable and direct ingress/egress to the areas as a result of heavy train traffic blocking the at-grade crossings. Vehicular crossing delays are compounded by slow moving rail traffic switching from one mainline onto another.

The SEA's draft EIS inadequately addresses these impacts on Fostoria as a result of the Acquisition, and is grossly inadequate. Although rail segments C-070 (Marion-Fostoria) and C-075 (Willard-Fostoria) are identified as meeting the threshold for analysis by the SEA neither individual nor cumulative impacts

of increased traffic are considered on safety and grade crossing delays. In fact, the nature of the rail configuration in Fostoria, with three major rail/rail crossings, will cause impacts far in excess of the sum of the traffic increases on the three individual rail lines. Crossing delays will be compounded by stopped trains and trains moving at low speeds and a significant number of trains using slow speed connection tracks. These tracks and turnouts are not, and in most cases cannot be, configured for speed in excess of 15 mph. Typical speeds are likely closer to 10 mph. For the proposed 6200 foot typical CSX post-Acquisition train, this will result in a blocked crossing time per diverging train of 7.5 minutes. The SEA has failed to take into account these real world conditions that result in blocking critical crossings and emergency ingress routes.

Moreover, the arbitrary SEA threshold of 5000 ADT resulted in the elimination of two critical highway/railroad crossings from the evaluation process. Both crossings provide emergency vehicular ingress into Fostoria's isolated "Iron Triangle" neighborhoods. The more detailed Ohio analysis, which considered the interrelationships of the street network with actual train operating speeds, indicates that both Columbus Avenue and Tiffin Street must be considered significantly impacted.

Currently, the procedure for responding to a police or fire emergency situation in the two triangle areas in Fostoria is to dispatch two vehicles along separate routes, increasing the chances of successfully entering the triangles. In the event

that both routes are unimpeded and both vehicles are able to cross the tracks, the first crew determines whether to enter the scene immediately, possibly compromising their own safety, or wait until the second vehicle arrives with backup. This additional time is critical. For example, experts claim that, each additional minute a fire burns, the fire typically doubles in its size and intensity. As the Ohio analysis illustrates, with the large volume of trains passing through Fostoria each day, the likelihood of encountering a train blocking an at-grade crossing is very high. The choice of the route to the site of an emergency can be very confusing to emergency personnel who have no reliable way of predicting which crossings will be blocked at a particular time of day.

According to the SEA's formula, under current volumes, a train is blocking one or more at-grade crossings in Fostoria 4.6 hours of each 24 hour day. That equates to 19 percent of the day that a crossing is inaccessible to emergency vehicles. With the increased train volumes resulting from the Acquisition, a crossing will be blocked over 6 of the 24 hours, which is over 25 percent of the day. Not all of the crossings will be blocked at the same time; however, an emergency vehicle has no schedule as to when crossing it needs will be blocked. With any given rail crossing blocked over fourth of the day, it becomes apparent that some alternative provision needs to be made for the safety of residents within the Iron Triangles.

Based on Ohio's analysis of the ingress/egress routes into Fostoria's Iron Triangle areas, the Columbus Avenue/east triangle area meets the criteria for a location requiring a grade separation. The post Acquisition LOS decreases one grade to LOS "E" or "F" following the Acquisition and rail traffic increases by eight trains. Additionally, the west triangle area also meets this criteria when considering a 33.9 increase on the CSX line along with the 4.6 increase on NS traffic. An increase of train speeds will provide only a partial, and relatively insignificant, mitigation of impacts on vehicular delay.

The potential for these two Iron Triangle areas to become isolated by rail movements and served by unreliable and unpredictable emergency service routes is very real and, therefore, the need for the construction of grade separations for both areas is strongly indicated. A grade separation for Town Street under the NS is recommended to mitigate east triangle impacts. Town Street provides a less expensive alternative to grade separating Columbus Avenue. And a grade separation for Tiffin Street over CSX is recommended to mitigate west triangle impacts. Conceptual engineering of these crossings shows that construction of these structures is feasible.

The crossing at Jones Road also has safety implications as there is the potential for the east half of the City to be temporarily cut off from ambulance services. With the next parallel road to Jones being so far to the south, a blocked crossing could add an extra 3.6 minutes to an ambulance's

response time to an incident just east of the tracks on Jones Road. As a result, a grade separation for Jones Road over CSX (C&O) should also be considered. In addition to the safety concerns associated with increased rail traffic blocking at-grade crossings, Fostoria also has concerns about the economic development viability near the CSX crossings at Jones Road. Jones Road is a highly traveled trucking route serving one of Fostoria's major commercial and industrial zones. Stopped trains often block the road and trigger the crossing gates for extended periods. Severe delays in vehicle transport will discourage other new business and industry ventures from wanting to locate in the City, thereby hindering economic growth.

At minimum, additional measures that should be implemented include the upgrading of grade crossing circuitry to state-of-the-art motion detection systems. Such a relatively inexpensive improvement would minimize the time that Jones Road Traffic is blocked without the presence of a train across the crossing. The improved circuitry would reduce over activation of the current warning devices. Conceptual engineering of this crossing indicates that it is feasible to construct.

Ohio, once again, urges that the STB must carefully consider the Fostoria safety issues in the proper perspective. All of those concerns are buttressed by the underlying Fostoria Remediation Study which provides a comprehensive technical analysis of Fostoria's problems. Ohio believes that the recommendations for the construction of three grade separations is

completely warranted. In this light, Ohio recommends that the STB order the Joint Applicants to enter negotiations with the state and local officials and to develop agreements for resolving the environmental and safety impacts in Fostoria. This includes defining the cost sharing for construction of the three grade separations.

Attached is a letter from the Mayor of the City of Fostoria (Exhibit 5) and a copy of a letter addressed to the STB by a city official (Exhibit 6), both of which emphasize the very serious concerns of responsible city officials as to the impact of the proposed Transaction on public safety and access to essential emergency services absent adequate remedial action.

Again Fostoria is only one example of the serious problems Ohio is finding. Other locations including Ashtabula, Olmstead Falls, Berea, Bellevue, Defiance County, Oak Harbor, Clyde, Greenwich, Wellington, Grafton, and New London are being reviewed in terms of their need for mitigation measures. Cleveland has raised serious concerns in this regard as well. Such locations may well require construction of grade separations to effectively solve crossing delay and emergency response concerns if the proposed Transaction is approved. It is therefore critical that the Board ensure that these remedial requirements are recognized and place sole or significant financial responsibility upon the Joint Applicants for needed construction and improvements which will be required to safely accommodate expanded rail operations under the Acquisition Application.

Applying its methodology, the SEA has identified Ohio crossings which will incur significant delays. SEA's proposed fix to these problems calls for the railroads to increase train speeds in three locations and to consult with local and state highway officials on mitigation measures for the other crossings. Ohio disagrees that increasing train speeds through urban areas constitutes a safe and workable solution for crossing congestion, unless it is done only after it is determined to be safe and feasible after comprehensive review of existing signaling, operating practices and grade crossing protection systems in the affected areas. Ohio agrees with SEA's conclusion that crossing delay issues are most effectively resolved where the Joint Applicants and local and state highway officials work together on a cooperative basis. The input of all concerned stakeholders is critical to an effective identification of other significantly impacted locations and assessment of mitigation measures and appropriate in this proceeding. Commitment of resources and funding to accomplishment of remedial steps as found to be necessary.

Ohio recommends that, as a condition of approval of the Application, the railroads be required to reach agreements with Ohio that address all areas of concern. These agreements must include significant railroad funding commitments to ensure that mitigation measures are completed. The Board should direct that the Joint Applicants not operate at post-Acquisition increased traffic levels until firm agreements have been executed.

E. Toledo Deshler Rail Line Segment

In light of the prior dormancy of train traffic on the Toledo-Deshler rail segment, Ohio concurs with and recommends that the Board adopt the SEA's proposed mitigation measures for the nine remaining (i.e. those not currently the subject of PUCO projects) passively-protected grade crossings that are listed on Table 5 OH-56 (page OH-154). Consistent with PUCO policy, Ohio recommends that mitigative measures at each of these remaining crossings include both flashing warning lights and traffic control gates.

As background information, the SEA has included for specific comment this 36-mile section of track that traverses through portions of Lucas, Wood, and Henry Counties in northwestern Ohio. Ohio is somewhat unclear as to why the SEA chose to specifically comment since this increased traffic is not solely an Acquisition related issue. The line in question was essentially dormant until May 1997 when CSX increased the traffic from .6 to 13.6 trains per day. Post acquisition traffic raises this level to 14.2 trains per day. While this is a significant percentage increase over the prior dormancy level, it still pales in comparison with the increases on other lines in Ohio.

Ohio had previously identified grade crossing warning device projects along this line but deferred further action on these projects when the traffic decreased to minimal levels. Had there been better coordination between CSX and Ohio regulators

regarding reactivation and level of train activity on this line, Ohio would have been in a better position to respond to the increased risk. The PUCO has directed installation of five projects (gates and lights) since the reactivation of this line segment. These current projects include the following crossing locations: Main Street - FRA No. 155760V - Henry County; Kellogg Road - FRA No. 155794T - Wood County; Middletown Pike - FRA No. 155804T - Wood County; Eckel Junction Road - FRA No. 155818B - Wood County; Ford Road - FRA No. 155838M - Wood County.

F. Cleveland Specific Issues

Ohio supports the concept of a comprehensive approach to resolving environmental issues raised by the City of Cleveland and other area jurisdictions including Lake, Bay Village, Rocky River, Berea, and North Olmstead. Cleveland lies at the heart of Conrail's system, the crossing point of the so-called "Big X" through which more than 100 trains per day pass.

Ohio believes that the division of Conrail through Cleveland as envisioned in the proposed transaction may be workable but only from the railroad perspective. Ohio does not, however, believe it is the optimal plan when the adverse safety and environmental impacts are taken into account.

The City of Cleveland has outlined two alternative route configurations that would route most of the increased rail traffic that would result from the proposed acquisition through

Cleveland and neighboring industrial corridors. Capable engineers retained by the City of Cleveland have proposed concrete and workable solutions that would not only effectively move trains through Cleveland, and would ameliorate most of the worst adverse environmental impacts."

In this light, Ohio recommends that the Joint Applicants in good faith negotiate the proposals as outlined in the attached press release (Exhibit 6) and resolve the substantial adverse environmental and safety impacts that will result from the proposed transaction.

Ohio realizes that it is asking the STB to take extraordinary action for Cleveland area issues. We trust that the STB recognizes that the tremendous adverse impacts to the Cleveland area from the proposed transaction make such extraordinary measures to ensure that the serious problem faced by Cleveland area communities will be resolved. Ohio strongly urges that the STB require that essential safety and environmental agreements between Cleveland area communities, State officials and the Applicants be concluded prior to any increase in existing traffic levels.

G. Arbitration

Ohio maintains that it is in the best position to assess and evaluate the nature and magnitude of Acquisition-related impacts

" See Exhibit 7.

within its borders and to develop solutions that best recognize and address Ohio's unique circumstances. The SEA has indicated that it is considering making a recommendation to the Board that would require the Joint Applicants to participate in mediation and binding arbitration with local and state officials where grade separations are necessary to address Acquisition-related traffic delays. Executive Summary at ES-21. Ohio is opposed to SEA's suggestion for a number of reasons. Ohio is primarily responsible for the safety and health of its communities. Safety-related traffic routing and congestion issues are inherently local in nature and resolution of these issues, including who should bear the costs of mitigation measures, should be assessed and determined by Ohio officials. Ohio is actively pursuing remedial measures to address such situations through negotiations with the Joint Applicants. Ohio recognizes that costs of mitigation of safety and environmental problems arising from the proposed acquisition of Conrail are important issues and Ohio intends to continue working closely with the Joint Applicants to ensure that legitimate mitigation measures are implemented. As demonstrated by the B&O Agreement, Ohio is fully prepared to identify significantly impacted areas and develop responsive solutions through negotiated arrangements with the Joint Applicants. Any substantial increase of traffic over specific corridors should be conditioned on completion and commitment to negotiated agreements. Should fundamental differences arise in such negotiations, Ohio maintains that the

necessarily involved public safety and health issues do not lend themselves to resolution through arbitration or mediation. Rather, resort should be directly to the STB for its prompt resolution.

VI. CONCLUSION

There exist a number of unique circumstances facing Ohio as a result of the proposed Conrail acquisition application. Solutions to Ohio impacts must be tailored by responsible Ohio officials to specific facts and circumstances. Ohio maintains that impacts substantially affecting the safety, health and welfare of its citizens and communities are most effectively addressed through joint negotiations which allow all stakeholders to meaningfully participate in development of solutions. Ohio is ready, willing and able to accomplish fair and appropriate solutions through negotiations which must be concluded before traffic is increased over adversely affected corridors and communities which will otherwise suffer serious adverse effects to the detriment of all concerned.

Respectfully submitted,

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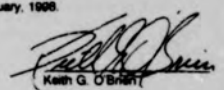
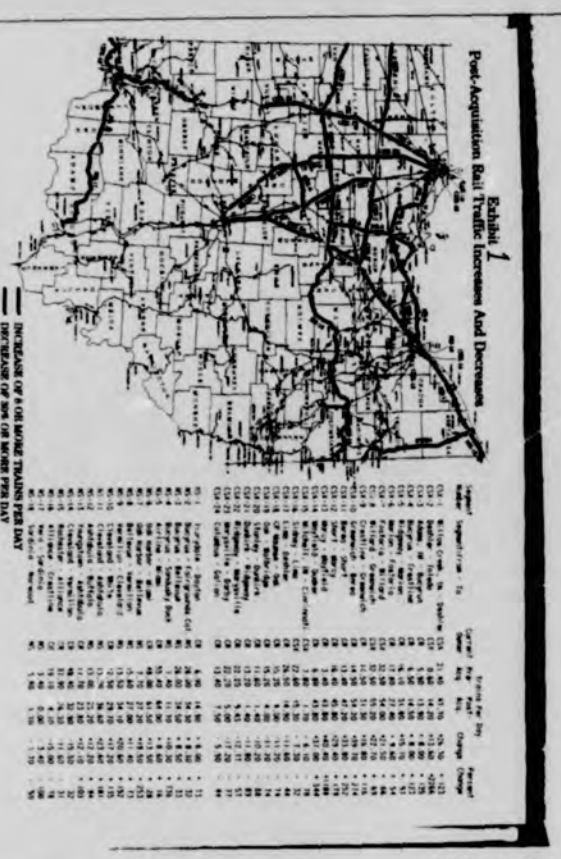
Dated: February 2, 1998

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Responsive Comments to Draft Environmental Impact Statement and Request for Protective Conditions, submitted on behalf of the Ohio Attorney General, Ohio Rail Development Commission, and the Public Utilities Commission of Ohio, was served by regular U.S. mail, postage prepaid, upon all parties of record, this 2nd day of February, 1998.



Keith G. O'Brien



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BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Adoption and Implementation of the Joint Railroad Corridor Safety Agreement for the CSX Transportation, Inc. B & O Rail Corridor.	))))	Case No. 97-1540-RR-UNC

ENTRY

The Commission finds:

(1) Section 4907.471, Revised Code, requires the Commission to survey all public crossings of railroads at grade and to devise a formula, consistent with applicable federal requirements, for determining the probability of accident at each such crossing, taking into account for each such crossing a variety of factors including volume of vehicular and train traffic, train type and speed, limitations of view, and intersection angle.

(2) Under this statute, the Commission also is required to classify all such public crossings according to such formula and to prepare a priority list for the protection of such crossings, giving highest priority to the crossings at which the Commission finds the highest probability of accident, and lowest priority to the ones at which it finds the least probability of accident.

(3) Pursuant to the priority ratings established as provided above, the Commission may direct the installation of warning devices at any such railroad highway grade crossing it determines to be in need of additional protective devices. The assignment of any part or all of the cost of the installation and subsequent maintenance of such devices shall be by the Commission in any proportion it determines proper that is consistent with any applicable federal requirements.

(4) On June 23, 1997, the Surface Transportation Board (STB) accepted for consideration the railroad control application and related filings submitted to the Board by the CSX Corporation and CSX Transportation, Inc. (collectively referred to as "CSX"); the Norfolk Southern Corporation and the Norfolk Southern Railway Company (collectively referred to as "NS"); and Conrail, Inc. and the Consolidated Rail Corporation (collectively referred to as "Conrail"). The railroad control application seeks STB approval for the acquisition by CSX and NS of control of Conrail and the division of Conrail's assets by

EXHIBIT 2

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and between CSX and NS. The proposed transaction involves over 44,000 miles of rail lines and related facilities covering a large portion of the eastern United States. The proposed acquisition will have a dramatic and substantive impact on rail operations in the state of Ohio.

Currently, the state of Ohio has approximately 5,800 miles of rail line within its borders. Conrail is Ohio's largest railroad operating over approximately 1,700 miles of rail line. Within Ohio, CSX and NS currently operate over approximately 1,460 and 900 rail miles, respectively.

(5) On May 19, 1997, CSX announced plans to spend more than $220 million to upgrade rail service in Ohio and Indiana as part of an overall plan to maximize its pending acquisition of Conrail operations and assets. Included in this project was a proposal by CSX to lay approximately 113 miles of new parallel track along the 270-mile former B&O rail route between Chicago and Greenwich, Ohio. The announced improvements would eventually allow CSX to provide full double-track service on part of a CSX-Conrail route between Cleveland and Chicago.

The construction will include improvements to bridges, railroad connections, sidings and train control signals. CSX plans to upgrade about 75 miles of existing track in Ohio to accommodate faster trains. As part of its proposed updated and upgraded operations, CSX plans to increase the number of trains operating daily over the B&O corridor by approximately 70 percent and to increase the speed of those trains to 70 miles per hour. As a result, a greater number of trains traveling at greater speeds will traverse approximately 140 passively protected grade crossings along the B&O corridor.

(6) Prior to the STB filing and its announcements relative to Ohio operations, CSX approached Commission staff about safety concerns it had as a result of the anticipated increase in train traffic and speed along an expanded and upgraded B&O corridor. The Commission, in cooperation with the Ohio Rail Development Commission (ORDC), conducted a study of the CSX rail segments between Greenwich and the Indiana state line along the corridor to determine the impact the proposed CSX operations would have on safety at the grade crossings located along the corridor.

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(7) Following the study, the PUCO and ORDC staff entered into negotiations with CSX for a joint project to enhance grade crossing safety in advance of the significant increase in train traffic and train speed along the B&O corridor. The goal of the project is to enhance safety at as many grade crossings along the corridor as possible before the anticipated increase commences. The result of the negotiations is the Railroad Corridor Safety Agreement attached to this entry and incorporated by reference herein.

(8) By using the factors set forth in Section 4907.471, Revised Code, and incorporating data related to the proposed post-Conrail operations of CSX on the B&O corridor, the Commission has identified the 39 grade crossings set forth in the agreement attached to this entry at which CSX has agreed to upgrade existing automatic warning devices to flashing lights and roadway gates. Further, the railroad and the staff have negotiated a cost sharing on these projects which provides that 44 percent of the cost of the project will be paid by CSX. The agreement also incorporates the recently negotiated "lump sum" payment concept which provides for further cost savings at the 26 crossings in this group which do not pose special engineering considerations. As is standard in agreements with railroads relative to the installation of warning devices, the cost of perpetual maintenance at each of these crossings will be borne by CSX.

(9) The agreement reached between the Commission, CSX and ORDC is unprecedented and is designed to proactively address heightened grade crossing safety concerns along the B&O corridor that will see a greater volume of CSX trains traveling at greater speeds. The parties have agreed to jointly share in the costs of the safety projects. The proposed agreement provides for project cost allocation that reflects the increased accident prediction formula ranking of the crossings caused by physical and operational changes at these locations and incorporates the cost savings achieved as a result of 39 simultaneous projects.

Additionally, the Commission and ORDC agree to work with CSX and local communities to identify whether any of the grade crossings identified herein may be closed to vehicular traffic as an alternative to the installation of warning devices. The agreement is flexible enough to account for that possibility by providing that in the event of a closure of a

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crossing identified herein, any money otherwise to have been spent for the installation of active warning devices at such crossing shall be applied to safety upgrades at any location within the B&O corridor.

Finally, the agreement provides that CSX shall complete the projects within one year from the date the Commission adopts the agreement or the effective control date as authorized by the STB, whichever comes earlier.

(10) The parties do not view this agreement as answering all safety concerns or as concluding their joint efforts directed to enhance safety along the B&O corridor. Further, this agreement does not and cannot address other important concerns such as traffic congestion and emergency response in those areas affected by increased train traffic resulting from the Conrail acquisition. The parties contemplate further efforts on this corridor as well as on all other CSX rail lines that will experience an increase in train traffic generated by the acquisition of Conrail. Further, the Commission and the ORDC have begun preliminary discussions with NS to reach an agreement on similarly impacted NS rail corridors. Finally, this agreement does not preclude the Commission from taking whatever action it deems appropriate relative to rail safety on this corridor.

(11) Grade crossing safety is one of the Commission's highest priorities. In light of the increased operations by CSX as a result of its acquisition of operations and assets of Conrail, the Commission believes that this historic agreement goes a long way to address safety concerns along the B&O corridor. We appreciate the efforts of our staff, the ORDC and CSX in addressing safety issues related to the Conrail acquisition and commend them for their proactive response in this matter. The agreement is reasonable and should be adopted by this Commission.

(12) In order to provide for increased public safety during the pendency of these improvements, the Commission urges each local government agency with jurisdiction over the location of these crossings to make an immediate assessment of interim physical improvements which would enhance driver awareness of the crossing. The Commission will assist local governments with the cost of improvements such as rumble

strips, illumination, improved signage or other safety enhancements at these locations. Applications for this funding should be made to the Commission's Transportation Department, Rail Division, which shall review all proposals. In the event the Department finds the improvements appropriate, the Department director is hereby authorized to execute a contract with the government agency and obligate money from the state grade crossing safety fund for these improvements, not to exceed $3,000 per crossing. Similar assistance shall be extended to communities where previously authorized warning improvements are pending.

(13) Section 4905.54, Revised Code, requires every public utility or railroad and every officer of a public utility or railroad to comply with every order, direction and requirement of the Commission. That section further provides that any public utility or railroad which fails to comply with any order, direction or requirement of the Commission, shall forfeit to the state not more than $1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. The Commission expects CSX to comply with this entry in a timely manner. However, the railroad's failure to so comply will subject it to the forfeiture provisions set forth in Section 4905.54, Revised Code.

It is, therefore,

ORDERED, That Railroad Corridor Safety Agreement entered into by and between Commission staff, ORDC and CSX Transportation, Inc. be adopted by the Commission. It is, further,

ORDERED, That as set forth in the agreement, projects for the installation of additional protective devices be authorized for the public grade crossings identified in the agreement. It is, further,

ORDERED, That the preliminary engineering and construction costs associated with these installation projects be funded as set forth in the Agreement. It is, further,

ORDERED, That in accordance with staff's recommendations, CSX submit with the Commission's Railroad Division, as soon as possible, site plans and proposed time schedules for the installation of automatic flashing lights and highway gates at the crossings set forth in the attached agreement and, additionally, CSX is directed to submit cost estimates for the crossings set forth in Schedule C of the agreement. It is, further,

ORDERED, That because this Entry only approves and adopts the attached agreement, CSX not commence with the acquisition of materials and construction without first having been so authorized by the Commission following the submission of all required plans and estimates. It is, further,

ORDERED, That the installation projects be completed at these crossings no later than November 25, 1998, or the effective date of control as authorized by the Surface Transportation Board in Finance Docket No. 33388, whichever comes first. It is, further,

ORDERED, That the railroad notify Commission staff and the ORDC at the time the installations are completed and the signals and lights are activated, at which time the devices may be inspected. It is, further,

ORDERED, That all interested local governmental entities having jurisdiction of the roadway at the crossings identified herein may apply for Commission funding of up to $3,000 for supplemental improvements at these crossings during the pendency of the construction projects by filing an application with the Commission's Transportation Department, Rail Division, as set forth in Finding 12. It is, further,

ORDERED, That a copy of this entry be served upon CSX Transportation, Inc.; the Ohio Rail Development Commission; the Board of Commissioners for Defiance, Hancock, Henry, Huron, Seneca and Wood counties; the mayors of Greenwich, Tiffin, Fostoria, Bairdstown, North Baltimore, Hamler, Holgate, and Defiance, Ohio; the Board of Trustees for Ripley Township (Huron County), Venice, Reed, Hopewell and Loudon Townships (Seneca County), Washington Township (Hancock County), Bloom and Jackson Townships (Wood County), Marion Township (Henry County), and Richland, Delaware and Mark Townships (Defiance County); and all other parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Craig A. Glazer, Chairman

Jolynn Barry Butler

Ronda Hartman Fergus

David W. Johnson

Judith A. Jones

REM/vrh

Entered in the Journal
NOV 25 1998
A True Copy
Gary E. Vigorito
Secretary

RAILROAD CORRIDOR SAFETY AGREEMENT

This Railroad Corridor Safety Agreement is entered into by and among CSX Transportation, Inc. (CSXT or Railroad), the Ohio Rail Development Commission (ORDC) and the Public Utilities Commission of Ohio (PUCO) and is intended to facilitate the grade crossing safety improvements outlined herein.

RECITALS

WHEREAS, many of Ohio's public grade crossings are currently passively protected by crossbuck signage or equipped only with flashing warning lights;

WHEREAS, the PUCO has statutory authority to regulate to promote the welfare and safety of railroad employees and the traveling public pursuant to Ohio Revised Code 4905.04;

WHEREAS, the PUCO is responsible for evaluating public highway-railroad grade crossings to determine the need for upgrading active warning devices and apportioning the costs thereof pursuant to Ohio Revised Code 4907.471;

WHEREAS, the Federal Aid Highway Safety Act of 1973 and the Intermodal Surface Transportation Efficiency Act of 1991, and subsequent amendments thereto provide funding for the cost of safety upgrades to eliminate hazards at public grade crossings, which funding is administered jointly by the PUCO and ORDC pursuant to Ohio Revised Code Section 4907.476;

WHEREAS, the parties hereto propose to facilitate the improvements identified in this Agreement in accordance with the Federal Aid Policy Guide (FAPG) and applicable provisions of Title 23 of the United States Code pursuant to the terms hereof;

WHEREAS, CSXT is a principal party in a Finance Docket No. 33388, presently pending before the federal Surface Transportation Board (STB), jointly filed by CSXT and Norfolk Southern Corporation to gain control and operation of the rail transportation system of Consolidated Rail Corporation (the STB case);

WHEREAS, CSXT has identified a transportation corridor extending from Greenwich, Ohio in Huron County to the Ohio/Indiana border at a point in Defiance County (the B&O corridor) that will require expansion of the existing transportation system to accommodate a greater volume of its trains traveling at higher rates of speed that are expected to result from the STB case;

WHEREAS, CSXT, ORDC, and the PUCO jointly desire to address heightened grade crossing safety concerns along the B&O corridor route that are presented as a result of increased CSXT train volumes and speeds expected along this route;

WHEREAS, CSXT, ORDC, and the PUCO wish to jointly share in the costs of enhancing public safety at B&O corridor grade crossings.

WHEREAS, this agreement is the product of extensive negotiations by and among CSXT, ORDC, and the PUCO to promote grade crossing safety within Ohio.

NOW THEREFORE, CSXT, ORDC, and PUCO agree as follows:

I. B&O CORRIDOR CROSSINGS

The B&O corridor railroad/highway grade crossing locations subject to this agreement are those identified on Schedule A attached hereto. This list may be modified by agreement of the parties. CSXT, ORDC, and the PUCO have reviewed all of the crossings on the B&O corridor and contemplate that the grade crossings listed on Schedule A will be targeted for installation of safety enhancements in the form of traffic gates and flashing lights to provide maximum warning for the traveling public of approaching train traffic.

PUCO/ORDC agree to compensate CSXT for the cost of grade crossing safety improvements pursuant to the terms of this Agreement. Additionally, PUCO/ORDC agree to work with CSXT and local communities to identify whether any of the grade crossing locations identified on Schedule A may be permanently closed to public vehicular traffic as an alternative to installation of automatic warning devices. Public grade crossing closures, if any, shall be separately identified and negotiated on a case-by-case basis. In the event of closure of a Schedule A grade crossing, money otherwise to have been applied for installation of active warning devices at that crossing shall be applied to safety upgrades at any location within the B&O corridor mutually agreed upon by the parties.

II. COSTS OF GRADE CROSSING SAFETY UPGRADES

A. Costs

PUCO/ORDC and CSXT agree that the Federal Accident Prediction Formula (FAPF) utilized by the PUCO to prioritize public grade crossings for federally-funded safety upgrades, constitutes an appropriate mechanism upon which to allocate the costs, as between CSXT and PUCO/ORDC of all safety upgrades contemplated under this Agreement. In this regard, the parties agree to an allocation that reflects the increased FAPF ranking of the crossings on Schedule B caused by physical and operational changes at these locations. On this basis, PUCO/ORDC and CSXT agree to pay 56% and 44% respectively of the costs associated with installation of safety upgrades at Schedule B crossing locations.

PUCO/ORDC and CSXT agree that the total price for all safety upgrades at crossings shown on Schedule B shall be determined with reference to the concepts

set forth in the "Lump Sum" agreement recently negotiated between PUCO/ORDC and CSXT. In accordance with that agreement, PUCO/ORDC and CSXT agree that the total price for each Schedule B crossing safety improvement shall be $81,600, an amount calculated with reference to the PUCO/ORDC-CSXT agreed upon lump sum amount for double track signal territory crossings with motion sensor circuitry, which is $96,000, and further discounted by 15 percent. The parties acknowledge and agree that the costs of preliminary engineering are included in this amount.

B. Special Circumstances

The parties have identified certain characteristics at particular grade crossings located within the B&O corridor for which installation of active safety warning devices will require more engineering design work thereby increasing the cost required for performing the installation. This includes "railroad control points," which are those locations where there may exist a public crossing in close proximity to another grade crossing such that warning device signal circuits overlap, a track cross-over, a controlled track switch, or an interlocker. These grade crossings are listed on the attached Schedule C.

The actual cost of safety upgrades at each grade crossing identified on Schedule C shall be allocated as between CSXT and PUCO/ORDC in the same manner as specified in Section II (A), without discount. All billings shall be subject to the same provisions outlined in Section II (C), except that one hundred percent of preliminary engineering costs incurred for safety improvements to Schedule C crossings shall be reimbursed with state funds provided by the PUCO.

C. Billing

The railroad may bill ORDC monthly or periodically for materials and work completed. Progressive invoices may be submitted for work performed during the previous month or period showing the portion of the Lump Sum amount that is due the Railroad. The Railroad shall be paid the agreed upon price for each improvement upon final acceptance by the ORDC of work performed on that improvement. A final bill shall be submitted to ORDC within ninety (90) days after completion of improvement. Upon completion of installation of warning device improvements and inspection of same by the Railroad, the Railroad shall promptly activate the warning devices for public use. The Railroad shall provide written notification to PUCO of the date(s) on which the Railroad inspected the devices and placed them into public service. A project shall be deemed completed when the grade crossing safety improvement is activated for use by the public. ORDC shall pay all invoices within thirty (30) days after receipt of a proper invoice.

D. Completion

The Railroad shall complete the safety upgrades on the B&O corridor crossings listed on Schedule A and as may be amended by the parties from time to time,

by the earlier of the effective control date as authorized by the Surface Transportation Board in Finance Docket No. 33888 or 12 months from the date of issuance by the PUCO of its order adopting this agreement, except as provided below. In the event of closure of any B&O corridor crossing as referenced in Section I of this Agreement, the completion date for installation of active warning devices at a crossing substituted therefor shall be negotiated by the parties but shall, in no event, exceed 12 months from the date on which the closure is finalized unless otherwise agreed by the Parties.

III. RECORD KEEPING REQUIREMENTS

The Railroad shall make all records, plans, correspondence and other materials associated with any safety improvement performed under this Agreement available for examination and reproduction by authorized representatives of the U.S. Government, the State of Ohio and/or their agents. All project records shall be maintained by the Railroad for three years after final acceptance of the project or three years after the resolution of any disputes that may arise as part of any project.

The Railroad will make available to the U.S. Government, State of Ohio, or their authorized agents, their books, records, papers and materials pertaining to the Railroad costs of performing improvements.

IV. TERMINATION

In the event the STB fails to approve the pending application in Finance Docket No. 33388, CSXT reserves the right to terminate further performance under this agreement upon terms mutually agreeable to the parties hereto. This Agreement shall otherwise terminate at the end of the next biennium, June 30, 1999. If the safety upgrades covered under this Agreement are not completed by that date, it is the expressed intention of the parties to renew this Agreement for a successive biennium period until such time as all work contemplated herein has been satisfactorily completed.

Any renewal thereof is subject to the determination by PUCO/ORDC that sufficient funds and the authority to spend funds have been provided by the Ohio General Assembly to ORDC for the purposes of this Agreement and to the certification of funds by the Office of Budget and Management as required by the Ohio Revised Code, Section 126.07. If PUCO/ORDC determines that sufficient funds have not been appropriated for the purposes of this Stipulation, or if the Office of Budget and Management fails to certify the availability of funds, this Agreement will be terminated.

V. OHIO ETHICS LAW REQUIREMENTS

The Railroad agrees to adhere to the requirements of Ohio Ethics Law as provided by Section 102.04 of the Ohio Revised Code. O.R.C. Section 102.06 (A) prohib-

its a state official or employee from receiving compensation, other than from his own agency, for personal services rendered in a case proceeding, application, or other matters before any state agency. O.R.C. Section 102.04 (B) prohibits state officials and employees from selling goods or services to state agencies, except by competitive bidding.

It is understood by the parties that non-elected state officials and employees may qualify for an exemption under O.R.C. Section 102.04 (D), if (1) the agency with which the officials or employee seeks to do business is an agency other than the one with which he services; and, (2) prior to rendering personal services or selling or agreeing to sell goods or services, the official or employee files and O.R.C. Section 102.04 (D) settlement with the Ohio Ethics Commission, the agency with which he serves, and must include a declaration that the person disqualifies himself for a period of two (2) years from any participation in his official capacity as a board or commission member in any matter involving any official or employee of the agency with which he seeks to do business.

It is expressly understood and agreed to by the parties that a failure by the Railroad to file a declaration statement is required under O.R.C. Section 102.04 (D), may be considered by PUCO/ORDC to constitute a breach of material condition of this contract and the State may, if it so elects, void this contract.

VI. EQUAL EMPLOYMENT OPPORTUNITY

In carrying out this Agreement, the Railroad shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, sexual orientation, national origin, handicap, age, or Vietnam-era veteran status. The Railroad will ensure that applicants are hired and that employees are treated during employment without regard to the aforementioned factors.

Such action shall include, but not be limited, the following: Employment, Upgrading, Demotion, or Transfer; Recruitment or Recruitment Advertising; Layoff to Termination; Rates of Pay or other forms of Compensation; and Selection for Training including Apprenticeship.

The Railroad agrees to conspicuously post for employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Railroad will, in all solicitations or advertisements for employees placed by or on behalf of the Railroads, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, sexual orientation, national origin, handicap, age, or Vietnam-era veteran statues. The Railroads shall incorporate the foregoing requirements of this paragraph in all of its contracts for any of the work prescribed herein (other than subcontracts for standard commercial supplies or raw materials) and will require all of its subcontractors for any part of such work to incorporate such requirements in all subcontracts for such work.

VII. DRUG FREE WORKPLACE

The Railroad agrees to comply with all applicable statutes and federal laws regarding a drug-free workplace. The Railroad shall make a good faith effort to ensure that all Railroad employees, while working on state property, will not purchase, transfer, use or possess illegal drugs or alcohol or abuse prescription drugs in any way.

VIII. HOLD HARMLESS PROVISION

The Railroad covenants and agrees to indemnify and hold, the PUCO/ORDC and their agents and employees harmless from and against any loss, claim, cause of action, damages, liability (including, within limitation, strict or absolute liability in tort or by statute imposed), charge, cost or expense (including, without limitation, counsel fees to the extent permitted by law), predicated on personal injury or death, or loss of or damage to property, and arising from work negligently performed pursuant to this Agreement. In case any action involving any work covered by this Agreement is brought by or against any party or parties, said party or parties shall promptly notify the other party or parties of such action.

This Agreement does not represent any admission of liability on the part of any party hereto. If the PUCO rejects all or any part of this Agreement, any party may, in writing submitted within ten days of the PUCO's order, elect to withdraw its consent to this Agreement, in which event this Railroad Corridor Safety Subsidy Agreement shall be deemed a nullity, and shall not constitute any part of the record in this proceeding.

The undersigned respectfully join in recommending that the PUCO issue an Order approving and adopting this Agreement in accordance with the terms set forth herein.

Schedule C-At Cost Crossings

XING #	COUNTY	CITY_CD	HIGHWAY	STREET
142119N	HURON	GREENWICH		KNIFFIN ST
142129U	HURON	GREENWICH	CR 150	NEW STATE RD
142236X	SENECA	FOSTORIA	CITY	COUNTY LINE ST
142241P	HANCOCK	FOSTORIA	CITY	ADAMS ST
142242M	HANCOCK	FOSTORIA	CITY	CLEVELAND ST
142246P	HANCOCK	FOSTORIA	TWP 281	
142256U	WOOD	N BALTIMORE	TWP 138	GALATEA ROAD
142309S	HENRY	HAMLER	CR 7	
142312A	HENRY	HAMLER	CR 6B	
142313G	HENRY	HAMLER		MAIN ST.
142314N	HENRY	HAMLER		MARION ST.
142328W	HENRY	HOLGATE		WILHELM
142345M	DEFIANCE	DEFIANCE	TWP 188	HARRIS

Schedule B-Lump Sum Crossings

XING #	COUNTY	CITY	HIGHWAY	STREET
142125S	HURON	GREENWICH	TWP 74	EDWARDS
142129Y	HURON	GREENWICH	TWP 52	OLD STATE RD.
142146F	SENECA	WILLARD	TWP 104	
142155J	SENECA	WILLARD	TWP 81	
142160F	SENECA	WILLARD	CR 109	
142161M	SENECA	WILLARD	TWP 79	
142164H	SENECA	REPUBLIC	CR23	
142172A	SENECA	REPUBLIC	CR 43	
142186B	SENECA	TIFFIN		CLINTON AVENUE
142210G	SENECA	BASCOM	TWP 101	
142213C	SENECA	BASCOM	CR 5	
142217E	SENECA	FOSTORIA	TWP 47	YOCHUM ROAD
142251L	HANCOCK	BLOOMDALE	CR257	PURSELL ROAD
142256V	WOOD	BLOOMDALE	TWP 73	CLOVERDALE ROAD
142256J	WOOD	BLOOMDALE	TWP 72	LONG ROAD
142281B	WOOD	BAIRDSTOWN		SIMON STREET
142272E	WOOD	N BALTIMORE		SECOND STREET
142288B	WOOD	HOYTVILLE	TWP 42	WESTON ROAD
142287A	HENRY	DESHLER	CR 1	
142321Y	HENRY	HOLGATE	CR F	
142328W	HENRY	HOLGATE		WILHELM
142338C	HENRY	HOLGATE	CR 18	
142362X	DEFIANCE	DEFIANCE		SUMER ST
142374X	DEFIANCE	DEFIANCE	TWP 144	ASHWOOD RD
142361H	DEFIANCE	SHERWOOD	CR 134	THE BEND ROAD
142369G	DEFIANCE	SHERWOOD	TWP 122	FARMER MARK RD
142394J	DEFIANCE	SHERWOOD	TWP 110	BRENNER

Schedule A - All Project Xings

XING #	COUNTY	CITY	HIGHWAY	STREET
142119N	HURON	GREENWICH		KNIFFIN ST
142125S	HURON	GREENWICH	TWP 74	EDWARDS
142129Y	HURON	GREENWICH	TWP 52	OLD STATE RD.
142129U	HURON	GREENWICH	CR 150	NEW STATE RD
142146F	SENECA	WILLARD	TWP 104S	
142155J	SENECA	WILLARD	TWP 81	
142160F	SENECA	WILLARD	CR39	
142161M	SENECA	WILLARD	TWP 79	
142164H	SENECA	REPUBLIC	CR23	
142172A	SENECA	REPUBLIC	CR 43	
142186B	SENECA	TIFFIN		CLINTON AVENUE
142210G	SENECA	BASCOM	TWP 101	
142213C	SENECA	BASCOM	CR 5	
142217E	SENECA	FOSTORIA	TWP 47	YOCHUM ROAD
142236X	SENECA	FOSTORIA		COUNTY LINE ST
142241P	HANCOCK	FOSTORIA		ADAMS ST
142242M	HANCOCK	FOSTORIA		CLEVELAND ST
142246P	HANCOCK	FOSTORIA	TWP 281	
142251L	HANCOCK	BLOOMDALE	CR 257	PURSELL ROAD
142256V	WOOD	BLOOMDALE	TWP 73	CLOVERDALE ROAD
142256J	WOOD	BLOOMDALE	TWP 72	LONG ROAD
142281S	WOOD	BAIRDSTOWN		SIMON STREET
142256U	WOOD	N BALTIMORE	TWP 138	GALATEA STREET
142272E	WOOD	N BALTIMORE		SECOND STREET
142288B	WOOD	HOYTVILLE	TWP 42	WESTON ROAD
142287A	HENRY	DESHLER	CR 1	
142309S	HENRY	HAMLER	CR 7	
142312A	HENRY	HAMLER	CR 6B	
142313G	HENRY	HAMLER		MAIN ST.
142314N	HENRY	HAMLER		MARION ST.
142321Y	HENRY	HOLGATE	CR F	
142328W	HENRY	HOLGATE		WILHELM
142338C	HENRY	HOLGATE	CR 18	
142345M	DEFIANCE	DEFIANCE	TWP 188	HARRIS
142362X	DEFIANCE	DEFIANCE		SUMER ST
142374X	DEFIANCE	DEFIANCE	TWP 144	ASHWOOD RD
142361H	DEFIANCE	SHERWOOD	CR134	THE BEND RD
142369G	DEFIANCE	SHERWOOD	TWP 122	FARMER MARK RD
142394J	DEFIANCE	SHERWOOD	TWP 110	BRENNER

This Railroad Corridor Safety Agreement may be executed in one or more counterparts, each of which shall be deemed to be a duplicate original, but all of which taken together shall be deemed to constitute a single Agreement. This Agreement shall become effective upon its adoption by the PUCO.

CSX TRANSPORTATION, INC.

By _____

Title Senior VP - Technology

Date November 19, 1997

PUBLIC UTILITIES COMMISSION OF OHIO

By Alfred P Ogle

Title DIR., TRANS DEPT.

Date 11/21/97

OHIO RAIL DEVELOPMENT COMMISSION

By Thomas M Clancy

Title for DIRECTOR

Date 11/21/97

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2/3/98 1:45:54pm-59

OhioEPA

State of Ohio Environmental Protection Agency

To: Susan Ashbrook, AGO

From: Bob Hodanbosi, Chief, DAPC

Subject: Conrail Merger EIS

Date: February 2, 1998

Attached is a summary of the EIS performed by a member of the DAPC staff. The more important points that should be considered are

1. There will be a statewide increase of emissions of nitrogen oxides (NO_x) of over 7000 tons per year. This is a significant amount, although it is distributed throughout a number of counties in the state. However, U.S. EPA has proposed a statewide budget for NO_x to reduce the impacts of transport on downwind states. These emission increases from the merger will need to be offset by decreases from other source categories (e.g. utilities).

2. The EIS examined emissions in relative percentages to existing emissions from a county. For carbon monoxide and NO_x, if there was a significant increase in emissions, additional air quality impacts were performed. The report indicates that there will be no adverse impacts due to these pollutants. However, carbon monoxide increases in Cuyahoga County remain a particular concern due to the county's former nonattainment status.

3. There is no analysis of the air quality impact on the former one-hour ozone standard. Due to the increases in NO_x, there will be local and regional affects on ozone air quality. The draft EIS did not examine the effect of the merger on the one-hour ozone standard.

4. There is no analysis with respect to the new air quality standard for ozone. During the summer of 1997, U.S. EPA promulgated a new eight-hour standard for ozone. Much of Ohio does not conform to this new standard and it can not be determined what impact of the merger will be on the new standard.

5. In the summer of 1997, U.S. EPA promulgated a new ambient air quality standard for $PM_{2.5}$. There is no quantification of $PM_{2.5}$ emissions from the increased train traffic. It is expected that many areas of the state will not comply with the new standard, and the increased diesel particulates will exacerbate the problem, but it is impossible to quantify by how much, since this pollutant was not addressed.

Please contact me at 644-2270 if you have any question.

EXHIBIT 3

2/3/98 1:45:54pm-60

OhioEPA

Ohio Environmental Protection Agency

Division of Air Pollution Control

INTER-OFFICE COMMUNICATION

TO: Bob Hodanbosi, DAPC

FROM: Barry Judson, DAPC

DATE: February 2, 1998

RE: Proposed Conrail Acquisition EIS

The proposed Conrail acquisition will result in expanded rail lines in Ohio, upgraded routes and new connectors, and new construction of rail yards and intermodal facilities.

The acquisition will increase rail emissions as a result of expanded railway systems and increased traffic. Some of these increased emissions will be offset by truck to rail diversions resulting in less highway truck traffic and congestion.

Additional rail routes and improvements in signal systems will result in more efficient rail movement, faster trains, and less auto idling at grade crossings.

A new intermodal facility in Columbus will increase ADT by 4%. This is considered insignificant and will have no impact on air quality in Franklin County.

In evaluating specific air pollutants, only NOx and CO show exceedances of the "screening threshold." Diesel emissions, unlike auto emissions, are low in hydrocarbon emissions.

Increased county emissions as a result of increased rail activity were evaluated for each county in Ohio. Three of Ohio's "moderate" counties exceed a 10 increase in total county emissions for NOx. Again this increase will not affect ambient air quality levels. In modeling analyses, a threshold level of 100 additional tons/year was looked at since this is the size of a major stationary source. In corridors where CO levels are projected to exceed 100 tons/year, the dispersion effects of CO from a moving source will significantly reduce the impact of CO from rail traffic. Based on the draft EIS, the increases in emissions will "not affect compliance with air quality standards."

The total Statewide increase in NOx emissions from this project (obtained by adding the increases for the individual counties) amounts to 20.37 tons/day. In 1990, statewide point source emissions of NOx were estimated to be 1777 tons/day. Assuming point source emissions account to approximately 30% of the total point, area and mobile source inventory, the proposed project will increase statewide NOx emissions by 0.378%. When comparing the impact to existing point source NOx emissions, a 1.13% increase would occur.

Although mention is made of new NOx reduction requirements for train engines, no analysis or estimate of impact is presented.

No mention is made of the impact of NOx increases on the stricter new ozone standard to be implemented in 2003 (NOx being a precursor), nor the impact on the OTAG SIP call requiring Ohio to reduce utility NOx emissions by 85%.

2/3/98 1:45:54pm-61

CONRAIL ACQUISITION
FOSTORIA REMEDIATION STUDY

Prepared for: Ohio Rail Development Commission
City of Fostoria, Ohio

Prepared by: ***PARSONS BRINCKERHOFF***
Cleveland, Ohio
January 31, 1998

EXHIBIT 4

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BACKGROUND INFORMATION

The City of Fostoria is located in Northwest Ohio, and has a population of approximately 15,000. It is predominately a manufacturing community with major ties to auto manufacturing and agricultural industries. A major rail junction, the community currently has twenty-two (22) at-grade crossings because of the 45,000 feet (8.6 route miles) of main line rail corridors within the city. These crossings have a major impact on both vehicular and pedestrian traffic.

Three grade separations exist in the community, and are located on the designated state highway system. The location of these grade-separated crossings, in conjunction with motorists' tendency to avoid potential delays at grade crossings, has a channeling effect on vehicular traffic causing congestion in the downtown area.

Fostoria is located at the junction of three distinct rail lines:

- Norfolk Southern Lake Division Fostoria District (oriented generally east-west, connecting Bellevue to Chicago). Traffic includes a wide range of commodities, including coal, general merchandise, and some intermodal traffic.
- CSX former B&O (oriented generally east-west, connecting Pittsburgh to Chicago. Traffic includes all types, with significant intermodal traffic.
- CSX former C&O Columbus subdivision (oriented generally north-south, connecting Columbus and Toledo). Traffic is primarily coal south of Fostoria, with significant other traffic north of Fostoria.

The lines and the current/projected traffic levels are shown on the attached Figure 1. Each line is double track within the City, and the lines cross each other at grade in the southern portion of the City. Because of this arrangement, rail traffic can generally pass through the City on only one line at any given time, although it is possible for two trains (one on each of the two tracks) on the same line to operate simultaneously. A limited number of other simultaneous movements are also possible. According to the CSX/NS Operating Plan as filed with the Surface Transportation Board (STB), about 84 daily trains pass through the city, including both through movements and movements using connecting tracks.

The rail configuration is complicated by a number connection tracks joining the lines, especially those joining the two CSX lines. Currently, a significant amount of rail traffic changes direction in Fostoria via the four CSX connection tracks, which are designated by physical location (northeast, southeast, etc.) relative to the B&O/C&O crossing. This crossing is also the location of the building housing the operating control point for the area, called "F" Tower. Although dispatching on all lines is handled remotely from central offices, the crossings and connections themselves remain under the control of an operator at "F" Tower, who takes

direction and input from the individual dispatchers.

These connections and their common uses are described as follows:

- Northeast Connection: Heavily used by Willard-Toledo/Michigan trains, including significant automobile industry traffic.
- Southeast Connection: Used by Willard-Columbus merchandise and coal trains.
- Southwest Connection: Used by local freight movements and unknown, but likely limited, number of through trains.
- Northwest Connection: Previously heavily used by Cincinnati-Deshler-Fostoria-Toledo trains. Traffic on this connection has assumed to decrease as a result of CSX's increasing use of the direct Deshler-Toledo line.
- NS Connections: Join both former B&O and former C&O to NS in the northeast quadrant of the crossing. Traffic is relatively light, consisting of transfer movements between the two railroads.

Movements on these connection tracks require significantly longer time to pass through the city, since speeds are generally limited to 10 to 15 mph over the connections themselves because of high curvature (order-of-magnitude 15 degrees) and short-length turnouts. Trains must slow to this speed while approaching the area, and cannot begin to accelerate until the entire train has traversed the connection.

It is important to note that neither the proposed Operating Plan nor other data available to date includes information regarding the number of movements on the respective connecting tracks. This data is critical to the accurate estimation of merger-related impacts on the city. For this analysis, assumptions regarding the distribution of traffic were made based on observation and a general understanding of northern Ohio traffic patterns.

CONRAIL ACQUISITION

As noted previously, the number of daily trains passing through Fostoria will increase from about 84 to 108 as a result of the acquisition. The STB has the obligation to review environmental and other impacts of traffic changes resulting from the acquisition. The city of Fostoria experiences numerous problems because of the existing rail traffic levels, but these impacts will increase following the merger. The State of Ohio and city take the position that these merger-related impacts be acknowledged and addressed as a condition to any approval of the acquisition.

PROBLEM DEFINITION

With all three major rail lines receiving increased traffic, there will be significant negative impacts on the safety, movement of vehicular traffic, economic development, and overall quality of life issues for the citizens of Fostoria. Perhaps the most critical impact is safety and emergency response time.

Two areas of the community, one to the east and one to the west, have been dubbed "Iron Triangles" by emergency response forces. This is because of the difficulties in reaching the areas quickly and reliably as a result of the at-grade crossings being blocked by trains. The location of the police, fire, and ambulance services and the hospital are shown on Figure 2.

The West Triangle area is defined as the area south and west of the CSX (formerly Baltimore & Ohio) line crossing West Tiffin Street, and north of the NS line crossing Findlay Road. It currently includes 198 homes, 3 businesses (one of which maintains chlorine on the premises), and 1 power substation. This area is detailed in Figure 3.

The East Triangle area is south and east of the NS line and north and east of the CSX (B&O) line. CSX also has a switching yard immediately east of the Columbus Avenue grade crossing, which generates additional train movements. This is compounded by slow moving rail traffic diverging onto the former C&O lines. The East triangle has 98 households, 8 businesses, and 1 church. The area is shown in Figure 4.

Based on observation and past practice, east-west trains awaiting clearance to proceed through Fostoria typically are held west of Findlay Street and east of Columbus Avenue, which helps keep these two roadways open to provide access to the two sectors. However, moving trains (some at slow speeds) and trains stopped clear of the crossings but within the limits of the electronic crossing circuit detection systems (thereby activating crossing warning systems including gates) can still block access for emergency vehicles. The proposed increase in rail traffic volume will be expected to heighten this risk following the merger.

Train delays at Fostoria as a result of the acquisition will also have effects on the northern Ohio rail network and on other cities in the Fostoria area. Following the Conrail acquisition, according to the proposed Operating Plan, both CSX and NS will each have a primary and a secondary Chicago-East Coast route traversing northern Ohio. This is a total of four main lines, two of which cross at Fostoria. Similarly, northwest Ohio will have four main north-south (Cincinnati/Columbus-Toledo) routes, one of which crosses at Fostoria, while a second (CSX via Deshler) is operationally related to Fostoria. A third, the Conrail (to become CSX) Toledo Line via Findlay, will be significantly downgraded. The fourth is NS via Bellevue.

This means that operating conflicts and congestion at Fostoria are likely to have significant spill-over effects on the rail network in northern Ohio. This will affect numerous stakeholders in terms of environment impacts, safety hazards, and competitive issues.

DRAFT EIS

The SEA's Draft Environmental Impact Statement almost completely ignores impacts on Fostoria as a result of the acquisition, and is grossly inadequate. Although segment C-070 (Marion-Fostoria) and C-075 (Willard-Fostoria) are identified as meeting the threshold for analysis by the SEA, neither the individual nor the cumulative impacts of the increased traffic are considered on safety and grade crossing delays.

In fact, the rail system configuration in Fostoria, with three major rail/rail crossings, will cause impacts far in excess of the sum of the traffic increases on the three individual rail lines because:

- crossing delays will be compounded by stopped trains and trains moving at speeds far below maximum or reasonably-expected speeds while awaiting other trains to clear at-grade rail crossings
- a significant number of trains will diverge from former B&O to former C&O trackage, requiring the use of slow speed connection tracks. These tracks and associated turnouts are not, and in most cases cannot be, configured for speeds in excess of 15 mph. Typical speeds are likely closer to 10 mph. For the proposed 6200 foot typical CSX post-acquisition train, this will result in a blocked crossing time per diverging train of 7.5 minutes.

It can only be assumed that the Columbus Avenue and Tiffin Street crossings are not evaluated for impact because of low traffic volumes. While documented traffic volumes are not currently available (and could in fact be below the SEA threshold of 5000 ADT), the arterial nature of the roadways and the potential for the two areas to be completely isolated by rail traffic, warrant that the roadways be considered for mitigation.

CRITERIA OF SIGNIFICANCE FOR TRANSPORTATION EFFECTS

The SEA identifies crossing delay per vehicle and average delay for all vehicles as key criteria for transportation (convenience) effects at crossings. Fostoria presents a challenge in evaluating these effects because of multiple at-grade crossings that may be encountered in a typical auto journey, and because of inter-relationships involved in rail operating patterns. However, to illustrate the approximate effects of the acquisition, sample analyses were performed for major roadway access routes in the east and west triangles.

For the sample analysis of the east triangle, assumptions were made for the southerly Columbus Avenue crossing (east triangle) of the former B&O. This is a key emergency response route because of the ability to reach the south side of this crossing via the underpass roadways. An ADT of 5000 (no traffic data is available) was assumed. Train movements assumed include the passage of 18 diverging-movement trains at 10 mph (estimated, not provided by available Applicant data) and the passage of 36 through trains at 40 mph (assumes an increase in allowable speed resulting from CSX's improvements to the line). This totals 54 trains as shown in the Operating Plan. This would result in a Level of Service for the crossing far below the threshold for level "F", with an average delay per vehicle of about 100 seconds. Even if diverging rail movements and vehicular traffic levels are less than assumed, conditions at the crossing are likely to fall below the acceptable threshold level of service.

Alternative routes into the east triangle are Columbus Avenue from the north, which crosses both CSX (C&O) and NS, which makes delays a significant risk. Town Street is only affected by NS, and may experience a lower increase in delay as a result of the acquisition, but it is located at the west end of a yard and of the distribution center lead track, increasing potential delays from switching movements.

A similar analysis for the Tiffin Street B&O crossing results in an average delay per vehicle of about 35 seconds. Although this may not meet the SEA threshold criteria for "significant impact", which is a value over 40 seconds, especially considering potential inaccuracies in traffic volume assumptions, the isolated nature of the area must be considered on the basis of unacceptable emergency response time. The only alternative for access to this area is CR 262 west of town, a detour of over three miles. Vine Street and Findlay Street include NS crossings, and do not provide access tot he major portion of the triangle.

Even if the assumptions used in the analyses are somewhat inaccurate, based on the Columbus Avenue analysis, it appears likely that the east triangle area will violate the threshold levels. The justification for the west triangle area may be less strong on a transportation basis, but will be further supported by emergency response issues. By any measurable standards, it is difficult to suggest that conditions in these two areas are acceptable, and will remain acceptable under post-acquisition traffic levels.

CRITERIA FOR EMERGENCY VEHICLE RESPONSE

To determine the delays encountered by emergency vehicles at at-grade crossings, the Surface Transportation Board's Section of Environmental Analysis (SEA) used a formula to calculate the Total Daily Blocked Crossing Time. The Total Daily Blocked Crossing Time is an indicator of the risk of delay since it indirectly

measures the probability that an at-grade crossing will be blocked at the time that an emergency vehicle would need to cross the tracks.

It is found by multiplying the blocked crossing time per train by the number of daily trains. This formula assumes the train is moving at a constant speed, slightly less than the maximum allowable speed. It does not include the additional startup or slow down time required for trains stopping near crossings, nor does it include time for trains to stop and allow other trains to pass or switch tracks.

Detailed analyses will be provided in a following section. A simple review of Table C-6 in the DEIS Appendix, however, shows that the increase in total daily blocked crossing time is over 50% for increases in train frequency of 32.5 to 54, as will be experienced on the south crossing of Columbus Avenue regardless of assumed operating speed. The additional diverging-movement trains will increase this further.

The increase in total blocked crossing time in the west triangle at Tiffin Street is less substantial, because rail traffic will increase only from 34 to 37.9 daily trains. Again, however, because of the potential isolation of the area, mitigation is warranted as described in the following section. Additionally, even the SEA does not establish criteria as to the threshold levels for acceptable emergency response time effects.

CURRENT EMERGENCY RESPONSE PRACTICES

The procedure for responding to police or fire emergency situations in the two triangle areas is to dispatch two vehicles along separate paths, increasing chances of successfully entering the triangles. In the event that both vehicles are able to cross the tracks, the first crew determines whether to enter the scene immediately, possibly compromising their own safety, or wait until a second vehicle arrives with backup. This additional time is critical, because experts claim that each additional minute a fire burns, a fire can double in its size and intensity.

Table 1 below compares approximate response times for police, fire, and ambulance services along various reasonable existing routes into the Iron Triangles. Each of the routes includes only one at-grade crossing, and it is assumed that no train or vehicular traffic delays are encountered. With the large volume of trains passing through Fostoria, the likelihood of encountering this "perfect condition" is dangerously low.

TO WEST TRIANGLE			
Tiffin Street	2.11	1.96	4.95

Twp. Road 262	8.80	8.48	12.89
Independence	2.56	2.44	5.15
Adams Street	2.34	2.22	4.93
TO EAST TRIANGLE			
Town Street	1.96	2.41	6.07
Columbus Ave.S	3.38	3.13	7.47

Table 1 – Existing Emergency Response Times (minutes)
Assumes No Delays at Rail Crossings

Table 2 below shows the response times of each emergency service into the Iron Triangles assuming that only one moving train impedes the emergency vehicle's progress and that each vehicle arrives just as the gates are being lowered. It was assumed that CSX trains were 6200' long and traveled at 15 miles per hour (mph) when using a connection to another track. While this appears to represent the worst case scenario, train speed could well be lower. NS trains were assumed to be 5000' long and travel at speeds of 35 mph.

TO WEST TRIANGLE			
Tiffin Street	7.31	7.16	10.15
Twp. Road 262	10.92	10.6	15.01
IndependenceSt	4.68	4.56	7.27
Adams Street	7.54	7.42	10.13
TO EAST TRIANGLE			
Town Street	4.08	4.53	8.19
Columbus Ave.S	8.58	8.33	12.67

Table 2 – Emergency Response Times (minutes)
With Delay Resulting from Encountering One Moving Train

Although few firm standards exist, it is understood that fire professionals recognize 3 minutes or less as good, acceptable response times, depending on local conditions. Seven minutes is often considered to be beyond the acceptable threshold. Some of the response times in Table 2 are within the acceptable limits, however as mentioned earlier, they do not take into account stopped trains blocking a crossing or those starting up from or slowing down to a stopped position. If any of those situations occur, the response time will be far longer.

Comparing Tables 1 and 2, in the event that no train is blocking the tracks the shortest response time into the west triangle is via Tiffin Street. If a train is blocking Tiffin, Independence Street becomes a more favorable route whether or not a moving train also blocks it. This makes the route choice even more confusing to emergency personnel who have no reliable way of predicting which crossings will be blocked at a particular time of day.

According to the SEA's formula, under current volume levels a train is blocking one or more at-grade crossings in Fostoria more than four and one half hours (4.6) hours out of each twenty-four hour day. That equates to 19% of the day that rail traffic will affect emergency vehicles directly. The knowledge of this risk also has an indirect affect as emergency response forces attempt to predict crossing conditions. With the increased train volumes resulting from the acquisition, a crossing will be blocked over six hours, which is over 25% of the day. It is apparent that some alternate provision must be made for the safety of residents within the Iron Triangles.

JONES ROAD CROSSING IMPACTS

A third area of Fostoria was analyzed to identify impacts of the acquisition. Jones Road, near the north city line, is the most highly traveled roadway in the county. It handles high volumes of industrial transport for which there is no nearby parallel route. Train delays at the CSX (C&O) crossing are common as trains await clearance to proceed through Fostoria and to switch cars for local industries. A part of the problem is the location of absolute signals at the east end of the Fostoria Center Siding, just south of the crossing. Trains often proceed up to this signal, when traffic delays would be minimized if trains waited north of the crossing. Stopped trains often trigger the crossing gates for extended periods of time, physically blocking vehicles from crossing the tracks.

In addition to the safety concerns associated with increased rail traffic further blocking the at-grade rail crossings, Fostoria has concerns about its future economic viability and overall livability. Fostoria recently supported the opening of a new intermodal auto mixing plant on the NS route south of Jones Road and east of town. Severe delays in vehicular transport will discourage other new business and industry ventures from wanting to locate their facilities in the City thereby hindering economic growth. With the additional trains generated from both the Conrail acquisition and the new mixing plant, the delays could become so lengthy, that other existing businesses would be forced to relocate.

Crossing delays at Jones Road also have safety implications. There is the potential for the east half of the city to be cut off from ambulance services, or at minimum, experience long delays because of circuitous detour routings. With the next parallel road to Jones being relatively far to the south, a blocked crossing

could add an extra 3.6 minutes to an ambulance's response time to an incident just east of the tracks on Jones Road.

MITIGATION ALTERNATIVES

Three general approaches to minimize or mitigate the effects of rail congestion in Fostoria appear worthy of further consideration. These are:

- the re-routing of rail traffic onto other rail lines in the region,
- the minimization of travel time for rail traffic through Fostoria, and
- local roadway access and safety-related improvements in Fostoria.

Regional Re-routing

The Operating Plan dramatically reduces traffic levels (from about 12 to fewer than 2) on the Conrail (to become CSX) Columbus-Toledo Toledo Line, even though this is a relatively direct through route. It is suggested that impacts on Fostoria could be minimized by diverting some traffic from the CSX Columbus Subdivision to the Toledo Line.

Other re-routing possibilities is noted in the following section.

Minimize Travel Time through Fostoria

The number of trains operating through Fostoria is proposed to increase from about 84 to about 108, depending on the distribution of trains using the various connection tracks. While this increase is of concern, the relative distribution of traffic on the connection tracks will have a particularly significant effect on the amount of rail congestion and thereby roadway congestion and delays at crossings.

This is because at maximum speeds of 15 mph through the connection tracks, the amount of time required for a CSX train to pass a crossing in Fostoria is a maximum of 5.2 minutes, is more likely 7.5 minutes, and could easily exceed 10 minutes. However, a through train traveling at 40 mph could pass within about three minutes. This example is intended to be illustrative, and may not accurately reflect current average travel times. Regardless, it is apparent that the total travel time for all trains through Fostoria is likely to decrease as the number of CSX trains using the connection tracks is minimized.

This could be accomplished by:

- routing Chicago-Toledo or Cincinnati-Deshler-Toledo traffic via the line north from Deshler, minimizing traffic on the northwest connection.
- routing some Willard-Toledo traffic via Deshler, decreasing traffic on the

northeast connection.

- routing some Columbus-Willard traffic via Greenwich, decreasing traffic on the southeast connection (depending on the need re-classify trains at Willard).

Local Access Improvements including Grade Separated Crossings

SEA established criteria for the identification of locations requiring grade separation. These are:

- Post acquisition traffic levels must decrease one LOS grade and be "E" or "F" following the acquisition. Based on the previous analysis, the Columbus Avenue/east triangle meets this criteria. The Tiffin Street/west triangle likely does not meet this criteria.
- Acquisition-related rail traffic must increase by at least eight daily trains. The east triangle meets this criteria based on the former B&O alone. The west triangle meets this criteria when considering cumulative impacts of a 3.9 increase in B&O traffic in addition to a 4.6 increase in NS traffic.
- Increased train speeds are infeasible or insufficient. Because of the uncertainties and inter-relationships involved in rail operating patterns in Fostoria, increased train speeds will provide only a partial, and relatively insignificant, mitigation of impacts.

The east triangle very likely meets these criteria. The west triangle may meet this criteria, but certainly approaches these criteria. Additionally, however, the potential for these two areas to become isolated by rail movements is very high, and the unreliability and unpredictability of direct emergency service routes is very dangerous. These conditions must be considered in addition to the above criteria. It is strongly recommended that measures for mitigation be required, including the construction of grade separations in both areas.

SPECIFIC ALTERNATIVE IMPROVEMENTS

Alternatives were developed based on the previous analysis, a brief analysis of alternatives, field visits to the sites, review of City/CSX correspondence, and personal interviews, and conceptual engineering design of three potential grade separations.

East Triangle

Alternative solutions for this area include:

- Grade separation of Columbus Avenue at B&O. Limited available distance for

approaches and significant impacts on adjacent properties.

- Grade separation of Columbus Avenue at NS, C&O, and connection tracks. Existence of multiple tracks complicates this approach.
- Grade separation of Town Street. Railroad already higher than roadway.
- Grade separation of Lewis Street at B&O. Narrow road with poor alignment.
- Grade separation of B&O at new location east of city. Costly because of significant new connector roadways required, and requires detour of at least one mile.
- Grade separation of TR 43 at B&O east of city. Same as new location above, with detour of as much as three miles.
- Grade separation of CR 60 at NS east of city. Same as above, with detour of almost three miles even if NS access road is used.

A preliminary review suggests that a separation at Town Street under the NS main line and connection track is the most beneficial alternative, with a relatively low cost. Although this involves construction on the NS line, while it may be that CSX operations directly cause a disproportionate delay and blockage of roadways to the east triangle, it is important to consider that the acquisition of Conrail is a joint undertaking by both NS and CSX. Both companies must be held responsible to mitigate impacts, and solutions should be global in nature.

Concentual design was performed, with sketches following this report. A 25 mph design speed was used. The project will require relocation of 24" sanitary sewer and 6" water lines. A pump station for storm water will be needed with a suitable outlet point, which has not been researched at this time. Impacts on adjacent properties include minor takings on the north side, with a commercial business and four residences on the south side taken. The construction of retaining walls would decrease this impact, but increase costs.

The project is estimated to cost about $6.2 million.

West Triangle

Alternative solutions for this area include:

- Grade separation of Tiffin Street. Crossing is at a skew angle, requiring roadway alignment changes.
- Grade separation of Adams Street. Extremely limited distance for approach roadways.

- Grade separation of Findlay Street over either NS or B&O. Would require construction of a connector road through industrial properties parallel to NS siding trackage in the Mennel Mill.
- Grade separation of TR 262 west of town. Would involve detour of over three miles.

The overpass of Tiffin Street over CSX (B&O) appears to be the best solution to serve the west triangle. To guarantee access to industries on Vine and Findlay Street, the improvement of access through industrial facilities, at least for emergency use, is required. Unless new information becomes available, we do not agree with CSX's October 10, 1997 assessment that this site is not feasible for a separation.

As shown in sketches following this report, conceptual design used a 25 mph design speed, but a 35 mph version could likely be considered. A over pass was selected to minimize impact on the 36" raw water line that crosses the site on a north-south line, but the overpass must also be designed to avoid impacts. The design would require the closing intersections of Tiffin with Watson, Elwood, and south Independence. Rail at-grade crossings would be eliminated at Tiffin, and could be considered at Cleveland and Adams. A major issue to further research involves environmental impacts on the property require north of the existing right-of-way. Property impacts include taking one residence (total) and other land takes.

The project is estimated to costs about $2.1 million, if no significant environmental remediation is necessar

Jones Road

Alternatives for mitigation of impacts at Jones Road were:

- Grade separation of Jones Road over CSX
- Rail operational changes that could minimize the amount of time the crossing is blocked or signals are activated

A grade separation war evaluated, as shown in the sketches following this report. Design parameters included a 45 mph design speed (w/ min. K factor for vertical curves), relocation of existing sanitary and waterlines because of excessive fill heights, and the use of retaining walls along the north side of Jones Street to lessen the impact to the existing commercial properties. Access to those sites located in the northwest quadrant would require agreements with adjoining owners. The business located in the southwest quadrant would lose access to the north end of the building.

The project is estimated to cost about $4.5 million. The overall amount of work, length of project and total cost could be reduced by lowering the design and posted speed to 35 mph.

Alternatively, crossing delays can be minimized by:

- Ensuring that the crossing protection systems are operating correctly.
- Upgrade of crossing protection systems to motion-detection systems. This would minimize the time that signals are activated when trains are not blocking the crossing.
- Implementation and enforcement by CSX of prohibitions on trains entering the crossing until clearance is available through town.

Design Note

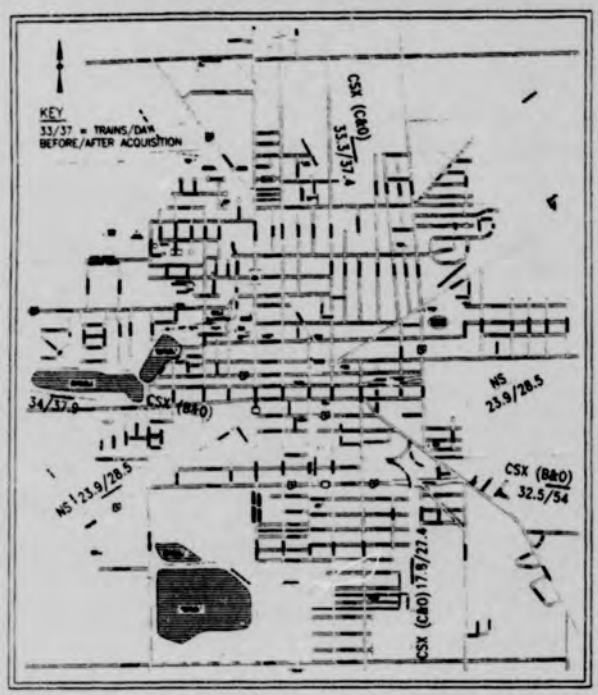
All grade separation designs described here are conceptual, and do not address all aspects of the proposed solution in detail. However, in our opinion all are determined to be feasible, and are recommended for consideration.

RECOMMENDATIONS

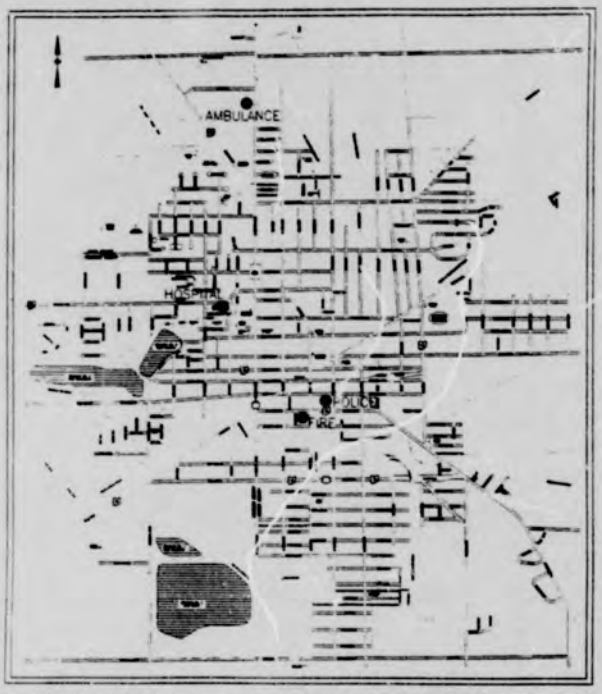
In order to mitigate the impacts resulting from increased rail traffic resulting from the Conrail acquisition, a number of remediation measures were considered including rerouting rail traffic outside Fostoria, providing grade separations, and improving various aspects of the rail operations. The following improvements appear feasible and justified:

- A grade separation for Town Street under the NS is recommended to mitigate east triangle impacts.
- A grade separation for Tiffin Street over CSX (B&O) is recommended to mitigate west triangle impacts.
- A grade separation for Jones Road over CSX (C&O) should be considered, but may not be warranted solely by the acquisition's relatively minor increase in rail traffic from 33.3 to 37.4. At minimum, additional measures that should be implemented include the upgrading of grade crossing circuitry to state-of-the-art motion detection systems to minimize the time the crossing is blocked without the presence of trains on the crossing itself.

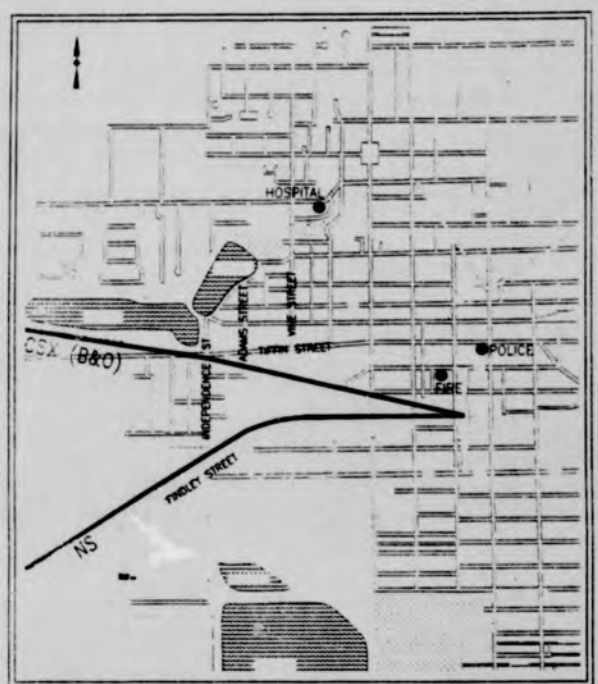
Additional information follows this document.



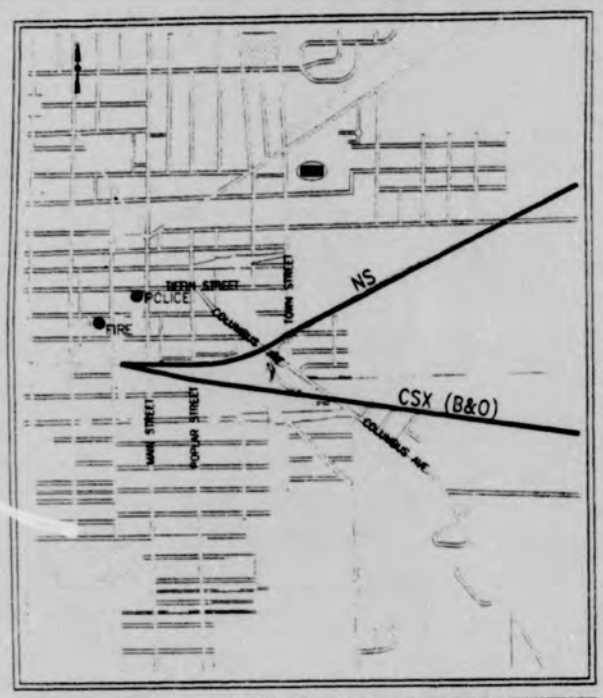
PB | FOSTORIA RAIL TRAFFIC INCREASES | FIG. 1 PAGE X



PB | EMERGENCY SERVICES LOCATIONS | FIG. 2 PAGE X



PB | "IRON TRIANGLE" WEST | FIG. 3 PAGE X



PB "IRON TRIANGLE" EAST | FIG. 4 | PAGE X

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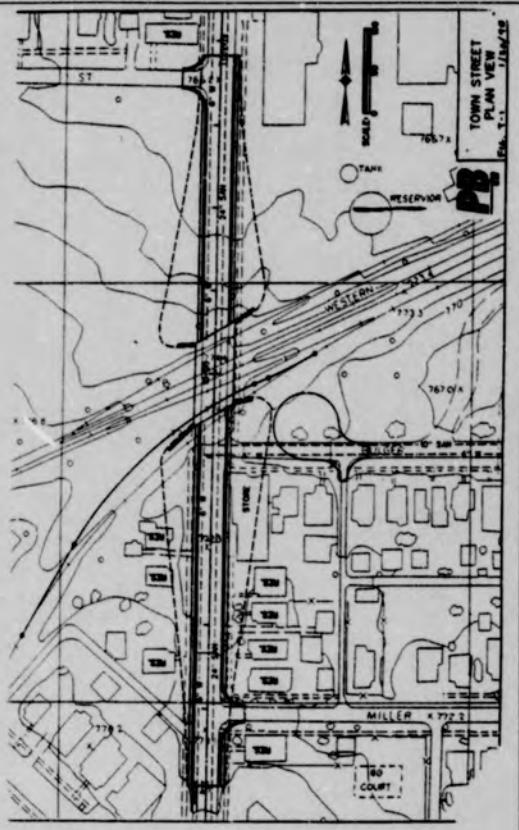

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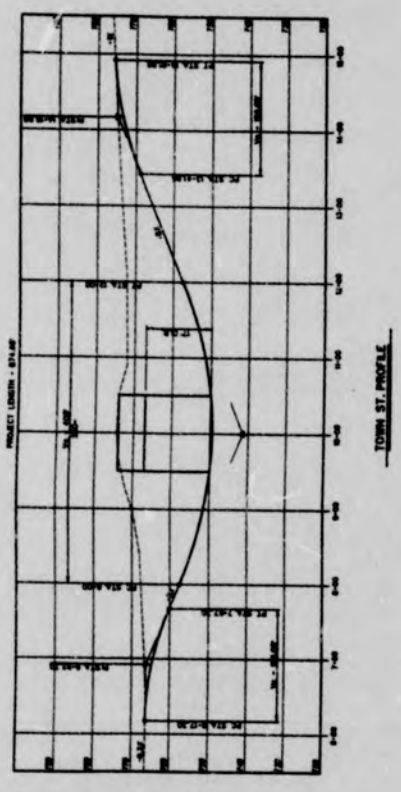

FIG. T-2

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PB PARSONS BRINCKERHOFF COMPUTATION SHEET

Subject CITY OF FOSTORIA - TOWN ST. TYPICAL SECTIONS

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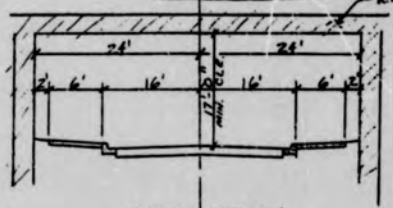
Date 1-22-98
Checked by ...
Date ...

NORMAL SECTION



NORMAL SECTION (UNDER R.R. BRIDGE)

FIGURE T-3

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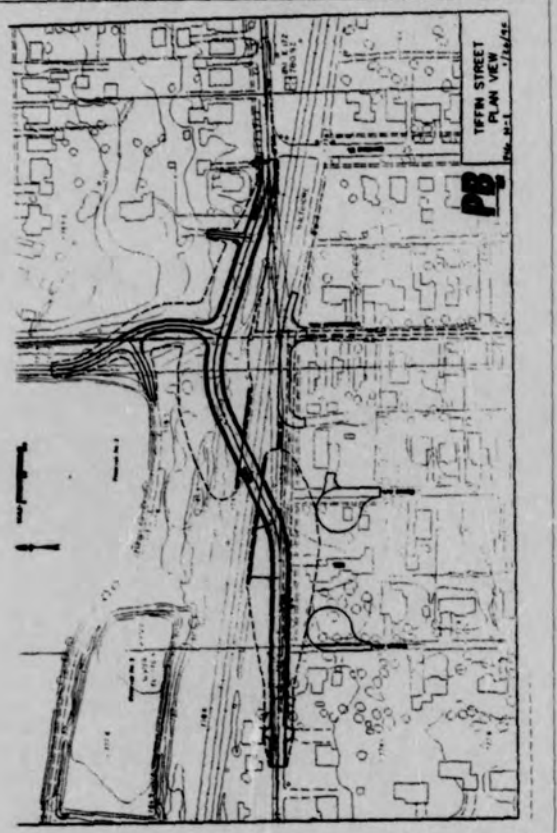

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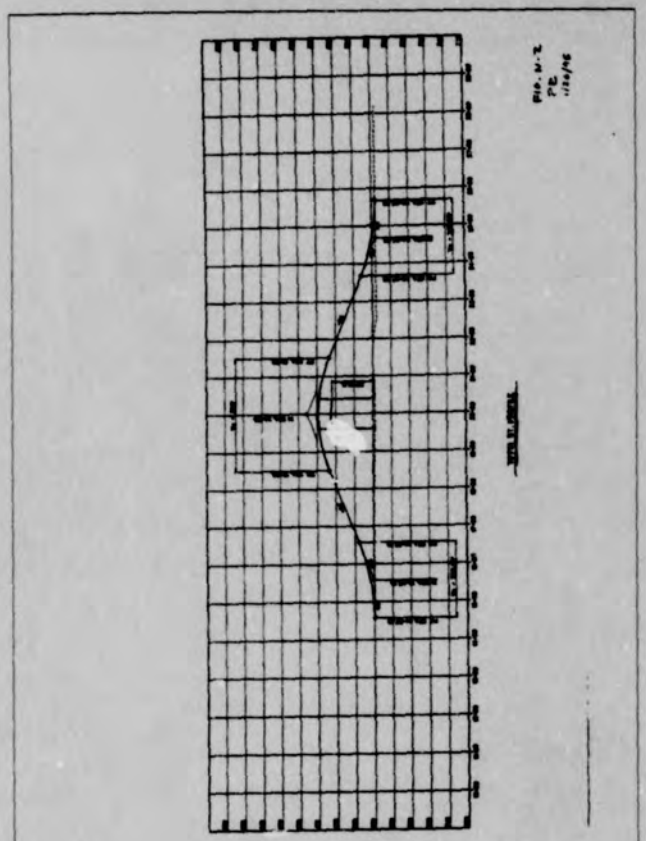

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PB PARSONS BRINCKERHOFF
COMPUTATION SHEET

Subject TIFFIN ST. TYPICAL SECTIONS
CITY OF FOSTORIA

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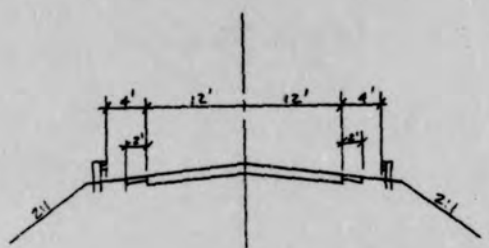

FIGURE U-3

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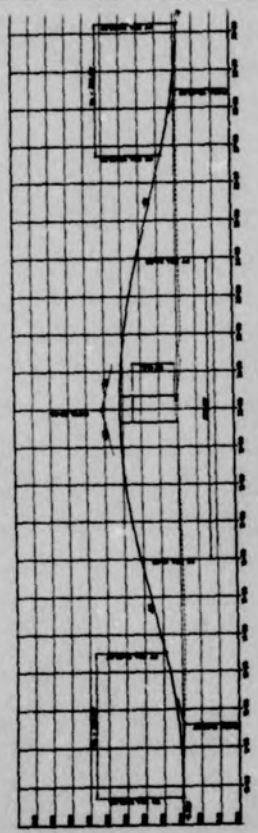

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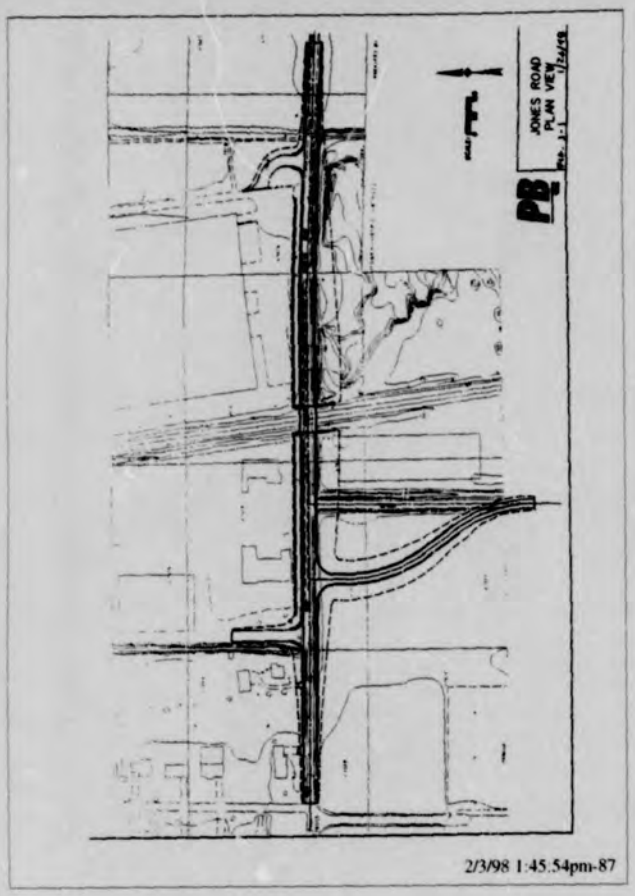

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Page 1 of 1
Made by EJC
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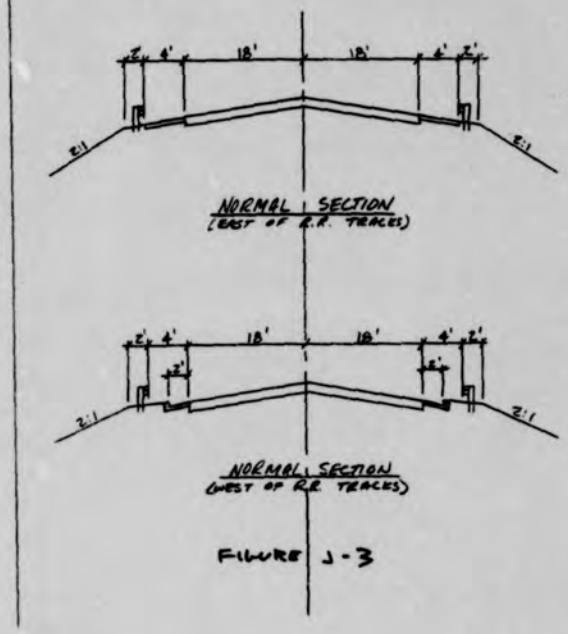
Subject JONES RD. TYPICAL SECTIONS
CITY OF FOSTORIA



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(EAST OF R.R. TRACKS)

NORMAL SECTION
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FIGURE J-3

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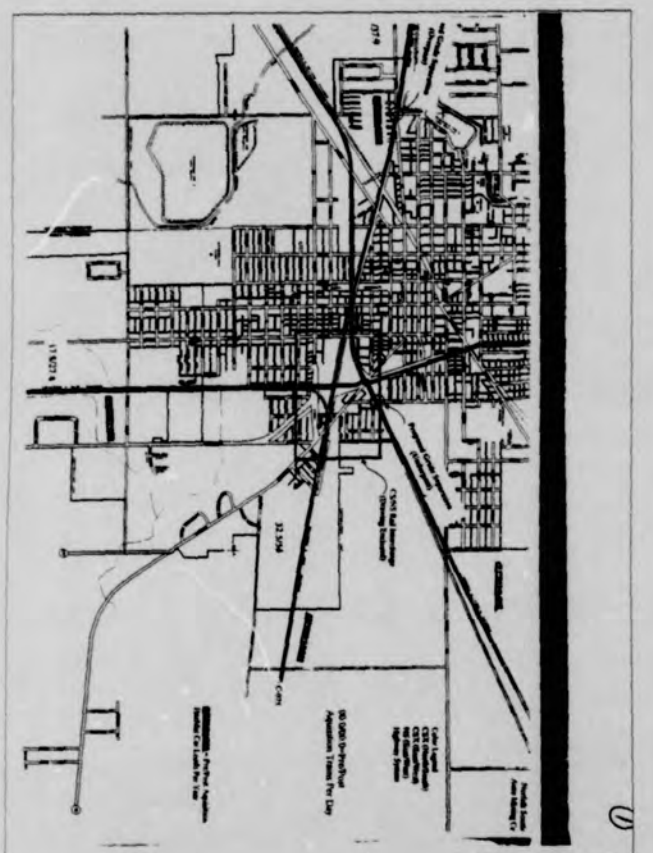

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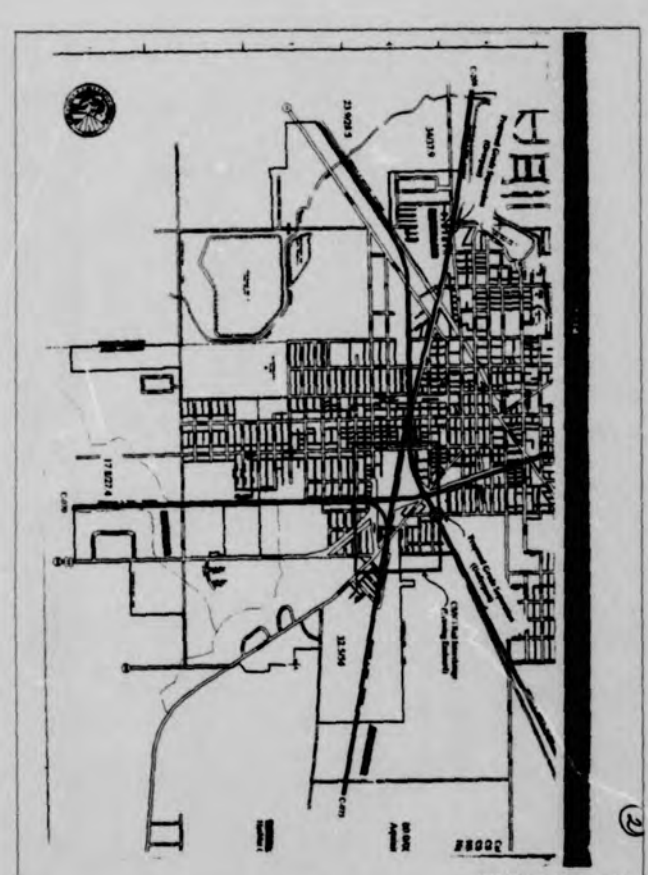

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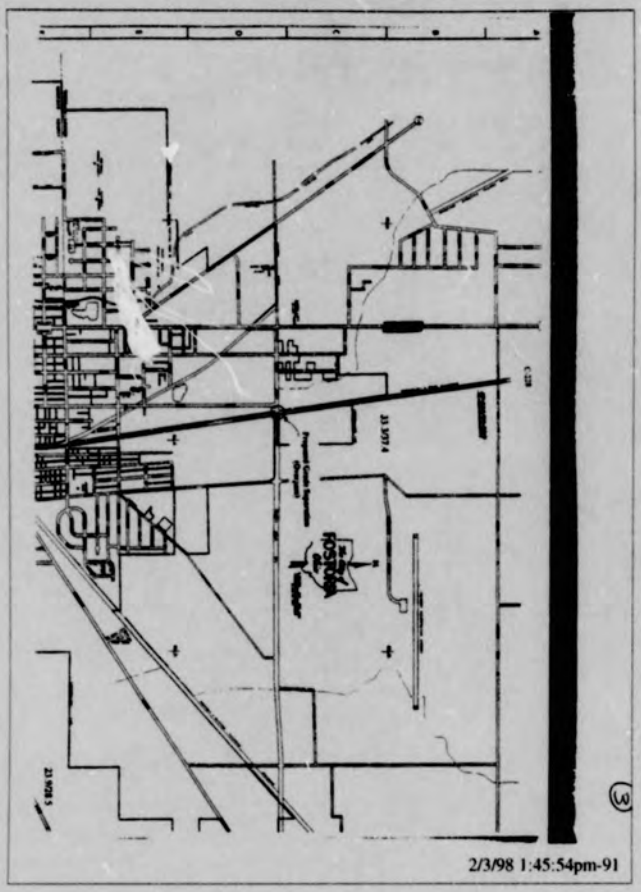

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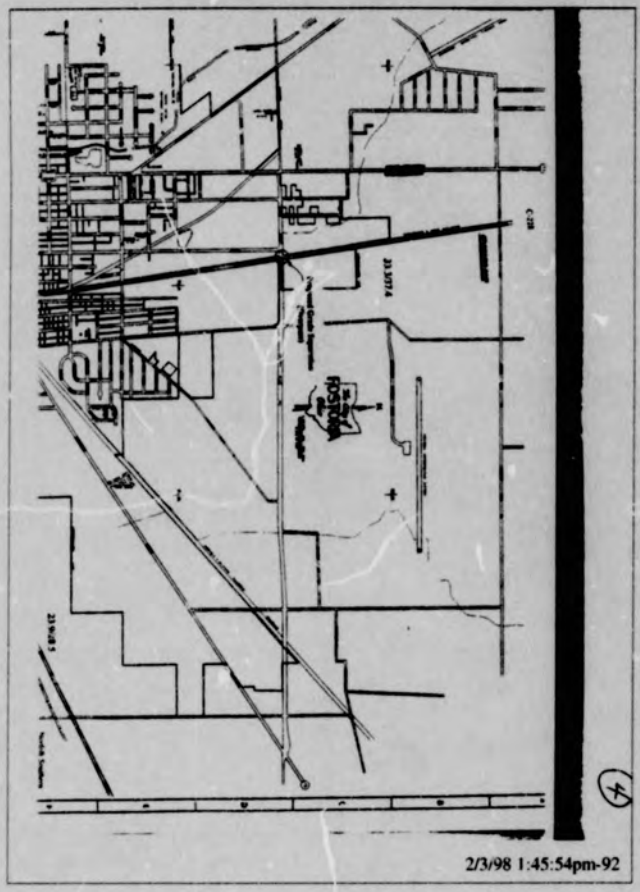

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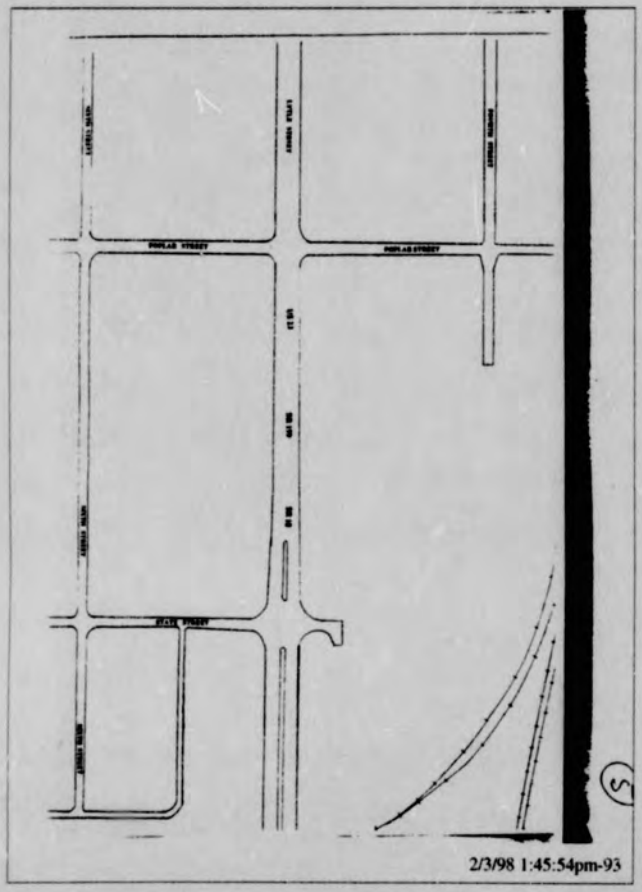

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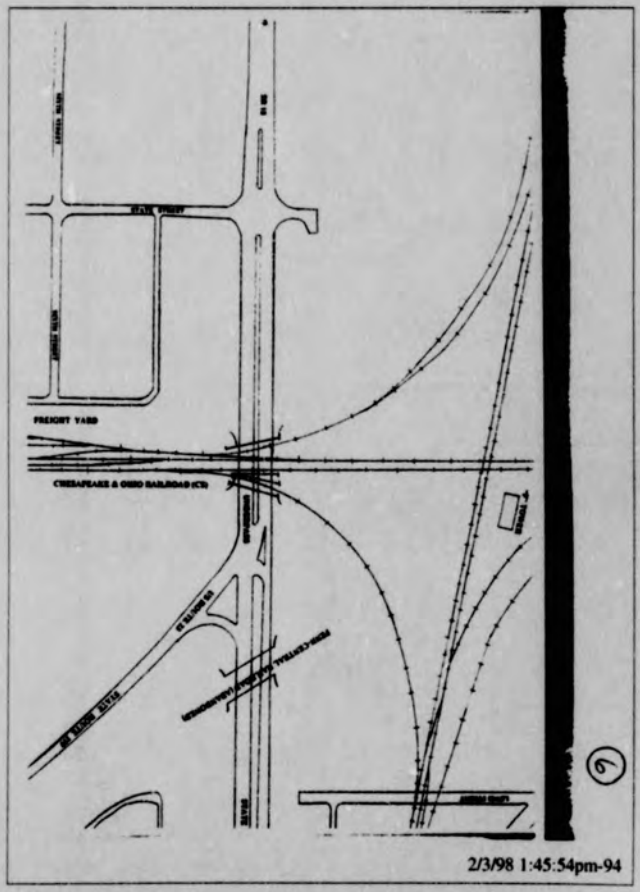

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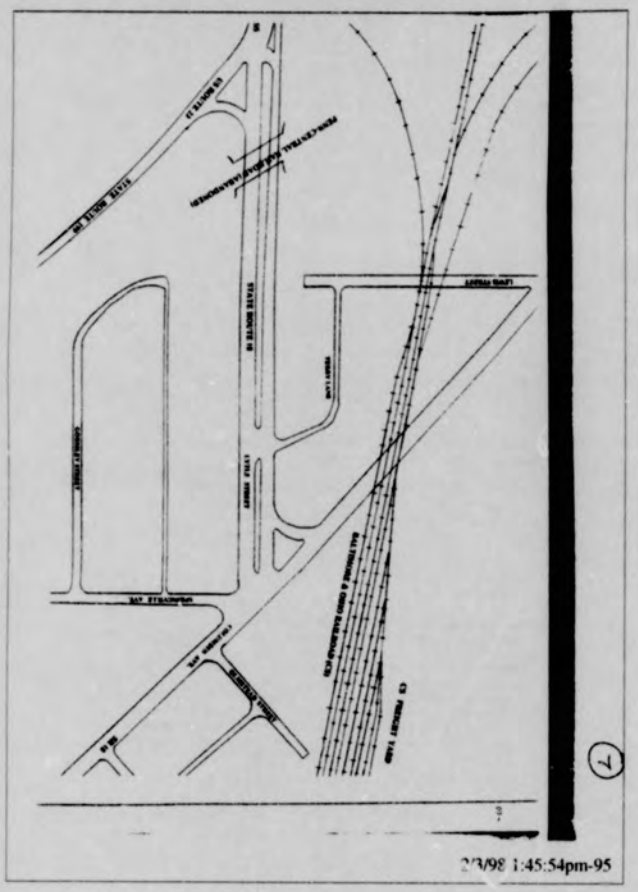
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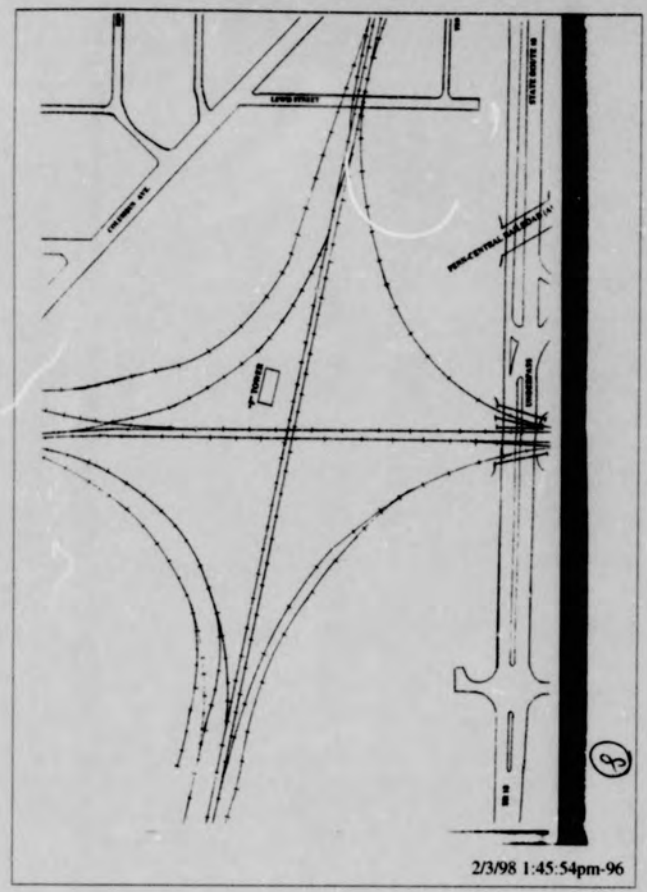
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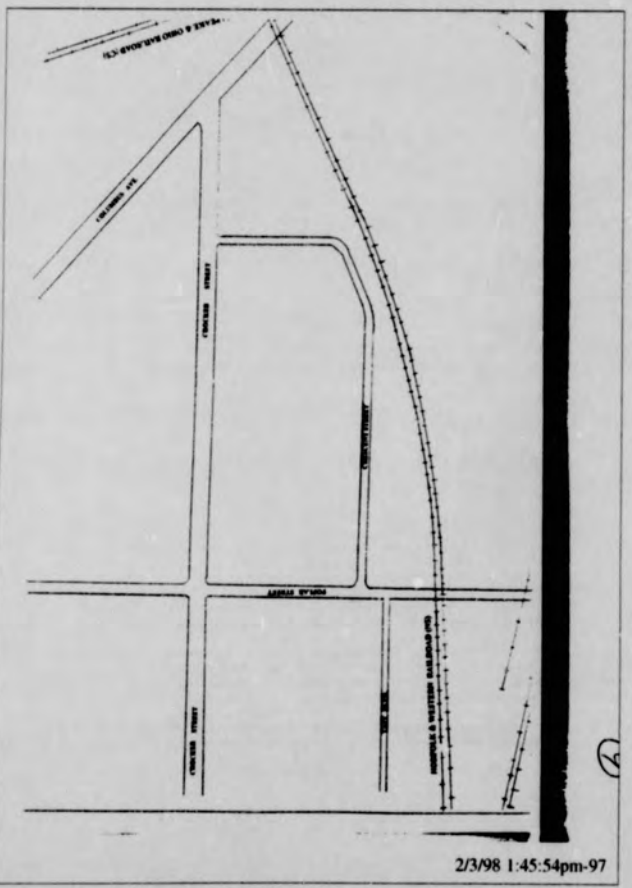
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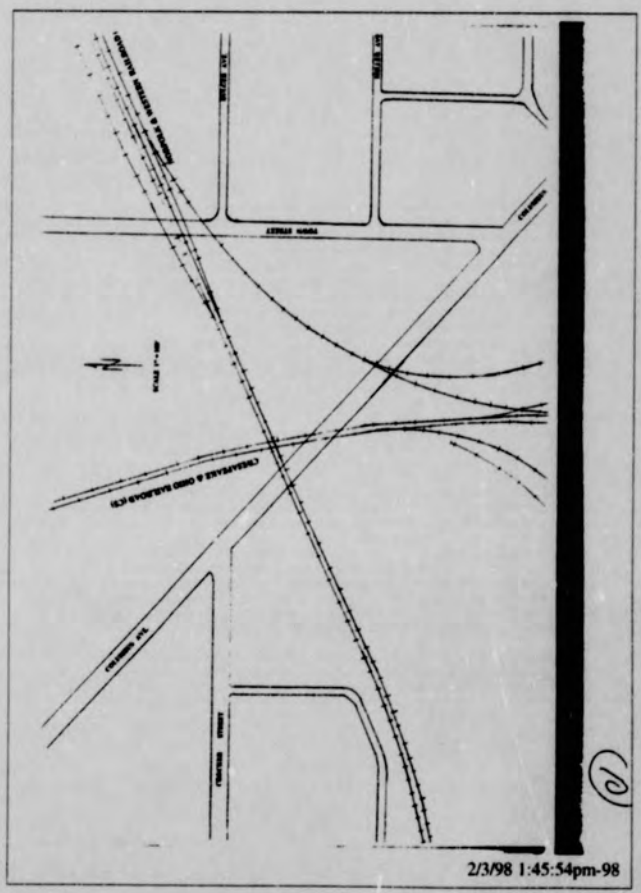
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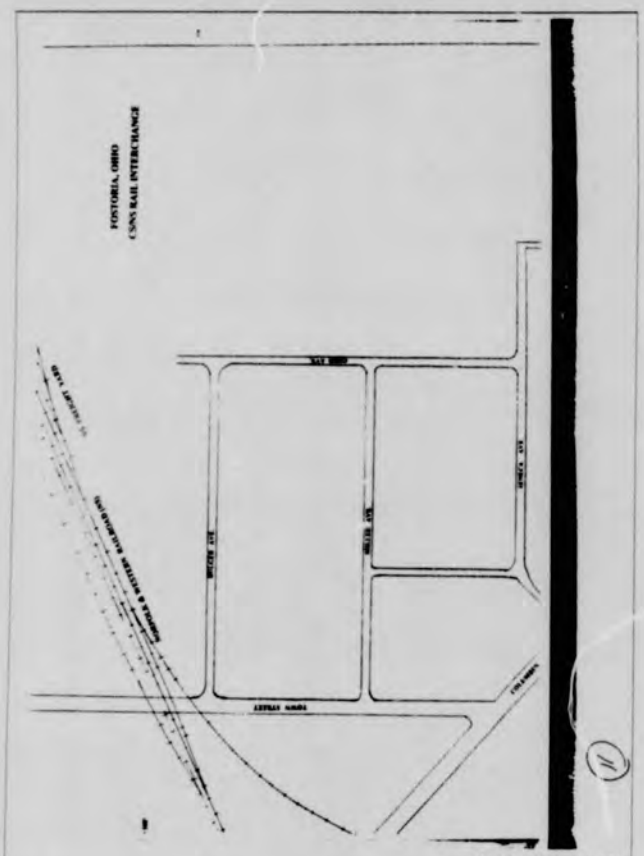

CITY of FOSTORIA

P. O. Drawer 1007
FOSTORIA, OHIO 44830

JAMES S. BAILEY
Mayor
(419) 435-8282

DIANE L. LIND
Secretary
Mayor and Director Officio

RONALD L. REINHARD
Safety-Service Director
(419) 435-2561

January 28, 1998

Mr. Thomas M. O'Leary, Director
Ohio Rail Development Commission
50 West Broad Street, 15th Floor
Columbus, Ohio 43215

Dear Mr. O'Leary:

Subject: Environmental and Safety Issues Conrail Acquisition by CSX and Norfolk Southern

The acquisition of Conrail by CSX and Norfolk Southern will have significant impacts on the City of Fostoria. The City of Fostoria is alarmed that its safety concerns about the effect of the increased traffic are almost completely ignored and inadequately addressed in the Draft Environmental Impact Statement. In fact, the lack of comments would leave one to wonder if the City's comments, submitted with the State of Ohio during the Preliminary Safety and Environmental Comment Period, were considered.

Three rail lines cross in Fostoria, each will see an increase in traffic following the acquisition. Although segments C-070 (Marion-Fostoria) and C-075 (Willard-Fostoria) are identified as meeting the threshold for analysis by the SEA, neither the individual nor the cumulative impacts of the increased rail traffic are considered on a community wide basis for safety and grade crossing delays.

The City has participated in the preparation of the recommendations being submitted herewith by the State of Ohio and fully concur with them.

Emergency Response: The Draft EIS does not address the ingress/egress issues raised during the Preliminary safety and environmental comment period. In addressing the delay issue in other communities, the EIS states "no national standards exist for measuring levels of significance of delay specifically for emergency vehicles. Obviously, time is critical for these vehicles to reach the scene of an accident, fire, or other emergency." We would submit that a delay for emergency responders is measureable to the degree that experts claim that each additional minute a fire burns, the fire typically doubles in its size and intensity, therefore potentially increasing the severity of injury to persons or pets who may be in the structure, the dollar amount of damage to the structure(s) and the risk of increased injury to the responders. All of these are factors

affecting the Fire Rating of a community which in turn effects its economic development capabilities. Measurable effects of delay in medical treatment can be assessed simply by evaluating the chain of survival, for instance, of all patients who collapse with sudden cardiac arrest, those in ventricular fibrillation, 70%-90%, have the greatest chance of survival. A patient's chance of survival is dependent on a strong "chain of survival" in their community. Missing links in this chain result in less than optimal programs and unnecessary deaths. The chain of survival is defined as **Early Access:** The Emergency Medical System must be activated immediately to reduce total response time. **Early CPR:** CPR initiated immediately (within 1-4 minutes) maintains oxygenation of vital organs, such as the brain and heart. This is essential if later defibrillation and medications are to be effective. **Early Defibrillation:** If the victim receives CPR within 4 minutes and defibrillation within 8-12 minutes, there is a significantly improved chance of survival. **Early Advanced Cardiac Life Support:** Definitive treatment such as administration of medications and airway stabilization, increases the chances of survival from 0% for no treatment to 30-40% with Early ACLS employed.

Due to our unique conflicts between our rail and road system, the City of Fostoria has required its contract EMS to provided the community with a certified Advanced Life Support Unit at all times.

Our problems with projecting emergency police, fire and medical services to where they are needed will be severely aggravated with the significant increase of rail traffic that will occur under the proposed merger, our community is entitled to essential mitigation.

Mitigation recommendations: That CSX and NS provide for grade separations at Town Street, W. Tiffin Street and Jones Road. Once the grade separations are completed, the City and Railroads could than consider closing a number of existing at grade crossing within the community. In addition to providing essential access for emergency services the necessary grade separations should also enable the railroads to improve their train traffic congestion problems associated with the three rail intersections and interchange capabilities within the community.

Hazardous Materials: As a result of the acquisition Fostoria stands to be significantly impacted in the amount of Hazardous Material quantities on a yearly basis. The Draft EIS indicates an increase of forty (40%) percent, 85,530 car loads per year to 119,710. The cumulative increase in hazardous materials volume exceeds the 20,000 car loads volume that results from the three lines the EIS deems very significant.

Mitigation recommendation: That CSX and NS provide funding for training and equipment for the Fostoria emergency service providers, who will, as a result, provide HazMat response not only in the City limits but also outside its corporation (as Mutual Aid) within a definable geographic area. CSX and NS should conduct hazardous material accident simulations (training) with the participation of emergency service providers at least once every two years. Participants in these exercises will include county and municipal government, fire, police and emergency response teams.

Rail capabilities: The Draft EIS does not clearly indicate the local rail conditions. Figures 5-OH-1a & 1b depicting rail segments in Ohio clearly misleads one when looking at the NS system. Figure 5-OH-1b fails to indicate the Fostoria interchange with CSX. Submitted herewith are the appropriate drawings depicting the actual conditions. As is evident, Fostoria includes the intersection of three rail lines, but also provides an interchange capability. As is evident, the interchange capability requires a significant reduction in train speed to negotiate, therefore increasing the delay at grade crossing times considerably. This in turn creates delays at the remaining crossings throughout the community as other train traffic waits.

Unemployment: December 1997 unemployment figures indicate that the area unemployment numbers are above State and National percentages as follows: National 4.4%, State of Ohio 4.6% and Fostoria Area (Seneca County) at 6.1%.

Low to Moderate Income Status: The City of Fostoria currently utilizes the Community Development Block Grant (CDBG) programs whenever it can. The community as a whole has been classified as "Low to Moderate Income" in regards to utilizing these funds. The community is also designated as a full-authority, distress-based Enterprise Zone based in part on the distress criterion requiring that a prevalence of the commercial or industrial structures in the designated zone are either vacant or demolished or vacant and tax delinquent. The program, through the State of Ohio Department of Development, allows the community to offer Tax Abatements for Real and Personal Property Taxes to industries as an Economic Development tool.

The City entertains prospective new industries on a regular basis, however, even with a utility infrastructure in place and capable of meeting their needs, the community has been plagued by inadequacies with its road transportation capabilities, therefore resulting in removal from consideration by the prospective industry.

New NS Auto Mixing Center: The new auto mixing center, located on the East side of the community, owned by Norfolk Southern is an example of the communities commitment to growth

and cooperative atmosphere with the railroads. The addition on the sanitary sewer system to accommodate the facility is a $512,000 00 (all local monies) investment by Fostoria for the growth potential of the area as a whole. In conjunction with the increased rail traffic for the facility, a trucking facility is currently under construction to serve the mixing center with over the road capabilities. We understand that the trucking requirements will be in the range of 100 truck loads per day leaving the facility thereby increasing the congestion on an already overloaded road system.

Your assistance and cooperation is appreciated.

Sincerely,

James E. Bailey
Mayor
City of Fostoria, Ohio

JEB/cld

CITY of FOSTORIA

P. O. Drawer H
FOSTORIA, OHIO 44830

January 28, 1998

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

Board Members:

The City of Fostoria is concerned that its safety concerns are almost completely ignored and inadequately addressed in the Draft Environmental Impact Statement, in fact, the lack of comments would leave one to wonder if the City's comments, submitted with the State of Ohio during the Preliminary Safety and Environmental Comment Period, were considered.

Although segments C-070 (Marion-Fostoria) and C-075 (Willard-Fostoria) are identified as meeting the threshold for analysis by the SEA neither the individual nor the cumulative impacts of the increased rail traffic are considered on a community wide basis for safety and grade crossing delays.

The foremost item of concern remains the ingress/egress issues raised in the Preliminary Safety and Environmental Comment Period. The measurable delay for emergency responders will be dramatically increased as a result of the acquisition. Our estimates indicate that with nearly a 30% increase in rail traffic throughout the community, utilizing the SEA's formula, a at-grade crossing will be blocked over 12 of the 24 hours, which is over 50% of the day. Under the existing current volume levels, a train is blocking one or more at-grade crossing in Fostoria nine and one quarter (9.25) hours out of each twenty-four hour day.

We agree that not all of the crossing will be blocked at the same time, however an emergency vehicle has no schedule as to what time of day the crossing it needs will be blocked. With any given rail crossing blocked over half of the day, it becomes apparent that some alternative provision needs to be made for the safety of the residents within the Iron Triangles in particular.

It is strongly recommended that the potential for these two areas to become isolated by rail movements, and the unreliability and unpredictability of direct emergency service routes, be

considered in addition to the established SEA criteria. The construction of grade separations in both areas is highly recommended.

As a result of the acquisition, the City of Fostoria stands to be significantly impacted in the amount of Hazardous Material rail car loads on an annual basis. The Draft EIS indicates an increase of forty (40% percent, from 85,530 car loads per year to 119,710 when evaluating the cumulative impacts of all three rail lines within the community. Mitigation recommendations are included within the State of Ohio filing.

Additional evaluation by SEA is necessary to totally realize the impact within Fostoria, the Draft EIS fails to recognize that the rail systems not only intersect in the center of the community, but also have a interchange capability, both having a negative impact when considering Emergency Responders.

The City has participated in the preparation of the recommendations being submitted by the State of Ohio and fully concur with them.

Your consideration is greatly appreciated.

Sincerely,

James E. Bailey
Mayor
City of Fostoria, Ohio

Joseph E. Droll
President
Fostoria City Council

Ronald L. Reinhard
Safety-Service Director
City of Fostoria, Ohio

Charles L. Dodge
Administrative Assistant to the Mayor
City of Fostoria, Ohio

OHIO RAIL DEV. CORP. [illegible]

News Release

Office of Mayor Michael R. White

[illegible]

ATTENTION: ASSIGNMENT EDITORS AND REPORTERS

For more information, please contact: NANCY LERIC, (216) 664-2220
MIKE MARCELLINO, (216) 664-3408
JOE SKRABEC, (216) 664-4329

January 27, 1998

MAYOR WHITE INTRODUCES "GLOBAL FIX" TO MINIMIZE TRAIN TRAFFIC IMPACT ON CLEVELAND AND REGION

CSX plans for railroad ties and earthen berms will not resolve significant damage to neighborhoods from increased traffic; Mayor says Cleveland will not act at the expense of its neighbors

Cleveland Mayor Michael R. White and City Planning Director Hunter Morrison today outlined two alternative route configurations that route most of the rail traffic resulting for the CSX and Norfolk Southern (NS) corporations' acquisition of Conrail through Cleveland's (and its neighbors') industrial corridors – thereby minimizing the impact on residential neighbors, reducing safety hazards and preserving the quality of life.

The City's plans were developed to prevent the potentially devastating impact of the dramatic increase in freight train traffic that will result from the CSX/NS route proposal. Collectively, the two railroads propose a three-fold increase in train traffic through affected Cleveland neighborhoods. The unveiled plans, Mayor White said, while substantially reducing the adverse impacts of the increased traffic on thousands of Clevelanders who live near the railroads, will also provide a long-term solution to the railroads' need to move great century train traffic through Cleveland, a key junction in their national systems.

Last week, CSX publicly announced their "noise abatement" and "beautification" programs that they claimed would address many of the problems created by the new train traffic. The CSX plan proposes a low retained be wall, earthen berms and trees to mitigate the impact of the increased traffic and noise. Mayor White today said that CSX plans were "inadequate and a band aid approach. We expect the railroads to find realistic and permanent solutions to the problems they are creating. Serious health, safety and quality of life concerns cannot be addressed by some railroad ties, trees and mounds of dirt. The mere abatement program would have little impact on the existing of the noise level which residents will experience."

EXHIBIT 7

CSX/NS Alternative – p. 2

Philip Pastorek of the national transportation, planning and engineering consulting firm Parsons Brinckerhoff said the CSX plans will have little impact on reducing the increased noise level. He equated the tripling of the noise level with the difference between the noise of an average car with a heavy truck. He also indicated that a significant portion of CSX's increase in operations will occur at night while people are trying to sleep.

Mayor White appointed a task force of City representatives, along with Pastorek, to review the CSX/NS proposal, hear residents' concerns and work with the CSX and NS to reach a settlement. The mayor and the task force believe the City's alternative routes represent a realistic approach and a real solution to both community concerns and the railroads' economic interests.

"These alternative plans are viewed as a 'global fix' because they not only benefit City of Cleveland neighborhoods, but also other cities including west shore communities, East Cleveland, Euclid, Berea and others," Mayor White said. "The new traffic patterns would maintain the railroads' ability to provide efficient and competitive freight service, preserve the future ability to operate commuter rail passenger service and enhance regional economic development."

The City's alternative route plans, Mayor White said, greatly improve upon the current joint proposal of the railroads by:

- Redirecting freight traffic from residential areas to industrial corridors;
- Substantially reducing the adverse impacts on minority and low income populations;
- Providing grade separations to minimize emergency response times and improve traffic flow
- Minimizing changes in noise levels
- Decreasing the need to spend money on mitigation measures with limited effectiveness; Providing railroads' the ability to offer efficient and competitive freight service, and enhancing regional economic development.

Mayor White said that although the City's alternative routes would cost more, that increase is dwarfed by the enormous increases in revenues and savings the railroads will experience three years after they acquire the Conrail assets. Together, CSX and Norfolk Southern will realize *an addition of nearly one billion annually* (CSX - $435.8 million and Norfolk Southern – $553 million). Preliminary estimates, according to Parsons Brinckerhoff, indicate the cost of the two alternatives to be in the range of $148 to $171 million. A significant cost item under both City proposals is the need to invest in improvements in Berea. This includes over pass structures for both rail lines and roadways.

The current CSX/NS proposal is estimated to cost $72 million but fails to mitigate numerous noise, hazardous materials, safety and roadway crossing delay concerns. The actual cost of the railroad proposal with additional mitigation is estimated to be $107 million, with significant impacts remaining unresolved, according to Parsons Brinckerhoff.

-###-

CSX/NS Alternative - p. 3

Thomas O'Leary, Executive Director of the Ohio Rail Development Commission, said the alternative proposals would avoid potential mitigation, such as train limits, grade separations, appropriate hazardous materials and safety precautions and noise and vibration abatement. "This mitigation will directly affect the revenues expected by the railroads after the acquisition of Conrail. For that reason the estimated cost of the alternatives advanced today by the City of Cleveland are appropriate and reasonable for a real fix," he said.

The current CSX/NS route plan would collectively increase freight train traffic three fold in the City of Cleveland, according to City studies. The impact on individual neighborhoods is even greater. For instance, in the Kinsman/South Broadway neighborhood, CSX proposes increasing trains from 3 to 44 per day, an increase of over 1000%.

More than 64,000 residents in eight neighborhoods live within 1,000 feet of the routes. The negative impact of the increased train traffic includes safety hazards, noise, vibration, odor, dust, congestion and decreases in access, property values and overall quality of life for residents along the railroad corridor. Among the harmful impacts, emergency response times are jeopardized as trains block crossings anywhere from two to 10 minutes and hazardous waste transport would increase from zero to 44,000 carloads in east side neighborhoods and from 7,000 to 81,000 car loads in University Circle.

The City today also said that CSX claims of economic benefits resulting from the Conrail acquisition are vague, ambiguous and misleading. For instance, CSX claims their proposal will support 25,056 jobs in the region. "When you look at the fine print," the Mayor remarked, "you discover that they count one job ten times by using the misleading term 'workerlyears'." For instance, their employment projections for industrial development are for 12,000 workeryears, which really translates into 1,200 jobs over 10 years. In addition, their economic impact summary did not distinguish between existing jobs and new jobs. CSX does not propose overall economic benefits for the City of Cleveland, but instead uses region-wide projections. "The current CSX/NS routing proposal disproportionately harms Cleveland neighborhoods. The negative impacts in Cleveland caused by the proposed routing system were not considered by CSX," Mayor White added.

- 30 -

FACTS ON CITY OF CLEVELAND ALTERNATIVE ROUTES FOR CXS/NS RAIL TRAFFIC

The City of Cleveland has developed two alternative route configurations that route most rail traffic through industrial corridors, minimize impact on residential neighborhoods, reduce safety hazards and preserve the quality of life.

CSX traffic from Greenwich would continue to enter the region in Berea, but would use the Lakeshore route via the Cleveland lakefront to Collinwood. This line is currently heavily used by rail traffic. NS traffic bound for Pittsburgh and beyond would continue to route the line at Olmsted Falls/Berea but would use the Short Line to the Broadway-Harvard area, then diverge southeast through Bedford.

The two alternative routes differ in the routing of NS traffic to Buffalo. Both, however, minimize rail traffic in the west shore communities by routing this traffic via Berea. One alternative would route this traffic via the Flats Industrial Track corridor as proposed by NS, while the other would have this traffic continue east on the Short Line, diverging north at Broadway/Harvard to Euclid. In Berea, the two lines would be grade separated by construction of a rail/rail overpass. Both existing Front Street at-grade crossings would be eliminated by construction of an overpass and underpass. In Collinwood, grade crossings at [illegible] and London roads would be replaced by underpasses.

The plans are viewed as a "global fix" because they not only benefit City of Cleveland neighborhoods, but also other cities, including the west shore communities, East Cleveland, Berea and others. The positive impact of these two alternative routes include:

- **Routing traffic through industrial corridors and minimizes rail traffic through residential neighborhoods, therefore enhancing the quality of life.**
- **Minimizing changes in noise levels.**
- **Not disproportionately affecting minorities and low-income residents.**
- **Providing grade separations to minimize emergency response times and improve traffic flow.**
- **Minimizing rail traffic on several key future commuter rail routes.**
- **Providing grade separation of highway/rail crossings in Berea.**
- **Providing railroads' with the ability to offer efficient and competitive freight service and enhances regional economic development.**

FACTS ON CSX/NS PROPOSED ROUTES

The plan for the acquisition of Conrail submitted by CSX and Norfolk Southern significantly affects rail traffic densities in Cleveland and Northeast Ohio. Numerous parties, including the City of Cleveland and many other public agencies and municipalities, have identified harmful impacts which include:

- **Significantly increased rail traffic through residential neighborhoods would have a devastating impact on the quality of life in communities.**
- **More than 64,000 Cleveland residents live within 1,000 feet of the routes affected. Collectively, rail traffic through residential neighborhoods would increase by three-fold. The impacts on individual neighborhoods are even greater. In Kinsman-South Broadway, CSX proposes increasing trains from 3 to 44 per day, an increase of over a 1,000%.**
- **Noise levels would triple – the difference between a car and heavy truck. Neighborhoods would also experience increased dust, odor and vibration.**
- **Emergency response times by police, fire and Emergency Medical Service would increase: Trains block crossings anywhere from two to 10 minutes. The chance of survival of a person in cardiac arrest decreases 50% with a 2 minute delay, 75% with a 3 minute delay and beyond 3 minutes survivability is 0%.**
- **Hazardous waste transport would dramatically increase – from zero to 44,000 carloads a year on the Short Line and from 7,000 to 81,000 car loads in University Circle.**
- **Property values would decrease, as would overall quality of life.**
- **Minorities and low-income residents are disproportionately affected.**
- **Costs to railroads are minimized with little consideration for public impacts.**
- **Rail traffic on the west shore is minimized only in NS's proposal, also requiring public funding.**
- **Grade separation of road crossing in Berea is provided only in NS's proposal, also requiring public funding.**

NEIGHBORHOOD IMPACTS OF FREIGHT RAIL TRAFFIC INCREASES

Comparison of Alternatives

ALTERNATIVE	TRAINS per DAY current → proposed (for lines with proposed increases)	RESIDENTS LIVING WITHIN 1,000 FEET OF RAIL LINES PROPOSED FOR INCREASED FREIGHT RAIL TRAFFIC						IMPACT INDEX*
		POP	% NON-WHITE	% HISPANIC	% BELOW POVERTY	MEDIAN INCOME	GRADE CROSSINGS	
NS/CSX Original Proposal	42 → 115 174% increase	67,847	52.3% (35,480 persons)	5.3% (3,588 persons)	37.0% (25,157 persons)	$14,080	13	27.4
NS/CSX Revised Proposal (12/5/97)	42 → 115 174% increase	58,317	51.6% (35,240 persons)	4.7% (3,237 persons)	33.1% (23,180 persons)	$16,282	7	21.4
Alternative 1: Lakeshore/ West Side	46 → 67 46% increase	49,547	27.1% (13,389 persons)	6.0% (2,935 persons)	29.2% (14,458 persons)	$17,456	4	8.1
Alternative 2: Lakeshore/ Short Line	46 → 67 46% increase	32,025	5.5% (1,790 persons)	1.0% (317 persons)	28.7% (10,361 persons)	$16,175	4	5.2

* The "Impact Index" numbers were determined on the basis of the following calculation:

additional trains per day on each rail line segment x population within 1,000 feet of tracks on each rail line segment

÷ 100,000 = Impact Index

The rail line segments and the associated neighborhoods are identified on the maps and tables which show the neighborhood impacts of increased freight rail traffic.

Higher impact numbers indicate greater impacts on neighborhoods. Lower impact numbers indicate lesser impacts on neighborhoods.

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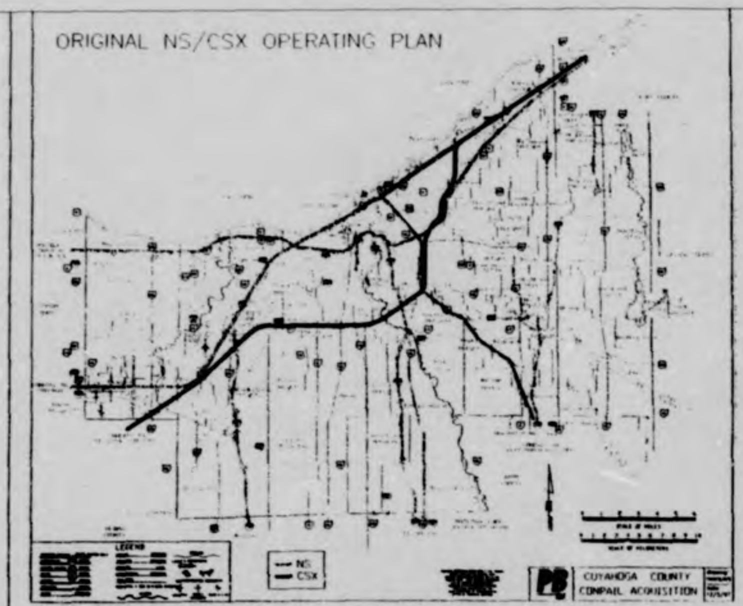

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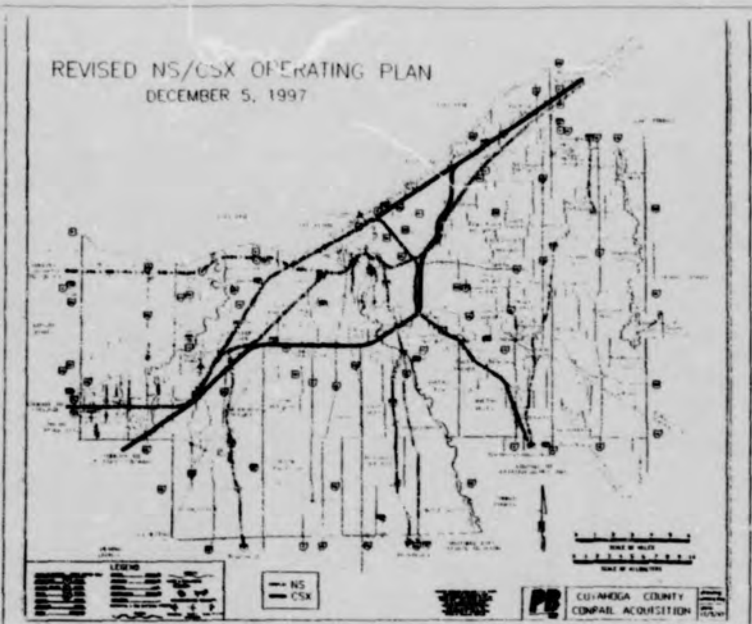

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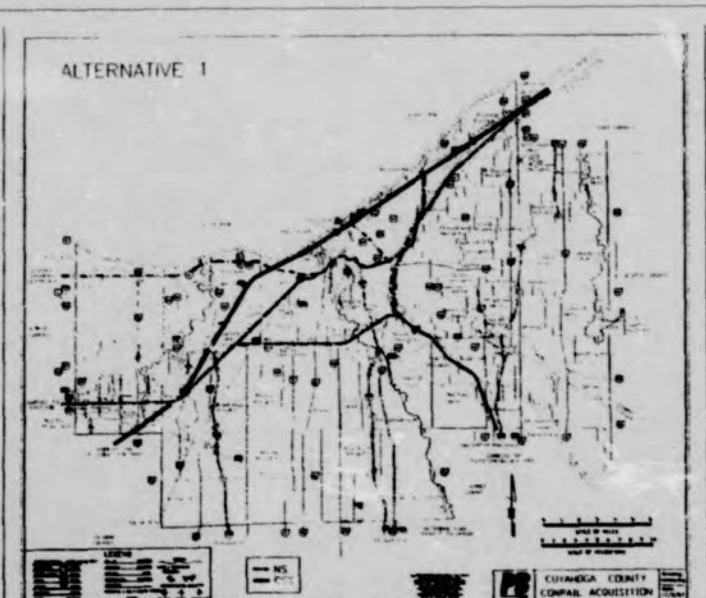

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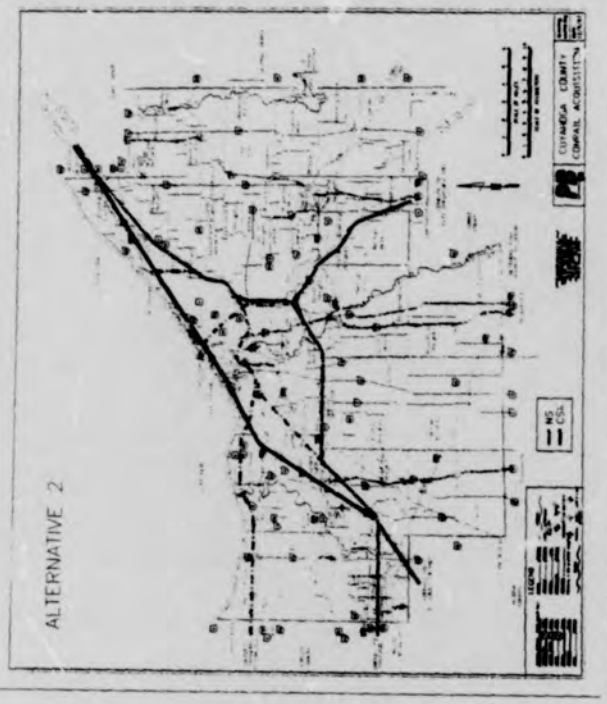

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James E. Carnes
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February 2, 1998

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

ENVIRONMENTAL DOCUMENT

Dear Director Kaiser:

I would like to take this opportunity to urge the Surface Transportation Board Section of Environmental Analysis to oppose the sale and consolidation of Conrail with CSX and Norfolk Southern Railroad.

The State of Ohio's House and Senate Joint Transportation Committee had numerous public hearings on the proposed acquisition of Conrail by CSX and Norfolk Southern Railroad. During our hearings, we heard testimony stating that if the merger occurs, Agriculture, Ohio's largest industry, would be regulated to a third world economic development policy because of tentative plans to focus on transporting unprocessed Ohio grains to certain areas of the country.

We heard testimony that the Plastics Industry transports 75-80% of plastic raw materials by rail. The profit margins on some products are thin enough that even a slight price increase could produce substantial losses of market share. The plastics industry supports more than 100,000 jobs in Ohio and adds an estimated $16.3 billion annually to the state's economy.

The Ohio Mining and Reclamation Association is concerned about heavy cost increases to pay for feeder lines and abandoned lines. And I have great concern that this merger will create jobs in the Eastern United States at the expense of the Ohio Coal Industry.

2/6/98 3:30:07pm-1

The Ohio Steel Industry Advisory Council, representing numerous steel companies and approximately 30,000 employees is also very concerned about the merger and is against any expedited approval process.

CSX and Norfolk Southern have agreed to pay $10.2 billion for Conrail, this is $4 billion more that Conrail's stock prior to the transaction, and ten times what the Federal Government paid for Conrail ten years ago. Certainly shippers, Ohio's Businesses, will be responsible for this transaction since there is no other railroad companies with whom they may ship their goods. The only winner is big business, the railroad company, not the people of Ohio or the Shippers' of Ohio.

I gave several examples during the hearings showing the greed, arrogance, and lack of caring for our communities by CSX railroad. CSX and Norfolk Southern are worried about their bottom line and not the people of Ohio. They will Monopolize the railroad industry in Ohio if this transaction occurs, which will cause many Ohio businesses to fail and many Ohioans their jobs.

The Brotherhood of Locomotive Engineers provided valuable testimony, stating that the merger would add longer trains and more traffic, without adequate staffing; resulting in more frequent accidents. The individual stated that he has been through two mergers in 30 years with the industry and believes that neither has been good.

How true these words are. In a Wall Street Journal Article on October 2, 1997 entitled *A Big Railroad Merger Goes Terribly Awry In a Very Short Time-- Union Pacific is Hammered Over Service and Safety* stated:

> *Its railroad safety record, marred by three fatal crashes in three months, is being characterized as a fundamental breakdown by federal regulators. Its rail system has slipped into near gridlock west of the Mississippi River, with thousands of freight cars backed up for miles in the Houston area alone. Its chairman had to publicly apologize in August to its big customers*
>
> *Service has become so bad that customers say Union Pacific Corp., the nations largest railroad can't account for millions of dollars of shipments for weeks at a time.*

2/6/98 3:30:07pm-2

We do not want this to exist in Ohio. Less competition will hurt Ohio's citizens.

I urge you to oppose the proposed acquisition of Conrail by Norfolk Southern and CSX Railroad.

Sincerely,

James E. Carnes

James E. Carnes
Ohio State Senator

2/6/98 3:30:07pm-3

DENNIS J. KUCINICH
10th District, Ohio

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Committees
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Congress of the United States
House of Representatives

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February 2, 1998
Office of the Secretary
FEB 02 1998
Part of Public Record

Ms. Elaine Kaiser
Chief, Environmental Analysis
Surface Transportation Board
1925 K Street NW
Suite 500
Washington, D.C. 20423-0001

RE: Finance Docket No. 33388

ENVIRONMENTAL DOCUMENT

Dear Ms. Kaiser:

As Member of Congress representing Ohio's 10th district, and as a Party of Record to this proceeding, I hereby submit an original and twenty-five copies of Comments on the Draft Environmental Impact Statement as issued by the Surface Transportation Board's Section on Environmental Analysis for Finance Docket No. 33388.

Thank you for your consideration.

Sincerely,

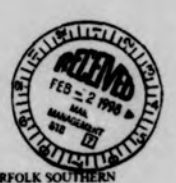
Dennis J. Kucinich

Dennis J. Kucinich
Member of Congress

DJK:ec

[PUBLIC]

BEFORE THE
SURFACE TRANSPORTATION BOARD



FINANCE DOCKET NO. 33388

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

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AS ISSUED BY THE SURFACE TRANSPORTATION BOARD'S SECTION ON ENVIRONMENTAL ANALYSIS
FILED BY CONGRESSMAN DENNIS J. KUCINICH

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Dated February 2, 1998

[PUBLIC]

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AS ISSUED BY THE SURFACE TRANSPORTATION BOARD'S SECTION ON ENVIRONMENTAL ANALYSIS
FILED BY CONGRESSMAN DENNIS J. KUCINICH

Congressman Dennis J. Kucinich, representing the 10th Congressional District of Ohio, hereby submits these comments in response to the Draft Environmental Impact Statement (DEIS) as issued by the Surface Transportation Board's Section on Environmental Analysis.

The finding by SEA that Norfolk Southern's Cleveland-Vermilion rail line segment — traversing the west side of Cleveland, Lakewood, Rocky River, Bay Village and Westlake — meets or exceeds the Board's thresholds for further analysis is encouraging. It is also encouraging that a considerable amount of attention (Section 5-OH-20) was devoted to the effects of nearly tripling freight train traffic through these densely populated, residential areas.

However, upon closely reading SEA's findings, there are contradictions. SEA

recommends that Norfolk Southern and the affected communities "shall meet" to "negotiate a mutually-accepted binding agreement" in Section 5-OH-20 (Ohio Areas of Concern). However, several of SEA's findings prior to this section apply statistical analyses to conclude that mitigation for most specific safety and environmental measures are not needed — conclusions that disregard the unique character of the West Shore communities. The DEIS is therefore ambiguous when it finds that the Cleveland-Vermilion line does not meet most criteria for mitigation, but later singles out the west side of Cleveland and West Shore communities as an area of particular concern.

Should a "mutually-accepted binding agreement" be unobtainable, recommended mitigation on the part of SEA becomes all the more crucial. Specifically, if an agreement is not reached before the STB considers the final merger agreement, it is not clear which conclusions will be given more weight — that mitigation in most safety and environmental areas is not needed, or that Cleveland and the West Shore communities are of particular concern. Contradictions in SEA's Final Environmental Impact Statement (FEIS) could become grounds for the applicants to argue that no mitigation is needed, and should not be imposed as a condition of the merger. Clearly, these contradictions need to be reconciled — or at the very least addressed — in the Final Environmental Impact Statement.

Finally, no increase in rail traffic in the Cleveland area will be acceptable as a result of the Conrail acquisition unless it is mitigated by adequate and appropriate grade separations in the Cities of Berea and Olmsted Falls. Those two communities in the southwest corner of Cuyahoga County, and the 10th Congressional District, will bear a disproportionate burden as a result of the Conrail acquisition. The needs of those communities' residential and commercial transportation require adequate and appropriate grade separation.

I. SECTION 5-OH.2 PROPOSED CONRAIL ACQUISITION ACTIVITIES IN OHIO

SEA finds that the NS Cleveland-Vermilion line is one rail line segment that meets or exceeds the Board's environmental thresholds (Table 5-OH-1, pg. OH-6).

The DEIS states, "Both CSX and NS plan to undertake extensive activities in Ohio as part of the proposed Conrail Acquisition. The proposed Conrail Acquisition-related activities that meet or exceed the Board's thresholds for environmental analysis in Ohio include increased train operations on a total of 36 rail line segments" (pg. OH-3).

As stated above, it is encouraging that SEA finds the Cleveland-Vermilion line to be one of the 36 rail line segments that meets or exceeds the Board's thresholds for analysis. Specifically, SEA found that the proposed increase in freight train traffic met the Board's requirements for further analysis in the following six areas: rail operation safety, at-grade crossing safety, hazardous material transport, roadway crossing delays, air pollution emissions, and noise pollution.

However, of these areas that exceed the Board's thresholds for further analysis, only one — hazardous material transport — warranted SEA to recommend mitigation (Table 5-OH-10, pg. OH-30). As stated above, these conclusions are ambiguous when coupled with SEA's later conclusion that the area affected by NS's proposal to nearly triple freight train traffic on its Cleveland-Vermilion line is concerning enough to merit special consideration.

II. 5-OH.4 OHIO SAFETY: FREIGHT RAIL OPERATIONS

SEA finds that the increase in freight train traffic on the Cleveland-Vermilion line will not cause a significant enough number of freight train accidents to warrant mitigation (Table 5-OH-6, pg. OH-15).

SEA evaluated the potential change in safety on all rail line segments where the proposed Conrail Acquisition would result in eight or more additional freight trains per day. Clearly, with

an increase (using the numbers that Norfolk Southern submitted in its application) from 13.5 to 37.8 trains per day, that criterion is met.

The DEIS states, "While increased freight train activity would increase the probability of a freight train accident, SEA did not consider an increase significant unless the predicted accident rate shortened the duration between accidents to one every 100 years or less per mile" (pg. OH-14). SEA's predicted accident rate for the Cleveland-Vermilion line drops from one accident per mile every 336 years to one accident per mile every 127 years (Table 5-OH-6, pg. OH-15).

The Federal Railroad Administration (FRA) does not require railroads to report rail operation accidents in a form that will reveal the number of accidents that have occurred on a particular rail segment. Thus, it is not possible to know if the NS Cleveland-Vermilion line has experienced more accidents than the "predicted accident rate." However, while applying an imprecise "predicted accident rate" may be acceptable when dealing with sparsely populated and/or highly industrialized areas, it is not acceptable when dealing with densely populated, residential areas where accidents can be far more devastating. A different calculation is needed when determining if mitigation is needed for densely populated, residential areas.

Using a strict "predicted accident rate" to determine if mitigation is warranted without looking at the unique character of the West Shore communities could endanger citizens. As stated in the Responsive Environmental Report, filed with the Board on October 1, 1997, Lakewood is the most densely populated area between New York and Chicago. It has 27 at-grade railroad crossings within 2.7 miles, more than any other city in the country. Much of the population resides on one side of the tracks while major emergency services are on the other side of the tracks. An accident in Lakewood could not only cause harm within the immediate vicinity but would have a multiplying factor if emergency vehicles are not able to cross the tracks because a derailed train is blocking the way.

While SEA predicts an accident every 127 years per mile, the damage done to citizens because of the geography of this densely populated, residential area could be catastrophic when

compared to most other areas. Mitigation that reduces the likelihood of accidents is most assuredly needed in this densely populated, residential area that is literally bisected into north and south segments by Norfolk Southern's railroad tracks. However, mitigation that closes off grade crossings along the West Shore line would not be acceptable because it would have the effect of closing those roads off to emergency vehicles permanently. Street closings, therefore, would not be an appropriate form of mitigation.

III. 5-OH.6 OHIO SAFETY: HIGHWAY/RAIL AT-GRADE CROSSINGS

SEA finds that additional freight train traffic on the Cleveland-Vermilion line that would cause an increase in highway/rail at-grade crossing accidents to be "below the criteria for significance" (pg. OH-20).

SEA used two different calculations to predict if increased freight traffic would cause significantly more at-grade crossing accidents. The Cleveland-Vermilion line was not specifically mentioned in this section. In fact, despite two different calculations, SEA determined that every single at-grade crossing in Cuyahoga County did not meet the "criteria for significance". Thus SEA does not recommend mitigation for at-grade crossing safety in the entire region.

Again, predicted accident rates may be appropriate for areas where at-grade crossings are few and far between. However, as stated above and in the Responsive Environmental Report filed on October 1, 1997, the west side of Cleveland and the West Shore communities are densely populated, residential areas. Lakewood is particularly vulnerable in this area as it has 27 at-grade crossings within 2.7 miles. Clearly, imprecise "predicted accident rates" are not reliable enough under these circumstances.

Actual experience reveals that accidents in this area exceed STB's criteria. According to Table 5-OH-8 in the DEIS (pg. 5, 6), there were fourteen at-grade crossing accidents in Cuyahoga County along the Cleveland-Vermilion line between 1991-1995. Two at-grade

crossings (Cook Avenue and Andrews Avenue) experienced two accidents between 1991 and 1995. Two accidents in four years not only exceeds the predicted accident rate, but also meets the Board's "criteria for significance". Furthermore, both of these crossings have only gates and no flashers.

At a minimum, these two crossings should warrant mitigation. The fact that the DEIS does not find mitigation warranted indicates a shortcoming in the SEA's universal application of "predicted accident rates" for all areas despite wide variations in population density, community composition, geography, traffic patterns, etc. Nevertheless, closing of grade crossings along the West Shore line would be inappropriate because to do so would block off needed emergency services. Therefore, the only appropriate mitigation is to not allow an increase in freight train traffic along the West Shore line.

IV. 5-OH.7 RAIL TRANSPORT OF HAZARDOUS MATERIAL

SEA finds that an increase in hazardous material transport on the Cleveland-Vermilion line as a result of additional freight train traffic is potentially significant, and mitigation is recommended (Table 5-OH-10, pg. OH-30).

The DEIS states, "SEA applied two different criteria to determine if the effects of rerouting hazardous material car loads are potentially significant: 1) The volume of hazardous materials transported on a rail line would be 10,000 or more car loads per year. The Acquisition-related change in volume of hazardous material car loads would upgrade a rail line segment to a key route designation. 2) The volume of hazardous material car loads doubles, and exceeds 20,000 or more carloads per year. SEA has termed rail line segments which meet these criteria a 'major key route'" (pg. OH-29).

The Cleveland-Vermilion line, post-Acquisition, is one of ten rail line segments in all of Ohio that will become a New Key Route as well as a Major Key Route in the transportation of hazardous materials (hazmats). SEA recommendations include requiring CSX and NS to bring

the rail line segments into compliance with the Association of American Railroad's key route standards and practices ("base level"), and that CSX and NS develop a Hazardous Materials Emergency Response Plan to contain and minimize the potential effects of any accidents or incidents ("expanded mitigation").

Because hazmat transportation through the west side of Cleveland and the West Shore communities will increase by 255 percent (from 9,000 to 32,000 car loads per year), the recommended mitigation is wholly inadequate. STB should simply not allow 32,000 car loads of hazmats per year to traverse any densely populated, residential areas, much less a densely populated, residential area which has more at-grade crossings than anywhere else in the nation.

Furthermore — assuming railroads use appropriate containers — hazardous material transport is not dangerous in and of itself, and is only dangerous when an accident occurs. This being tautological, it begs the question: how can SEA justify its finding that the potential increase in rail operation and at-grade crossing accident rates are not significant? Given the circumstances of a 255 percent increase in hazardous materials being transported through a densely populated, residential area — in conjunction with the geographic and traffic patterns of the area — application of an imprecise "predicted accident rate" is rendered all the more inappropriate for the west side of Cleveland and the West Shore communities.

V. 5-OH.9 ROADWAY CROSSING DELAY

SEA finds that the additional freight train traffic will not cause significant roadway crossing delays, and does not recommend mitigation (pg. OH-33).

The DEIS states for Cuyahoga County, "Of the 32 crossings analyzed in Cuyahoga County, 10 would have a minimal increase in crossing delay per stopped vehicle." The two crossings that SEA determines will have more than a minimal increase in crossing delays were not along NS's Cleveland-Vermilion rail line segment.

SEA analyzed six at-grade railroad crossings along NS's Cleveland-Vermilion line in Cuyahoga County: West 110th St., West 117th St., Bunts Rd., Columbia Rd., Dover Center Rd., and Bradley Rd. All six of these at-grade crossings meet the Board's criteria for having 5,000 or more Average Daily Traffic (ADT). Three of these crossings have 10,000 or more ADT.

Despite ten pages of calculation formulas and explanations, it defies logic that the SEA could determine that doubling the freight train traffic in an area with six at-grade crossings than anywhere else in the country will have only "minimal" effects. For example, West 117th has more than 15,000 ADT. At the current level of 13.5 trains per day, vehicular delays as trains pass results in a maximum number of vehicles in a queue per lane of 16. Yet SEA calculates that all things remaining equal except an increase of freight train traffic to 37.8 trains per day will result in only one additional vehicle in a queue per lane (17).

Furthermore, in Table 5-OH-11, SEA determines that there will be significant increases in the numbers of vehicles that will experience delays, but does not consider it to be enough to warrant mitigation. For example, at West 110th Street, currently 116 vehicles are delayed per day. Post-Acquisition, 300 vehicles will experience delays at West 110th Street (158 percent increase). At West 117th Street, 305 vehicles experience delays, but post-Aquisition, 785 vehicles will experience delays. Clearly, the increased number of vehicles experiencing delays is more than "minimal".

Despite SEA's finding in this section that traffic delays do not warrant mitigation, SEA states in Section 5-OH.20.1 that

> Between the west side of Cleveland and Vermilion, there are 88 crossings (public and private) along the NS line, including 67 highway/rail at-grade crossings. These numerous crossings influence highway traffic patterns on the west side of Cleveland and in the West Shore communities, causing traffic delays while trains pass. Safety concerns raised by all the affected communities include delays in emergency response, vehicular crossings, and pedestrian access....
>
> SEA observed during site visits that train traffic causes delays at the 27 Lakewood crossings, potentially affecting emergency response time. A substantial

> portion of the Lakewood population, including many elderly citizens, resides north of the rail line, while the major emergency medical facilities and fire rescue services are located south of the tracks. Emergency response delays could also affect the Cudell-Edgewater neighborhood in west Cleveland, Rocky River, Bay Village, Westlake, and communities extending into Lorain County" (pg. OH-134).

The issue of traffic delay is perhaps the most contradictory of the findings by SEA. As SEA noted in Section 5-OH.20.1, emergency response time is the most critical issue facing the west side of Cleveland and the West Shore communities. SEA calculated that significantly more vehicles will experience traffic delays, and saw for itself that delays occur at the current level of freight train traffic. Despite these overarching factors, SEA still did not recommend mitigation. These contradictory findings need to be resolved in the Final Environmental Impact Statement. And again, because of the need for emergency vehicle access, road closings are not appropriation mitigation. The only appropriate mitigation for the West Shore is to keep freight traffic at or below current levels.

VII. 5-OH.12 OHIO AIR QUALITY

SEA finds that the net NOx emissions is above the emissions screening threshold of 100 tons/year, and thus found the net emissions increase to be potentially significant; however, SEA finds that mitigation is not needed.

The DEIS states, "While there are localized increases in emissions in some counties, the increases are not likely to affect compliance with air quality standards. Therefore, SEA has determined that air quality will not be significantly affected and no mitigation is necessary" (pg. OH-70).

According to the applicants' own filing with STB, NOx pollution emissions will increase in Cuyahoga County by 1,500 tons/year. This is 1,400 tons/year above the Board's screening threshold for NOx. As stated in the Responsive Environmental Report filed with STB on October 1, 1997, using the Environmental Protection Agency's own calculations, an additional 1,500

tons/per of NOx air pollution emissions will be an increase of approximately 3.5 percent.

Under the Clean Air Act, areas that do not meet the ozone standards are required to achieve a 3 percent reduction per year in NOx emissions. A 3.5 percent increase in NOx means that significant additional reductions of NOx from local businesses or vehicles would be needed to offset this increase to meet the ozone standard. Specifically, since 3 percent reductions are already required, and the additional freight train traffic is going to add another 3.5 percent, the additional freight train traffic more than doubles the amount of NOx reductions needed in order for Cuyahoga County to be in compliance.

These facts — that the applicants admit NOx emissions will be 1,400 tons/year above the Board's own screening threshold, and this increase will require Cuyahoga County to more than double its reductions in order to be in compliance — stand in clear opposition to SEA's conclusion that "While there are localized increases in emissions in some counties, the increases are not likely to affect compliance with air quality standards" (pg. OH-70).

Furthermore, to justify a determination that no mitigation is necessary based on the fact that the increases are not likely to affect "compliance" with air quality standards is highly dubious. In fact, more emissions won't affect Cuyahoga County's compliance with air quality standards because Cuyahoga County already is not in compliance with air quality standards. Is SEA arguing that because Cuyahoga County already has too much air pollution that a little more won't hurt? Clearly, a little more will hurt. Mitigation is absolutely required for air pollution emissions, which are a direct result of increased (as well as present) train traffic.

VIII. 5-OH.13 OHIO NOISE

SEA finds that the Cleveland-Vermilion line would experience increased noise levels that meet the Board's analysis threshold, but does not find it eligible for mitigation.

The DEIS states, "Train noise sources include diesel locomotive engine and wheel-rail interaction noise (or wayside noise) and horn noise. ... SEA performed an analysis to identify ...

where the proposed changes in operations meet or exceed the Board's environmental analysis thresholds. ... SEA counted sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) within the noise contours for both pre-Acquisition and post-Acquisition operating conditions" (pg. OH-71).

For NS's Cleveland-Vermilion, SEA found that the additional freight train traffic would increase noise levels by 81 percent. SEA then counted sensitive receptors along the Cleveland-Vermilion line (e.g. schools, libraries, etc.), and found the number of sensitive receptors would jump from 2,194 to 4,439. According to Table 5-OH-42, NS's Cleveland-Vermilion line will have more than twice the number of sensitive receptors than any other rail line in Ohio.

However, NS's Cleveland-Vermilion line is not on the list of rail segments that SEA finds eligible for noise mitigation. Even if mitigation had been recommended, the methods proposed by SEA to reduce noise are wholly inadequate. Noise barriers are not feasible along the track through Cleveland, Lakewood, Rocky River, Bay Village and Westlake; traffic would be seriously disrupted. Sound insulation for these densely populated communities would be economically infeasible, and rail lubrication is not adequate. Further, SEA says that for horn sounding, "mitigation is not currently feasible."

That SEA could determine mitigation is not needed for a densely populated, residential area — which will experience an 81 percent increase in noise and will have more than twice the number of sensitive receptors than anywhere else in the state — illustrates the profound shortcomings of these analyses. As SEA itself noted in Section 5-OH-20.1, "A post-Acquisition increase of rail traffic on the NS Cleveland-Vermilion corridor would increase noise levels from both mechanical wheel/rail noise and horn soundings. ... For instance, locomotives must sound their horns through much of Lakewood because its 27 highway/rail at-grade crossings are spaced only hundreds of feet apart" (pg. OH-137). A steady stream of horn blasts 37 times a day would severely disrupt the peace of these residential communities.

Furthermore, according to *Environmental Health Perspectives*, studies have shown that

noise can hinder the ability of children to learn, harm a population's health, and cause major annoyance. In a study of children who attended a school situated beside some railroad tracks, it was found that students who spent the entire six years of elementary school on the side of the school closest to the tracks were a full year behind students who had spent the entire six years on the quieter side facing away from the tracks. The author was later able to get a noise abatement system on the tracks, and after retesting the children, found that the reading level had become identical on both sides of the building. A recent study by the same author shows that those who say they are bothered by local noise levels rate their general health more poorly than those who say they are not bothered by local noise. And a study of the effects of noise on people found that people's expectations of noise level are most predictive of annoyance. "In fact, mere loudness accounts for less than 50 percent of annoyance from noise."[1]

Similar to the misapplication of "predicted accident rates" to densely populated, residential areas, SEA has misapplied noise measurements to west side of Cleveland and the West Shore communities. Densely populated, residential areas are simply not appropriate places for a steady stream of horn blasts 37 times a day. SEA noted this in a later section of the DEIS, but it is contradicted by SEA's earlier finding that this segment of railroad is not even eligible for mitigation. This contradiction needs to be resolved in the Final Environmental Impact Statement.

[1] Environmental Health Perspectives, Plane Pollution, Vol. 105, No. 12, Dec. 1997.

IX. 5-OH.20 OHIO AREAS OF CONCERN

SEA's recommendation that Cleveland area communities negotiate a settlement with the railroads is ambiguous, does not address the environmental and commercial impact of Berea, Olmsted Falls, and southwestern Cuyahoga County.

A. SEA recognizes the west side of Cleveland and the West Shore communities as an area of particular concern, and recommends that local officials meet with NS to reach an agreement, but SEA ambiguities diminish the value of this recommendation.

A considerable amount of discussion about the effects of tripling freight train traffic in these communities is afforded in the DEIS. Some statements by SEA are encouraging. For example, "SEA observed during site visits that an increase in rail traffic on the NS rail line may affect traffic patterns at the numerous highway/rail at-grade crossings ... The proposed increase in rail traffic may cause significant impacts to vehicular movement and travel times, including emergency response services. In addition, SEA has determined that vehicular delays on cross-street traffic would occur more often under post-Acquisition conditions, particularly if such rail operations coincided with peak highway traffic hours" (pg. OH-136). However, when these statements are compared with SEA's preliminary finding that mitigation for traffic delays along the Cleveland-Vermilion line is not needed, SEA's conclusions are ambiguous, and should be clarified in the Final EIS.

After covering nearly all the issues raised in the Responsive Environmental Report — including grade crossing safety, emergency response, hazardous material transport, noise, air quality, and commuter rail — SEA recommends the following: the Board should retain jurisdiction to impose additional environmental mitigation for a period of no less than ten years; NS should be required to improve its highway/rail at-grade crossings on this rail line segment; if train speeds can be increased without increasing safety problem, NS should be required, at its sole expense, to improve the rail line segment to permit its trains to operate at faster speeds; to

mitigate noise problems, NS should be required to follow the best practices permitted by FRA" (5-OH-140). SEA further recommends that NS and local officials meet to reach a "mutually-accepted binding agreement". Those are seemingly clear recommendations, but their clarity is lessened by other contradictory statements in the DEIS.

SEA also references NS's mitigation proposal that was submitted to the Board on October 29, 1997. The mitigation proposal would re-route all additional freight train traffic through Berea on the Flats Industrial Track. SEA notes that the alternate routing is not currently available, and would require the completion of substantial improvements and construction of track and ancillary facilities. This mitigation includes grade separations at Front Street in Berea, and Fitch Street in Olmsted Township. The approximate cost of the mitigation is $50,000,000. Furthermore, the cities of Berea and Olmsted Falls have indicated that they require additional grade separations at Bagley Road and Columbia Road, respectively, on the Cleveland-Indianapolis route.

This alternative plan has potential, but it also has several problems. First and foremost, it is unclear where funding in excess of $50,000,000 is going to come from. Secondly, NS has stated that it cannot possibly finish all necessary construction before the STB rules on the final merger agreement. NS admits that the day the merger is approved, the west side of Cleveland and the West Shore communities will see an immediate increase in traffic by ten additional trains per day. This is unacceptable, and in itself is deserving of separate comment in the final EIS for purposes of protecting communities from the adverse consequences of a possible "phase-in" mitigation plan which reroutes increased traffic out of the West Shore area but only after mitigation-related construction is completed. No community should suffer the consequences of the railroads' lack of immediate alternatives. Thirdly, rather than merely diverting the additional freight train traffic, all of the freight traffic should be taken off this single-track rail line segment that cuts through densely populated, residential areas. Some of the freight train traffic should be shifted out of the area completely, and the rest should be shifted onto tracks that serve shippers

who need rail service for their businesses. The rail line segment could then be made available for commuter rail.

B. The DEIS does not adequately address Berea's and Olmsted Falls's environmental concerns and the needs of those communities for mitigation against the effects of the proposed Conrail acquisition.

The Ohio Cities of Berea and Olmsted Falls would be disproportionately affected by the proposed Conrail acquisition. As part of the Railroad Control Application, NS and CSX have proposed increasing freight traffic on the Berea-Greenwich and Short-Berea routes from 27.9 trains per day to 101.5 trains per day. NS and CSX have also proposed decreasing the freight traffic along the Cleveland-Vermillion route through Berea from 52.4 trains per day to 28.4 trains per day. The net post acquisition increase in trains per day through Berea, if the merger were to be approved as originally proposed, would be from 80.3 trains per day, to 129.9 trains per day, an increase of 49.6 trains per day, or a 61.8 percent increase.

Under the aforementioned plan, NS proposed increasing freight traffic along NS's Cleveland-Lakewood-Vermillion route from 16.4 trains per day to 34.1 trains per day, an increase of 17.7 trains per day. On November 25, 1997, NS amended its application to reroute the additional 17.7 trains originally proposed for Cleveland-Lakewood-Vermillion, to the Cleveland-Berea-Vermillion route. The additional 17.7 trains per day under the amended proposal would increase Berea's train traffic from 129.9 trains per day to 147.6 trains per day. This represents an 83.8 percent increase in train traffic through Berea above the pre-acquisition baseline of 80.3 trains per day.

The Berea-Greenwich route is an northeast-southwest line southwest of Cleveland, Ohio, originates in the southwest corner of Cuyahoga County, traverses the southern half of Lorain County, and approaches Greenwich from the southeast corner of Huron County. The Short-Berea route traverses the southwestern quarter of Cuyahoga County from downtown Cleveland to Berea, Ohio. These two routes constitute the local segment of the Cleveland-Indianapolis route.

The Conrail mainline along the Cleveland-Berea-Vermillion route traverses the southwest quarter of Cuyahoga County from downtown Cleveland through Berea, Ohio, and across the northern half of Lorain County to Vermillion.

All these routes, with respect to Berea and Olmsted Falls, traverse heavily populated urban/suburban residential neighborhoods. They are also situated within an important commercial district of Cuyahoga County which makes heavy use of intermodal transportation, including rail and truck transportation, and air traffic at the adjacent Cleveland Hopkins International Airport.

An 83.8 percent increase in train traffic will cause local and commercial transportation along Ohio Route 237 (Front Street), Sheldon Road, West Street, and Bagley Road in Berea, Ohio Route 252 (Columbia Road) and Maple Way in Olmsted Falls, and Fitch Street in Olmsted Township, causing the surrounding communities to bear a disproportionate burden of inconvenience due to heavy train traffic along the Conrail mainline and the Cleveland-Indianapolis route. This burden includes interference with police and fire crews reaching emergency situations; ambulances and other emergency medical services reaching injured and sick individuals and transporting them to the hospital; school buses attempting transportation of schoolchildren to and from schools; access of residents of these communities to their homes and other destinations; and access of trucks and other commercial vehicles to their pickup and delivery destinations. Grade separations on each of the aforementioned routes would be an appropriate mitigation against the effects of an 83.8 percent increase in rail traffic the proposed merger will cause.

X. CONCLUSION

SEA should reconcile the contradictory conclusions reached in the DEIS, clarify its recommendations about a "mutually agreeable binding agreement," and recommend adequate and appropriate mitigation in the form of grade separations for Berea and Olmsted Falls.

As outlined above, there are contradictory conclusions reached by SEA. These contradictions should be reconciled, or at the very least addressed, in the Final EIS. SEA should also detail what actions it recommends to the Board if an agreement between NS and representatives of the west side of Cleveland and the West Shore communities is not obtained. In particular, the Final EIS should indicate which of SEA's conclusions should be given more weight in the final decision of STB; namely, the conclusion that in most instances, the SEA has determined that the effects of tripling freight train traffic on the NS Cleveland-Vermilion line do not need mitigation, or SEA's conclusion that the west side of Cleveland and the West Shore communities are areas of special concern, and STB should impose conditions on the merger with respect to the Cleveland-Vermilion line.

SEA's recommendations in Section 5-OH.2 is encouraging because they reflect a recognition on the part of SEA that this is an area of concern. However, the recommended mitigation in this section presumes that STB could approve NS's proposal to triple freight train traffic on the Cleveland-Vermilion line under certain circumstances. Mitigation that includes closing grade crossings along the West Shore would present a danger to the affected communities because it would permanently block emergency vehicle access. It is the position of Congressman Kucinich, local officials and residents that tripling freight train traffic through the west side of Cleveland and the West Shore communities is not acceptable under any circumstances. Furthermore, any viable alternative must include grade adequate and appropriate grade separations in Berea and Olmsted Falls that would enable those communities' local and commercial traffic to bear the burden of an increase in train traffic along the Conrail mainline and the Cleveland-Indianapolis route.

ENVIRONMENTAL DOCUMENT

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

CENTRAL ADMINISTRATIVE UNIT
RECD: 2/3/98
DOCUMENT # 2/3/98 4:13:24 PM

Attention: Elaine K. Kaiser
Environmental Project Director

I am a resident of Vermilion, Ohio. A small town of about 13000 people with about a 6 mile lake frontage along Lake Erie. I am writing to you today to express my concern about the recently announced railroad merger and the predicted increase of rail traffic through my town. I am sure you will hear from our local government, as well as some of those concerned citizens that are not too jaded to think that writing a letter has a chance of influencing big business decisions. Our little town is having some serious problems at the moment - Ford Motor Co. partially closing the local assembly plant plus the local school system has had to borrow money from the State to continue in operation for 98. These two factors alone have managed to negatively impact local businesses as well as the local real estate market. NOW comes the train issue. . .We already deal with a fairly high number of trains and so far, it has not been a safety or economic concern. Even though, I am sure that we do lose some tourist overnight trips at the local marinas, due to the train whistles at night. This we can handle - BUT increase rail traffic, even a little, and I think it certainly becomes a safety concern. We need to be able to get fire and ambulance service to both sides of the tracks without any delay. Given the small number of residents, it would be extremely burdensome to provide equal services or all sides of all our current tracks.

We would most certainly need overpasses.

It is also being reported in the local papers that part of what is being proposed as cargo for this increased rail traffic is hazardous waste. I understand the logical need to remove this type of risk from the highway- BUT what about the risk to many cities water supplies if an accidental spill should contaminate our river, or Lake Erie. Would we not be talking about an international incident?

Some articles have also proposed a commuter rail from Cleveland to those western suburbs close to us. . . This is a terrific idea. We could get more people off the roads too!!

Thank you for your time in reading my ideas and your helpful input to whatever governing body will be making decisions that will certainly hopefully improve the quality of life for myself and my neighbors, rather than add further burdens to an already burdened community.

Sincerely,

Isabelle H. Chamberlain

Isabelle H. Chamberlain
Real Estate Broker
4697 Liberty Avenue
Vermilion, Ohio 44089

2/3/98 4:13:24pm-2

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 2:55:27

ENVIRONMENTAL DOCUMENT

RECEIVED FEB - 3 1998

SUMMARY
RAILROAD TRAFFIC CONCERNS

The proposed acquisition of Conrail Inc. by Norfolk Southern Corp. and CSX Transportation threatens to drastically increase rail traffic through residential areas throughout the state.

Our local concerns center around the tracks that bisect West Cleveland and particularly our suburb, Lakewood, and the other suburbs of Rocky River, Bay Village and Avon Lake.

All of these communities share concerns about delayed response for emergency vehicles, and about the possibilities escape routes being blocked in the case of a hazardous waste spill.

Lakewood alone, however, must deal with safety concerns brought by children of all ages crossing the tracks on their walk to and from school. Students in all the other communities are bussed. Lakewood's boundaries encompass just five square miles, and this area is served by ten elementary schools, three middle schools and one high school. The probability of death or serious injury with these many children moving through the city daily on foot would skyrocket were train traffic to triple.

A related concern is that of the effects of increased traffic on real estate values. Houses near the tracks will decrease in value, having a definite effect on tax revenues generated, and therefore on the funding for schools.

Attached is the West Shore Report--a summary of the problem issued by the office of Representative Dennis Kucinich.

Paula Reed
Railroad Safety Concerns Committee Chairman
Lakewood PTA Council

2/3/98 2:55:27pm-1

RESOLUTION

WHEREAS, An objective of PTA is to promote the welfare of children and youth in the community;

WHEREAS, An objective of PTA is to secure adequate laws for the care and protection of youth; and

WHEREAS, The proposed acquisition of Conrail Inc. by Norfolk Southern Corp. and CSX Transportation threatens to drastically increase rail traffic through residential areas throughout the state; and

WHEREAS, Our children's safety while walking to and from school, and while at play would be threatened by the trains themselves; and

WHEREAS, Train traffic blocking the crossings in our communities will cause critical delays for emergency vehicles in reaching their destinations; and

WHEREAS, The increase of freight trains increases the risk of derailments and the risk of hazardous material spills, be it

RESOLVED, That Lakewood PTA Council make known to the Surface Transportation Board PTA's opposition to increased rail traffic through residential areas; and be it further

RESOLVED, That PTA work in conjunction with government efforts to curtail additional train traffic which would affect the safety of the communities.

Submitting group: Lakewood PTA Council
Date of adoption: November 6, 1997
President's signature: Debra B. [signature]
Secretary's signature: Diane [signature]
Contact person:
Paula Reed
1208 Manor Park Avenue
Lakewood, Ohio 44107
(216)228-8645

2/3/98 2:55:27pm-2

FEB 03 '98 16:07 VRD CINTI.

SEA

2/3/98

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
DOCUMENT # 2/4/98 9:42:11 AM

COPY
ENVIRONMENTAL DOCUMENT

Vicki Rutson

Reference document # FD 33388

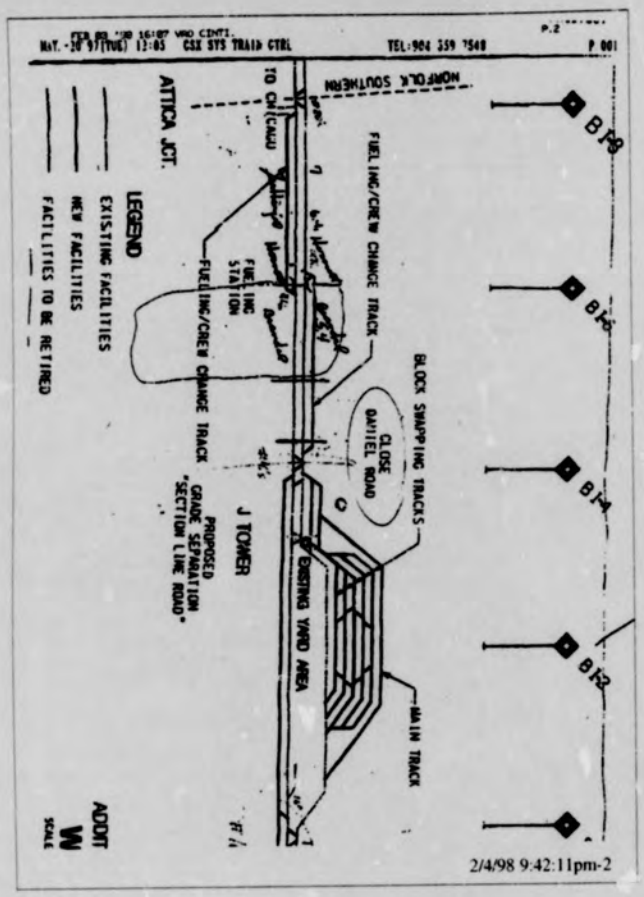
My concern is if CSX Railroad constructs the additional feeding track west of Daniels Rd, that I will not have access to part of my farm. Currently there is a farm crossing that gives me access. Will the RR continue to provide a crossing for me to gain access to the rear portion of my farm (BRANDAL FARM)?

Please advise if any additional details are needed.

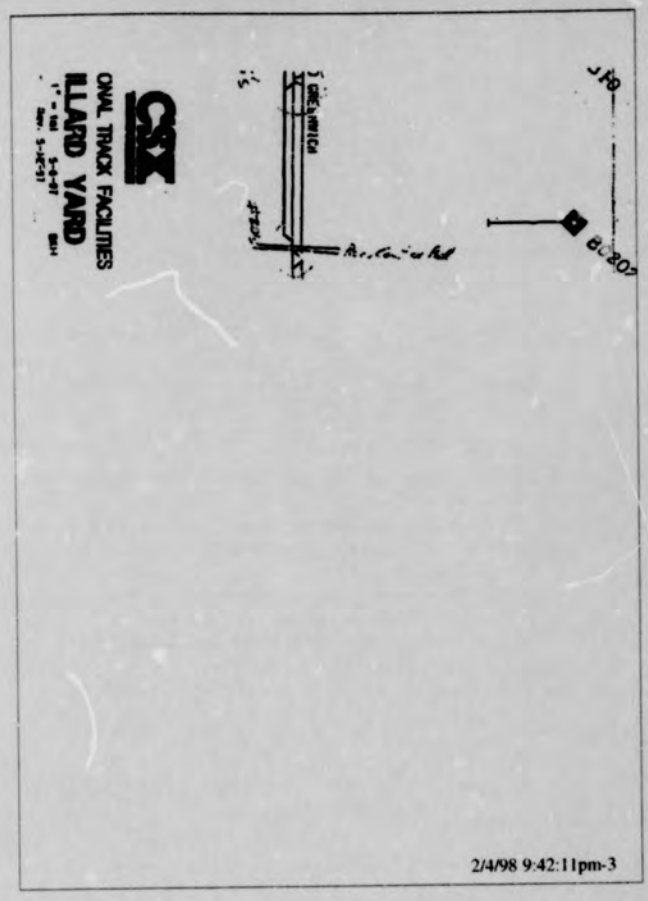
Larry M. Brandel
1875 LOISVIEW LN
CINCINNATI, OH 45255

phone #
H - 513-474-0804
W - 513-684-3897

2/4/98 9:42:11pm-1



2/4/98 9:42:11pm-2



2/4/98 9:42:11pm-3

Huntington Township Trustees

Joan E. Eaton, Clerk

Trustees
Mary Beth Donkin 647-2590
Kurt Rollin 647-3486
Ernest H. Hartman 647-3723

February 3, 1998

48401 Bursley Road
Wellington, Ohio
44090

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/10/98
DOCUMENT # 2/10/98 12:20:52pm

ENVIRONMENTAL DOCUMENT

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

Re: Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad

Dear Ms. Kaiser:

We have just received a copy of your letter of December 12, 1997, which asks for comments regarding the above proposed acquisition.

We wish to ask if this comment time could be extended, as it does not give adequate time for people to be notified to respond.

We do not have a Conrail crossing in our township but feel that we would still be affected because of our fire and ambulance service coming from the neighboring town of Wellington, which does have a Conrail crossing.

Thank you for considering our comments.

Very truly yours

HUNTINGTON TOWNSHIP TRUSTEES

Joan E. Eaton, Clerk

2/10/98 12:20:52pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 10:30:02am
[PUBLIC]

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

ENVIRONMENTAL DOCUMENT

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

ADDENDUM TO
COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
AS ISSUED BY THE SURFACE TRANSPORTATION BOARD'S
SECTION ON ENVIRONMENTAL ANALYSIS
FILED BY CONGRESSMAN DENNIS J. KUCINICH

Dated February 4, 1998

2/5/98 10:30:02am-1

[PUBLIC]

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

ADDENDUM TO
COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT
AS ISSUED BY THE SURFACE TRANSPORTATION BOARD'S
SECTION ON ENVIRONMENTAL ANALYSIS
FILED BY CONGRESSMAN DENNIS J. KUCINICH

Congressman Dennis J. Kucinich, representing the 10th Congressional District of Ohio, hereby submits this addendum to his comments in response to the Draft Environmental Impact Statement (DEIS) as issued by the Surface Transportation Board's Section on Environmental Analysis (SEA)for the purpose of relaying newly acquired information about the City of Brooklyn, Ohio.

Brooklyn, Ohio, is a west-side residential and industrial suburb bordering Cleveland at Brooklyn's west, northwest, and east sides, and bordering Parma, Ohio, at its south side. Three sets of railroad tracks currently traverse Brooklyn. A Conrail line, formerly Cleveland's Short Line, crosses Brooklyn parallel to Brookpark Road near Brooklyn's southern border. Another Conrail line abuts Brooklyn's northwest border with a spur crossing Ridge Road just south of the

northernmost tip of Brooklyn. And a CSX line from Cleveland to Medina crosses Brooklyn from the northeast edge to the southwest edge.

The Draft Environmental Impact Statement did not address the environmental effects that the proposed Conrail merger will have on the City of Brooklyn. This office requests that the SEA investigate the effects that the proposed rail merger will have on the City of Brooklyn and include the results of that investigation in its Final Environmental Impact Statement.

An analysis of the effects on the City of Brooklyn should include the following:

- If the Conrail merger is approved, what noise and safety mitigation will be offered to the residents living adjacent to the Conrail line parallel to Brookpark Road? Residents on Idlewood Drive, Summer Lane, Kennedy Drive, Southwood Drive, Autumn Lane, Springwood Drive, and Melody Lane live in homes abutted by the Conrail tracks to the south and Interstate 480 to the north. The only evacuation routes in the event of a hazardous material spill at that segment of the rail line are Idlewood Drive at the eastern edge of the neighborhood, and Southwood Drive at the western edge of the neighborhood. A derailment along this section of track would pose a clear and immediate threat to public safety. An increase in trains will increase the risk of a hazardous waste spill in the event of a derailment. Furthermore, an increase in trains will increase the noise levels experienced residents living adjacent to the tracks on Idlewood Drive. Noise mitigation may be necessary.

- The Cleveland-Medina CSX route crosses American Road in Brooklyn. American Road is the access road for employees of American Greetings, Brooklyn's largest employer, employing approximately 3,000 workers. An increase in train traffic along this line will result in an increase in delays for American Greetings's workers and could result in traffic queues as far as Tiedeman Road. The SEA should investigate whether mitigation against the effects of traffic delays on American Road would be warranted.

- The Cleveland-Medina CSX route also abuts the Spring Crest-Pepper Ridge Drive neighborhood, which is already subject to significant noise from train traffic. Sixty-three homes are located there. The SEA should investigate whether noise mitigation is warranted if there is an increase in train traffic as a result of the merger.

- The Conrail line abutting the northwest edge of Brooklyn crosses Ridge Road at an at-grade crossing. Ridge Road is a major north-south commuter route between Cleveland and the southwestern suburbs. The SEA should investigate the effect that an increase in train traffic along this Conrail route would have on commuter traffic on Ridge Road, and recommend mitigation as appropriate.

The aforementioned investigations should be conducted by the SEA in preparation for its Final Environmental Impact Statement. This office, in conjunction with the Office of the Mayor of Brooklyn, Ohio, will provide additional assistance as necessary in order to help the SEA investigate these important environmental issues.

[public/comm/sdeis1.wpd]

18553

COPY

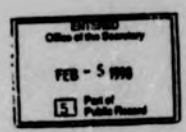
HOPKINS & SUTTER

[redacted]

CHARLES A. SPITULNIK
[redacted]

February 4, 1998

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



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

Re: *CSX Corporation and CSX Transportation Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc. and Consolidated Rail Corporation*, Finance Docket No. 33388

Dear Ms. Kaiser:

Enclosed are the original and twenty five (25) copies of the Errata to Comments of The City of Cleveland, Ohio on the Draft Environmental Impact Statement (CLEV-11) for filing in the above-referenced proceeding. An additional copy of this filing is enclosed for file stamp and return with our messenger. Please note that a copy of this filing is also enclosed on a 3.5-inch diskette in WordPerfect 5.1 format.

Sincerely,

Charles A. Spitulnik

Enclosure

cc: The Honorable Jacob Leventhal
All Parties of Record

[redacted]

CLEV-11

Before the
SURFACE TRANSPORTATION BOARD
Washington, D.C. 20423

Finance Docket No. 33388

CSX Corporation and CSX Transportation Inc.,
Norfolk Southern Corporation and
Norfolk Southern Railway Company
– Control and Operating Lease/Agreements –
Conrail Inc. and Consolidated Rail Corporation

ERRATA TO
COMMENTS OF THE CITY OF CLEVELAND, OHIO
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

On February 2, 1998, the City of Cleveland, Ohio, filed its Comments on the Draft Environmental Impact Statement ("DEIS") issued by the Section of Environmental Analysis ("SEA") on December 12, 1997. By these Errata, the City makes the following corrections to those Comments:

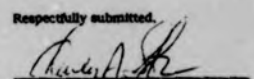
PAGE	LINE	CORRECTION
2	2	Delete the word "on" and replace it with the word "at"
2	12	Delete the word "have" and replace it with the word "has"
2	15	Delete the word "their" and replace it with the word "its"
4	6	Delete the word "of" between the words "explain" and "the"
5	12	Delete the word "medial" and replace it with the word "medical"
6	7	Delete "available," between the word "resources" and "to"

PAGE	LINE	CORRECTION
6	22	Delete the word "Redirection" and replace it with the word "Redirecting"
7	10	Add the word "million" after the number "$148"
9	19	Delete the word "on" and replace it with the word "with"
10	20	Insert "%" after "22.4"
12	14	The word "segment" should be "segments"
12	15	Delete the word "across" after the word "increase"
19	8	The sentence "The report purports to address the localized issue of noise in the City" appears twice. Delete the second one.
19	13	The word "form" should be "from"
19	18	Delete the word "was" and replace it with the word "were"
23	9	Insert the word "that" between the words "even" and "reduction"
27	2	Insert a comma after the word "arrangements" and insert the word "is" before the word "less"
27	20	Delete the word "across" between the words "increase" and "in"
28	20	Insert the word "be" between the words "to" and "found"
29	3	Delete the word "Given" and change the "t" at the beginning of the word "this" from lower to upper case
29	6	Change the word "require" to "requires"
30	22 & 23	Delete the words "will further limit access"
31	1	Change the word "criteria" to "criterion"
31	19	Insert the words "that a" between the words "indicated" and "ditch"
37	5	Change the word "affected" to "affect"
37	17	Insert a comma (",") between "1980's" and "has"
38	3	Change the "t" at the beginning of the word "the" from lower case to upper case

PAGE	LINE	CORRECTION
41	20	The phrase "This alternative plan would require substantial public funding" appears twice. Delete the second one
42	23	Delete the word "the" between the words "be" and "via"
44	16	Delete the word "are" and replace it with the word "is". Add an "s" to the word "provide"
48	21	The title "Train Frequencies" refers to the table that follows at the top of the next page and should be moved to the next page
52	16	Delete the word "more"
52	23	Delete the word "their" and replace it with the words "the railroads"
52	5	Change the word "rial" to "rail"
52	9	Substitute the symbol "+" for the words "divided by"
52	14	Delete the word "of" after the word "reduces"
52	16	Delete the word "more" after the word "they"
52	23	Delete the word "their" and replace it with the words "the railroads", then add an apostrophe after the word "railroads"

Dated: February 4, 1998

Respectfully submitted,



Sylvester Summers, Jr.
Director of Law
Richard Horvath
Assistant Director of Law
City of Cleveland
Department of Law - Room 106
601 Lakeside Avenue
Cleveland, Ohio 44114
(216) 664-2808

Anthony J. Garofoli
Climaco, Climaco, Lukowitz & Garofoli, L.P.A.
Ninth Floor
The Halle Building
1228 Euclid Avenue
Cleveland, Ohio 44115
(216) 621-8484

Charles A. Spitulnik
Robert P. vom Eigen
Rachel Danish Campbell
Hopkins & Sutter
888 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 835-8000

Attorneys for The City of Cleveland, Ohio

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 1998, a copy of the foregoing Errata to Comments of The City of Cleveland, Ohio on the Draft Environmental Impact Statement (CLEV-11) was served by hand delivery upon the following:

The Honorable Jacob Leventhal
Administrative Law Judge
Federal Energy Regulatory Commission
888 First Street, N.E.
Suite 11F
Washington, D.C. 20426

Richard A. Allen
John V. Edwards
Zuckert, Scoutt & Rasenberger, L.L.P.
888 Seventeenth Street, N.W.
Suite 600
Washington, D.C. 20006-3939

John M. Nannes
Skadden, Arps, Slate, Meagher & Flom L.L.P.
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111

Dennis G. Lyons
Drew A. Harker
Arnold & Porter
555 12th Street, N.W.
Washington, D.C. 20004-1202

David Coburn
Samuel M. Sipe, Jr.
Steptoe & Johnson L.L.P.
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036-1795

Paul A. Cunningham
Harkins Cunningham
1300 Nineteenth Street, N.W.
Suite 600
Washington, D.C. 20036

and by first class mail, postage pre-paid upon all other Parties of Record in this proceeding.

Charles A. Spitulnik

2/5/98 10:34:55am-6

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 5:27:10
RECEIVED FEB 5 1998 MAIL MANAGEMENT STB

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street N.W.
Washington, D.C. 20423

Ref: Finance Docket 33388

Dear Mr. Williams

I live in the 13th Congressional District under the jurisdiction of Congressman Sherrod Brown in the City of Lorain Ohio, presiding Mayor the Honorable Joseph Koziura.

This letter is in reference to the Surface Transportation Board's (STB) draft STB Environmental Impact Statement (EIS) and the impending merger of CSX and Norfolk Southern rail lines.

The safety of the residents should be of major concern to you as well as the citizens of Lorain County. We must be assured that the highest steps from be created in your consideration of the approval or denial of this merger. In Lorain we have approximately 17 crossings and the safety of our traffic and citizens must be effective at all times in a secure atmosphere. Please be advised as a Concerned citizen I request your assistance to be just in your decisions when this is presented your Board.

Mr. Bennie Eva Nelson
1137 West 18th Street
Lorain, Ohio 44052
1-216-245-6766

2/5/98 5:27:10pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 5:25:40 PM
RECEIVED FEB 5 1998 MAIL MANAGEMENT STB

ENVIRONMENTAL DOCUMENT

318 W. 23rd St
Lorain Ohio 44052
Feb. 2, 1998

Office of the Secretary
Case Control unit
Finace Docket No 33388
Surface Transportation Board
1925 K Street NW
Washington DC 20423-0001

To Whom it may Concern,
I am Charlean Lurry
I am apposed to having anymore trains traveling through Lorain, it would mean disaster for the Ill and also for the children in the neighbor hoods so I do not welcome this line at all too much Noise also

Thank you
Signed Charlean Lurry

2/5/98 5:25:40pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 5:06
RECEIVED FEB 5 1998 MAIL MANAGEMENT STB

ENVIRONMENTAL DOCUMENT

Rita Quinela
4021 Canterbury Ct
Lorain, OH 44053

Attn: Elaine K. Kaiser
Environmental Project Director

Let it be noted that I strongly OPPOSE the pending merger of CSX, Norfolk Southern & Conrail Railroads for the following reasons:

A. Environmental Pollution - for all
B. Noise Pollution - especially for those near the track
C. Safety Hazards - Possible Chemical spills.
D. The use of Taxpayer's money to help fund this
E. Railroad Crossings tying up traffic all the time because of increased train usage. (Also Fire Trucks + Rescue Squads + police may be hampered in arriving on time if tied up at these crossings)

And on + on -

~~Again~~ - I Strongly Oppose the merger. The effects on people ~~would be devastating~~.

Signed
Rita A. Quinela

2/5/98 5:06:45pm

CENTRAL ADMINISTRATIVE UNIT
RECD: 2/6/98
DOCUMENT # 2/6/98 3:12:24 PM

ENVIRONMENTAL DOCUMENT

POSITION ON NORFOLK SOUTHERN/CSX ACQUISITION

FINANCE DOCKET 33388

ROYALTON ACRES DEVELOPMENT CORP./FLAIR CORPORATION

February 5, 1998

Office of the Secretary
Case Control Unit, Room 715
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

Position on Norfolk Southern/CSX Acquisition
Finance Docket 33388
Royalton Acres Development Corp. and Flair Corporation

Royalton Acres Development Corporation and its sister company Flair Corporation (collectively "Flair") oppose the proposed acquisition of ConRail trackage by Norfolk Southern and CSX because of the negative impact that increased rail traffic will have on the residents of homes we *have built and continue to build in the City of Olmsted Falls, Ohio.*

Flair endorses the comments of the City of Olmsted Falls in regard to this matter and makes additional comments as follows.

Flair protests any attempt to vacate usage of the current Norfolk Southern (former Nickel Plate) tracks known as segment N-80 on the Cleveland-Vermillion Run and divert traffic to segment N293 also known as the Cleveland to Vermillion Run or to segment C-061 also known as the *Berea to Greenwich Run. The current traffic on segment C-061 is 16 trains per day. If the* acquisition of the ConRail trackage is allowed, traffic is expected to increase to 54.2 trains per day, i.e., 239%.

Flair vehemently opposes any increased rail traffic on segment C-061 because of the deleterious effect it will have on the residents living on Raintree Boulevard, Summerset Lane, Laurel Drive, Cyprus Drive, Holly Lane, and Magnolia Drive (the "Raintree Community") in Olmsted Falls, Ohio (See Exhibit "A"). As the past and current developer of the Raintree Community, Flair is *keenly aware of the tremendous noise and disturbance caused by the current level of rail traffic.* Any additional traffic would unfairly plague the Raintree Community.

The Raintree Community consists of approximately 230 homes. The distance from the Raintree Community to segment C-061 is approximately 1,320 feet. This minimal separation of homes from rail, already results an excessive and unacceptable noise level. The noise level generated at the Raintree Community from train whistles and ambient wayside noise exceeds 70 Ldn. Any increase of traffic would exacerbate the noise situation to an intolerable level. It is unreasonable *to expect the residents of Raintree to be burdened with any additional rail traffic.*

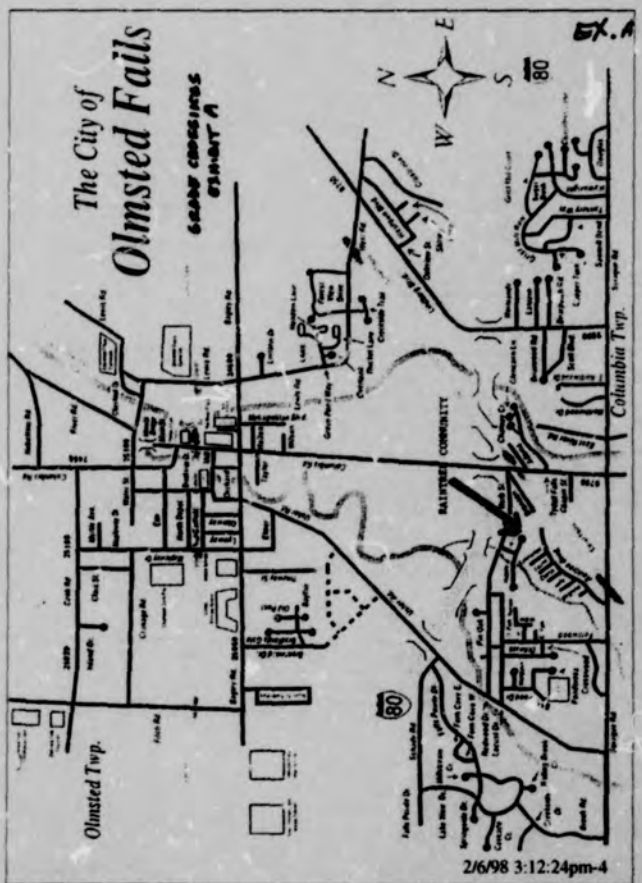
Additional rail traffic along segment C-061 will worsen an already unacceptable traffic situation at crossings FRA ID 524367U and 524368B. Any increase in the number of blockage at these crossings will result in unacceptable delays of emergency vehicles, school buses, and general traffic. As described in the City of Olmsted Falls comments, a blockage on Columbia Road on segment C-061 of 2.8 hours per day is untenable. The potential delay to emergency response time cannot be tolerated. Further, with the only egress from the Raintree Community being to Sprague Road (*next to crossing FRA ID 524368B*), it is unreasonable to expect the Raintree Community residents to endure any further delay in coming and going from their homes. If one wishes to bypass the rail crossing at Sprague Road, an additional 4.3 miles must be traveled, and even then

it is still possible to get stopped by the same train as it passes through crossing FRA ID 524367U. *Any attempt by a Raintree resident to travel east along Sprague Road from his home, or to get* home when arriving from the east, is already subject to delay by trains passing through the crossings and will only get worse if traffic along segment C-601 is allowed to increase.

For the foregoing reasons, Flair opposes the proposed acquisition of ConRail trackage by Norfolk Southern and CSX.

Sincerely,
Royalton Acres Development Corp
and Flair Corporation

By: _____
Daniel N. Steigerwald
Assistant Vice President



CENTRAL ADMINISTRATIVE UNIT
REC'D: [illegible]
DOCUMENT # [illegible]

LORAIN COUNTY COMMUNITY ALLIANCE
"New Partnerships for the Future"

RECEIVED
FEB 10 1998

February 6, 1998

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
Surface Transportation Board
1925 K Street, NW, 5th Floor/Suite 500
Washington, D.C. 20423-0001

ENVIRONMENTAL DOCUMENT

Attn: Ms. Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis

Dear Ms. Kaiser:

RE: FINANCE DOCKET NO. 33388-CSX & NORFOLK SOUTHERN-CONTROL & ACQUISITION-CONRAIL: DRAFT ENVIRONMENTAL IMPACT STATEMENT

The Lorain County Community Alliance is a Council of Governments formed under Ohio Revised Code representing the 275,000 residents of Lorain County, Ohio. On October 3, 1997, (copy enclosed) the Alliance notified the Surface Transportation Board of its concern regarding this proposal, noting a possible detrimental impact on our proposed operation of commuter rail service over freight rail corridors in this region.

At today's meeting of the Alliance, members voted to affirm the actions of the Lorain County Board of Commissioners taken on January 29, 1998 in the form of Resolution No. 98-82 (copy enclosed.) This Resolution specifically recommends the following:

a. Reduce the number of additional trains permitted.
b. Provide for rail separation at the North Main (Wellington/S.R.58) at grade crossing.
c. Limit/restrict rail car switching activities to night hours in order to reduce congestion.
d. Create a written emergency response plan for rail personnel & local providers.
e. Institute and fund an annual joint training program for rail personnel & local providers.
f. Provide prior notification of nuclear shipments.

Please contact the undersigned with any questions regarding the resolution, comments or recommendations.

Thank you.

LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair

Encs.

Betty Blair, Chair

Lorain County Administration Building - 226 Middle Avenue, Elyria, Ohio 44035
Phone (216) 329-5111 - Fax (216) 323-3557

2/11/98 9:44:43am-1

Lorain County Board of Commissioners
226 Middle Avenue
Elyria, Ohio 44035
(440) 329-5111

Memo

To: Congressman Sherrod Brown, #13
Congressman Paul Gillmor, #5
Tom O'Leary, Ohio Railway Commission
Howard Aster, Executive Director, NOACA
Lorain County Community Alliance
Ann Pratt, Executive Director, BOLD
Linda Spitzer, Clerk, Eaton Township
Linda S. Bates, Clerk, Grafton Village
Rita K. Ruot, Clerk, LaGrange Village
Karen Webb, Clerk, Wellington Village
Patricia Knight, Acting Community Development Director
Tom Kelley, EMA Coordinator
File

From: Roxann Blair, Clerk

Date: 02/03/98

Re: Proposed Conrail Acquisition

Enclosed is a copy of Resolution No. 98-82, adopted by the Lorain County, Board of Commissioners on January 29, 1998.

This Resolution is registering concerns with regard to the proposed CONRAIL ACQUISITION relates to cities, townships and villages located within its County borders. These comments are based on review of the Draft Environmental Impact Statement (DEIS).

Also within the resolution is an outline of recommendations that serve as a minimal to any approval of this proposed acquisition of Conrail by CSX and NS.

This is being forwarded for your information and files.

RB/lu

Page 1

2/11/98 9:44:43am-2

January 29, 1998

Resolution No. 98-82

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

Dear Ms. Kaiser:

At the invitation of the Section of Environmental Analysis of the Surface Transportation Board, the Lorain County Board of Commissioners is taking this opportunity to register its concerns with regard to the proposed CONRAIL ACQUISITION as those concerns relate to cities, townships and villages located within its County borders. The comments are based on the review of the Draft Environmental Impact Statement (DEIS). The Commissioners acknowledge the thoroughness of the six volume, 3000 page document, particularly as regards the listing and identification of Lorain County Rail Line Segments which will be impacted with approval of the proposed acquisition.

Additionally, the Board of Lorain County Commissioners recognizes that the Surface Transportation Board is presented with a very challenging and complex decision, made difficult by the many issues involved, all of which must be given careful consideration prior to the final decision being made.

With regard to the DEIS generally, the attempts to be objective and to utilize the various formulae to calculate such things as "average delay time", "number of vehicles in queue per crossing", anticipated increase in accidents at grade crossings", etc. have resulted in a favorable conclusion for the acquisition's approval. However, we believe the conclusions are less than realistic when looked at logically.

The Board has been made aware that due to the construction projects undertaken and completed by CSX, many Lorain County Officials thought the opportunity to register concerns and request mitigation strategies did not exist. Furthermore, the County has not received sufficient information on the revised routing plan proposed by NS, which would eliminate additional trains on the Cleveland-Vermilion Rail Line Segment. Therefore we believe the comment period, which is set to expire on February 2, 1998, needs to be extended.

2/11/98 9:44:43am-3

The definitions of Level of Service (LOS) are found in the *Transportation Research Board Highway Capacity Manual, Special Report 209, 1985*.

Our final comment on the DEIS is that it does not account for the geographic isolation from necessary emergency services, such as fire and ambulance protection, that is likely to occur, particularly at the crossings above highlighted. In addition, the Village of Wellington has a separate fire district and ambulance district that serves rural areas surrounding their borders.

The Lorain County Board of Commissioners generally opposes the approval of the merger because of the tremendous adverse impacts to our County. However, in lieu of abject opposition the Board urges, in the strongest terms possible, that conditions mitigating some of the adverse impacts be placed on approval. The recommendations specified below represent those conditions we believe to be minimal to any approval of this proposed acquisition of Conrail by CSX and NS.

RECOMMENDATIONS:

A. REDUCE THE NUMBER OF ADDITIONAL TRAINS PERMITTED

B. PROVIDE FOR RAIL SEPARATION AT THE NORTH MAIN (WELLINGTON) AT GRADE CROSSING

C. LIMIT/RESTRICT RAIL CAR SWITCHING ACTIVITIES TO NIGHT HOURS TO REDUCE CONGESTION

D. CREATE A WRITTEN EMERGENCY RESPONSE PLAN FOR RAIL PERSONNEL AND LOCAL SERVICE PROVIDERS

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

F. PROVIDE PRIOR NOTIFICATION OF NUCLEAR SHIPMENTS

Please contact us with any questions regarding these comments or recommendations.

The foregoing resolution was introduced upon a motion by Commissioner Michael A. Ross, seconded by Commissioner E. C. Blair, and upon roll call: Ayes: All.
Motion carried.

I, Roxann Blair, Clerk of the Board of Commissioners of Lorain County, Ohio, do hereby certify that the above Resolution No. 98-82 is a true copy as it appears in Journal No. 98 on date of January 29, 1998.

Roxann Blair

2/11/98 9:44:43am-4

LORAIN COUNTY

Board of Commissioners

Mary Jo Vasi
E. C. (Betty) Blair
Michael A. Ross

October 10, 1997

MEMO TO: SURFACE TRANSPORTATION BOARD
CONGRESSMEN SHERROD BROWN, PAUL GILLMOR
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY, HOWARD MAIER
OHIO RAIL COMMISSION, TOM O'LEARY
GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY, RON TOBER
LORAIN COUNTY TRANSIT AUTHORITY, BILL ELTRICH
LORAIN PORT AUTHORITY, RICH NOVAK
LAKESHORE RAILWAY ASSOCIATION, MARC CHAPPO
AMHERST MAYOR, JOHN HIGGINS
AVON LAKE MAYOR, VINCE URBIN
AVON MAYOR, JAMES SMITH
ELYRIA MAYOR, MICHAEL KEYS
LORAIN MAYOR, JOE KOZURA
NORTH RIDGEVILLE MAYOR, DEANNA HILL
OBERLIN CITY MANAGER, ROB DISPIRITO
SHEFFIELD LAKE MAYOR, GARY MINGEE
VERMILION MAYOR, ELIZABETH SHEEHE
VILLAGE MAYORS - SOUTH AMHERST, GRAFTON, KIPTON, LAGRANGE, ROCHESTER, SHEFFIELD, WELLINGTON
LORAIN COUNTY ASSOCIATION OF TOWNSHIP TRUSTEES & CLERKS

FROM: LORAIN COUNTY COMMUNITY ALLIANCE

RE: RESOLUTION TO SURFACE TRANSPORTATION BOARD

Attached is copy of the Resolution adopted October 3, 1997, by the Lorain County Community Alliance, a Council of Governments formed under Ohio Revised Code, notifying the Surface Transportation Board of its concern that as proposed, the acquisition of Conrail by NS and CXST may have a significant adverse impact on the 275,000 residents of Lorain County. The Resolution urges that special note be given to the fact that both the Northern and Southern routes of NS traverse Lorain County, while the South to North route of CSXT also traverses our County. (Map is matched.)

The Lorain County Community Alliance members urge the Surface Transportation Board to view all viable and applicable solutions to this proposed merger. The County does have an Intermodal Plan which calls for east-west commuter rail service using Norfolk Southern lines together with north-south access, part of the Lorain Port Authority's Grovepert Project.

Thank you.

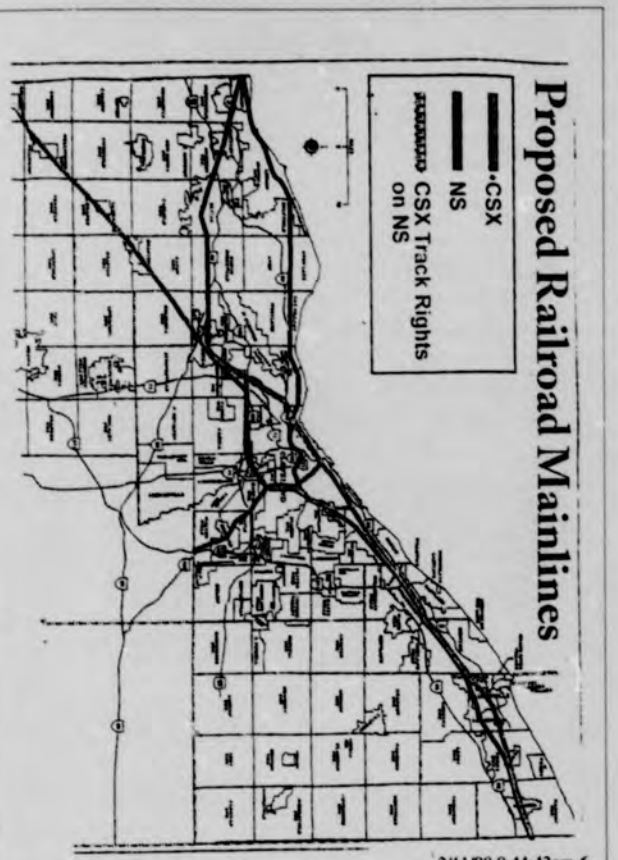
Encs.
cc: Commissioners Vasi, Ross
Ohio Department of Development

LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair

Betty Blair, Chair

2/11/98 9:44:43am-5



2/11/98 9:44:43am-6

"New Partnerships for the Future"

(Regarding the matter of the acquisition of)
(Conrail by NS and CXST)

October 3, 1997

NOW THEREFORE, BE IT RESOLVED by the Lorain County Community Alliance that:

The Lorain County Community Alliance represents 275,000 residents of Lorain County which is the 9th largest county in the State of Ohio. The Lorain County Community Alliance, (LCCA), a Council of Governments formed under Ohio Revised Code, section 167.08, provides a means of obtaining a more adequate and effective level of public service for all residents. This Alliance wishes to notify the Surface Transportation Board of its concern that as proposed, the acquisition of Conrail by NS and CXST may have a significant adverse impact on the residents of Lorain County.

The Lorain County Community Alliance will continue to monitor current and future documents related to the proposed acquisition, to coordinate with other interested parties, specifically the Ohio Rail Commission, Greater Cleveland Regional Transit Authority, Lorain County Transit Authority, Lorain Port Authority, Lakeshore Railway Association and others that may be identified, and to participate with these interested parties, as well as State and Federal legislators, in working toward a regional position on the proposal including specific concerns as well as possible alternatives.

The Lorain County Community Alliance recognizes that while this acquisition may offer the potential for economic redevelopment, Alliance members are also concerned with the possible negative impacts, both locally and regionally. This acquisition may have a detrimental impact on the possibility of operating commuter rail service over the freight rail corridors in the region. Safety related issues are an increased possibility: auto/train pedestrian accidents, possible air pollution, noise pollution and hazardous cargo shipments as well as possible delays in emergency equipment response. Special note should be given to the fact that both the Northern and Southern routes of NS traverse Lorain County, while the South to North route of CSXT also traverses our county. (see attached map)

LORAIN COUNTY COMMUNITY ALLIANCE

Betty Blair, Chair

2/11/98 9:44:43am-7

JAN 21 '98 11:08AM PUBLIC AFFAIRS DEPT

City of Erie

Joyce A. Savorchio, Mayor

Jeffrey E. Spedding
Director of Economic & Community Development

CENTRAL ADMINISTRATIVE UNIT
REC'D:
DOCUMENT # 1/21/98 10:18:34am
COPY

January 9, 1998

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

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

Dear Ms. Kaiser:

Thank you very much for your recent communication concerning input regarding the draft Environmental Impact Statement on the referenced project. The draft EIS refers to the fact that the City of Erie's 10th Street tracks will be removed as part of the consolidation effort. At this point, our primary concern is to ensure that industrial rail customers along this route continue to receive necessary service for their current and future industrial needs. If the appropriate sidings are still available to access customers and suppliers, the removals in other sections would be of great benefit to north/south automobile traffic flow in the City of Erie.

We are also concerned that after the tracks are removed, that the appropriate highway intersection geometries are put back in place. The railroad tracks currently create much longer and wider crossing points than would be typical, and these should be adjusted as part of the reconstruction process.

We would very much appreciate your assistance in helping us to ensure that local expectations are met as part of this very complicated process.

Sincerely,

Joyce A. Savorchio
Mayor

JAS:amw

Office of the Director
626 State Street - Room 404 - Erie Pennsylvania 16501-1158 - (814) 870-1270 - Fax (814) 870-1443

1/21/98 10:18:34am

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/23/98
DOCUMENT # 1/26/98 11:53:54am

1100 Pike Street, AP-5759
Huntingdon, Pa 16654-1112

RECEIVED JAN 20 1998

January 15th 1998

Att: Elaine K. Kaiser
Environmental Project Director
Environmental Filing
Office of the Secretary, Case Control Unit
Finance Docket Number #33388
Surface Transportation Board
1925 K. Street, N.W.
Washington, D.C. 20423-0001

Re: 19th Street Railroad Tracks, Erie, PA

Dear Elaine K. Kaiser:

This is my thoughts and opinions, among comments concerning the railroad tracks running through Erie, Pa on 19th Street.

I was born in the family home in 1938 on 19th street, where the trains ran every 15 minutes just so many feet from our home. From 1938 until this very time, my family and all other families throughout the Nickle Plate route of those trains have been complaing about those tracks for many good reasons.

As I see it today, and for many years previously (25 to be exact), I see absolutely no reason why those tracks should be there anymore. Very few trains run through that district anymore, and, there is no justifiable reason why any trains could not be reverted and transferred over to the New York Central tracks lower in town, known as the 15th street tracks.

I cannot count the accidents and lives lost because of those tracks over the past years they have been there. I saw numerous ones uncountable. And it must have cost the Railroad companies millions for reparations and in insurance claims over those many years too.

I for one oppose those tracks being in front of my home in Erie. The state could gain from a state straight highway going through 19th street in its place. Thank you kindly.

Don L. Gauthier

1/26/98 11:53:54am

Belknap Freeman, PE

(610)

RECEIVED

19 January 1998

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

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

Re: Comments - Draft EIS Proposed Conrail Acquisition

Dear Ms. Kaiser:

In conjunction with Section 6.3.1 Draft EIS "Comment Period", Column 4, chapter 6, Page 6-14, December 1997, of the Draft Environmental Impact Statement relative to "Proposed Conrail Acquisition"; that which follows are comments arranged as individual exhibits. In review of the six volumes of the Draft EIS, it is felt a response to a multitude of isolated specific cases would be self defeating, as in the limited time frame involved to develop a "Final EIS", would cause a large number of such comments would become lost. Also, the major points on which I have focused in this submission would lose their significance.

The attached seven exhibits; which cover the gist of my comments, and part of my response, are as follows:

Exhibit I Rail Highway Crossings
Exhibit II Electric Traction Issues and Clearances
Exhibit III Federal Railroad Administration Report
Exhibit IV Taking of Property Rights
Exhibit V Mitigation Rules
Exhibit VI Environmental Justice Analysis
Exhibit VII Abandonments -Military Infrastructure

Overall, consider the Draft EIS an overkill in respect to its contribution in any respect towards assisting to making an improved self sustaining transportation system. (Yes there are a few constructive comments). One must recognize that both NS and CSX are competitive enterprises; both by design with each other; and more significantly, being unable to raise rates against their competition by trucks and other means of transportation. One must exercise prudent judgement as to the luxury of being able to accomplish every thing one might want to accomplish and in addition, every thing others think one should do as well: keeping in mind the shipper has the option of taking his business else where or even site his business at another location.

4/6/98 10:57:25am-1

2

Receipt of a "final" copy of the EIS will be appreciated when it is published.

If someone is offended by my style, sorry; for it at times is harsh to force ones attention to what I am saying.

Thanking you in advance, I remain,

Very truly yours,

Belknap Freeman, PE

Enclosures:

Seven Exhibits.

Sent Certified
Return Receipt

Ten copies included to insure appropriate distribution.

4/6/98 10:57:25am-2

Exhibit I Rail Highway Crossings

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments - Letter 19 January '98 to SEA of STB

In the "Section of Environmental Analysis" (SEA) text, all the way through the report, suggested mitigation strategies to address significant highway/rail at grade crossings problems, to the casual reader, place the onus on the railroads. There are few who would read, say foot note 4, at the bottom of page 7-7 of Volume 4, which reads in part:

> "...Therefore, it is not SEA's intent at this time to recommend that the Board require a separated grade crossing where the local community finds this approach undesirable or is unwilling to fund an appropriate share."

As the Surface Transportation Board is an outgrowth of the former Interstate Commerce Commission, in the realm of "Safety", as related to Rail Highway Crossings at Grade, under the heading of References" as laid out starting on Page R-1 of Volume [illegible] of the Draft EIS, it is of concern to note the failure to include the Interstate Commerce Commission's Docket # 33440 of February 1964, titled "Prevention of Rail Highway Grade Crossing Accidents Involving railway Trains and Motor Vehicles".. In order to refresh ones memory, and motivate one to go back to "square one" prior to attempting to "reinvent the wheel", of the Docket's Findings, the 13th of 14 is cited from its page 87 of the docket, as follows:

> "(13) That highway users are the principal recipients of the benefits flowing from rail-highway grade seperations or from special protection at rail highway grade crossings. For this reason, the cost of installing and maintaining such systems and protective devices is a public responsibility and should be financed with public funds the same as highway traffic devices."

Belknap Freeman, PE
Rosemont, PA 19010
19 January '98

4/6/98 10:57:25am-3

Exhibit II Electric Traction Issues and Clearances

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments Letter 19 January '98 to SEA of STB

Scattered throughout the various Volumes of the Draft Environmental Statement are references to "actions" to be taken to improve overhead clearances. As an example, attention is invited to Table 5-DC-11 (Page DC-21, Volume 3B) where it states "CSX has proposed to increase the clearance of the Virginia Avenue Tunnel as part of a long standing project". In Volume 3B , Page VA -3,"NS plans significant capacity improvements on its Shenodoah Corridor, including raising clearances between Riverton and Roanoke".How prior to any concept of acquisition of Conrail, jointly by NS & CSX, Conrail had accomplished considerable work, partly paid for by the State of Pennsylvania, to raise overhead clearances on the former Main Line of the original Pennsylvania Railroad. In addition to these efforts, Conrail also paid Amtrak to raise the height of the electric traction catenary where possible at various tight sites (e.g. Across the Perryville Bridge over the Susquehanna River - MP 60).

Now comes Business Development of Amtrak, who have commissioned LTK Engineering Services, to accomplish various studies to determine how Amtrak might maximize the opportunity of obtaining an additional revenue stream from the assets of its right of way. The principal scenario has the "vision" of eliminating the need for Amtrak's existing 138,000 Volt 25 Hertz transmission lines (Which net the New York - Washington together as one continuous system - without interruptions to trains and as seen by the utilities , a benign load), and to reuse the existing space to build new transmission lines that may be employed to "wheel electric power". To implement such a proposal would involve expenditure of redistributed tax dollars to convert Amtrak's existing 25 Hertz 12,500 Volt catenary to a concept of 60 Hertz catenary at 25,000 Volts.

Further, as height of the electric traction catenary is already a limiting factor on use of doubler stack container loads, Business Development would in one step decrease the existing overhead clearance almost a foot all over the New York - Washington and Harrisburg Routes (As added spacing would be required between the catenary and its supports from overhead structures such as overhead bridges and turnels, and additional clearance would be required between the catenary contact wire and the dynamic height of the vehicle below). One might cite specific overhead clearance figures at assorted spots here and there on a before and after basis; but that would be "hog wash", for the overall clearance would be reduced every where.

4/6/98 10:57:25am-4

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Besides the risk of Amtrak's Business Development ever attempting to implement its "vision", there are two other electric traction issues that might be mentioned as involving the Draft EIS.

The Table 2-4 "Shared Assets Rail Line Segments that might exceed the Broad Thresholds For Environmental Analysis" Page 2-21 of Volume 1 of the Draft EIS more than substantiate that there is an anticipated increase use of the existing NE Corridor of Amtrak (As well as numerous other references such as Table 4-7 on Page 4-25 of Volume 1).

On page 197 and 204 of Volume 2(NS Safety Integration Plan, reference is made to NS crews operating over the NE Corridor should be qualified on the operating rules of Amtrak. In such a situation, it should be highlighted that besides qualification in NORAC Operating Rules, that qualification in the "Electrical Operating Instructions" (AMT-2) be specifically mentioned, as not to be overlooked.

On page 221 of Volume 2, as well as page 44 of the DOT Preliminary Comments, mention is made of the necessity to resolve the software and compatibility of various computer systems on the various properties. When operating under the catenary system, it is imperative that such computer systems identify in an accurate manner, car height, car height and specific features of a load such as use of a tarpaulin cover. (When the NE Corridor, pre Amtrak days, rally carried a major volume of freight, "Height Detectors" were employed in the area of MP 83 , in advance of the last freight yard before the tunnels in Baltimore, such as to have the opportunity to drill "excess height cars" that might have inadvertently got by the system. It was essential to maintain excellent track surface at the site of the "height detector" to prevent vertical bounce of dynamic clearance) and tarpaulin covered loads were always a problem as they fluttered in the wind or air stream as a result of the trains travel).

As CSX has its own right of way somewhat parallel to the Corridor, and NS is at risk to being subject to loss of available overhead clearance in their use of the Amtrak NE Corridor, by possible mischief on the part of Business Development, so much for competition !!!! (This is particularly significant when one considers "container and trailer loads " are a major area for rail traffic growth when competitive service times are possible).

Belknap Freeman,PE
Rosemont,PA 19010
19 January 1998

Exhibit III Federal Railroad Administration

Draft EIS Proposal Conrail Acquisition Docket 33388

Comments - Letter 19 January,'98 to SEA of STB

The Federal Railroad Administration (FRA), under the umbrella or caption of the United States Department of Transportation, submitted Preliminary Comments, in their submission of October 21, '97, as presented in Volume 2 "Safety Integration Plans", in particular, the verified statement of Edward R. English.

Not to nit pick; but to improve the text of the FRA preliminary comments, that which follows are intended to be constructive.

On page numbered 19 of English's paper, in the caption relating to "NORAC Rule Book", as many of the Northeast facilities such as Metro North, NJ Transit,Amtrak and SEPTA are arranged with electric traction facilities, for emphasis as to its importance, both for operating safety and the safety for the individual; that qualification in Electric Traction Operating Rules (e.g Amtrak's AMT-2) be included just as well as reference to NORAC Operating Rules.

This same comment applies in other sections of the FRA preliminary report such as its paragraph "c) Railroad Operating Rules" as found on its page numbered 30.

On page 38 there is reference to increased levels of double stack intermodel traffic anticipated by NS, yet expanding this to the entire acquisition effort, it can be recognized the concept of "increased clearance height" is an extensive issue else where. (Prior comments in Exhibit II of this critique). Attention is invited to the issue, that the FRA, in their over sight of the Northeast Corridor Improvement Program have been supportive of the same mischief credited to Business Development of Amtrak, in Exhibit II, with the "vision" of converting the electric traction facilities of the NE Corridor New York to Washington from their present versertile 25 Hertz benign configuration to a "cheap and dirty" 60 Hertz configuration. The ultimate outcome of such a proposal would be to decrease all overhead clearances by approximately a "foot"; thus to restrict further any opportunity for expansion of high loads than even as presently existing..

The FRA Preliminary report on its page 39, raises many questions as to the application of continuous cab signals and train and/or speed control concepts on the various systems (or lack thereof). The report ought to support an evaluation of the use of a sixty hertz track code as contrasted with use of 100 Hertz (particularly in today's realm of 100 Hertz inverters) (e.g.Immunity from induced

energy from commercial sources, the improved selectivity of higher carrier frequency making it possible to add aspects, rather than be limited to a simple "stop" or "go". The ability to improve coupling with the track rails, thus carry across track discontinuities in the track structure, etc. .The FRA have not faced the issue of use of 60 Hertz in association with rule books which state the "cab signal" does not apply when negotiating track crossovers, nor has the FRA addressed the issue of Amtrak locomotives operating in the Northwest in their cab signal territory, being forced to disable or cut out their "speed control" feature; yet over a period of years, spending both the taxpayers money and that of the railroads involved as well fin the millions) in the quest for a more exotic system, which at best has yet been recognized only as a non vital system, dependent upon existing wayside signal systems for ultimate safety).

In paragraph e) S & T C Concerns- Other, the reports page 41, there are three issues which might well be expanded.

The concept of any Positive Train Control concept must be examined not only from the standpoint of where it is going, maintenance and obsolescence to be considered as well as cost; but whether it could be successful in being able to handle existing rail traffic levels as experienced else where (e.g. the six track configuration west of Elizabeth ,NJ, of Amtrak) to say nothing of increased growth. Also how it might stack up with and compare with such developments as the nine aspect continuous cab signal system presently in service, say in Amtrak's New England territory. After all the FRA touts "interoperability").

The concept of signalman's territory is interesting and for "horror stories" Miami, Fla. comes to mind, with a maintained from Atlanta,GA (No body local wanting territory, low seniority , to hold job must travel) Who is to cover on week-ends in reasonable time? What on the impact of , or intent of the hours of service rules, involved with the time required to commute from Atlanta,GA to Miami ? (Part218 of Title 49 CFR).

The reference to "CSAO Areas" raise numerous concerns as the FRA report mentions; but to add emphasis, certain issues ought to also be considered. One is the issue of control of "hours of service" under the hours of service rules for signal forces. The second is concern for the organizational characteristics and responsibility for signal plans and implementation of the FRA's rules and regulations, record keeping, et all, especially in light of such statements --(In the report, the comment was made that signal and communications work tasks at CSAO's would be accomplished by contractors, with no mention as to whom or where would the coordination, supply of and review of plans and specifications would be handled in such an environment).

In its section , page 48, in the FRA report, leans heavy on the subject of Rail Highway Crossings. It conveys the impression of a heavy burden of cost on the railroads, and fails to recognize such historic background as exemplified by the earlier ICC Order in their Docket 33[illegible] (Which is not known to have been declaimed null and void). (Previously mentioned in Exhibit I of this set of comments in response to the Draft EIS.).

Belknap Freeman,PE
Rosemont,PA 19010
19 January '98

Exhibit IV Taking of Property

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments Letter 19 January '98 to SEA of STB

The Draft Environmental Impact Statement in several individual instances, brings up the subject of Cultural and Historic Resources; for example, on page 7-17 of Volume 4, when it reads:

> "13. NS shall undertake no construction or modification of the Shellpot Bridge near Wilmington, Delaware, until completion of the Section 106 process of the Historic Preservation Act (16 USC 470f as amended)."

[see also page DE-12 of Volume 3A, where it states the Delaware State Historical Society has determined that the Shellpot Bridge is eligible for inclusion in the National Register of Historic Bridges, and the proposed rehabilitation may effect the bridge.] [See also Page 204 of NS Safety Intergration Plan, Volume 2, where it indicates NS would intend to rehab the bridge and associated branch to by-pass the Amtrak Main Line through the Wilmington Station Area)

I find such a restriction, "taking of property". Not a building with only local utilization; but rather a facility that serves a wider purpose in Interstate Commerce , particularly as it serves to by pass freight trains around another establishment that was blessed with the anointment of being a Historic Facility. (Remember back a few years, before Amtrak chased the freight off the Corridor, that was a function the bridge previously served).

It is repugnant to impose a delay to a logical problem only on the basis that "just now" it is considered a possible eligible structure for inclusion in the National Register of Historic Bridges and may be impacted by any rehabilitation needs.

If this seems a harsh attitude towards "Federal Supremacy" and the bureaucrats who tend to such matters; maybe it is because of my continued dislike of a situation some twenty years ago concerning the redistribution of tax dollars I was involved with to relocate an entire telephone exchange and its associated cable plant out of the Wilmington Train Station within a critical time frame, allegedly only because we had previously raised the floor some 4 inches than the original station floor that was to be restored, as part of preservation of a historic site.

Now that the effort to restore the station to its original appearance, are we risking its status as we delay

the use of the Shellpot as a means to keep freights away from the terminal?As a result, are we going to experience a displaced load on a freight train that passing through the station, will serve to damage the overhanging platform shelter structures??

The rationale' of these comments also apply to other sites, such as Illinois, where suddenly we have a problem associated with a historic place, evidently not of sufficient importance to have been addressed previously; but now all of a sudden a big problem. Is it a case of one seeing an opportunity only now to make an issue of an object only when one might hold a project hostage as a means to accomplish ones own agenda????

Belknap Freeman,PE
Rosemont,PA 19010
19 January 1998

Exhibit V Mitigation Rules

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments Letter 19 January 1998 to SAE of STB

In Volume 4, "SEA's Preliminary Recommended Environmental Mitigation" as outlined in Chapter 7, page 7-12, under caption " 7.2.2 Recommended Regional Mitigation", sub title "Safety: Passenger Operations", reads in part:

> "By establishing those passenger trains as "superior", trains moving in the same or opposite direction on the same track would be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point. This requirement would not apply when any is moving in the opposite direction, away from a passenger train."

This is a proposed rule that is capable of creating massive delays; also it is poorly written. It is obvious, its author has never been in the situation on a locomotive of a passenger train, say # 574, operating in "manual b lock territory", receiving a train order which read: "Train 574 you are running 2½ hours late" - which interpreted, says, as you are 2½ hours late, stay that way - do not try to make up scheduled time Why?? Because in "Manual Block Territory", where there are "Yard Limits", a yard crew, who by the rules must clear up 15 minutes prior to the scheduled time of arrival of a "passenger train", is given the same train order "Train 574 you are running 2½ hours late"; thus allowing the yard crew the additional time to complete or continue his work.

Now the "SEA" paragraph as written employs the word "expected" -- what if the passenger train is running late?? And how does he stay that way??And how does the freight train know??

To implement the SEA proposed rule could cause a considerably longer delay than a half hour (15 minutes before and 15 minutes after) as the track layout and specific train were matched to get him in the right place in order to execute the minimum of 15 minutes.

In a manual block operation, the only unit delayed is the local "switcher" within a well defined limit for the "yard limits". In a manual block territory, it is only that way because there is insufficient traffic to justify an installation of an appropriate signal system.

When one starts to place serious arbitrary cumulative delays on through freight trains,one over looks the impact

that many such moves have schedules; scheduled times to pass blocks of cars for "meets" for other through freight trains with coordination of schedule critical times, et all.(I have lived through the situation where our Bhf 16 had a higher priority than our passenger train - account of the guaranteed delivery of Ford Motor's cars of "roof panels" in the train every night and the General Supt of Transportation knew how to find me if I managed to screw it up).

The proposed SEA rule as it is presented in the Draft EIS lacks the opportunity to determine just what impact it has as a mischief maker as the listing of track segments that precede the rule as presented on page 7-12, fail to indicate type of operation (CTC, Automatic Block, Manual Block, APB,Train Order, etc.) or number of tracks, sidings, siding length, et all. (The listings in Volume 3A , Chapter 5 "State Settings, Impacts and Proposed Mitigation" Pages 5-14 to 5-47 inclusive, provide no clue as to the extenuating circumstances surrounding such a requirement).

In Volume 3B, Pages MI-8 and MI-9, the infinite wisdom and significance of "Federal Supremacy" unfolds when the SEA, in the middle of page MI-8 state in part:

> " iven the limited number of passenger train acci nts, SEA was unable to accurately predict either the severity, location or timing of actual accidents. SEA therefore focused on estimating the potential risks of accidents..."

Out of this admission of "bankruptcy¶ as to ones qualification to be an "oracle", as stated in the next to last sentence of the first paragraph of page MI-9, the SEA go on to state:

> "....It is SEA's preliminary recommendation that all freight trains, both opposing , and moving in the same direction as passenger trains, be clear of the main tracks at least 15 minutes prior to the estimated arrival of the passenger train..."

This further demonstrates that in the pious dignity of all the SEA's outporings, we say one thing in one part of a Volume and something else in the same Volume. For example, on page MI-9 as cited above, we employ the words "estimate arrival", while on page 5-28 of the same Volume, we state "expected arrival", which represents two different situations if taken literally.

Has anyone made a study of siding lengths, spacing of sidings, type of control, number of following trains, impact on hours of service of crews, et all???

Belknap Free,man,PE
19January 1998

Exhibit VI Environmental Justice Analysis

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments Letter 19 January '98 to SEA of STB

Appendix K is an interesting document in several respects. Firstly it is not conducive to good race relations in its singling out and defines areas that are given a stigma of being below par. There is an impression of building "expectations", yet not identifying anything constructive as a consequence of what any increased activity might be, such as added jobs from the area in say a "yard activity".

It does provide as a useful tool, as an indication where a higher level of security may be required; but it does not define the extent of exposure to "mother's little darlings" who are turned out on their own, to wander, and at times are injured or cause injury or damage to a railroad property. (At time s, to even bring a lawsuit against the railroad for its failure to provide what the plaintiff defines as an appropriate "baby sitting function" in having failed to prevent their being injured and/or to protect them from their own folly. (There is no cap on the limits of liability for a railroad in some of these situations).

Belknap Freeman,PE
Rosemonmt,PA 19010
19 January 1998

Exhib't VII Abandonments - The Military Infrastructure

Draft EIS Proposed Conrail Acquisition Docket 33388

Comments Letter 19 January '98 to SEA of STB

In a review of Volume 6 "Abandonments", on t . NS r.ferences, there are comments as to clients who will have t. r.sort to "trucks". (But no depth of data as to just what .ype .hipper is involved).

A. a personal matter, my interests include the military, and am sufficiently naive as to still believe rail acce.s to a military facility is still a national asset; especially with the down grade and de-activation of a major number of military facilities in recent years.

The format of the Environmental Impact Statement covers many areas, which would enter the category of "who cares" if we were to become involved in another World War II type conflict, where our very existence was at stake. Yet in the format of the EIS, there is no mention, even a negative response, as to abandonment of any form of military support infrastructure inthe EIS.

Our movement of troops and supplies by air in today's activity is highly vulnerable to supply of fuel, aircraft and pilots; not an arrangement adopted to a lengthy engagement.

(As late as last week, in a trip to McGuire Air Force Base (and its adjacent Fort Dix facility) it is still with concern , to drive over a former rail-highway crossing area with the evidence of the former rail right of way extending through the trees). Having spent almost five years on Active duty in WW II in Panama, England Africa and Italy, originally having been originally drafted prior to the start of the War, and after 26 active years in the Reserve Program, now a retired Colonel, one must recognize my strong feelings in this area.

Belknap Freeman,PE
Rosemont,PA 19010
19 January '98

Office of the Mayor

The City of Harrisburg
City Government Center
Harrisburg, PA 17101-1678

Stephen R. Reed
Mayor

January 20, 1998

Case Control Unit, Case # 333388
Surface Transportation Board
Office of the Secretary
1975 K Street, N W
Washington, D.C. 20423-0001

Attention: Elaine K. Kaiser, Environmental Project Director, Environmental Filing

Subject: Environmental Correction Request: Acquisition of Conrail Corporation by Norfolk Southern Railroad Company

Dear Ms. Kaiser:

The City of Harrisburg has a grave concern with an overflow drainage problem caused by lack of storm water accommodation along the Conrail line through the City of Harrisburg. The periodic flooding caused by inadequate drainage facilities leading from the Conrail tracks at this very heavily traveled intersection in the City is a safety related issue. We request that Norfolk Southern Railway Company, Inc. be directed to correct the situation as a condition of approval of the acquisition of Conrail.

The rail segment identified in Draft EIS Volume 3B, Chapter 5, 5-P A. 4.1, and depicted on the USGS and Commonwealth of Pennsylvania DER Topographic and Geologic Survey, Harrisburg East Quadrangle, PA-Dauphin Co., 7.5 Minute Series (Topographic) 1969, (attached) is identified as the Reading Railroad running between Penn Central Rail Road and the Reading Rutherford Yards to the east. The track falls in elevation from the vicinity of 26th Street, Harrisburg at BM (elevation) 403 to 13th Street, BM (elevation) 338, a difference of 65 feet in a distance of about 1 1/4 miles. The drainage from that large area is funneled down the tracks to a point in the City where there are no facilities to transport stormwater runoff to the natural drainage channels (Paxton Creek and Susquehanna River). At that point, stormwater overflows parking lots and private property and then runs into the City streets, causing property damage and accidents. One such incident occurred in 1995 during an unusually severe thunderstorm. Attached is an accident report involving a City Fire Bureau Hook and Ladder Truck that collided with cross traffic on Cameron Street (the busiest truck route in the City, carrying 35,200 vehicles per day), when its

brakes were rendered inoperable by the vast amount of storm run off flowing down the street. Although this is an unusually severe example, incidents of this nature occur several times during each spring and summer as thunderstorms pass through the area. Further, local Conrail Track Supervisors have reported that at times they have halted trains passing over that section of rail because storm runoff had accumulated to a depth sufficient to cover the tracks, rendering the rail road unsafe for passage.

The City of Harrisburg respectfully requests that The Surface Transportation Board direct Norfolk Southern to construct proper stormwater drainage facilities to carry runoff from the rail road bed described above to the Paxton Creek. You may contact Mr. Joseph Link, P.E., City Engineer for any further information concerning this matter. (Phone 717-255-3091)

With warmest regards, I am

Yours sincerely,

Stephen R. Reed
Mayor

attachments (accident report, photographs and maps)

c Joseph V. Link, P.E., City Engineer
Judith Schimmel, City Solicitor

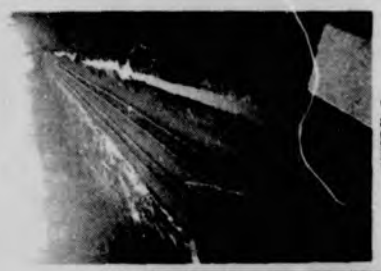
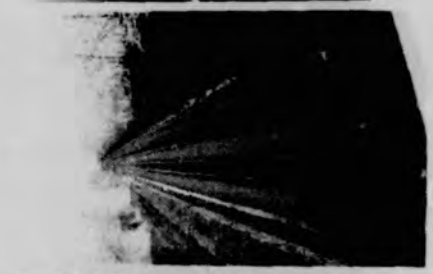


PHOTO No. 3



CONRAIL TRACKS

PHOTO No. 1

1/30/98 11:12:41am-3

CONRAIL TRACKS
STORM DRAINAGE OVERFLOW

1/30/98 11:12:41am-4

ACORD. AUTOMOBILE LOSS NOTICE

07-17-95

2:32 XX AM
07-16-95 PM

LOSS

Berryhill and Cameron Sts., Harrisburg, PA Harrisburg Police

Veh. #1 while traveling west in the 1100 block of Berryhill St. during a severe thunderstorm that had water curb to curb and above the curb line at Cameron St. Traveling a an estimated under 10 MPH applied brakes, but vehicle did not repond, turned on parking brake (OVER)

POLICY INFORMATION

INSURED VEHICLE

1988 Mack Tower	CF6G8FAP	FD-19999 PA
City of Harrisburg, 123 Walnut St., Hbg, PA 17101		255-6464
Daniel K. Soulier, 1605 Walnut St., Camp Hill, PA 17011		255-6464
Employee 4-24-54	16-542-897 PA	Business
Left front step, shock & tire. ' 900.	140 N. 16th St., Hbg.	

PROPERTY DAMAGED

1989 Dodge Shadow, PJE-277 PA	
Cheryl L. sandifer, 142 Market St.,	Middletown, PA 17057
Stacy Tippitt, 173 Watson St.,	Steelton, PA 17111 939-7160
Front end damage ???	Don's Towing, 1128 Jonestown Rd., Harrisburg

INJURED

Stacy Tippitt, 173 Watson St., Steelton, PA 939-7160	x 31 Head, Right ankle
Jonathan S. McNeil, 165 Watson St., Steelton, PA	x 26 Head, Neck

WITNESSES OR PASSENGERS

Michael Yandhair, 403 Summit Rd New Cumb. PA	774-5933

ACORD 2 (1/91) NOTE: IMPORTANT STATE INFORMATION ON REVERSE SIDE © ACORD CORPORATION 1991

1/30/98 11:12:41am-5

TO ASST CHIEF BERRY
FROM: DAN SOULIER - DRIVER TOWER 1 ARATON
DATE: 07-17-95
SUBJ: ACCIDENT WITH INJURIES 07-16-95 CAMARON ST AND BERRYHILL ST

AT 0232 TOWER 1 WAS DISPATCHED TO REPORTED TREES DOWN ON WIRES WITH FIRE @ 13 ROW HALL MANOR. TOWER 1 RESPONDED FROM 16TH & WALNUT ST VIA 13TH STREET. WHILE PASSING TOWER 3 WHO WAS ON A CALL IN THE 300 BLOCK OF S. 13TH ST, DRIVER DAVE HOUSEAL NOTIFIED US BY RADIO THAT S. 13TH ST @ THE RAILROAD ~~BRIDGE~~ BRIDGE WAS BLOCKED BY TREES AND WIRES. AT THIS TIME I PROCEEDED TO MAKE A RIGHT TURN ONTO BERRY HILL ST BECAUSE I WAS ALREADY AWARE OF STREET BLOCKAGE AT BERRYHILL & 17TH ST.

UPON TURNING ONTO BERRY HILL ST (WEST BOUND) FF YATES AND MYSELF NOTICED A LARGE AMOUNT OF VARIOUS STORM DEBRIS SCATTERED ACROSS THE STREET UPON PASSING CRESCENT ST, WE ENCOUNTERED A TREMENDOUS AMOUNT OF WATER FLOW COMMING FROM MY ~~RIGHT~~ LEFT SIDE FROM THE PARKING LOT OF A WAREHOUSE FACILITY. MY SPEED WAS ESTIMATED TO BE UNDER 10 MPH WITH WARNING LIGHTS AND SIRENS ACTIVATED.

I PROCEEDED TO APPLY THE TOWERS BRAKES BUT THE VEHICLE DID NOT RESPOND. I THEN DOWN SHIFTED TO FIRST GEAR, HOWEVER MY REDUCED SPEED PREVENTED THE TRANSMISSION FROM ENGAGING THE GEAR. I HOLLERED TO FF YATES TO FLOOR THE SIREN THAT I WAS UNABLE TO STOP. I REACHED DOWN TO THE PARKING BRAKE SWITCH ON THE CENTER CONSOL AND TURNED IT ON, AGAIN TO NO REACTION BY THE VEHICLE.

1/30/98 11:12:41am-6

TOWAR 1

COLLISION ESTIMATE
CITY OF HARRISBURG
BUREAU, VEHICLE MANAGEMENT
VEHICLE MAINTENANCE CENTER
1690 SOUTH 19TH ST.
HARRISBURG, PA 17104
236-4728

VEHICLE NUMBER:
INSPECTION DATE: 7-17-95
BUREAU: Fire | VEH. MAKE: Mack | YEAR: 89 | MODEL: [illegible] | VIN:
OPERATOR'S NAME: | LICENSE NO.: | MILEAGE: 28343 | LOCATION OF ACCIDENT: | ACCIDENT REPORT NO.:
ACCIDENT DATE: | DATE PROCESSED: | TELEPHONE NO.: | COLOR AND CODE: Red | APPRAISER: [signature]

REPL.	REP.	DESCRIPTION OF REPAIR	LABOR HOURS	REFIN HOURS	PARTS	SUBLETS AND NEW ITEMS
			40			
		Repair + Align Step	40			
		" Inner Panels				
		Reassembly	1.0			
		TOTALS	9.0			270
			9.0 × 30 = SHR			270

COMMENTS

AC-AIR CONDITIONING, ALIGN-ALIGNMENT, ASSY-ASSEMBLY, BKT BRACKET(S), DR DOOR, EXT-EXTENSION, F FRONT, HL HEADLAMP, L LEFT, LKQ LIKE KIND A QUALITY, MLD-MOULDING, PS POWER STEERING, QTR QUARTER, RAD RADIATOR, RC RECHROME, REG-REGULATOR, RAI REMOVE & REINSTALL, R-RIGHT, RAR REMOVE & REPLACE, SUPT-SUPPORT, TL-TAILLAMP, WH-WHEELHOUSE, WSTRIP-WEATHER STRIP

PARTS: 270
SUBLETS:
SUB-TOTAL:
TOWING:
GRAND TOTAL: 270

MACK SALES AND SERVICE, INC.
4250 Industrial Road, P. O. Box 7843
Harrisburg, Pennsylvania 17105
Parts Department 717-[illegible]

July 18, 1995

Bureau of Fire
City of Harrisburg

ATTN: Lester McClure

On July 17, 1995, I test drove Tower # 1, 1989 MACK, CF688FAP1317.

Under normal driving and safe operating conditions vehicle would stop.

Mike Longenecker
Shop Foreman
Certified Inspection Mechanic
#15127344

The City of Harrisburg, Pennsylvania, Incorporated March 19, 1860
City Government Center • Harrisburg, Pennsylvania 17101

CITY OF HBG STEAM GENERATING FACILITY
THANK YOU. PROMPT PAYMENT WITHIN 30 DAYS WILL
AVOID LOSS OF DUMPING PRIVILEGE
OFFICE HOURS - MON-FRI 8:00-4:00 (717) 236-5187

39181
42823

DATE: 07/18/95
TIME: 16:32

PERMIT #: 099999
ONE TIME DUMPS

COUNTY: 22 DAUPHIN
CLASS: 0
OPERATOR: KB01

GROSS WEIGHT: 45600 LBS
TARE WEIGHT: 45600 LBS
NET WEIGHT: 0 LBS

[signature]

COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT REPORT
REPORTABLE [X] NON-REPORTABLE [ ] PENNDOT USE ONLY

POLICE INFORMATION

1 Incident Number: 95-07-6187
2 Agency Name: Harrisburg City Police
3 Station/Precinct: Traffic Safety Unit | 4 Patrol Zone: 5-3
5 Investigator: Sergeant Michael Butler | Badge Number: 512
6 Approved By: Sergeant Michael Butler | Badge Number: 512
7 Investigation Date: 16 July 1995 | 8 Arrival Time: 0319

ACCIDENT INFORMATION

9 Accident Date: 16 July 1995 | 10 Day of Week: Sunday
11 Time of Day: 0251 hou. | 12 Number of Units: Two (2)
13 # Killed: 0 | 14 # Injured: 2 | 15 Prv Prop Accident: N [X]
16 Did vehicle have to be removed from the scene? Unit 1: N [X]; Unit 2: Y [X]
17 Vehicle Damage (0 - None, 1 - Light, 2 - Moderate, 3 - Severe): Unit 1: 2; Unit 2: 3
18 Hazardous Materials: N [X] | 19 PennDOT Property: N [X]

ACCIDENT LOCATION

20 County: Dauphin | Code: 22
21 Municipality: City of Harrisburg | Code: 301

PRINCIPAL ROADWAY INFORMATION

22 Route No. or Street Name: Cameron Street
23 Speed Limit: 35 | 24 Type Highway: 0 | 25 Access Control: 1

INTERSECTING ROAD:

26 Route No. or Street Name: Berryhill Street
27 Speed Limit: 25 | 28 Type Highway: 0 | 29 Access Control: 1

IF NOT AT INTERSECTION:

30 Cross Street or Segment Marker:
31 Direction from Site: N S E W | 32 Distance from Site: FT MI
33 Distance was: Measured [ ] Estimated [ ]
34 Construction Zone: 0 | 35 Traffic Control Device: Principal 0, Intersecting 3

	UNIT # 1	UNIT # 2
36 Legally Parked / 37 Reg. Plate / 38 State	FD19999 / PA	PJE-277 / PA
39 PA Title or Out-of-State VIN	43112309	47891974
40 Owner	City of Harrisburg - Bureau of Fire	Cheryl L. Sandifer
41 Owner Address	1690 S. 19th Street	142 Market Street
42 City, State & Zipcode	Harrisburg, PA 17104	Middletown, PA 17057
43 Year / 44 Make	1989 / Mack	1989 / Dodge
45 Model / Body Type	Fire Truck	Shadow
46 Ins.	Y [X]	
47 Body Type	79	04
48 Special Usage	1	0
49 Vehicle Ownership	8	2
50 Initial Impact Point	10	12
51 Vehicle Status	0	0
52 Travel Speed	05	35
53 Vehicle Gradient	3	1
54 Driver Presence	1	1
55 Driver Condition	1	2
56 Driver Number / 57 State	11542897 / PA	23242047 / PA
58 Driver Name	Daniel Richard Soulier	Stacy Tippitt
59 Driver Address	1605 Walnut Street	173 Watson Street
60 City, State & Zipcode	Camp Hill, PA 17011	Steelton, PA 17113
61 Sex	Male	Female
62 Date of Birth	4-26-54	8-31-63
63 Phone	238-7095 (717)	717-939-7160
64 Comm. Veh.	Y [X]	N [X]
65 Driver Class	C	C
66 Driver SS #	181-42-7955	170-56-0792
67 Carrier	N/A	N/A
68 Carrier Address	N/A	N/A
69 City, State & Zipcode	N/A	N/A
70 USDOT #	N/A	N/A
71 ICC #	N/A	N/A
PUC #	N/A	N/A
72 Veh. Config.	3	N/A
73 Cargo Body Type	9	N/A
74 GVWR		N/A
75 No. of Axles	2	N/A
76 Hazardous Materials	00	N/A
77 Release of Haz. Mat.	N [X]	N [X]

1959206 PAGE 1 CENTER FOR HIGHWAY SAFETY

COMMONWEALTH OF PENNSYLVANIA
PAR CONTINUATION SHEET
REPORTABLE [X] NON-REPORTABLE [ ] PENNDOT USE ONLY

Incident Number: 95-07-6187 | Accident Date: 16 July 1995 | County Code: 22 | Municipal Code: 301

87 NARRATIVE

The operator of Unit #2 and the front seat passenger of Unit #2 could not be interviewed at the scene as they had been transported via Capital Region EMS to the Harrisburg Hospital prior to my arrival on the scene. Officer Kenneth Bittner also of the Traffic Safety Unit arrived on scene and I directed him to the Harrisburg Hospital to check on the injured individuals. REFER TO ATTACHED SUPPLEMENTAL REPORT OF OFFICER KENNETH BITTNER.

I then instructed Officer LeRoy Lucas of the Forensics Unit to photograph the accident scene which he did and he also assisted me in taking measurements of the final rest of Unit #2.

I further examined Unit #2 and observed severe front end damage to the vehicle. Upon examining the inside of the vehicle I observed two (2) head strikes to the inside of the windshield, one in the center with a large clump of hair attached, and one on the passenger side which indicates that neither the operator or front seat passenger were seatbelted. This vehicle was towed from the scene by Don's Towing to 1128 Jonestown Road City.

I also examined Unit #1 and observed scuff marks on the drivers side front tire along with [illegible] to the tire and also damage to the ladder steps which the driver uses to enter the cab.

Officer Kenneth Bittner returned to the accident scene from the Harrisburg Hospital and at that time we checked the road surface and located the point of initial contact which was a scrape on the road surface. We did take measurements of this scrape and its location on the roadway.

THIS INVESTIGATION IS CONTINUING.

	88 Original Violations	89 Section Numbers (Only if Charged)	TC	ATC
Unit 1			0	0
Unit 2			0	0

Results: 0__% | 94 Investigation Complete: Yes [ ] No [X]

PAGE 3 CENTER FOR HIGHWAY SAFETY

COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT SUPPLEMENTAL

REFER TO OVERLAY SHEETS — REPORTABLE ☒ NON-REPORTABLE ☐

POLICE INFORMATION		ACCIDENT TIME & LOCATION	
1. INCIDENT NUMBER: 95-07-6187		9. ACCIDENT DATE: 16 Jul 95	10. DAY OF WEEK: Sat
2. AGENCY NAME: Harrisburg Police Bureau		11. TIME OF DAY: 0251 hrs	12. NUMBER OF UNITS: 2
3. STATION PRECINCT: Harrisburg	4. PATROL ZONE: 5-3	13. # KILLED: 0 / 14. # INJURED: 2	15. PRIV. PROP. ACCIDENT: Y ☐ N ☒
5. INVESTIGATOR: Ptl. Kenneth A. Bittner	BADGE NUMBER: 165	20. COUNTY: Dauphin	CODE: 22
6. APPROVED BY: Sgt. M. Butler	BADGE NUMBER: 512	21. MUNICIPALITY: Harrisburg	CODE: 301

UNIT #: ____ - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT

NARRATIVE - IDENTIFY PRECIPITATING EVENTS, CAUSATION FACTORS, SEQUENCE OF EVENTS, WITNESS STATEMENTS, AND PROVIDE ADDITIONAL DETAILS:

0300 hrs. on 16 July 95 I received a phone call at home in reguards to a traffic accident that had just occured at Cameron and Berryhill Sts. The accident involved a City of Harrisburg Fire truck and another single vehicle. I arrived on the scene at approx. 0325 hrs. Upon arriving I was advised by Sgt. Butler that both occupants of the car were injured and were at Harrisburg Hospital.

Upon arriving at the hospital I first interviewed the passenger. Jonathan S. McNeil. McNeil stated that he was at home when he received a phone call from Stacey Tippit asking if he would ride with her to Up-town Harrisburg to pick-up a friend. Stacey told him that she was afraid to drive alone in the rain and wanted him to go along. He thought that they were traveling on Cameron St. The last thing he could remember was that Stacey was attempting to get the windshield wipers to come on because they were not working. McNeil did not remember anything about the accident itself. He had no idea what speed they were traveling and he had no idea how the accident occured. Because of hitting his head he was having trouble remembering what had occured. He stated that he had one beer at a bar before he got home. He did remember that he was in the right front passenger seat.

INSURANCE INFORMATION — COMPANY: / UNIT NO. / POLICY NO. — INVESTIGATION COMPLETE? YES ☐ NO ☐

AA-[illegible] PAGE 1 CENTER FOR HIGHWAY SAFETY

1/30/98 .1:12:41am-11

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COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT SUPPLEMENTAL

POLICE INFORMATION	ACCIDENT TIME & LOCATION
1. ACCIDENT NUMBER 93-07-6187	8. ACCIDENT DATE 16 July 1993
2. AGENCY Harrisburg Police Bureau	11. TIME OF ACCIDENT 0251
5. INVESTIGATION Sergeant Michael Butler	14. COUNTY Dauphin
6. APPROVED/REVIEWED Sergeant Michael Butler	15. MUNICIPALITY Harrisburg

UNIT #: - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT

Tuesday, 19 July 1993

On this date at approximately 1000 hours, I went to VMC and located Unit #1 the fire apparatus aka Tower #1. At that time I used black spray paint and sprayed around the left front tire and then had the truck moved so that I could measure the contact patch left by that portion of the tire that is in contact with the road surface. The patch measured 12" wide and 10" in length and the tires PSI is 110 to 120 according to Lee McClure the Fire Bureau mechanic. The fire truck was also weighed at the Severe Plant scales and showed that the truck weighs 45,420 lbs unaccounted.

The above information relative to the tire contact patch and PSI, I was able to determine that in order for the fire truck (Unit #1) to have hydroplaned, it would have to of been travelling at a minimum speed of 79.5 mph, which is not consistent with the statment of the operator of Unit #1 and the witness, Michael Yanishak (REFER TO SUPPLEMENTAL REPORT OF OFFICER KENNETH BITTNER). Furthermore at that type of speed, the operator of Unit #1 could never of made the short radius of the turn in which he negotiated.

In conclusion to the lack of braking power of Unit #1, it is believed that due to the large volume of water over the road surface over the curbs on both sides of the street, that the brake pads and brake shoes got wet therefore no friction was made resulting in the loss

1/30/98 11:12:41am-12

COMMONWEALTH OF PENNSYLVANIA
POLICE ACCIDENT SUPPLEMENTAL

POLICE INFORMATION	ACCIDENT TIME & LOCATION
1. ACCIDENT NUMBER 93-07-6187	8. ACCIDENT DATE 16 Jul 93
2. AGENCY Harrisburg Police Bureau	11. TIME OF ACCIDENT 0251 hrs
5. INVESTIGATION Pfc. Kenneth J. Bittner	14. COUNTY Dauphin
6. APPROVED/REVIEWED Sgt. [illegible]	15. MUNICIPALITY Harrisburg

UNIT #: - COMPLETE ONLY THE INFORMATION THAT HAS CHANGED SINCE ORIGINAL REPORT

19 July 93 at 2115 hrs I interviewed Mr. Michael Yanishak of 401 Summit Rd. New Cumberland Pa 17070, ph#774-5833, by phone. He stated that on 16 July 93 at approx 0250 hrs he was standing under the railroad bridge at Cameron and Berryhill at on the west sidewalk. His car was parked in the car wash parking lot. He was waiting for the storm to subside before going to his car. He heard sirens and when he looked up he saw a Hbg Fire Bureau truck coming west on Berryhill St. The truck had both its sirens and lights on. He stated that the truck was traveling at a slow rate of speed. As the truck got closer to Cameron St. it appeared to speed up. It did not stop but continued into the street. He never did see the other car until it was struck. He also stated that it was raining out very hard and the water running down Berryhill St was very heavy. He was watching the fire truck the whole time and did not see anyother traffic.

1/30/98 11:12:41am-13

1/30/98 11:12:41am-14

1/30/98 11:12:41am-15

Beaver County Planning Commission
810 Third Street   Beaver, Pa 15009

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/24/98
DOCUMENT # 1/27/98 2:06:26 PM

January 21, 1998

RECEIVED JAN 24 1998

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

Attn Elaine K. Kaiser, Environmental Project Director
Section of Environmental Analysis

RE Draft EIS, Conrail Acquisition

Dear Ms. Kaiser

The Beaver County Planning Commission, at its meeting of January 20, 1998 had the following comments

1. The Commission endorses SEA's proposal that the AAR's voluntary hazardous material "Key Route" guidelines be required as the minimum mitigation measures to be adopted

2. The Commission also recommends that SEA mandate its preliminary recommended mitigation that the railroads provide 24 hour telephone access to their dispatching centers to all emergency response forces in the communities along the key routes

3. The Commission requests that SEA require the now voluntary AAR standards for Major Key Routes (over 20,000 car loads annually) for Key Routes, i.e. "provide enhanced emergency preparedness by developing a Hazardous Materials Emergency Response Plan and participate with local governments in hazardous materials response training and simulations" (page 4-20). In this area, the most practical approach would be to involve local municipalities through the County's Emergency Management Agency

1/27/98 2:06:26pm-1

Elaine K. Kaiser
Page 2
January 21, 1998

If there are any questions please contact this office

Very truly yours,

Richard W. Packer, Jr
Acting Director

RWP/WL/my
Copies to: Beaver County Emergency Management
File

1/27/98 2:06:26pm-2

COMMISSIONER | CHAIRMAN | COMMISSIONER

EMERGENCY MANAGEMENT

County of Allegheny

400 NORTH LEXINGTON STREET
PITTSBURGH, PA 15208-2521
CENTRAL ADMINISTRATIVE UNIT 473-2580 * FAX: (412) 473-2623

REC'D: 2/11/98
DOCUMENT # 2/11/98 11:25:04AM

FEB 05 1998

January 23, 1998

ENVIRONMENTAL DOCUMENT

Vernon Williams, Secretary
Surface Transportation Board
1925 K Street S.W.
Finance Docket 33388
Washington, D.C. 20423

Dear Mr. Williams:

It has come to the attention of the Local Emergency Planning Committee (LEPC) in Allegheny County that recent purchase of Conrail by Norfolk Southern and CSX Transportation approved by the Surface Transportation Board will have a profound affect on the operation of the LEPC and the citizens of Allegheny County.

It is our understanding that Norfolk Southern who will be operating the Pittsburgh division does not employ Hazardous Material Field Personnel as was the case with Conrail. Considering the volume of traffic and the terrain in Allegheny County, the omission of this local hazardous material personnel creates a potentially dangerous situation in Allegheny County.

Mr. Tim Mannes who has been Conrail's Local Hazardous Material Field staff in this area has been an integral part of the LEPC's planning, training, and a vital source of information on this all important aspect of Emergency Management in Allegheny County.

The Allegheny County LEPC hereby requests that the approval by the Surface Transportation Board to this consolidation of railroad transportation include a condition that the position of Hazardous Material Field Personnel be retained specifically in the Pittsburgh area.

Please let us know what you are willing and able to do to maintain the current high level of rail transportation safety in Allegheny County.

Sincerely,

Carl W. Banks
LEPC Co-Chairman

Glenn M. Cannon, Esq.
LEPC Co-Chairman

2/11/98 11:25:04am

Transit

PORT AUTHORITY OF ALLEGHENY COUNTY
2235 Beaver Avenue
Pittsburgh, Pennsylvania 15233-1080
(412) 237-7000
FAX (412) 237-7101
[illegible], P.E.
Executive Director

Direct Dial (412) 237-7211
Direct FAX (412) 237-7237

ENVIRONMENTAL DOCUMENT

January 28, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 3:10:58 PM

Attn: Elaine K. Kaiser

Dear Ms. Kaiser:

The Port Authority of Allegheny County is the major public transportation provider in the Pittsburgh region. Its service area includes all of Allegheny County and small portions of Beaver, Westmoreland, and Armstrong Counties.

Port Authority staff has reviewed the Draft Environmental Impact Statement (DEIS) for the Proposed Conrail Acquisition. The major change within Port Authority's service area would be Norfolk Southern's acquisition of all local Conrail lines. Although the DEIS discusses commuter rail, there is no consideration of other transit modes.

Port Authority presently owns and operates a 25-mile Light Rail Transit (LRT) system, the 4.3-mile South Busway, and the 6.8-mile Martin Luther King, Jr. East Busway. A third busway, the 6.1-mile Airport Busway/Wabash HOV facility is under construction. Engineering and design is currently underway for a 2.3-mile extension to the East Busway. The locations of these facilities are shown on the enclosed map.

A short portion of the LRT system utilizes a former railroad tunnel and bridge. The East Busway was constructed on a portion of the Conrail right-of-way made available when the railroad consolidated its operations from three and four tracks to two tracks. The right-of-way is along Conrail's Pittsburgh Line (ID N-263). Similarly, Port Authority intends to construct the East Busway Extension property parallel to the Conrail Pittsburgh Line. Port Authority is also negotiating with Conrail to purchase right-of-way for the Airport Busway/Wabash HOV facility.

Accordingly, Conrail has extensive experience working with Port Authority while the busways and Stage 1 LRT were being developed. Existing Conrail agreements with Port Authority will be honored by purchasers. Further project development for the new busways will require Norfolk Southern's cooperation when negotiating agreements involving insurance, access, and property acquisition for the new busway projects.

2/3/98 3:10:58pm-1

Additionally, Port Authority will be considering new transit facilities in other corridors as part of its long-range planning activities. Usage of other railroad lines (either through purchase or shared rights of way) will be investigated. Port Authority anticipates that both CSX and Norfolk Southern lines will be considered. Information from both railroads on operating or abandonment status, train volumes, right-of-way widths, and other aspects of the rights-of-way will be requested.

Other transit systems in the geographic area of the merger are also considering usage of railroad rights of way for major transit projects. Accordingly, the scope for transportation chapter of the DEIS should be broadened to include consideration of modes of transit other than commuter rail.

Port Authority requests that the Surface Transportation Board require the following as a condition for approving the merger:

- Norfolk Southern cooperate with Port Authority when negotiating agreements involving insurance, access, and property acquisition for the new busway projects.
- Norfolk Southern and CSX will cooperate with Port Authority in planning, engineering, and construction of any other transit projects.

Port Authority staff reviewed the train volume information in the Master Table of all Rail Line Segments (Appendix A-1) for all lines in Southwestern Pennsylvania. Some of the 1996 volumes on the Conrail lines appear to be low.

In particular, the table lists 1996 daily train volumes on the Thomson to Jacks Run segment (ID N-269) at 15.5 trains per day. Conrail provided a schedule to Port Authority indicating that 25 trains use this line on a daily basis.

The table also shows that Norfolk Southern intends to decrease daily volumes to 9.9 daily trains. Did Norfolk Southern make its projections on a base of 15.5 trains per day or use other factors to estimate future volumes?

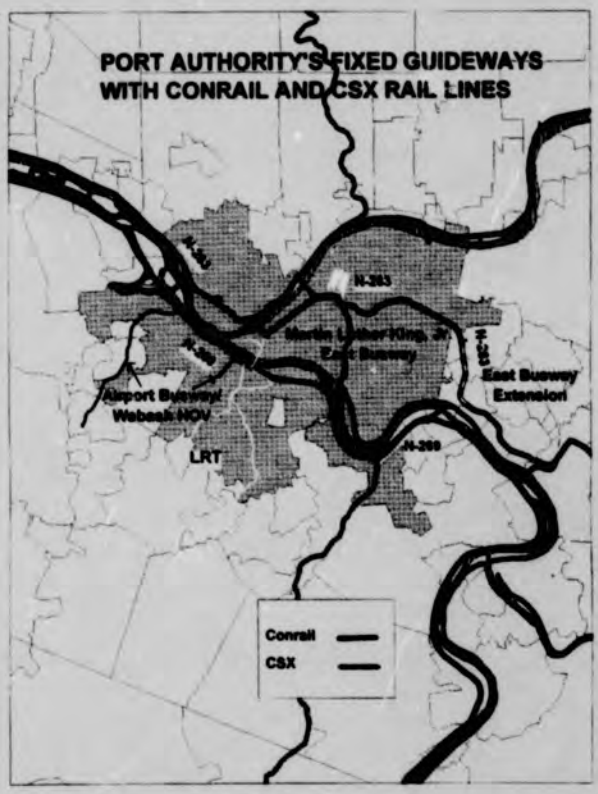
Port Authority originally intended to use a portion of this segment [ID N-269] for the Airport Busway/Wabash HOV facility. However, due to the installation of a 2nd track and increase in Conrail operations on this line, cost of construction increased significantly and this portion of the busway plan was eliminated as no longer being economically feasible. If Norfolk Southern does intend to reduce the number of trains using this segment, Port Authority may resume its interest in sharing this right-of-way.

Sincerely,

Paul Skoutelas
Executive Director

Enclosure

2/3/98 3:10:58pm-2



2/3/98 3:10:58pm-3

ENVIRONMENTAL DOCUMENT

Barry Longenecker
315 Fairview Road
New Providence, PA 17560

January 29, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2-2-98
DOCUMENT # 2-2PM5:05:56PM

To the Board:

I am writing as an interested party to submit comments on the Draft EIS in hopes that you will incorporate my concerns into any final decision or order pertaining to the proposed Conrail/CSX acquisition. I am an adjacent landowner to the Conrail owned Enola Low-Grade line in Southern Lancaster County, PA. [Dkt. No. AB-167 (Sub-No. 1095X)] This line is no longer active and it is my understanding that Conrail as part of an order from the former ICC was to retain it's interest in and take no steps to alter the historic bridges of the line until completion of the 106 historic preservation act process. It is also my understanding that this process is not complete. I am concerned that this rail line and condition may be overlooked when conveyed to CSX. My understanding of the Historic Preservation Act is that conveyance is an adverse impact and the 106 - mitigation process would be triggered.

This historic rail line (recognized by the Curator of Transportation History at the Smithsonian Museum as one of the most historically significant rail lines in the country) and it's beautiful stone arch bridges has been determined eligible for listing on the National Register and therefore should be included in any Environmental Impact Assessment. All decisions concerning conveyance should come under review of the National Advisory Council, with opportunity to comment from the public and interested parties to help mitigate any adverse effect the conveyance of the line to CSX may have. Please include this line in the list of assets Conrail is conveying and consider the impact on this historic line and it's bridges insuring that the condition imposed by ICC and STB remains in effect. Please order all additional protection measures possible so that this important historic national resource remains intact.

Sincerely,
Barry Longenecker

ATTENTION: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

2/2/98 5:05:56pm

COPY

Historic Preservation Trust of Lancaster County

Sehner-Ellicott-von Hess House
123 North Prince Street
Lancaster, Pennsylvania 17603
717-291-5861

January 30, 1998

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

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
DOCUMENT # 2/4/98 4:09:39PM

ENVIRONMENTAL DOCUMENT

ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

SUBJECT: EIS for Proposed Acquisition of CONRAIL by
Norfolk Southern Railroad and CSX Railroad
Secuon 106 Compliance re: CONRAIL's Enola Branch of the Low Grade Line.
Lancaster County, PA

Dear Ms. Kaiser:

Please be advised that the Historic Preservation Trust of Lancaster County is an intervenor in the suit, FAST v. PA Public Utility Commission, in the Commonwealth Court of Pennsylvania, No. 3003 C.D. 1997, which deals with CONRAIL's abandonment of its property in Lancaster County, PA, the former Enola Branch of the Low Grade Line of the Pennsylvania Railroad.

The Trust is also an "interested person," for purposes of the Section 106 process , in an administrative action relative to this property, which has been determined eligible, in total, for listing in the National Register of Historic Places by the PA SHPO in April, 1994.

Please consider the Trust an interested person, pursuant to Section 106 and 36 CFR Part 800, in the subject case before STB. This correspondence is to notify you of our interest in seeking compliance with the Section 106 process, and the protection of the historic and cultural resource, relative to the pending historic preservation condition placed by STB on its abandonment action regarding the subject property.

On January 12, 1998, I wrote to the Advisory Council on Historic Preservation, seeking a determination by the Keeper of the National Register of the eligibility for NR listing of the subject resource. There is an apparent conflict among the parties involved in this administration action as to the scope and content of the historic resource. Enclosed is my letter to the Advisory Council. Please also see the enclosed letter from the Curator of Transportation of the National Museum of American History, who attests to the significance of the subject railroad property.

Thank you for the opportunity to comment on this action, which will affect a resource of major historic and cultural significance. Please call if I can answer any questions on this matter.

Sincerely,
Randolph J. Harris
Executive Director

cc: Joyce Nettke
Alan Musselman
Brenda Barrett

Enclosures: (including required 10 copies)

2/4/98 4:09:39pm-1

Historic Preservation Trust of Lancaster County

Sehner-Ellicott-von Hess House
123 North Prince Street
Lancaster, Pennsylvania 17603
717-291-5861

January 12, 1998

Ms. Charlene Dwin Vaughn
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue
Suite 809
Washington, D.C. 20004

Dear Ms. Vaughn:

SUBJECT: Request for Determination of Eligibility
Adverse Effect on Historic and Cultural Resources
Atglen-Susquehanna Branch A.K.A. Enola Low Grade Line
Formerly of the Pennsylvania Railroad, ca 1903
Lancaster an Chester County, PA
PA SHPO ER No. 89-1632-042-B
Conrail File No. MPAC-486
Pennsylvania Public Utility Commission PUC Docket No. A-00111016
Surface Transportation Board (Formerly ICC) Docket No. AB-167
(Sub-No. 1095X)

I am requesting that your office review the enclosed correspondence pursuant to CFR 800(6)(e), regarding public requests to the Council. The Historic Preservation Trust of Lancaster County is an interested person in this case, as I interpret the referenced regulations. The Trust objects to the methods being employed by Consolidated Rail Corporation, an applicant before the U.S. Surface Transportation Board, relative to the Section 106 process.

The enclosed correspondence clearly shows that the SHPO (Pennsylvania Historical and Museum Commission) revised its evaluation of the subject resource in 1994, making it more inclusive and comprehensive than an earlier 1989 analysis and evaluation. The revised evaluation was based on more extensive information made available to SHPO through site work, research, and planning analysis, performed by a qualified professional.

The applicant before the federal agency official, however, has refused to acknowledge the revised SHPO opinion that the entire railroad line, inclusive of all of the property that had been purchased, developed and, in essence, organized at about the turn of the 20th Century for use by the Pennsylvania Railroad, is eligible in total for listing in the National Register of Historic Places. Rather, Conrail has proceeded in this case, based on the 1989 determination by SHPO that only certain railroad bridges or crossings are eligible for the National Register.

2/4/98 4:09:39pm-2

Conrail's involvement with the Section 106 process has been limited only to those structures identified as eligible in the early evaluations and correspondence with SHPO, and for which SHPO has made a finding of adverse effect. Please also note the enclosed October 17, 1994 letter from SHPO to Conrail, which states, in part, that Conrail should notify your office of the finding of adverse effect of "contributing structures" to the resource and to begin the consultation process. We understand that the your office to date has not been officially notified in this case.

Given these issues, I believe there is an apparent conflict or discrepancy about the scope and definition of the resource in this case. Therefore, I am requesting that your office to contact the agency official and to seek a determination of eligibility regarding the resource from the Keeper of the National Register of Historic Places.

Thank you for your attention to this matter. Please contact me if you have any questions.

Sincerely,
Randolph J. Harris
Executive Director

Enclosures

2/4/98 4:09:39pm-3

NATIONAL MUSEUM of AMERICAN HISTORY

April 2, 1997

Mr. Randolph J. Harris
Executive Director
Historic Preservation Trust of Lancaster County
123 North Prince Street
Lancaster, PA 17603

Dear Mr. Harris:

Re: Former Pennsylvania Railroad 'Low-Grade' Line
Lancaster and Chester Counties, Pennsylvania

My understanding is that, as a result of a proposed agreement discussed with the Pennsylvania Public Utilities Commission, the successor to the Pennsylvania Railroad -- the Consolidated Rail Corporation -- would convey sections of the historic "low-grade" right of way to parcels to several local governments. I also understand that many historic bridges and crossings along this 13-mile, former rail line would be threatened.

Of course, I can take no formal position in such a legal proceeding. But, frankly, I fully support the development of the line, intact, as a recreational and educational trail, as the Friends of the Angler-Susquehanna Trail have proposed. As a resource for both citizens and tourists to Lancaster and Chester Counties, such a trail would be unique.

With the line's great stone arch bridges, its level grade over such an expanse of land, and the stunning views of Lancaster County farms along the way, the "Low-grade line" would become one of the premier hiking and biking trails in all of North America. Separated and destroyed, the line would become nothing more than a monumental earthwork.

The 'Low-grade line' was part of an enormous civil engineering project of the late 19th and early 20th centuries, initiated by Alexander Cassatt (brother of the painter, Mary Cassatt), then president of the Pennsylvania Railroad. Penn Station in New York, the Hudson River Tunnels, and the 'Low-grade line' were all part of this vast program. The historic significance of the line is unquestioned.

I urge you and your colleagues in Lancaster County to continue to work to save this corridor in its entirety, including its bridges and crossings. We should be conserving and developing this great legacy as a unique national resource for future generations. And in the wonderful setting of Lancaster County, future generations will thank you for preserving this trail -- in contrast to the commercial shopping developments threatening a blanket other parts of the county. Balance is critical.

If I can be of any further help in this effort, please call. The phone is 202/357-2025, and the fax is 357-4256.

Cordially,

Wm. L. Withuhn

William L. Withuhn
Curator of Transportation

2/4/98 4:09:39pm-4

LANCASTER COUNTY
Transportation Coordinating Committee

MEMBERS
Pennsylvania Department of Transportation
Lancaster County Board of Commissioners
Lancaster County Planning Commission
City of Lancaster
Red Rose Transit Authority

50 North Duke Street
PO Box 83480
Lancaster, PA 17608-3480
(717) 299-8333
FAX (717) 295-3609

January 1998

FEB - 2 1998

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2019811.03.08 AM

ENVIRONMENTAL DOCUMENT

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

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

Dear Ms. Kaiser:

The Lancaster County Transportation Coordinating Committee, the Metropolitan Planning Organization for Lancaster County, Pennsylvania, appreciates the opportunity to review the Draft Environmental Impact Study (DEIS) of the proposed Conrail acquisition prepared by the Section of Environmental Analysis of the Surface Transportation Board. We previously commented on Volumes 6, 6a, 6b, and 6c of the Environmental Report prepared for the applicants, CSX Corporation and Norfolk Southern Corporation.

The following are our comments on the DEIS, based on our review of Chapters 2 and 5-PA.

1. No mention is made of either Conrail's New Holland Branch or its Leola Branch, both of which are reached via Amtrak's Keystone Corridor. Nor, is there any mention of the branch line between Columbia, PA and the Dillerville Junction with Amtrak. We noted this deficiency in our previous comments as these three branch lines serve important industries in our county.

2. Lancaster County is not analyzed for increased emissions, apparently because it did not reach the emissions screening threshold of 50 tons per year. In reaching this threshold conclusion, it does not appear that the DEIS accounted for emission increases from 330 additional truck trips per day traveling on PA283 in Lancaster County to reach the proposed conventional intermodal facility near the town of Rutherford Heights via Interstate 283 and US 322. We believe these truck emissions

LANCASTER COUNTY IS STRONGER YOU

2/2/98 11:03:08am-1

should be estimated and included in our total.

3. Many of these additional truck trips will also use deficient and unsafe portions of US30 in eastern Lancaster County to reach PA283 and the proposed conventional intermodal facility. This is a concern of Lancaster County particularly in light of recent fatal accidents on this stretch of US30 which already has heavy truck volumes.

4. We note the preliminary conclusion of the DEIS that no rail line segments, rail yards, or intermodal facilities in Pennsylvania warrant noise mitigation. The DEIS also notes that the Federal Railroad Administration (FRA) has indicated that it will propose new rules on train horn blowing procedures in 1998. It would be helpful for the final EIS to note the names of all communities located on rail lines that might qualify for "quiet zones" under FRA's proposed new rules in 1998.

We trust you will consider our comments and incorporate them in the final EIS document about the proposed acquisition. If you have any questions about our comments, please call Chris Neumann, Chief Transportation Planner, at (717) 299-8333. Thank you.

Sincerely,

Terry L. Kauffman

Terry L. Kauffman, Chairman
Lancaster Co. Transportation Coordinating Committee

TLK/CRN/mlb

copy: Members of the Coordinating Committee
Board of Lancaster County Commissioners

2/2/98 11:03:08am-2

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 20198 11.10.24 AM

COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA TURNPIKE COMMISSION

ENVIRONMENTAL DOCUMENT

Post Office Box 67676
Harrisburg, PA 17106-7676
January 30, 1998

FEB - 2 1998

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

Attn: Ms. Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis (SEA)

RE: *Environmental Filing*
Proposed Conrail Acquisition

Dear Ms. Kaiser:

The Pennsylvania Turnpike Commission is grateful for the opportunity to comment on the December 12, 1997, *Draft Environmental Impact Statement* (DEIS) for the Proposed Conrail Acquisition. For the past eight years, the Pennsylvania Turnpike Commission has been planning improvements for the regional transportation system for Southwestern Pennsylvania. The result is a multi-billion dollar expansion program that consists of more than 80 miles of new roadway which includes a program of seven independent projects that comprise the Mon/Fayette Expressway and Southern Beltway Projects (see attached regional map). Attached to this letter as part of our comments, we have included testimony presented by the Pennsylvania Turnpike Commission to the Pennsylvania State House Transportation Committee on Conrail Acquisition.

The Mon/Fayette Expressway and Southern Beltway Projects have been authorized and funded through three acts of the Pennsylvania General Assembly (Act 61 in 1988, Act 26 in 1991, and Act 3 in 1997). All of the seven projects comprising more than 80 miles of toll road expansion in Southwestern Pennsylvania have been approved in accordance with the Federal Joint Planning Regulations which were promulgated subsequent to passage of the Intermodal Surface Transportation Efficiency Act (ISTEA). In particular, the Mon/Fayette Expressway project from PA 51 to Pittsburgh, which has the most involvement with existing Conrail and CSX rail lines, is included on the Long Range Plan for the Southwestern Pennsylvania Regional Planning Commission (SPRPC) as well as the Regional Transportation Improvement Plan (TIP). In addition, a combined Congestion Management Study (CMS)/Major Investment Study (MIS) for this project has been completed in accordance with 23 CFR 450.318 (and related regulations). Both the CMS and MIS have been approved by SPRPC with input from the Pennsylvania Department of Transportation and the Federal Highway Administration in accordance with applicable Federal Regulations. In summary, this project is well along in the planning process and has received all required Federal, State and Local planning approvals at this stage of project development. We have invested considerable time and money in this process and would hope that our plans could be coordinated with your plans for the benefit of Southwestern Pennsylvania.

2/2/98 11:10:24am-1

The Mon/Fayette Expressway and Southern Beltway projects have continued support from the Federal Highway Administration (FHWA). The following are our comments on the Proposed Conrail Acquisition, and the anticipated changes, as they relate to the Mon/Fayette Expressway and Southern Beltway Projects.

1. Pittsburgh Intermodal Facility - The increased activity at the Pittsburgh Intermodal Facility and its effect on the existing highway network and our proposed Mon/Fayette Expressway has not been addressed. As written, Chapter 6-PA.16 Pennsylvania Transportation: Roadway Effects from Rail Facility Modifications of the DEIS does not address impacts to the proposed roadway network.

2. Increased Traffic on CSX Line - Attachment ES-B, Master Table of All Rail Line Segments provides information on rail lines that appear to be involved under the Proposed Conrail Acquisition. Six of these rail segments (C-082, C-088, N-283, N-288, N-288, and N-270) are directly affected by the PA 51 to Pittsburgh Mon/Fayette Expressway Project. Rail line segments C-082 and C-088 are projected to increase by 74 and 77 percent (million gross tons), respectively. The preliminary design for the Mon/Fayette Expressway, specifically, the PA 51 to Pittsburgh project, proposes the relocation of up to eight miles of this CSX track. The potential inability to relocate this track because of the increase in use of the line caused by the Proposed Conrail Acquisition may require us to reevaluate this highway alternative. We are concerned that this impact to our planned project was not considered in this DEIS and therefore mitigation for this impact may not be included in your potential approval of the Conrail Acquisition.

3. Early Coordination - As discussed above, there are six rail segments that appear to be directly affected by our PA 51 to Pittsburgh Mon/Fayette Expressway Project. Work will include bridging over, and the relocation of numerous railroad tracks, signals, communication, and other railroad facilities. Attachment ES-B indicates that all six rail segments are expected to remain in use after the Proposed Conrail Acquisition. Early coordination with Conrail, Norfolk Southern and CSX during the Preliminary Design phase of our project is necessary for its successful completion. In some cases, the railroad involvements are so substantial that the proposed highway alternatives may not be feasible without total commitment for cooperation by the owners of the railroad facilities. We request that this issue be described along with SEA's recommendation for mitigation in Chapter 6-PA.16 Pennsylvania Area of Concerns.

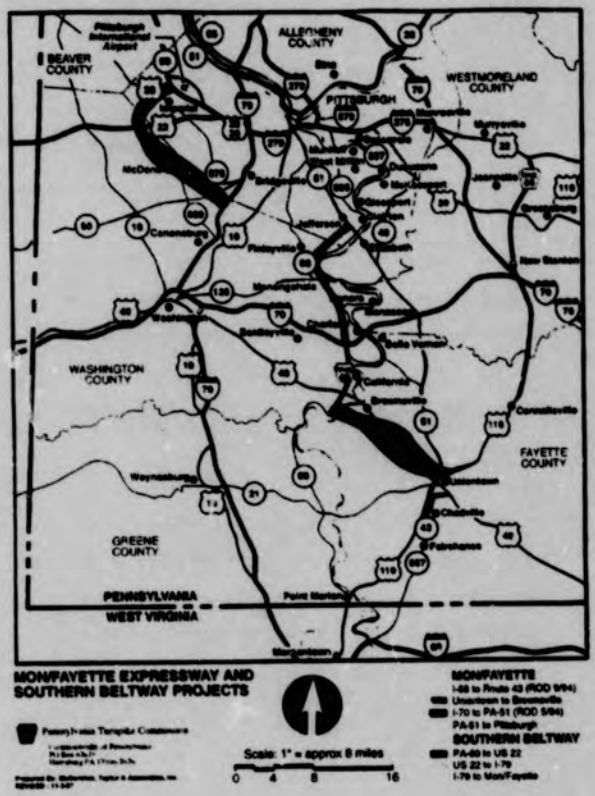
The Turnpike Commission would like to acknowledge that initial coordination with Conrail and Norfolk Southern took place during a meeting on January 20, 1998. In addition, there has been contact between the Turnpike Commission and CSX. While the Turnpike Commission has raised a few of these comments of concern to Conrail, CSX and Norfolk Southern, these issues have not been totally resolved. We request that the SEA consider these issues during their review of State and Agency Comments on the DEIS and their discussion of mitigation measures. The success of the Mon/Fayette Expressway and the improvements to the regional transportation system in Southwestern Pennsylvania which would also support efficient railroad operations, depend on the successful coordination of all parties. If you have any questions regarding the issues we have raised, or require additional information, please call me at (717) 986-8999.

Sincerely,

Ward P. Wilder for

David E. Zaworsky, P.E.
Special Assistant to the
Turnpike Commissioners

DEZ/rs
Attachments



Testimony of John T. Martino
Legislative Liaison
Pennsylvania Turnpike Commission

Submitted to:
Pennsylvania House Transportation Committee
Honorable Richard A. Geist, Chairman

Presented:
October 16, 1997

Testimony to the
Pennsylvania House Transportation Committee
Concerning the Acquisition of Conrail
by CSX and Norfolk Southern

Chairman Geist, and other members of the Pennsylvania House Transportation Committee, I want to thank you for the opportunity to come before your Committee today with testimony concerning the proposed acquisition of Conrail by CSX and Norfolk Southern railroads.

The five-member Pennsylvania Turnpike Commission was created in 1937 with powers to construct, finance, operate and maintain the Pennsylvania Turnpike System. Since opening in 1940 with 160 miles of road, the Turnpike System has been continually growing, building and expanding. Currently, the Turnpike System consists of 506 miles of limited access highways.

In the mid-80's, the Turnpike Commission began an ambitious, multi-billion dollar expansion program. Authorization for these improvements came through three acts of the Pennsylvania General Assembly. In 1985, the General Assembly passed Act 61. This Act, the Turnpike Organization, Expansion and Toll Road Conversion Act, directed the Pennsylvania Turnpike Commission to construct and enhance the existing Turnpike and to expand the toll highway system. In 1991, Act 26 allocated 14 percent of a 55 mill increase of the Oil Company Franchise Tax to the Turnpike Commission which provides approximately $40 million annually for the construction of Act 61 and Act 26 projects. In 1997, Act 3 provided the Commission with an additional $28 million per year for Act 61 and Act 26 projects.

Among the projects authorized by these Acts are the Mon/Fayette Expressway and the Southern Beltway projects. Consisting of seven independent projects, the planned improvements stretch from the West Virginia border in the South to I-376 in Pittsburgh to the North, and from Jefferson Borough in the East, to the Pittsburgh International Airport in the West. These seven projects are shown on the attached color-coded map.

These transportation projects will bring much needed highway capacity, congestion relief, and highway access improvements; will stimulate economic development efforts; and will provide employment opportunities for Southwestern Pennsylvania. When all these projects are completed, the Commonwealth will have made a multi-billion dollar investment in the economic prosperity of Southwestern Pennsylvania.

A project critical to making the Mon/Fayette Expressway a reality, and the subject of our concern here today, is the proposed expressway from Route 51 in Jefferson Borough to I-376 in Pittsburgh and Monroeville. This highway will carry the most traffic of all the proposed projects, will provide an expressway alternative around the Squirrel Hill Tunnel, and will be a key component of a potential beltway south of the City of Pittsburgh. Currently, a Draft Environmental Impact Statement is being developed and is scheduled to be circulated in the Spring of 1998.

However, another equally important component of redevelopment and economic vitality for the region is efficient and effective rail service. Both highway and rail facilities are needed to provide the flexibility in transportation options needed for the movement of freight and people in the region. We wish to start working together now with the current or future owners of the railroads so that we can complete this needed improvement to the region's transportation network. This is our prime motivation for appearing before your Committee at this hearing today.

Construction of the Mon/Fayette Expressway from PA 51 to I-376 in Pittsburgh and Monroeville will require the bridging over and relocation of numerous railroad tracks, signals, communications and other railroad facilities. In order for the Pennsylvania Turnpike Commission to proceed toward construction, we need the involvement of the owners of these railroad facilities now during the Environmental Impact Statement and Preliminary Design phase of our project. Usually, final approvals by railroad companies come at the final design stage of a highway project, when very specific engineering details are available. In this particular situation, the railroad relocations are so substantial that some of the highway alternatives may not be feasible without a total commitment of cooperation by the owners of the railroad facilities.

Cooperation, as well as timely coordination, to accommodate rail and highway needs in this severely restricted, narrow corridor is paramount to the achievement of our goals. Without appropriate review and approvals from the railroads during this Environmental Impact Statement phase, the alternative selected may be invalidated, which would cause a significant delay in project development and substantially increase the cost of the proposed transportation improvements.

Our project will have direct effects on Conrail, CSX and Union Railroad tracks and related facilities. Our initial estimate indicates that approximately 10 miles of railroad tracks belonging to Conrail, CSX and Union railroads would have to be relocated. In addition, numerous grade-separated crossings over existing tracks and yards will need to be constructed. This construction can be potentially disruptive to railroad operations if not thoroughly coordinated. These railroad relocations may also affect other facilities located in the railroad right-of-way. I have provided copies of maps that show the general locations where these relocations would be required.

Because of the number of parties involved and the complexity of the issues to be resolved, it is imperative that the Pennsylvania Turnpike Commission get early and full cooperation from the affected railroad companies - especially Conrail, Norfolk Southern and CSX - so that a mutually satisfactory resolution - on a timely basis - can be achieved for both the highway and railroad facilities. Immediate cooperation is needed so that the Commission can proceed in a timely manner to complete the Environmental Impact Statement and obtain a Record of Decision for this major project. By working through these issues at this time, we can develop an alignment that will mutually accommodate and benefit both transportation modes - highway and rail - and serve the residents and businesses of the Commonwealth of Pennsylvania and our interstate clients.

We have begun the necessary coordination with Conrail, CSX and Union Railroad. We have provided preliminary plans of our project to the Engineering Department of each Railroad. We are concerned that the pending acquisition will limit Conrail's ability and willingness to work with us.

Summary

Allow me then to summarize the needs of the Pennsylvania Turnpike Commission related to the effect of the acquisition of Conrail on our plans for the Mon/Fayette Expressway Project from PA 51 in Jefferson Borough to I-376 in Pittsburgh and Monroeville.

1. We need a commitment from Conrail, CSX and Norfolk Southern to coordinate, cooperate and accommodate our highway. Unless we have such a commitment, our plans for a multi-billion dollar investment in the Mon Valley will be significantly delayed.

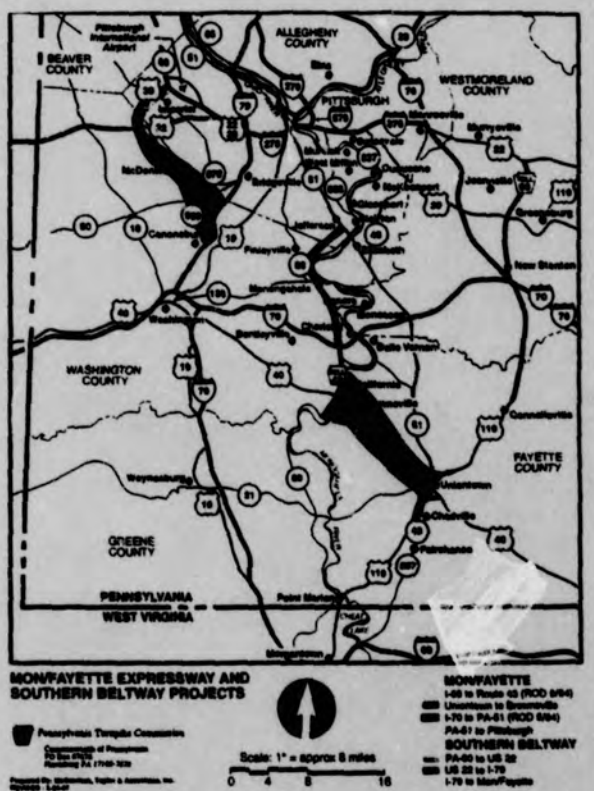
2. We need to expedite coordination with the current and future owners of the railroad facilities. This coordination must take place prior to completion of our Draft Environmental Impact Statement so that we can be assured of the feasibility of our alternatives.

3. We must be assured that any agreements we make now with Conrail regarding relocation or reconstruction of their facilities will be honored by the eventual owners of these facilities (CSX and Norfolk Southern).

4. We need the timely review and approval of our proposed plans by all appropriate railroad officials, before the sale of Conrail is complete, to avoid delays and attendant increased costs.

5. We would appreciate the support of this Committee before the Surface Transportation Board (formerly the Interstate Commerce Commission) to achieve the four needs I have just enumerated, and to incorporate appropriate conditions in any Surface Transportation Board Order approving the acquisition of Conrail.

Thank you Chairman Geist, for providing the opportunity to testify on behalf of the Pennsylvania Turnpike Commission for this very important project that is extremely important to the future of the City of Pittsburgh and Southwestern Pennsylvania.



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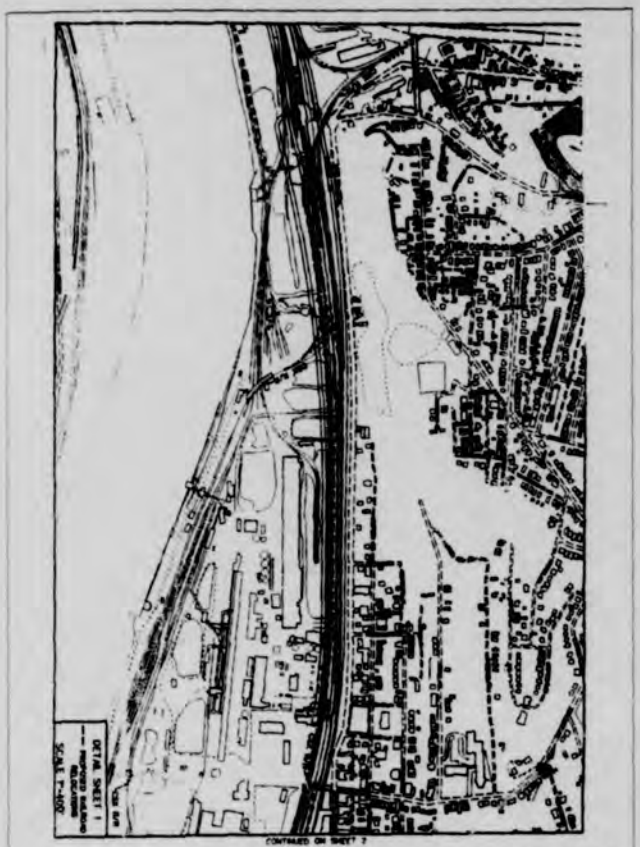

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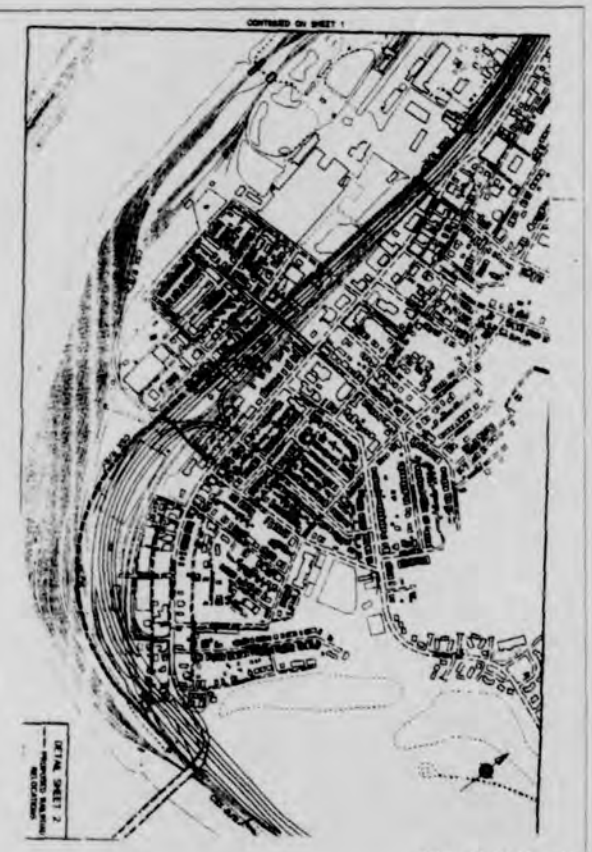

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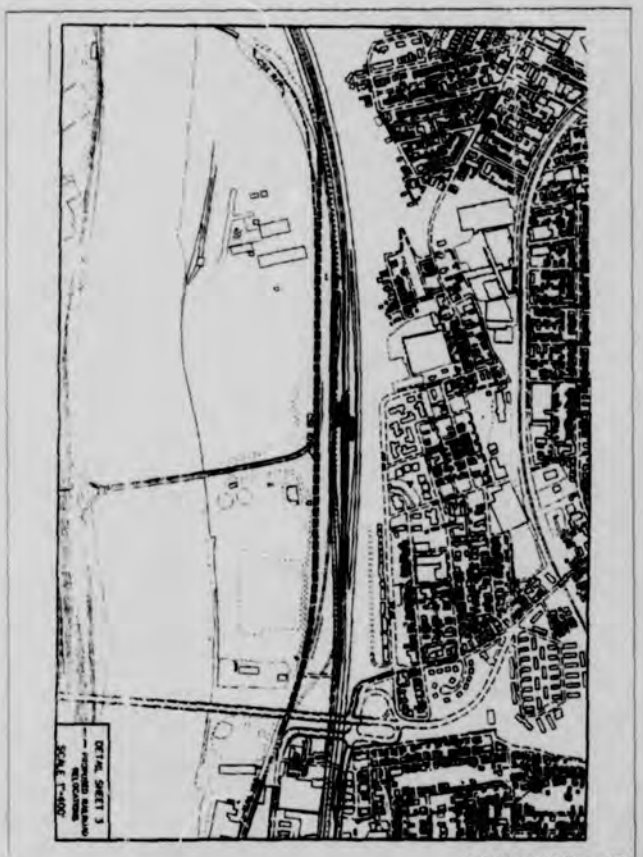

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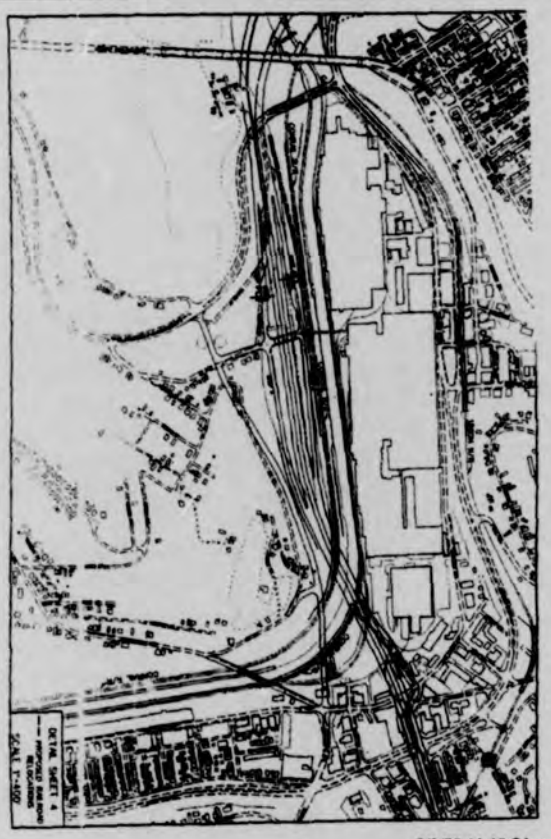

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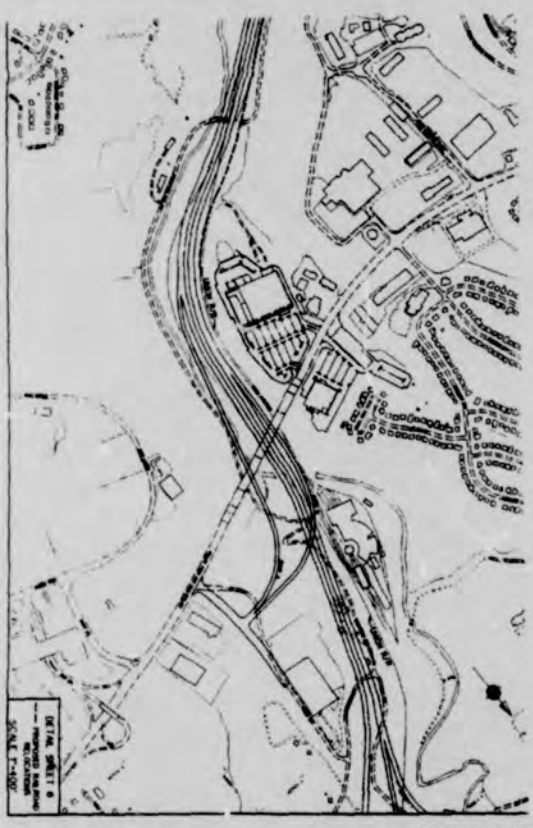

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BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 33388

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

COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SAFETY INTEGRATION PLANS

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Dated: January 30, 1998

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BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SAFETY INTEGRATION PLANS

The Southeastern Pennsylvania Transportation Authority ("SEPTA") hereby submits the following comments to the Draft Environmental Impact Statement ("DEIS") prepared by the Surface Transportation Board Section of Environmental Analysis ("SEA") and the Safety Integration Plans ("SIPs") prepared by the Applicants, CSX Corporation ("CSX") and Norfolk Southern ("NS").

I. INTRODUCTION

SEPTA operates an extensive integrated mass transportation system, consisting of trolley, motorbus, subway, elevated and regional commuter rail routes throughout the Philadelphia metropolitan area. SEPTA is a body corporate and politic which exercises the public powers of the Commonwealth of Pennsylvania as an agency and instrumentality thereof. SEPTA's commuter system is conducted pursuant to the Pennsylvania Public Transportation Law, Act 26 of 1991, as amended by Act 4 of 1994, 74 Pa. C.S.A. §§ 1701 et seq. SEPTA operates one of the

oldest and most extensive commuter rail and transit systems in the country. It carries an average of 90,000 passenger trips per day on its Regional Rail Division alone, and provides a significant and essential component of the daily movement of the population of Southeastern Pennsylvania.

SEPTA operates, on a daily basis, over 500 commuter trains in the Philadelphia area and is charged with providing safe, efficient and reliable commuter service to its public transit passengers. SEPTA's regional rail system currently operates in close coordination with significant freight lines which are currently operated by Conrail in the densely populated Philadelphia area. A portion of SEPTA's regional rail system, involving two commuter lines, operates on track segments owned by Conrail, while Conrail's freight operations utilize all or portions of eleven SEPTA commuter lines. SEPTA's operations on lines shared with Conrail are a key component of SEPTA's passenger services.

Pursuant to their Primary Application and Joint Operating Plan, the Applicants propose to each acquire certain of Conrail's trackage rights to operate freight service on lines Conrail currently shares with SEPTA. The Applicants also propose to increase the volume and type of freight traffic on certain lines to be acquired from Conrail to the potential detriment of SEPTA's public transit service. SEPTA is particularly concerned with the impact the proposed Merger and Acquisition ("Acquisition") will have on its ability to provide safe and reliable commuter services and to expand those operations to meet the growing needs of the region. It is of utmost importance that the Applicants provide sufficient information with regard to its proposed post-Acquisition routing of freight traffic in and through Southeastern Pennsylvania to permit assessment of the environmental and safety risks and to allow for appropriate mitigation of any

detrimental safety, environmental or operational impacts. The following comments address factors identified in the DEIS and SIPs which concern SEPTA and pose a threat to SEPTA's current operations and ability to meet the public transit needs of Southeastern Pennsylvania.

II. ROUTING OF LOCAL FREIGHT TRAFFIC TO THE LANSDALE CLUSTER

Of great concern to SEPTA, from both a safety and operational standpoint, is the route by which the Applicants plan to move local freight traffic to the Lansdale Cluster[1] following Acquisition. According to the Joint Operating Plan, freight operations on SEPTA lines centered around Lansdale will be allocated to CSX. Today, Conrail serves that territory from Abrams Yard via the Stoney Creek Branch, yet the Applicants propose to split the allocation of the Stoney Creek Branch between NS and CSX, while Abrams yard, the local yard by which CSX could access the Lansdale Cluster, is to be allocated exclusively to NS. Therefore, the only logical route by which CSX's Lansdale Cluster could be connected to other lines assigned to CSX is through SEPTA's Main Line route via Wayne Junction, where all but two of SEPTA's rail routes and several hundred commuter trains operate on a daily basis. The use of SEPTA's Main Line to route local freight traffic to the Lansdale Cluster is absolutely unacceptable to SEPTA and would undoubtedly cause significant adverse operational, safety and environmental impacts to SEPTA's passenger transit service in the Southeastern Pennsylvania region.

Precisely for the purpose of removing local freight traffic from SEPTA's Main Line and avoiding the associated hazards, Conrail and PADOT extensively renovated the Stoney Creek

[1] Consists of the SEPTA owned lines of the former Reading Railroad in the northern suburbs of Philadelphia.

Branch so that Conrail's local freight traffic could access the Lansdale Cluster via Abrams Yard in Norristown. By proposing to divide the Stoney Creek Branch between the Applicants, while allocating the Lansdale Cluster to CSX and Abrams Yard to NS, the Applicants would appear to revert to using a route which was long ago discontinued by Conrail and would disrupt the present freight and commuter operations in the Southeastern Pennsylvania region.

Despite the significant ramifications of routing freight traffic through SEPTA's heavily utilized Main Line, and altering the present freight operations in the region, the Applicants have completely failed to address this issue in either their operating plans or SIPs. Page 223 of CSX's SIP reads as follows:

> Conrail operates over a one-mile SEPTA-owned segment on Norristown, PA. The trackage rights on that segment will be allocated to NS with CSXT also retaining limited overhead trackage rights for dimensional traffic. Conrail also operates local service over several other routes in the Philadelphia area owned by SEPTA, NJT or AMTRAK. These routes would become part of the South Jersey/Philadelphia Shared Assets Area, and thus the safety aspects of operations on those routes will be addressed in the Shared Assets SIP. (emphasis supplied).

This statement by CSX is simply incorrect. Most of the SEPTA-owned lines in the Lansdale Cluster are to be allocated to CSX, not to the Conrail Shared Assets Operations ("CSAO"). In fact, the CSAO SIP neither lists these lines nor addresses the safety or environmental effects of routing traffic to the Lansdale Cluster via SEPTA's Main Line. In addition, NS' SIP exhibits confusion as to SEPTA's concerns with regard to this issue. At page 200, NS states: "The Norristown concern involved SEPTA's perception that CSXT trains, in order to serve the Stoney Creek Branch, would have to execute a reverse movement over tracks shared with SEPTA trains in downtown Norristown." As discussed at Part III. infra, SEPTA is concerned that CSX will

route dimensional, doublestack freight traffic through Norristown using a "wye" movement, but this in no way concerns the issue of CSX's routing of local freight traffic to the Lansdale Cluster via SEPTA's Main Line.

Although it is not stated, it may in fact be the Applicants' intention to in fact route local freight traffic to the Lansdale Cluster from either West Falls or Woodbourne via Abrams Yard. This would require NS to grant CSX overhead trackage rights for local freight destined for the Lansdale Cluster, assuming that NS has any right to assign to CSX, on a non-exclusive basis, without SEPTA's consent, the rights to operate over SEPTA lines between Norris Interlocking and a portion of SEPTA's Stoney Creek Branch.[2] If CSX does not intend to use Abrams Yard, SEPTA asserts that the environmental and safety impacts of the alternative route through SEPTA's Main Line have not been addressed. A thorough analysis of this issue would yield the conclusion that routing freight traffic through SEPTA's Main Line is unworkable.

III. ROUTING OF DIMENSIONAL FREIGHT TRAFFIC THROUGH NORRISTOWN, PENNSYLVANIA

According to NS' Operating Plan, NS proposes to grant CSX permanent overhead trackage rights to operate excess dimensional traffic (which it is assumed could mean doublestack freight trains, as well as multi-level and high-and-wide), including doublestack freight trains, over (1) the Norristown Connector (owned by SEPTA), (2) the track between CP

[2] In fact, it is unclear whether the Applicants have the ability to assign Conrail's trackage rights over SEPTA owned lines to both parties simultaneously without SEPTA's consent. Conrail has maintained that its trackage rights under the 1979 sales agreement are exclusive. For NS and CSX each to retain those rights (or in one instance, potentially NS, CSX and CSAO) belies Conrail's long-standing argument that the trackage rights over SEPTA-owned lines are exclusive.

River (West Falls) and Abrams, Pennsylvania and (3) Conrail's Morrisville Line between CP-King and Woodbourne (CP-Wood), Pennsylvania, plus run-around rights on a short portion of SEPTA's Norristown Line. See NS Operating Plan, volume 3B at page 108. The Applicants provide no information as to the volume and frequency of freight traffic CSX plans to operate pursuant to this grant of permanent trackage rights or the environmental and safety impacts to the Norristown area. At page 4-37 of the DEIS, it is stated that the proposed transaction would have no adverse effect on SEPTA's passenger service on the Norristown, Pennsylvania Connector due to NS' proposed increase of only 2.6 freight trains per day in that area. The DEIS nowhere addresses NS' proposed grant of permanent trackage rights to CSX, the environmental impact of increased doublestack freight traffic in the Norristown area or the potential threat CSX's dimensional freight traffic poses to SEPTA's maintenance of safe and reliable passenger service on its existing Route R6 Norristown Line.

Based on the description of the proposed grant, SEPTA anticipates that CSX dimensional freight traffic will execute a run-around or "wye" movement as it proceeds from West Falls to Abrams (Norris Interlocking) and through to Conrail's Morrisville Line. See SEPTA diagrams A and B. CSX's run-around move will interfere with SEPTA's Route R6 trains for lengthy periods of time, block heavily traveled grade crossings and require the raising of catenary not cleared for dimensional traffic. Moreover, the grant of "permanent" trackage rights to CSX could adversely affect SEPTA's ability to convert its own track and right of way on the Norristown Line to any mode not compatible with CSX's operations. Despite the significance of

this proposed grant to CSX, the Applicants have failed to address the adverse effects likely to flow from increased doublestack freight traffic through the Norristown area.

Operationally, it is anticipated that in order for a CSX doublestack freight train to execute the run-around movement from Abrams (Norris Interlocking), it would likely move slowly backwards through both the trailing point switch at Norris Interlocking and the facing point switch at Island Interlocking, until it reaches the trailing point switch at Bridge Interlocking. At Bridge Interlocking, the CSX train would intercept SEPTA's Route R6 Norristown Line on an electrified single track. On weekdays, SEPTA's Route R6 operates over 50 trains in this area from 5 A.M. to 12:20 P.M., and runs continuously during the peak periods (6:30 A.M. to 9:30 P.M.) and approximately every 30 to 60 minutes during off peak hours. The CSX doublestack train would continue backing from Bridge Interlocking onto the Stoney Creek Branch through Elm Interlocking. Between Bridge Interlocking and Elm Interlocking, there are two heavily used grade crossings at Main Street and Marshall Street and the Route R6 Main Street passenger station. Beyond Elm Interlocking on the Stoney Creek Branch, there are two more grade crossings at Elm Street and Sterigere Street.

Once the CSX doublestack train reaches the Stoney Creek Branch and receives a signal to reverse, it would retrace its path to Bridge Interlocking, once again intercepting SEPTA's Route R6, this time at Elm Interlocking. From Bridge Interlocking, the CSX doublestack train would proceed to Kalb Interlocking using a sharply curved electrified single track used by SEPTA's Route R6 trains. Presently, the catenary lines at Bridge Interlocking are not cleared for movement of doublestack freight traffic, making the track segment from Bridge Interlocking to

Kalb Interlocking inaccessible by doublestack trains. Next, proceeding against the flow of SEPTA's outbound Route R6 trains, the CSX doublestack train would continue through Kalb interlocking for approximately 0.5 miles until it reached Ford Interlocking. At Ford Interlocking, the CSX train would access the Conrail Morrisville Line on a single track connection to the main route to Morrisville. The overhead trackage rights granted to CSX by NS extend to Wood Interlocking on Conrail's Trenton Line, where such dimensional trains would interface with SEPTA's Route R3 West Trenton Line operations.

The movement of CSX doublestack trains from West Falls, through the highly congested Norristown area, to the Morrisville and Trenton Lines, adversely impacts SEPTA's operation of both its Route R6 Norristown and Route R3 West Trenton Lines. Freight traffic in Norristown is limited to a speed of 10 miles per hour. While the CSX doublestack trains make the cumbersome wye and reverse movement from Abrams (Norris Interlocking) to the Stoney Creek Branch, presumably at speeds below 10 miles per hour, they would block SEPTA's Route R6 commuter service. After completing the reverse movement, the CSX doublestack trains, as they make their way to Conrail's Morrisville Line, would again intercept SEPTA's Route R6 at speeds of 10 miles per hour or less, further hindering the safe and reliable service SEPTA currently provides on the Norristown Line.

In addition to the delays likely to result from the wye and reverse movement of long doublestack freight trains on the Norristown Line, SEPTA is fearful that CSX's undisclosed use of the trackage rights to be granted by NS will cause an increase in freight traffic not addressed by the DEIS. The DEIS considers NS' proposed 2.6 train per day increase in freight traffic to be

minimal. However, the proposed increase by NS in combination with CSX's utilization of the trackage rights to be granted by NS, threatens to worsen SEPTA's passenger service and the coordination of freight and transit operations in the already constrained and congested Norristown area. Even if and when NS completes its planned Pattenburg Tunnel Clearance Project, the uncertain impact of CSX's infusion of dimensional freight traffic could serve to diminish or even negate any benefit to be derived on the Norristown Line. Additionally, due to the present growth in passenger demand, SEPTA has plans to increase passenger service on the Norristown Line, and is studying the feasibility of conversion from commuter rail to a more cost effective rail mode. The grant of "permanent" trackage rights to CSX to operate doublestack freight traffic could preclude SEPTA from converting its track to meet the transit needs of the region.

NS' proposed grant of permanent doublestack freight trackage rights to CSX would likely have detrimental effects on SEPTA's Route R3 West Trenton Line as well. CSX's freight traffic which would be routed through Norristown, as discussed above, will meet SEPTA's Route R3 West Trenton Line between Wood Interlocking and Trent Interlocking, presenting a real possibility for delays and unreliable service. In addition, the Pennsylvania Department of Transportation ("PADOT") will renovate I-95 beginning in 2000, in areas currently served by SEPTA's Routes R3 and R7. As part of a mitigation plan, SEPTA's Routes R3 and R7 will serve as an alternate means of travel for drivers displaced by the PADOT renovations. Depending on the volume of freight traffic CSX plans to operate through Norristown and through the Wood and Trent Interlockings, SEPTA's Route R3 West Trenton Line will be faced with

increased freight traffic and possible delays and unreliable passenger service at a time when its ridership is likely to increase dramatically.

NS should be precluded from granting *permanent* trackage rights which would hinder SEPTA's ability to operate over its own lines in accordance with the needs of the Norristown area. In order to assess properly the environmental, safety and operational consequences of NS' grant of permanent trackage rights to CSX, the Applicants, and in particular CSX, must provide a detailed explanation of their planned freight operations in this region. It is clear that CSX must commit to operating its doublestack freight traffic via the Conrail line it has been assigned, from West Falls to Woodburne. Applicants have failed to determine the adverse impacts to SEPTA should CSX operate their dimensional traffic via Norristown. However, if it is concluded that the impacts to SEPTA are acceptable in the short term (and thus far that has not occurred), then as applicants have demonstrated elsewhere in their plans, a 3 year time period should be ample for CSX to clear its own route between Philadelphia and North Jersey.

IV. DISPATCHING ON LINES TO BE ALLOCATED TO CSX

At page 48 of the CSAO SIP, the Applicants state that under the proposed Acquisition communication in the Shared Assets Area ("SAA") will be enhanced by the consolidation of the dispatching function into a single facility located in Mt. Laurel, New Jersey. Conrail currently dispatches its Philadelphia region rail lines from Mt. Laurel using a number of different dispatching assignments. While the Applicants' proposed change to the dispatching function appears beneficial on its face, it fails to account for the right CSX would have as a successor to

the 1990 Trackage Rights Agreement between Conrail and SEPTA to revoke, upon sixty days notice, the dispatching rights currently held by SEPTA for its Route R8 Fox Chase Line over a 3.5 mile section of the Conrail Trenton Line between Newtown Junction (NX) and Cheltenham Junction Interlockings. Should CSX exercise the right to revoke, the dispatching function would likely move to CSX's central dispatch location in Jacksonville, Florida. Instead of the relatively close dispatching point in Mt. Laurel, where Conrail currently controls the trackage adjacent to SEPTA dispatched territory owned by both SEPTA and Conrail, SEPTA's Route R8 commuter service could be conceivably placed at the mercy of a dispatcher located nearly 900 hundred miles away in the state of Florida.

SEPTA is faced with the same situation between Wood and Trent Interlockings where its Route R3 West Trenton Line, as discussed at Part II. above, interconnects with CSX doublestack traffic emanating from the Norristown area, as well as CSX manifest trains using the Trenton Line. SEPTA currently dispatches this territory, but CSX would have the right to revoke SEPTA's dispatching function and move it to Jacksonville, Florida to the detriment of SEPTA's ability to continue its provision of reliable commuter service. The problems associated with CSX's right to revoke and move the dispatching function are exacerbated by the PADOT's planned renovation of I-95 in areas where SEPTA's Routes R3 West Trenton and R7 Trenton Lines presently operate. As discussed above, SEPTA's Route R3 will become an alternate means of travel for drivers displaced by the PADOT renovations. Therefore, the ridership on SEPTA's Route R3 is expected to greatly increase over the next four years at the same time CSX would have the right to move the dispatching function out of the region. PADOT has committed

over $57 million to improve facilities on these two lines to handle increased ridership. Specific to SEPTA's Route R3, signal improvements, overnight commuter car storage, station parking expansion and station improvements are funded.

It should be noted that SEPTA and Conrail separated passenger and freight operations along the Trenton Line between Neshaminy Falls and Woodburne. SEPTA believes that similar arrangements can be made between Woodburne and West Trenton, thereby alleviating the potential negative impacts associated with this dispatching function issue.

V. CUMULATIVE EFFECT ANALYSIS OF THE PROPOSED ACQUISITION'S IMPACT ON SEPTA'S EXPANSION OVER THE MORRISVILLE AND HARRISBURG LINES

As asserted in SEPTA's Comments and Request for Conditions, in order to properly meet the expanding transit service needs of its ridership in the Southeastern Pennsylvania region and beyond, SEPTA is currently studying the feasibility of utilizing a portion of Conrail's Harrisburg Main Line from Norristown to Reading and Conrail's Morrisville Line from Glen Loch to Morrisville. It is identified in the DEIS that a cumulative effects analysis is appropriate to determine whether SEPTA's planned expansion can be carried out in conjunction with the Applicants' increase in freight traffic in Montgomery County. At Table 5-PA-35, it is stated that "Freight traffic may limit potential for passenger service to expand." To mitigate this harm to expanded commuter rail service, it is stated in the DEIS that the SEA has encouraged the Applicants to meet with SEPTA "to ensure that the proposed Acquisition can be accomplished without adversely affecting commuter rail plans." It is respectfully submitted that SEPTA has

met with the Applicants regarding expanded passenger service on the Harrisburg and Morrisville Lines to no avail.

Prior to the proposed Acquisition, SEPTA was in a position to complete its studies of the Harrisburg and Morrisville Lines, obtain funding for the expansion of its commuter rail service and undertake the necessary steps to meet the public need for expanded passenger service to Reading and from Glen Loch to Morrisville. If there is a likelihood, as stated in the DEIS, that the proposed Acquisition will block SEPTA's efforts to expand over the Harrisburg and Morrisville Lines, SEPTA and the commuting public will be detrimentally effected by the proposed Acquisition and SEPTA will be unable to meet the expanding needs of the region. It is clear by the language of the DEIS that the SEA recognizes the need for expansion in the region and seeks to avoid activity by the Applicants that would thwart such expansion. Accordingly, SEPTA requests that the SEA further consider this issue and propose a mitigation measure that will protect SEPTA's ability to expand its commuter rail service over the Harrisburg and Morrisville Lines.

VI. CONRAIL TRAIN DENSITIES

Figure D.6-1 of the DEIS indicates that train densities from Eastwick, Pennsylvania to Marcus Hook, Pennsylvania will undergo a daily increase from 3.0 freight trains to 7.8 freight trains. SEPTA was told verbally by the Applicants that this significant increase is incorrect, but no errata sheet correcting these figures has been provided. If the Applicants do not intend to correct these figures, they would be proposing an increase of over 260% on lines between these

two points. Such an increase is of great significance and has the potential of adversely impacting SEPTA's existing plans to increase the frequency of its Route R1 Airport Line service from 30 minute headways to 20 minute headways.

VII. SIGNIFICANT INCREASES IN ANNUAL HAZARDOUS MATERIAL CAR LOADS ON SEPTA'S ROUTE R8 FOX CHASE LINE

Table 5-PA-8 of the DEIS notes an estimated increase of 15,000 cars per year of hazardous material at Newtown Junction on SEPTA's Route R8 Fox Chase Line. This constitutes a 300% increase in hazardous material cars on SEPTA's Route R8. However, no mitigation measures regarding this potentially adverse impact have been proposed.

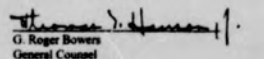
VIII. SEPTA'S 1982 OPERATING AGREEMENT WITH AMTRAK

The last sentence of the fourth paragraph on page PA-20 of the DEIS states: "SEPTA's 1987 operating agreement with AMTRAK expires in 2016." The operating agreement to which this sentence refers is actually SEPTA's 1982 agreement with AMTRAK which remains in effect unless either party provides 120 days notice of termination. The referenced 1987 agreement is the 47 station lease agreement between SEPTA and AMTRAK which expires December 31, 2016.

IX. CONCLUSION

In summary, the conclusion reached at page 4-31 of the DEIS that commuter operations in the Philadelphia metropolitan area would be "unaffected by the proposed Acquisition" is false, due to the incomplete, unclear and unintentionally perhaps incorrect statements of the Applicants. The routing of local freight traffic to the Lansdale Cluster via SEPTA's Main Line, the proposed grant of permanent trackage rights for dimensional freight traffic through Norristown, the negative impacts of moving the dispatching on CSX lines to Jacksonville, Florida and the blocking of SEPTA's planned expansion along the Harrisburg and Morrisville Lines are all issues with significant implications for the future of the Philadelphia metropolitan area. Furthermore, the substantial increases in train densities from Eastwick to Marcus Hook and hazardous waste cars along SEPTA's Route R8 Fox Chase Line pose significant, unexplained threats to SEPTA's operations. Substantial adverse impacts to the Southeastern Pennsylvania region are likely to result from the proposed Acquisition should the Applicants fail to address the issues herein raised and thoroughly analyze and ameliorate their potential adverse effects.

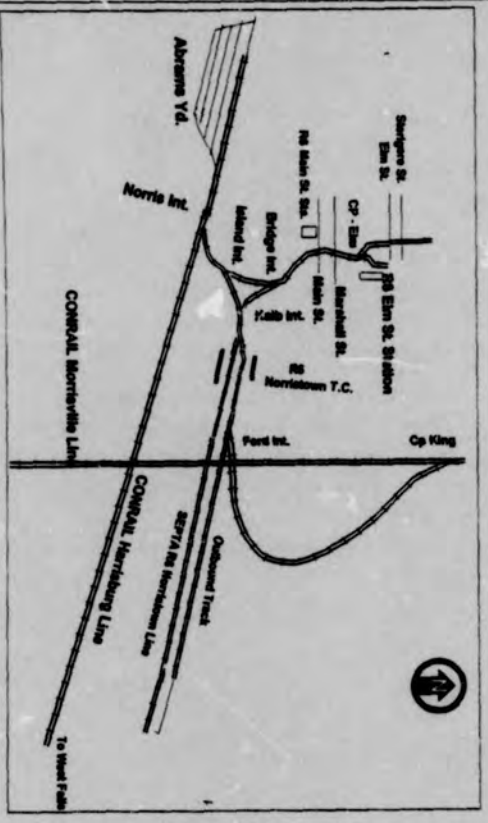
Respectfully submitted,



G. Roger Bowers
General Counsel
Eugene N. Cipriani
Assistant Deputy Counsel
Southeastern Pennsylvania Transportation Authority
1234 Market Street, Fifth Floor
Philadelphia, PA 19107-3780

John J. Ehlinger, Jr.
Thomas E. Hanson, Jr.
Obermayer Rebmann Maxwell & Hippel LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

Counsel for Southeastern Pennsylvania Transportation Authority



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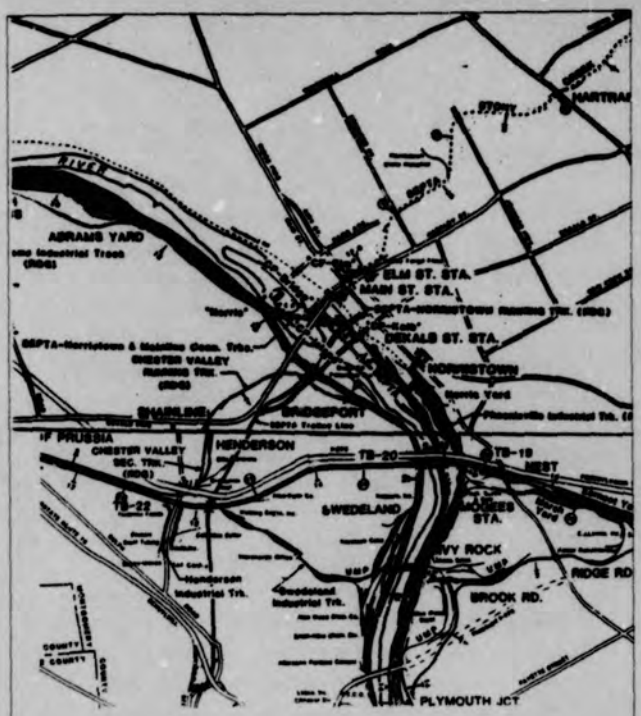

2/2/98 11:23:59am-19

SPTA-6

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Comments Of The Southeastern Pennsylvania Transportation Authority To The Draft Environmental Impact Statement And Safety Integration Plans was served upon those listed on the service list, via first-class mail, postage prepaid on the 30th day of January, 1998.

THOMAS E. HANSON, JR., ESQUIRE

2/2/98 11:23:59am-20

TRI-COUNTY REGIONAL PLANNING COMMISSION

Dauphin County Veterans Memorial Office Building
7th Floor, Harrisburg, Pennsylvania
Telephone 717-234-3639

PERRY COUNTY
DAUPHIN COUNTY
CUMBERLAND COUNTY
HARRISBURG

ENVIRONMENTAL DOCUMENT
January 30, 1998

RECEIVED
FEB - 3 1998

CENTRAL ADMINISTRATIVE UNIT
RECD: 2/3/98
2/3/98 4:20:08pm

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

Attention: Elaine K. Kaiser, Chief
Section of Environmental Analysis

RE: Draft Environmental Impact Statement for Proposed Conrail Acquisition

Dear Ms. Kaiser:

On January 22, 1998 the Tri-County Regional Planning Commission had the opportunity to review the Draft Environmental Impact Statement in STB Finance Docket No.33388 and the Errata sheet. We offer the following comments.

We wish to formally register our exception to the Draft EIS due to the regional method used to treat air quality and intermodal terminal access. These issues should be addressed on a local level to assure compliance with existing air quality and congestion mitigation goals that have been established to meet federal CAAA (1990) and ISTEA (1991) requirements. The potential impacts have not been adequately delineated in the DEIS because the regional assessment used is not appropriate for assessing the local and corridor impacts. Additional details of our review and concerns of the DEIS document follow.

With regard to the recommended mitigation to improve safety at Highway/Rail at-grade crossings, we are pleased that those intersections in our area identified under Category A will be improved to an safer status. We continue to point out, as in our earlier correspondence (9/25/97), the Duke St. intersection in Hummelstown Borough, currently under the 5,000 vehicle threshold, is growing due to recent subdivision approvals. The crossing currently has no gate and is controlled by flashing lights only. We encourage additional safety measures be considered at this location. Also, the report does not mention speed limits. Several of our municipalities desired reduction in speed through their jurisdictions.

Section 5-PA.8 Passenger Rail Service fails to indicate under the "Future Services Under Study" subsection, the pending Major Investment Study currently being financed in the Harrisburg

Mailing Address: 112 Market Street, 7th Floor, Harrisburg, Pennsylvania 17101-2015

2/3/98 4:20:08pm-1

region. The proposed corridor for rail service runs from Carlisle Borough in Cumberland County, through Harrisburg City in Dauphin County, to Lancaster City in Lancaster County. As mentioned previously, we would like the opportunity to have meaningful discussion with the freight operator should the issue present itself in the future.

Based upon our review of the Draft EIS, the issue of the proposed intermodal facility at Rutherford Yard has the largest impact on the area of any acquisition effect. We do not concur with the described traffic flow into the facility. Currently, truck traffic into the Triple Crown Facility has two options as the report indicated. The Rupp Hill Road route while incorrectly delineated was correct as an option. We agree it is a difficult route to negotiate in a tractor trailer. The second route accessing Grayson Road we feel was incorrectly portrayed. Our experience with traffic in that area is that trucks traveling Route 322 in an eastbound direction would bypass the facility, turn left onto Mushroom Hill Road proceed northerly to a left turn on Grayson Road, then backtrack to the facility. Mushroom Hill Road, is in fact the critical path of this travel route. Currently, the Mushroom Hill Road intersection is severely congested due to Big Box retail and strip mall development. An additional 660 truck trips would only further aggravate the existing congestion. We do, however, request the site developer consider the plan previously submitted to Swatara Township by Conrail for a similar facility at the location. By exiting Route 322 eastbound at PenHar Drive and turning right onto PenHar Drive, the proposed entrance would form the fourth leg of a current "T" intersection and allow very easy access to the site, while avoiding altogether the Mushroom Hill intersection and the "serpentine" Rupp Hill Road.

It appears a thorough review of air quality emissions was completed, although as a marginal non-conformity area we would like to see efforts put into mitigating facility emissions instead of reliance upon "Systemwide, the diversion would outweigh the increased emissions from increased rail activity." as a disclaimer. While we agree this is a probable statement, we are obligated to support the health, safety and welfare of all our local constituents and would request local impacts be measured.

The issue of noise has been discussed frequently by our local municipalities. We understand the safety issue involved with horn-blowing and will direct our municipalities to apply for "quiet zone" status once FRA regulations have been put in place.

In addition to the factors addressed in this draft EIS, we have other concerns. Cumberland and Perry Counties have active railways that may be impacted by additional rail traffic, yet received very little notation in this document. Most of the municipalities have developed with the rail line in mind and have zoned appropriately. Some have historically benefitted from the railroad's existence, however, the railroad must act in a responsible and even neighborly fashion when traveling through these municipalities. We are concerned also with the maintenance, repair and upgrade of facilities in response to the proposed increased traffic. This especially comes to light with last year's freight derailment on the Rockville bridge and fatal accident in Hummelstown Borough. Please keep these issues in mind when preparing the acquisition agreement.

2/3/98 4:20:08pm-2

We further appreciate the effort in mitigating the potential environmental justice impacts in our Harrisburg-Rutherford area. We offer our assistance in alleviating this situation.

While much effort has been put into the preparation of the Draft EIS and review, and the analysis of the situation is ongoing, the materials in the Draft EIS concerning air quality and highway traffic impacts do not accurately reflect the conditions and should be revised before local concurrence can be given. Further, comments provided locally relating to the Rutherford Intermodal facility appear to contradict materials contained in the DEIS. A full disclosure on the Rutherford and/or Harrisburg sites is needed prior to assessing the impact on the local environment and a specific written clarification of proposed action is requested. Additional facts and analyses need to be acquired and completed so that proposed future changes to the highway infrastructure and traffic flow/mode split can be properly evaluated. Currently, this is not possible using the information within the Draft EIS.

Given our analysis of the Draft EIS for the proposed Conrail Acquisition, we formally withhold our agreement with the program as presented pending receipt of additional details and clarifying analyses of the issues as stated above. We thank you for the opportunity to review this document and express our local concerns. Should there be any questions concerning this review please contact, Tim Reardon, Associate Executive Director, at the staff office. We look forward to working with the eventual operators in our area on common issues.

Sincerely yours,

Robert E. Shaffer, Sr.
Chairman

cc: US Senator Arlen Specter
US Senator Rick Santorum
US Representative George W. Gekas
US Representative William F. Goodling
Honorable Stephen R. Reed, Mayor, City of Harrisburg
Mr. Daniel Leppo, Planning Director, City of Harrisburg
Mr. Nicholas Dininni, Commissioner, Swatara Township

2/3/98 4:20:08pm-3

CENTRAL ADMINISTRATIVE UNIT

ELAINE K. KAISER
ENVIRONMENTAL PROJECT DIRECTOR
SECTION OF ENVIRONMENTAL ANALYSIS

FEB 9 - 5 1998

ENVIRONMENTAL DOCUMENT

DEAR MS. KAISER:

AFTER REVIEWING THE ENTIRE DRAFT ENVIRONMENT IMPACT STATEMENT (EIS) ON THE PROPOSED ACQUISITION OF CONRAIL BY NORFOLK SOUTHERN RAILROAD AND CSX RAILROAD, PERSONALLY I CAN SEE NO REASON WHY THE SURFACE TRANSPORTATION BOARD SHOULD NOT APPROVE THE PROPOSED CONRAIL ACQUISITION.

THE PENDING APPROVAL OF THE CONRAIL ACQUISITION BY THE SECTION OF ENVIRONMENTAL ANALYSIS (SEA) WOULD PROVIDE A MORE EFFICIENT RAIL TRANSPORTATION SYSTEM IN THE EASTERN UNITED STATES AND WOULD INCREASE RAIL COMPETITION IN THE NORTHEAST, IT WOULD ALSO HAVE ENVIRONMENTAL AND SAFETY BENEFITS BY REDUCTIONS IN FUEL CONSUMPTION, AIR POLLUTANT EMISSIONS, AND THE NUMBER OF TRACTOR TRAILER TRUCKS THAT TRAVEL OUR INTERSTATE HIGHWAY SYSTEM.

AGAIN, IN RESPONSE TO REVIEWING THE DRAFT (EIS), I'M 100 PER-CENT IN FAVOR OF (SEA) APPROVING THE ACQUISITION OF CONRAIL BY NORFOLK SOUTHERN RAILROAD AND CSX RAILROAD.

SINCERELY YOURS,
Richard H. Moffitt
RICHARD H. MOFFITT
730 HOWARD ST.
BROWNSVILLE, PA. 15417
(724) 785-8949

2/5/98 4:54:13pm

SPTA-7

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 33388

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

COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SAFETY INTEGRATION PLANS

G. ROGER BOWERS
General Counsel
EUGENE N. CIPRIANI
Assistant Deputy Counsel
Southeastern Pennsylvania Transportation Authority
1234 Market Street, Fifth Floor
Philadelphia, PA 19107-3780

JOHN J. EHLINGER, JR.
THOMAS E. HANSON, JR.
Obermayer Rebmann Maxwell & Hippel LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

Counsel for Southeastern Pennsylvania Transportation Authority

Dated: February 2, 1998

2/3/98 12:09:32pm-1

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388

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

COMMENTS OF THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY TO THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND SAFETY INTEGRATION PLANS

The Southeastern Pennsylvania Transportation Authority ("SEPTA") hereby submits Part X of its comments on the Draft Environmental Impact Statement ("DEIS") prepared by the Surface Transportation Board Section of Environmental Analysis ("SEA") and the Safety Integration Plans ("SIPs") prepared by the Applicants, CSX Corporation ("CSX") and Norfolk Southern ("NS").

X. TIME SPACING BETWEEN FREIGHT AND PASSENGER TRAINS

According to pages 4-12 and 4-13 of Volume 1 of the DEIS, the SEA has proposed greater time spacing between freight and passenger trains as a safety measure on nine rail line segments situated in the states of Georgia, Maryland, Michigan, New York, North Carolina, Indiana, Virginia and the District of Columbia. A more detailed description of the time spacing is provided at page 7-12 of Volume 4, where it is stated that "... trains moving in the same or opposite direction on the same track would be clear of the track at least 15 minutes before and 15

minutes after the expected arrival of a passenger train at any point." To propose time spacing on train segments or territories already protected by signals is totally contrary to accepted safety practices. The signals regulate the flow of rail traffic on signalized lines and properly maintain safety for passenger trains. SEPTA asserts that there is no need for the proposed time spacing, and objects to this mitigation measure to avoid the imposition of time spacing on SEPTA's current or future signalized lines or any lines over which SEPTA operates.

Respectfully submitted,

G. Roger Bowers
General Counsel
Eugene N. Cipriani
Assistant Deputy Counsel
Southeastern Pennsylvania Transportation Authority
1234 Market Street, Fifth Floor
Philadelphia, PA 19107-3780

John J. Ehlinger, Jr.
Thomas E. Hanson, Jr.
Obermayer Rebmann Maxwell & Hippel LLP
One Penn Center, 19th Floor
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103

Counsel for Southeastern Pennsylvania Transportation Authority

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Part X of Comments Of The Southeastern Pennsylvania Transportation Authority To The Draft Environmental Impact Statement And Safety Integration Plans was served upon those listed on the service list, via first-class mail, postage prepaid on the 2nd day of February, 1998.

THOMAS E. HANSON, JR., ESQUIRE

COMMONWEALTH OF PENNSYLVANIA
LIEUTENANT GOVERNOR'S OFFICE
200 MAIN CAPITOL
HARRISBURG, PA 17120-0002
717-787-3300
FAX 717-783-0160
E-MAIL

February 2, 1998

ENVIRONMENTAL DOCUMENT

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

Dear Ms. Morgan:

As Chairman of the Pennsylvania Emergency Management Council and the State Emergency Response Commission, I write to comment on the proposed merger between Norfolk Southern and Conrail. It is important that the concerns of the emergency services community and the Commonwealth be provided to your Board for inclusion in the final environmental impact report.

For many years the Local Emergency Planning Committee's (LEPC) in Pennsylvania have enjoyed a productive relationship with Conrail's Local Hazardous Materials Field Staff. These dedicated local Conrail employees have provided valuable assistance and expertise to our hazardous materials responders and emergency management officials.

I have been informed that, as Norfolk Southern is currently organized, such locally-based hazmat staff people do not exist. ***It is important that a continuity of service be provided in this specialized area. Hazardous materials teams must continue to be an important part of effective emergency response after the merger is finalized.*** Environmental issues surrounding a potential accident on the rail lines have immediate and long-term impact on the environment and the citizens of the affected areas. Concerns regarding the potential loss of this resource exist in many counties in Pennsylvania and specifically in Pittsburgh where main rail lines run through the heart of the business and residential districts. These individuals also provide planning that addresses mitigation efforts already in place with Conrail.

Page Two, Linda J. Morgan

On behalf of the Council and the Commission I would respectfully request that you include in your final report a requirement for this valuable, system-wide safety resource to be continued following the merger. In this way we, in partnership with Norfolk Southern, can continue to provide the outstanding level of hazmat service and expertise to the citizens of the Commonwealth.

If you have further questions regarding this request, you can contact my office at (717) 787-3300. I appreciate your efforts in this matter and look forward to a successful resolution to this issue.

Sincerely,

Mark S. Schweiker
Lieutenant Governor
Chair, Pennsylvania Emergency Management Council

ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing F.D. 33388

2/6/98 4:41:04pm-2

Pennsylvania Department of Environmental Protection

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/5/98
DOCUMENT # 2/5/98 2:56:54 PM

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
February 2, 1998

FEB - 5 1998

ENVIRONMENTAL DOCUMENT

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

Dear Ms. Kaiser,

Thank you for the opportunity to review the Draft Environmental Impact Statement (DEIS) for the proposed Conrail Acquisition. Please see our comments below.

General Comments

As stated in the DEIS document, the major adverse environmental impacts occurring from the operational changes pursuant to the acquisition, such as the resulting increases or decreases in train traffic on line segments, appear to be minimal. The Department views more significant impacts may result from site specific abandonments, modifications and new construction. The amount of specific detail concerning such developments as related to Pennsylvania operations is not included in the DEIS. An adequate level of detail for new modifications and construction is necessary in order to understand the full impacts of the acquisition.

Conrail's facilities have been in operation for many years, during which waste material handling practices likely would not be deemed acceptable by today's standards. Indeed, past Department investigations have found contamination, and we expect more investigations will be carried out in the future. Hence, any future construction projects at existing Conrail facilities where fueling, maintenance or related operations have occurred should incorporate investigations for contamination.

Specific Comment

Section 3-15.3 outlines mitigation strategies which are consistent with DEP's regulatory process. We encourage the continued focus on implementing mitigation strategies which incorporate the use of best availabl technologies in order to remain consistent with the Department's strategies. We will look forward to reviewing the analysis methods and mitigation strategies in the Final Environmental Impact Statement (FEIS) upon completion.

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Ms. Elaine K. Kaiser, Chief - 2 - February 2, 1998

If you have any questions regarding these comments, please contact Joe Sieber of the Policy Office at (717) 783-8727.

Sincerely,

Barbara A. Sexton
Director, Policy Office

2/5/98 2:56:54pm-2

CENTRAL ADMINISTRATIVE UNIT
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DOCUMENT # 2/10/98 11:39:45 AM

ENVIRONMENTAL DOCUMENT

Department of Public Works / City Government Center, Suite 212 / Harrisburg, PA 17101 / Telephone (717) 255-6455
Stephen R. Reed, Mayor / Daniel R. Lago, Project Manager

FEB 10 1998

February 6, 1998

Ms. Elaine Kaiser, Chief
Case Control Unit
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, DC
20423-0001

Subject: Draft EIS for Proposed Conrail Acquistion, Docket # 33388

Dear Ms. Kaiser:

The City of Harrisburg hereby submits supplemental comments to those previously provided on January 20 ,1998 by the City Engineer, Joseph Link. The draft EIS (Chapter 5-PA) identifies two proposed actions that the developer would take in the Harrisburg area. The EIS states that NS would close the existing conventional intermodal facility in the City of Harrisburg and relocate this facility adjacent to the Conrail Triple Crown Service facility in Rutherford Heights. This relocation would result in an additional 660 truck trips per day on local roads such as Mushroom Hill and Grayson Rd. that are either poor truck routes or are already severely congested due to existing development. The EIS also states that half of the additional truck traffic will use Interstate 283 and the other half Interstate 83. All additional truck traffic is expected to use Rt 322.

Interstate 83 and 283 and US Rt. 322 are the most heavily traveled routes leading into, through, and out of the City of Harrisburg. The additional 660 trucks per day will only aggravate the situation. As the largest municipality in the region, City residents, commuters, and businesses are likely to bear a significant portion of the adverse impacts resulting from the proposed changes. When mitigation measures are considered, including the locations for investment activities, jobs, and other potential benefits, the City of Harrisburg should be a focal point for such activity.

2/10/98 11:39:45am-1

Thank you for the opportunity to comment.

Sincerely yours,

Daniel R. Lieja
Project Director

cc: Mayor Stephen R. Reed
Joseph P. Link, City Engineer

2/10/98 11:39:45am-2

COUNTY OF ANDERSON

Anderson County Development Standards Department
Historical Courthouse
Phone: (864) 260-4719 - Fax: (864) 260-4044

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JAN 12 1998

January 7, 1998

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

ENVIRONMENTAL DOCUMENT

Dear Secretary:

Thank you for the opportunity to comment on the Proposed Conrail Acquisition (Finance Docket No 33388). After reviewing the Draft Environmental Impact Statement, Anderson County offers no comment on the issue.

Sincerely,

Jeff Ricketson, AICP
Planning Division Director

cc: Mr. Josy Preston, Anderson County Administrator
William B. West, Senior Planner

Attention:

Ms. Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Post Office Box 8002 • Anderson, South Carolina 29622-8002 • (864) 260-4050

1/16/98 11:34:05am

NASHVILLE AREA METROPOLITAN PLANNING ORGANIZATION

ENVIRONMENTAL DOCUMENT

Lindsley Hall
730 Second Avenue South
Nashville, TN 37201-3088
Phone: 615/862-7211
Fax: 615/862-7209

CENTRAL ADMINISTRATIVE UNIT
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February 2, 1998

DAVIDSON COUNTY
Goodlettsville
Metropolitan Nashville - Davidson County

RUTHERFORD COUNTY
La Vergne
Murfreesboro
Smyrna

SUMNER COUNTY
Gallatin
Goodlettsville
Hendersonville
Portland

WILLIAMSON COUNTY
Brentwood
Franklin

WILSON COUNTY
Lebanon
Mt. Juliet

Office of the Secretary
Case Control Unit
Finance Docket No. 33388
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Request for Comments on Draft EIS in STB Finance Docket No. 33388

To Whom it May Concern:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement (EIS) in the Surface Transportation Board (STB) Finance Docket No. 33388.

In a letter dated August 4, 1997, the Nashville Area Metropolitan Planning Organization (MPO) responded to a Request for Comments on the Proposed EIS regarding the Proposed Acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad.

In summary, our office expressed concern with the following EIS topics: air quality, the potential for passenger rail service, and safety.

In January1998, the Nashville Area MPO received copies of the Draft EIS. In review of the Draft EIS, the following points of clarification and comments are provided:

- Page TN-14 of "Proposed Conrail Acquisition", Draft Environmental Impact Statement, Volume 3B, the following statement is made: "EPA has designated Davidson County as a nonattainment area for particulate matter, and a maintenance area for O3."

  Davidson County is in fact *attainment* for particulate matter, and should be so noted in your analysis.

- Table 5-TN-7 (revised) *Tennessee Highway/Rail At-Grade Crossing Vehicle Delay and Queues* of the Draft Environmental Impact

2/5/98 3:17:13pm-1

Statement Supplemental Errata identifies train speeds at five at-grade crossings in Davidson County as follows:

Craighead Rd.	40 mph
Berry Rd.	40 mph
Davidson Rd.	40 mph
Thompson Ln.	50 mph
Una-Antioch Pike	50 mph

According to the Charter of the Metropolitan Government of Nashville and Davidson County, Title 12, Chapter 12.76, Section 12.76.20 *Speeds for Railroad Trains* and information provided by the Chief Traffic Engineer for Nashville-Davidson County, the maximum allowable train speeds at these locations are as follows:

Craighead Rd.	35 mph
Berry Rd.	35 mph
Davidson Rd.	35 mph
Thompson Ln.	40 mph
Una-Antioch Pike	45 mph

Due to the fact that these speeds are slower than those indicated in the aforementioned table, we request they be used to recalculate the vehicle delay and queues at highway/rail at-grade crossings as well as the respective Levels of Service for each roadway.

Again, thank you for the opportunity to comment on the Draft EIS. Should you have any questions or comments, please do not hesitate to contact me at 615/862-7215.

Sincerely,

Paige L. Watson
Planner I

MPO 98/ 27
PLW/plw

2/5/98 3:17:13pm-2

West Piedmont
Planning District Commission
PDC 12

One Starling Avenue
P.O. Box 1191
Martinsville, VA 24114
Phone: (540) 638-3987
Fax: (540) 638-8137
E-Mail: WPPDC@mbnet.COM

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ENVIRONMENTAL DOCUMENT

January 7, 1997

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Elaine K. Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Washington, DC 24023

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

Dear Ms. Kaiser:

We have received a delivery of the volumes of the Draft EIS relative to the reference docket, correct in accord with the subsequent notice letter of December 19, 1997, clarifying: 1) dates of the procedural schedule; and 2) arrangement of the volumes compiling the Draft EIS.

Our interest in the Draft EIS and the overall action that our region should at least be maintained with the level of services and access to rail line that we now have. We would not want the control and acquisition action to result in any additional filings for abandonment's' by the rail company serving our region.

We appreciate this opportunity to comment on the Draft EIS. If we have additional comments we are aware that they must be delivered on or before February 2, 1998.

Sincerely,

Robert W. Dowd
Executive Director

1/16/98 2:59:08pm

George Allen
Governor

Becky Norton Dunlop
Secretary of Natural Resources

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/26/98
DOCUMENT # 1/26/98 11:35:03 AM

RECEIVED
JAN 20 1998
NAT. RESOURCES MANAGEMENT SVS

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

203 Governor Street, Suite 326
TDD (804) 786-2121 Richmond, Virginia 23219-2010 (804) 786-2556 FAX (804) 371-7899

January 15, 1998

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

Re: Proposed Conrail Acquisition

Dear Ms. Kaiser:

The Department of Conservation and Recreation (DCR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the project area. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

DCR has reviewed the Draft Environmental Impact Statement (DEIS) for the acquisition of Conrail by Norfolk and Southern and CSX. Based on the information contained in the DEIS it appears that the Virginia portion of this project involves increased traffic on several existing lines. We do not anticipate that the increase in traffic along existing lines will adversely affect natural heritage resources.

We understand that no new connections or intermodal facilities are currently proposed in Virginia. However, DCR would appreciate the opportunity to review any site-specific expansions or new rail lines that are proposed in the future.

Thank you for the opportunity to comment on this project.

Sincerely yours,

John R. Davy, Jr
Planning Bureau Manager

/jeg

An Agency of the Natural Resources Secretariat

1/26/98 11:35:03am

A RESOLUTION OF THE
WARREN COUNTY BOARD OF SUPERVISORS
RE: FINANCE DOCKET NO. 33388 -- PROPOSED ACQUISITION OF CONRAIL BY NORFOLK SOUTHERN RAILROAD AND CSX RAILROAD: DRAFT ENVIRONMENTAL IMPACT STATEMENT

Whereas, Warren County, Virginia is currently served by [illegible] Southern Railway; and

Whereas, in the last decade, this community has experienced a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas; and

Whereas, the citizens of Warren County have experienced impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and

Whereas, industrial development in the county, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and

Whereas, the Environmental Report received July, 1997 projected changes in the three major rail segments centered on Riverton Junction in Front Royal -- north toward Harrisburg a 77% increase from 11.1 to 19 trains per day; south to Roanoke, a 210% increase from 3.9 to 12.3 trains per day; and east to Manassas, a 22% reduction from 11.3 to 8.8 trains per day; and

Whereas, the Draft Environmental Impact Statement dated December 12, 1997 concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for Warren County, despite the fact that air quality and noise impacts exceeded the Surface Transportation Board's thresholds; and

Whereas, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and Midwestern rail traffic and high probability of increased freight through traffic, and

Whereas, the citizens of Warren County are already coping with the current increases in through traffic as previously noted,

NOW, THEREFORE, BE IT RESOLVED the Warren County Board of Supervisors petitions the Surface Transportation Board to consider the high probability of more significant environmental impacts on this community due to the proposed acquisition; and

BE IT FINALLY RESOLVED that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

Adopted: January 20, 1998

Chairman, Board of Supervisors
County of Warren, Virginia

Clerk, Board of Supervisors
County of Warren, Virginia

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 5:38:19 PM

ENVIRONMENTAL DOCUMENT

2/2/98 5:38:19pm

TOWN OF ASHLAND

101 THOMPSON STREET
P.O. BOX 2055, ASHLAND, VIRGINIA 23005-0055
TELEPHONE: (804) 798-0510
FAX: (804) 798-4092

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 11:16:14 AM

January 27, 1998

ENVIRONMENTAL DOCUMENT

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

2/3/98 11:16:14am-1

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.

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

Very truly yours,

David W. Raynal
Town Manager

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

trains98 doc\h\trainsldw

ENVIRONMENTAL DOCUMENT

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 4:21:01 PM

COMMONWEALTH of VIRGINIA

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND 23219-1939

LEO J. BEVON
DIRECTOR

FEB - 3 1998

January 28, 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

To Whom It May Concern:

The Commonwealth of Virginia has reviewed the Draft Environmental Impact Statement developed by the Section of Environmental Analysis which concerns the proposed acquisition of Conrail by Norfolk Southern and CSX.

In accordance with the Section of Environmental Analysis' letter dated December 12, 1997, we are attaching the original and ten copies of our specific comments. These comments include an update of the information concerning one crossing.

Thank you for the opportunity to comment on the draft.

Sincerely,

Leo Bevon

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Leading Virginia To Greater Mobility

Commonwealth of Virginia
Comments
Draft Environmental Impact Statement
STB Finance Docket No. 33388

1. Clarke County, 5-VA.6.1, Pg. VA-10 – The report indicates that there is a significant affect at the crossing of Route 7. It recommends (Table 5-VA-5, Pg. VA-12) that four – quad gates or median barriers be installed. The present crossing has lights and gates and a new rubber surface. When other crossings which have more highway traffic and higher train speeds are compared, it does not appear that four quad gates are required. The Department is planning to review all the crossings to identify the needs or changes in priorities.

2. Warren County, 5-VA.6.1, Pg. VA-11 – Flashing lights and gates are scheduled to be installed. This is Route 658, DOT 468-6345.

3. Page County, Table 5-VA-13, Pg. VA-23 – This table does not include a line for truck diversions. Mr. Mark Wollschlager explained that the diversions would be from Interstate 81 and that route is not located in Page County. While this is true, I-81 does lie in the valley between the two mountain ranges and it would appear that there would be some positive affect caused by the diversions.

4. Track clearance, Pg. ES-17, Chapter 7, Pg. 7-12 – It is stated that SEA intends to recommend that all trains moving in the same or opposite directions on the same track would be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point. The Commonwealth has been advised that this is not present day practice. It is anticipated that this would reduce the capacity of the line. Future improvements will allow the trains to switch to parallel tracks; however, this work will not be completed in the near future. More information is needed on what the writers desire to achieve, and if other options can be used. It is suggested that this recommendation be given more study, before final actions are taken.

cc: Shirley J. Ybarra
Paul Reistrup
Robert Shinn
Richard Walton
Bill Schafer
Steve Roberts
George Conner
Thomas J. Christoffel

Town of Stanley

P.O. BOX 220
STANLEY, VIRGINIA 22851

TELEPHONE 540-778-3454

January 28, 1998

Tom Christoffel, Executive Director
Lord Fairfax Planning District Commission
103 East Sixth Street
Front Royal, Virginia 22630

Dear Tom:

Please find enclosed the Resolution regarding the CSX & Norfolk Southern Control/Environmental Impact which the Town Council adopted in their January meeting.

Should you have any questions or if we can be of any further assistance in this matter, please do not hesitate to contact us.

Sincerely,

Martha H. Graves
Town Manager

Enclosure

RESOLUTION

WHEREAS, in the Lord Fairfax Planning District, Virginia's Northern Shenandoah Valley, Clarke County and the Towns of Berryville and Boyce; Warren County and the Town of Front Royal; Page County and the Towns of Luray, Shenandoah and Stanley; and Shenandoah County and the Towns of Tom's Brook, Woodstock, Edinburg and Mt. Jackson have Norfolk-Southern Railway access; and Frederick County and the Towns of Middletown and Stephens City, and City of Winchester are served by CSX; and

WHEREAS, in the last fifteen years, the Northern Shenandoah Valley has emerged as a multimodal transportation hub with telecommunications infrastructure, these being key factors in local economic development promotion; and

WHEREAS, Warren County and the Town of Front Royal have experience a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas with citizens experiencing impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and

WHEREAS, industrial development in the region, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for areas of the region, despite the fact that air quality and noise impacts exceeded the Surface Transportation Board's thresholds; and

WHEREAS, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and Midwestern rail traffic and high probability of increased freight through traffic, and

WHEREAS, significant through traffic may interfere with local service to industry and efforts to expand local service for existing and new users, including passenger rail for Civil War Battlefield tourism, and therefore the economic base of the region;

NOW THEREFORE BE IT RESOLVED THAT the Lord Fairfax Planning District Commission petition the Surface Transportation Board to consider the high probability of more significant environmental impacts on this region and its communities due to increases in rail traffic volume as a result of the proposed acquisition; and

BE IT FURTHER RESOLVED that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

Adopted by the Stanley Town Council, this the 21st day of January, 1998.

Douglas L. Purdham, Mayor

ATTEST:

Martha H. Graves, Temp. Clerk

The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1443
FAX • (804) 847-1536

OFFICE OF THE CITY MANAGER

CENTRAL ADMINISTRATIVE UNIT
REC'D: ______
DOCUMENT # ______

January 29, 1998

ENVIRONMENTAL DOCUMENT

BY FEDERAL EXPRESS

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

Attention: Ms. Elaine K. Kaiser
Environmental Projector Director
Section of Environmental Analysis

Re: Draft Environmental Impact Statement for the Proposed Conrail Acquisition

Dear Ms. Kaiser:

The City of Lynchburg appreciates the opportunity to comment on the Draft Environmental Impact Statements ("EIS") relating to the proposed Conrail acquisition.

The City is particularly interested in the potential impact of the proposed Conrail acquisition because rail transportation is vital to our region. Unlike most regions of its size, the Lynchburg area is not served by an interstate highway. Therefore, the region is heavily dependent on both the Norfolk Southern and CSX rail lines for its transportation needs. We would strongly oppose any aspect of the proposed merger that would lead to reduced rail traffic through Lynchburg.

Although we have carefully reviewed the draft EIS, we have not been able to conclude with certainty that the proposed merger will not adversely affect rail service to Lynchburg. The draft EIS's narrative discussion of the proposed acquisition suggests that the Lynchburg area will not be affected. However, the "Emissions Changes for Rail Yards" chart at Attachment E-5 of Appendix E indicates that

Ms. Elaine K. Kaiser
January 29, 1998
Page 2

the acquisition would lead to a substantial reduction in rail cars traveling through Lynchburg. (See, the sixth column, "Activity Change" and reference to a 3,402 rail car reduction).

We request a clarification regarding the impact of the proposed acquisition on rail service to Lynchburg before the EIS is finalized. Again, we would be opposed to the acquisition if it would lead to reduced rail traffic through Lynchburg.

If you have any questions about the above, please feel free to contact me or Terry Reid at (804) 847-1360. Thank you again for the opportunity to comment. I look forward to your response.

Sincerely yours,

Charles F. Church
City Manager

Lord Fairfax Planning District Commission

"Serving local governments of the Northern Shenandoah Valley"
103 East Sixth Street - Front Royal, Virginia 22630-3499
Phone: (540) 636-8800 • Fax: (540) 635-4147 • E-Mail: lfpdc@shentel.net

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
DOCUMENT # 2/4/98 4:02:37pm

January 29, 1998

COPY

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

ENVIRONMENTAL DOCUMENT

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

Re: Your letter dated December 12, 1997 - Draft Environmental Impact Statement (EIS) on the proposed acquisition of Conrail by *Norfolk Southern Railroad and CSX Railroad - Submission of Comments by Resolution*

Dear Ms. Kaiser:

The Lord Fairfax Planning District Commission's Transportation Planning Technical Committee met to review the Draft Environmental Impact Statement. The concerns of the region, relative to the environmental impacts, are that they can not all be accurately predicted at this time and therefore it is requested that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options. This is set out in the enclosed resolution.

Sincerely

Tom Christoffel

Thomas J. Christoffel
Executive Director

Enclosure
cc: Mr. Harold E. Neale, Commonwealth Transportation Board
Mr. Dennis Morrison, Staunton District Engineer
The Honorable John Warner
The Honorable Frank Wolf
Mr. George Conner, Department of Rail and Public Transportation

1/2/2 LN

Lord Fairfax Planning District Commission

"Serving local governments of the Northern Shenandoah Valley"
103 East Sixth Street - Front Royal, Virginia 22630-3499
Phone: (540) 636-8880 • Fax: (540) 635-4147 • E-Mail: lfpdc@shentel.net

RESOLUTION NUMBER 98-03

SURFACE TRANSPORTATION BOARD FINANCE DOCKET NO. 33388 – CSX AND NORFOLK SOUTHERN – CONTROL AND AQUSITION OF CONRAIL: DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS SUBMISSION

WHEREAS, in the Lord Fairfax Planning District, Virginia's Northern Shenandoah Valley, Clarke County and the Towns of Berryville and Boyce; Warren County and the Town of Front Royal; Page County and the Towns of Luray, Shenandoah and Stanley; and Shenandoah County and the Town of Strasburg, are currently served by the Norfolk-Southern Railway; and the Shenandoah County Towns of Toms Brook, Woodstock, Edinburg and Mt. Jackson have Norfolk-Southern Railway access; and Frederick County and the Towns of Middletown and Stephens City, and City of Winchester are served by CSX; and

WHEREAS, in the last fifteen years, the Northern Shenandoah Valley has emerged as a multi-modal transportation hub with telecommunications infrastructure, these being key factors in local economic development promotion; and

WHEREAS, Warren County and the Town of Front Royal have experienced a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas with citizens experiencing impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and

WHEREAS, industrial development in the region, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT dated December 12, 1997 notes significant capacity improvements on its Shenandoah Corridor, including raising clearances between Riverton and Roanoke and new expedited coal service rerouting via Hagerstown and the Shenandoah Valley; and

2/4/98 4:02:37pm-2

WHEREAS, the DRAFT ENVIRONMENTAL IMPACT STATEMENT concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for areas of the region, despite the fact that air quality and noise impacts exceeded the Surface Transportation Board's thresholds; and

WHEREAS, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and Midwestern rail traffic and high probability of increased freight through traffic, and

WHEREAS, significant through traffic may interfere with local service to industry and efforts to expand local service for existing and new users, including passenger rail for Civil War Battlefield tourism, and therefore the economic base of the region;

NOW THEREFORE BE IT RESOLVED THAT the Lord Fairfax Planning District Commission petitions the Surface Transportation Board to consider the high probability of more significant environmental impacts on this region and its communities due to increases in rail traffic volume as a result of the proposed acquisition; and

BE IT FURTHER RESOLVED that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

Adopted this 22nd day of January, 1998.

Nora Belle Comer
Chairman

Attest: Thomas J. Christoffel
Thomas J. Christoffel
Executive Director

1.2.0 Res.CSX-NS PDCa

2/4/98 4:02:37pm-3

ENVIRONMENTAL DOCUMENT

TOWN OF FRONT ROYAL

P.O. BOX 1560
FRONT ROYAL, VIRGINIA 22630
(540) 635-8267
FAX (540) 635-7473

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT # 2/2/98 5:41:27 pm

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

ATTN: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Dear Ms. Kaiser,

The Front Royal Town Council, during its regular meeting held January 26, 1998, voted to adopt a resolution pertaining to Finance Docket #33388 regarding the CSX and Norfolk Southern Control and Acquisition of Conrail Draft Environmental Impact Statement. I have enclosed the original, plus ten copies, of the resolution for your consideration.

Very truly yours,

Rhonda S. North, CMC/AAE
Clerk of Council

RSN\

cc: Director of Planning

where the shenandoah national park begins

2/2/98 5:41:27pm-1

RESOLUTION
REGARDING FINANCE DOCKET NO. 33388 CSX AND NORFOLK SOUTHERN CONTROL AND ACQUISITION OF CONRAIL DRAFT ENVIRONMENTAL IMPACT STATEMENT

WHEREAS, the Town of Front Royal, Virginia and Warren County are currently served by the Norfolk-Southern Railway; and,

WHEREAS, in the last decade, this community has experienced a significant increase in rail traffic as a result of express freight traffic on the line from Riverton Junction to Manassas; and,

WHEREAS, the citizens of the Town of Front Royal and Warren County have experienced impacts due to noise, air quality and significant traffic conflicts at grade crossings during this period; and,

WHEREAS, industrial development in the County, including the Virginia Inland Port, has occurred because of the availability of local rail service, but has not been the main cause of traffic increases; and,

WHEREAS, the Environmental Report received July 1997 projected changes in the three major rail segments centered on Riverton Junction in Front Royal – north toward Harrisburg, a 77% increase from 11.1 to 19.6 trains per day; south to Roanoke, a 210% increase from 3.9 to 12.3 trains per day; and east to Manassas, a 22% reduction from 11.5 to 8.8 trains per day; and,

WHEREAS, the Draft Environmental Impact Statement dated December 12, 1997 concludes there is only minimal impact for air quality, noise, grade crossing conflicts and accidents for the Town of front Royal and Warren County, despite the fact that air quality and noise impacts exceed the Surface Transportation Board's thresholds; and,

WHEREAS, the train traffic projections are highly speculative given the strategic location of Riverton Junction for east coast and midwestern rail traffic and the high probability of increased through freight traffic; and,

WHEREAS, the citizens of the Town of Front Royal are already coping with the current increases in through traffic as previously noted.

2/2/98 5:41:27pm-2

NOW, THEREFORE BE IT RESOLVED, that the Front Royal Town Council petitions the Surface Transportation Board to consider the high probability of more significant environmental impacts on this community due to the proposed acquisition; and,

AND BE IT FURTHER RESOLVED, that the Final Environmental Impact Statement include a requirement for a five year review period from the effective date of the final decision for the assessment of environmental impacts and remediation options.

APPROVE:

George E. Banks
GEORGE E. BANKS, MAYOR

ATTEST:

Rhonda S. North
RHONDA S. NORTH, Clerk of Council

This resolution was adopted by the Town Council of the Town of Front Royal, Virginia, on the 26th day of January, 1998.

2/2/98 5:41:27pm-3

Northern Virginia Planning District Commission

7535 Little River Turnpike Suite 100 Annandale, Virginia 22003-5927 (703) 642-0700 FAX: (703) 642-5077

COPY

M•E•M•O•R•A•N•D•U•M

TO: Elaine K. Kaiser
Environmental Project Director
Surface Transportation Board
Section of Environmental Analysis
1925 K Street, N.W. Fifth Floor
Washington, D.C. 20423-0001

FROM: James Van Zee
Senior Planner

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/4/98
DOCUMENT # 35288 4:36:42 PM

DATE: February 2, 1998

SUBJECT: INTERGOVERNMENTAL REVIEW AND COMMENT

Project Title: CSX and Norfolk Southern
Finance Docket No. 33388

Description: Control and Acquisition

☑ The NVPDC staff has no major concerns with this project. We find it generally in accord with regional programs, plans, and policies.

☐ The NVPDC staff has no major concerns with this project; however, see comment(s) below.

ENVIRONMENTAL DOCUMENT

Signature: James Van Zee
James Van Zee
Senior Planner

2/4/98 4:36:42pm

CENTRAL ADMINISTRATIVE UNIT
RECEIVED 2/3/98
DOCUMENT # 35288 2/3/98 10:30:29 AM

ENVIRONMENTAL DOCUMENT TOH-2

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 33388
CSX CORPORATION AND CSX TRANSPORTATION INC.
NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY
-- CONTROL AND OPERATING LEASES/AGREEMENTS --
CONTRAIL INC. AND CONSOLIDATED RAIL CORPORATION

COMMENTS OF THE TOWN OF HAYMARKET
ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Pursuant to the Final Procedural Schedule adopted in Decision No. 6, served May 30, 1997, The Town of Haymarket, a body corporate and politic of the Commonwealth of Virginia, ("Haymarket"), submits its comments on the December 12, 1997 Draft Environmental Impact Statement ("DEIS") in the above-entitled proceeding. For the reasons stated herein, the Section of Environmental Analysis ("SEA") is requested to ensure that the final Environmental Impact Statement ("EIS") includes a provision contemplating Surface Transportation Board ("Board" or "STB") oversight over the environmental impacts of the proposed transaction (referred to herein as the "Conrail consolidation") for at least the same length of time that the Board maintains oversight with regard to the economic aspects of the consolidation.

BACKGROUND

On June 6, 1997, Haymarket submitted its Notice Of Intent To Participate in this proceeding (TOH-1). At that time, as now, Haymarket's sole concern with the Conrail consolidation was with regard to potential environmental impacts of increased Norfolk Southern Railway Company ("NS") traffic over what is commonly

2/3/98 10:30:29am-1

known as its "B Line" which runs through Haymarket.[1]

Haymarket's concerns with NS operations over the B Line are neither new nor unsubstantiated. As reported in the November 21, 1997 letter from Mayor Kapp to SEA's Elaine Kaiser (attached hereto), there have been three railroad accidents in the last fourteen months in the Haymarket area, i.e. a November 21, 1996 fatality caused by a train/passenger vehicle collision, a May 2, 1997 train derailment, and a July 11, 1997 train/tractor trailer collision.

Haymarket is aware of the fact that the NS operating plan contemplates a reduction in the average number of through trains operating over the B Line.[2] We also are aware of the fact that the Board's environmental review in cases such as this is limited to areas of increased activity.[3] Accordingly, Haymarket does not seek imposition of specific environmental conditions at this time other than the reporting condition described herein. However, given that the NS operating plan is not binding on the railroad, given the clear potential for increased operations over the B Line in the relatively near future, and given Board precedent in maintaining oversight over major consolidations,

[1] In the Applicants' June, 1997 Railroad Control Application, the B Line is identified as the NS Riverton Jct VA to Manassas VA line segment. See e.g. CSX/NS-20 at 465, Figure D.6-2. The B Line is part of what NS describes as the "Piedmont Route." CSX/NS-19 at 243, Figure TLF-8.

[2] This reduction is from 11.3 trains/day to 8.8 trains/day. Id.

[3] See e.g. DEIS, ES-15.

2/3/98 10:30:29am-2

Haymarket requests the imposition of an environmental oversight condition on the Conrail consolidation.[9]

THE RATIONALE FOR ENVIRONMENTAL OVERSIGHT

Unlike construction activity, which is well-defined and usually of short duration, the process of consolidating major railroads can vary substantially from original plans and can take years. By way of example, while the Union Pacific/Southern Pacific merger was consummated in 1996[10], the process of actually coordinating those two railroads still is not complete and the shifting of traffic between various line segments also is not complete.[11] Of perhaps greater importance, experience gained in the early years of railroad consolidations can and does result in railroad operations that differ markedly from those contemplated in the consolidation applications.

This is not to say or even to suggest that the NS operations data presented to the Board in this case was prepared in bad faith in an attempt to minimize the cost of environmental

[9] Environmental oversight would not be required if either NS were to agree to a cap on its average daily movements on the B Line equal to the 8.8 trains per day projected in its operating plan or if the Board were to condition its approval of the merger on such a cap.

[10] See Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, And Missouri Pacific Railroad Company -- Control And Merger -- Southern Pacific Railroad Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., And The Denver And Rio Grande Western Railroad Company, Decision No. 44. (cited hereafter as "UP/SP, Decision No. 44").

[11] See e.g. the 1996 Union Pacific Annual Report which gave a mid-1998 target date for the completion of the integration of Union Pacific and Southern Pacific.

mitigation. Rather, Haymarket notes only that experience gained after the consolidation has been consummated can have a significant effect on the traffic actually operating over any given line segment.

By way of example, Haymarket would point again to the UP/SP merger. The applicants in that proceeding proposed a major corridor upgrade for their trackage between Topeka and Fort Worth.[12] However, UP now proposes to upgrade a different route for its coal movements to Oklahoma and Texas.[13] Thus, the original line segment density studies prepared by UP/SP, upon which the STB's environmental analysis was premised, will not accurately portray the facts two to three years after consummation of the merger.

In this case, there is ample reason for concern that the NS portrayal of its future use of the B Line, i.e. a reduction of 2.5 trains per day,[14] understates what will happen two to three years after consummation of the Conrail consolidation. On the one hand, NS projects reduced traffic on the B Line (part of the Piedmont Route) as a result of a rerouting of traffic from the Piedmont Route to the Shenandoah Route. CSX/NS-18 at 538. On the other hand:

[12] Id.

[13] See eg. the July 1, 1997 Applicants' Report On Merger And Condition Implementation at 24-25 and the August 4, 1997 Comments Of The Lower Colorado River Authority And The City Of Austin, Texas at 6-7.

[14] CSX/NS-20 at 464.

1) NS states that the B Line is part of one of the "Primary Expanded NS Corridors." CSX/NS-20 at 112, Figure 13.3-5;
2) NS also states that the B Line is part of its "New Intermodal Service Network." CSX/NS-20 at 161, Figure 13.3-22;
3) NS also states that the B Line is part of its "Improved Norfolk/Hampton Roads--Detroit Route." CSX/NS-19 at 248, Figure TLF-12;
4) NS also identifies the B Line as part of its "Piedmont Route." CSX/NS-19 at 243, Figure TLF-8;
5) NS also states that the portion of the Piedmont Route that includes the B Line "will be used for traffic destined to Philadelphia and northern New Jersey as well as for all doublestack and multi-level automobile traffic. At Harrisburg, connections with other CR routes to be operated by NS will be made for traffic to/from Pittsburgh, Buffalo and New England." CSX/NS-18 at 536; and
6) NS also explains that the Piedmont Route, of which the B Line is a part, will also connect with its "Bridge Route" for "access to the Southeast and with the Penn Route to the West." CSX/NS-18 at 534.

In light of the fact that the claimed reduction in traffic on the B Line is contingent upon the proposed upgrade of the Shenandoah Route and in light of all of the above-summarized expected uses of the B Line, as described by NS, the NS's projected reduction in its use of the B Line cannot reasonably be deemed certain. Stated another way, the Board can no more reach a final conclusion at this time as to the environmental impacts of the Conrail consolidation than it can reach a final conclusion at this time as to the competitive impacts of that consolidation.

THE REQUESTED OVERSIGHT CONDITION

The concept of continued Board oversight in major consolidation procedures is by no means novel. By way of example, in its August 6, 1996 decision in the UP/SP merger proceeding, the Board stated:

> We also will impose as a condition the 5-year oversight period to examine whether the conditions we have imposed have effectively addressed the competitive issues they were intended to remedy.[15]

The Board further stated:

> We retain jurisdiction to impose additional remedial conditions if, and to the extent, we determine that the conditions already imposed have not effectively addressed the competitive harms caused by the merger.[16]

Here, continued Board oversight is known to be acceptable to NS. See, e.g. the Agreement Between The National Industrial Transportation League, Norfolk Southern, and CSX. CSX/NS-176 at

[15] UP/SP Decision No. 44 at 107.

[16] Id. at 146. See also Ordering Paragraph No. 6 at 231.

771.[1] Notably, the NITL/NS/CSX agreement is not limited to "competitive issues." Rather, that agreement states:

> The Board should require specific oversight of the implementation and effect of the transaction for a three-year period. This condition is not intended to limit the authority of the Board to continue oversight beyond the three-year period, or limit the right of any party, including the Organization, to request continued oversight if conditions at the end of the three year period warrant such a request.

In light of this agreement, the Haymarket request for Board oversight over environmental impacts should not be controversial. However, since Haymarket notes that the quarterly reports mandated by the NITL/NS/CSX agreement do not specifically contemplate a reporting of the data of concern to Haymarket[2], we request that the reports mandated by the NITL/NS/CSX agreement be augmented by the adoption of the following language.

> For the purposes of monitoring the environmental impacts of the Conrail consolidation on the Town of Haymarket, NS shall file on a monthly basis with the Board, and provide a copy to counsel for Haymarket, verified copies of station passing reports of train movements through Haymarket, VA for each day of each preceding month. Such reports shall be filed and served for each month of the first five years following consummation of the Conrail consolidation.

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[1] See also, CSX/NS-176 at 708, 726-728.

[2] However, the reporting requested by Haymarket is fully consistent with item (e) of the reports contemplated by the NITL/CSX/NS agreement, i.e. "any other matters about which the Board or Council reasonably requests information."

CONCLUSION

Unlike the construction elements of the instant proceeding, which can be described with particularity, the operational elements, including the number of trains operating over each line segment are, at best, estimates. Here, Haymarket has presented more than ample justification for its concern that NS has understated the potential for increased traffic through a community that has experienced severe problems, including one fatality, as a result of the current level of NS operations. The requested reporting condition would not create an undue burden for NS and would permit the Board to take necessary action in the event that NS operations through Haymarket later prove to require environmental mitigation. The requested reporting condition should be recommended by SEA and should be adopted by the Board.

Respectfully submitted,

The Town Of Haymarket

By: _____
Steven J. Kalish
McCarthy, Sweeney
& Harkaway, P.C.
1750 Pennsylvania Ave., N.W.
Washington, D.C. 20006

Its Attorney

Dated: February 2, 1998

The Town of HAYMARKET
Established in 1799
County of Prince William

November 21, 1997

Ms. Elaine K. Kaiser
Surface Transportation Board
1925 K Street, NW, Room 504
Washington, DC 20423-0001

Re: Finance Docket No. 33388
CSX/Norfolk Southern/Conrail

Dear Ms. Kaiser:

I write as the Mayor of the Incorporated Town of Haymarket, Virginia, approximately 40 miles west of Washington, DC. Our small historic town is transected by the "B Line" of the Norfolk Southern railroad that transports freight to and from the Hampton Roads port and points west.

We are extremely concerned about the safety of our area residents and the future impact of Norfolk Southern's use of the B Line. This freight rail line travels through a densely populated residential neighborhood in Haymarket, along a feeder stream for a major public water source, past a pre-Civil War church and across U.S. Route 29, one of the most heavily traveled highways along the East Coast and already the most dangerous rail/public highway crossing in Virginia.

In the last year alone there have been two major rail accidents and one death in our immediate area. On May 2, 1997, a freight train derailed at Route 29, narrowly missing an occupied day care center, a propane storage yard and a gas station. On July 11, 1997, a train struck a tractor trailer near the same crossing. Sadly, on November 21, 1996, a local resident was killed when her car was struck by a train at an unguarded crossing.

The potentials for environmental and public safety disasters are great along the B Line. Nearly two years ago Norfolk Southern announced it intended to greatly increase freight traffic along this line, which provoked substantial public outcry and expressions of concern by local fire and rescue agencies. However Norfolk Southern's organization plan filed before your agency in connection with the Conrail acquisition shows freight traffic not increasing, but in fact, slightly decreasing.

On behalf of the Town, I strongly appeal for your assistance in ensuring Norfolk Southern is held to its plan for not increasing freight traffic on the B Line after its acquisition of Conrail lines. We believe this commitment must be reflected as part of its safety integration plan -- ordered by your agency on November 3 -- exactly because this is a significant safety issue for our community.

Post Office Box 87 • Haymarket, Virginia 20168 • (703) 753-2600 fax (703) 753-2800

Further, we request that the Surface Transportation Board retain jurisdiction over Norfolk Southern's future use of the B Line after its decision on the acquisition to assure the health and well-being of our local residents.

Thank you for your kind consideration.

Sincerely,

John Kapp
Mayor

cc: Ms. Jolene M. Molitoris
Administrator, Federal Railroad Administration
400 7th Street, SW ROA-1
Washington, DC 20590

Steven Kalish, Esq.
McCarthy Sweeney Harkaway
1750 Pennsylvania Ave. NW
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VIA HAND DELIVERY

February 5, 1998

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

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

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation

Dear Secretary Williams:

Enclosed are an original and ten copies of the Public Version of the comments of the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission on the Draft Environmental Impact Statement ("DEIS") and the DEIS Verified Statement of Charles H. Banks. Only the DEIS Verified Statement of Charles H. Banks contains redactions, but we are furnishing versions of both documents. Also enclosed is a 3.5 inch diskette containing the filing in WordPerfect 5.1.

Please stamp the extra copy of the foregoing and return it with our messenger.

Respectfully submitted,

Kevin M. Sheys
Oppenheimer Wolff & Donnelly *LLP*

Enclosures

Virginia Railway Express
A Transportation Partnership

February 2, 1998

Public Version

VIA HAND DELIVERY

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 700
Washington, D.C. 20423-0001

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

Re: Finance Docket No. 33388, CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company -- Control and Operating Leases/Agreements -- Conrail Inc. and Consolidated Rail Corporation

Dear Secretary Williams:

This letter constitutes the comments of Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission ("NVTC" and "PRTC", respectively, and the "Commissions" collectively) on the *Draft Environmental Impact Statement ("DEIS")* served by the Surface Transportation Board's Section of Environmental Analysis ("SEA") on December 12, 1997.

I. Summary

As is more fully explained below, the Commissions believe that the preliminary conclusion of the DEIS that the proposed Conrail acquisition will have no adverse impact on the Virginia Railway Express ("VRE")[1] commuter rail transportation system is wrong. The Commissions believe that SEA needs to comprehensively re-examine this very important issue and develop conditions for inclusion in the Final Environmental Impact Statement ("FEIS") to mitigate the adverse impact of the

[1] NVTC and PRTC are political subdivisions of the Commonwealth of Virginia organized pursuant to the Transportation District Act of 1964, § 15.1-1340 et seq., VA Code Ann. NVTC and PRTC jointly own the VRE commuter rail service. Amtrak conducts and manages VRE's commuter rail operations pursuant to a contract with the Commissions. VRE's right to use the rail lines of the Applicants is established by contracts between the Commissions and CSX, NS and Conrail, respectively.

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E-MAIL: gotrains@vre.org

proposed Conrail acquisition on VRE. In addition, the Commissions believe that the SEA's preliminary proposed mitigation condition that would require greater time spacing between freight and passenger trains is not necessary to ensure continued safe passenger operations on the line between Potomac Yard and Fredericksburg and therefore should not be included in the FEIS.

The Commissions' specific comments on these topics (and other related topics) are summarized below. A full discussion of the impact of the proposed Conrail acquisition on VRE is set forth in the Comments and Requests for Conditions of the Commissions, which was filed with the Board on October 21, 1997.[2] The Commissions' Comments and Requests for Conditions in the "economic" *part of the proceeding are directly related to the environmental considerations raised in this letter* and, therefore, we incorporate them by reference and request that SEA carefully review them in the course of preparation of the FEIS. We are submitting ten copies of our Comments and Request for Conditions herewith and would be pleased to provide SEA with additional copies upon request.

II. SEA's Conclusion Of No Adverse Impact On VRE Is Wrong

VRE provides a valuable service to Northern Virginia commuters. VRE data compiled for submission to the U.S. Department of Transportation's ("U.S. DOT") National Transit Database reveal that in FY 1997 VRE provided 57,116,170 passenger miles of service at an average cost of only 32 cents per passenger mile. This compares very favorably with costs of operating single-occupant automobiles. VRE has operated without a passenger fatality or even serious injury since 1992. At VRE's FY 1997 level of ridership (1,758,471 passenger trips), the reduction of automobile usage by VRE passengers reduced consumption of gasoline by approximately 2.9 million gallons.[3]

VRE presently operates 24 trains on two routes. Twelve trains operate on the CSX Fredericksburg Line and 12 trains operate on the NS Manassas Line. With respect to the Fredericksburg Line, the *DEIS concludes that "the proposed increase in CSX freight trains is not expected to adversely affect* commuter service. SEA has analyzed the segments and believes, based upon the information available, that mitigation is not necessary at this time." DEIS at 4-39. With respect to the Manassas Line, the DEIS concludes that "[b]ased upon the information available at this time, there does not appear to be an adverse impact on commuter service to Manassas. SEA does not believe mitigation is necessary at this time." DEIS at 4-40. The Commissions believe that both of these conclusions are wrong.

As explained below, the segments of the NS Manassas Line and the CSX Fredericksburg Line used by VRE will experience very heavy increases in freight traffic. These lines do not have the capacity to absorb these increases while accommodating current levels of passenger service. This is especially *true because freight operating times are erratic. CSX and NS have proposed no capital* improvements of their own to expand capacity on these overburdened lines. The result will be

[2] Comments and Request for Conditions of Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission ("VRE Request for Conditions"), VRE-8, at 13; Verified Statement of Stephen A. MacIsaac and Richard K. Taube, which accompanied the VRE Requests for Conditions, at 9-13.

increased failure to dispatch VRE trains on time, with falling VRE ridership and a return to single-occupant automobiles by dissatisfied *VRE customers. Air quality will certainly deteriorate as a* result. The final EIS should document and evaluate these adverse impacts and propose appropriate mitigation measures.

Both CSX and NS have indicated that their proposed Operating Plans for the post-acquisition era will result in substantial increases in freight train operations on the rail lines over which VRE provides service. Increased freight operations will further clog these already busy rail transportation arteries. The NS Operating Plan projects an increase of two freight trains per day on the line between Manassas and Alexandria. Although VRE is very concerned about the impact of this acknowledged increase, VRE has developed information indicating that NS may in fact increase daily freight trains over the Manassas Line by four or more trains per day.[3] In addition, NS has *acknowledged that the Manassas Line is a much more direct and desirable route for NS coal and* other traffic to the Baltimore and Wilmington markets than the NS Hagerstown - Harrisburg route, creating the distinct likelihood that greater volumes of coal traffic ultimately will be re-routed over the Manassas Line to the detriment of VRE commuter rail operations.[4]

The CSX Operating Plan poses even greater concerns because of the very substantial increases in freight service CSX plans for the already highly congested Fredericksburg Line. According to the CSX Operating Plan, the CSX line between Fredericksburg and Alexandria currently carries 28 passenger trains per day (12 VRE trains and 16 Amtrak trains) and is projected to experience an increase of seven freight trains per day. This represents a 43 percent increase in freight train operations on this 49-mile segment. The post-acquisition increase in freight operations on the other *part of the Fredericksburg Line, between Potomac Yard and CP - Virginia Avenue, is even more* dramatic. This line presently carries a minimum of 42 passenger trains per day (24 VRE trains and a minimum of 18 Amtrak trains) and will have an increase of 11 freight trains per day, which represents a 61 percent increase over the pre-acquisition level. Furthermore, most of the added freight trains on the Manassas and Fredericksburg Lines will operate during the VRE operating periods (i.e., Washington, D.C. rush hour periods).[5] Even so, CSX has not identified a single capacity-enhancing investment on the Fredericksburg Line other than publicly funded improvements that will only be made if they enhance or improve VRE service.

The CSX Operating Plan itself reveals that among the rail lines with passenger trains that will experience moderate to substantial increases in freight activity, the Fredericksburg Line (and *particularly the segment between Potomac Yard and CP - Virginia Avenue) is among the most* affected by freight train increases in the entire Country. Table 13.8-2 of the CSX Operating Plan (Application ("App."), Vol. 3A at 409-12) lists projected increases in both CSX and NS freight trains on CSX and Conrail-acquired line segments with passenger service. Although there are more than 100 lines listed, only six line segments are projected to have an increase of ten or more freight

[3] Verified Statement of Charles H. Banks ("Banks VS"), which accompanied the VRE Request for Conditions, at 9.
[4] VRE Requests for Conditions at 16-17; Banks VS at 9, 18-20.
[5] VRE Request for Conditions at 18.

trains per day. With the exception of the Potomac Yard to CP - Virginia Avenue segment, none of these segments carries significant passenger traffic. App., Vol. 3A at 409. In contrast, the Potomac Yard to CP - Virginia Avenue line segment carries more than 42 passenger trains per day. App., Vol. 3A at 412. Accordingly, of all the CSX/Conrail lines that are scheduled to undergo substantial post-transaction increases in freight traffic, the line that has by far the greatest volume of passenger operations is the Potomac Yard to CP - Virginia Avenue segment. The potential impact, therefore, of substantial projected increases in freight traffic on lines already carrying substantial passenger traffic -- and the corresponding need to protect such passenger operations -- is nowhere more clearly evident than on the CSX/Conrail Fredericksburg Line.[6] Although the Application asserts that the Fredericksburg Line has "sufficient capacity" to accommodate freight increases without adverse impact on commuter service, App., Vol. 3A at 276, even before the merger CSX Chairman John Snow characterized the Fredericksburg Line as "one of the most capacity constrained segments of the entire CSX system." Letter from John Snow to Terrence Spellane, Potomac and Rappahannock Transportation Commission, June 28, 1995.[7]

The methodology that CSX and NS used to arrive at projected freight train densities as a result of the acquisition was made without any consideration of passenger operations. The Applicants assert that any possible conflicts or adverse impacts on VRE commuter rail service could be resolved through more careful scheduling of freight trains. Scheduling adjustments and refinements will not resolve the issue.[8]

Nothing filed by Applicants since the submission of their Environmental Report (CSX/NS-23) alleviates the Commissions' concerns. On December 15, 1997, Applicants filed their rebuttal to, inter alia, the VRE Request for Conditions. As is explained in the DEIS Verified Statement of Charles H. Banks, attached hereto as Exhibit A, Applicants have continued to ignore the adverse impact of the proposed Conrail acquisition on VRE operations.

In consideration of these key factors, as well as all of the other factors described in the VRE Request for Conditions and accompanying verified statements, the Commissions are perplexed by the DEIS conclusion that the train increases of CSX are "well within the capacity" of the Fredericksburg Line and that the NS Manassas Line has "more than sufficient capacity to accommodate expansion of VRE service."

The DEIS indicates that "CSX has begun certain signal and crossover track improvements which will add some operating flexibility and reliability to the route." DEIS, Vol. 1 at 4-39. Although the Commissions cannot be sure which signal and crossover track improvements are referred to in the DEIS, it seems likely that SEA is referring to certain capital improvements that are being made at the behest of VRE and the expense of the public and for the benefit of VRE service. As noted above, CSX has not identified a single capacity-enhancing investment on the Fredericksburg Line that it

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[6] VRE Request for Conditions at 18-19.
[7] VRE Request for Conditions at 19-20.
[8] VRE Request for Conditions at 28-31; Banks VS at 5-10.

intends to pay for. CSX only identifies publicly funded improvements, but these will only be made if they enhance or improve VRE's service.

Approximately one-third of VRE's annual capital budget is devoted to improvements to the Fredericksburg Line. The improvements are funded by the Virginia Department of Rail and Public Transportation ("VDR&PT"), using federal funds. VRE has paid for the Woodbridge crossover (approximately $1.25 million) north of Quantico Bridge and is predisposed but not committed to pay for the Aquia crossover south of Quantico Bridge. The addition of these crossovers would double the number of crossovers in the area and help both freight and passenger trains avoid delays. Again, VRE is predisposed but not committed to pay for track and signal improvements between a point near Potomac River (RO) and a point near Telegraph Road (AF), at an expense of approximately $2,650,000. These track and signal improvements are designed to increase train speeds, decrease travel time and consequently increase VRE ridership.[9] The first thing that should be noted is that the Woodbridge/Aquia crossover and the track and signal improvements between the Potomac River and Telegraph Road would be installed only if VRE's service would benefit from them. The Commissions are pleased that there is also a benefit to the freight service from these publicly funded improvements, but it should be recognized that the improvements will not be made if they do not enhance VRE service. Thus, unless CSX is prepared to represent that it will make the improvements even if public funding is not forthcoming, SEA should not assume that the improvements will be made or factor the improvements into its consideration of the environmental impact of the proposed Conrail acquisition.[10]

Other statements in the DEIS indicate that SEA needs to undertake a more careful study of VRE operations. For example in Volume 1, on page 4-39, the DEIS erroneously states:

> CSX has also proposed in its Operation Plan certain improvements to the Virginia Avenue tunnel in Southeast Washington, D.C. The improvements would improve the movement of both passenger and freight trains through this tunnel, which currently is a constraint to passenger train operations in the District of Columbia. [Emphasis Added]

Neither VRE nor Amtrak trains run through the Virginia Avenue tunnel. Although the planned improvements to the Virginia Avenue tunnel will permit faster movement of freight trains through that tunnel and that, in turn, might result in somewhat higher capacity on the CSX line between

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[9] VRE's capital improvement program also contains a plan to add a new bridge over Quantico Creek, at an expense of approximately $20 million, which would add an additional track to replace the track that CSX demolished shortly before VRE began operations. The additional span of bridge at Quantico Creek would enhance the benefit of the Woodbridge/Aquia crossovers.
[10] The same point should be made about the planned siding at Lorton. In Applicants' rebuttal submission, Mr. Reistrup promotes the Lorton siding. Applicants' Rebuttal, CSX/NS-176, Vol. 2B, Rebuttal Verified Statement of Paul H. Reistrup at P-259. Public funding will not be used for that siding unless it provides a benefit to VRE service.

Potomac Yard and CP - Virginia Avenue, the fact that the SEA is under the impression that Amtrak and VRE trains run through the Virginia Avenue tunnel is indicative of a need to re-examine more thoroughly (and accurately) the operations of VRE and reach more careful conclusions regarding the impact of the proposed Conrail acquisition on VRE operations.

Moreover, there is no indication that SEA conducted any analysis of (i) the magnitude of increased capacity on the Potomac Yard to CP - Virginia Avenue line as a result of the Virginia Avenue tunnel improvements or (ii) the increase in delays or reduction in capacity on the line during the period when the improvements are being made. If the Virginia Avenue tunnel improvements are proffered as mitigation of the adverse impact of the proposed Conrail acquisition on VRE, then the extent of the benefit must be quantified. Moreover, as the Virginia Avenue tunnel improvements are prompted by the proposed Conrail acquisition, SEA needs to establish conditions to mitigate the adverse impact on VRE operations during the construction.

III. SEA's Proposed 15-Minute Headway Condition Is Not Necessary For Safety

With respect to the CSX Line between Fredericksburg and Potomac Yard (among other segments), the SEA has preliminarily proposed a condition under which freight trains "moving in the same or opposite direction on the same track would be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point." DEIS at 7-12.

Review of the DEIS provides no insight into how the proposed mitigation is supposed to improve safety or, indeed, what incidents the proposed measure is designed to prevent. It would appear rooted in a desire to have freight trains in the clear at meeting or passing points on a single track railroad, but does not seem appropriate for a double-track railroad such as the Fredericksburg Line, with cab signals installed for bi-directional operations.

Time spacing is an old railroad practice used when poor communications technology could not be relied upon for safety. The requirement to be in the clear at least five minutes in advance of any potential conflict was appropriate given the state of signal system technology at the time and certainly reduced rail accidents. The Commissions fail to see how establishing a 15-minute separation period is necessary for safety today.

Further, the Commissions believe that the SEA has not examined and evaluated the tremendous burden the proposed mitigation would place upon the VRE operations on the Fredericksburg - Potomac Yard segment. With block signal systems, trains can follow safely as short as five minutes apart. To mandate a spacing of not less than 15 minutes would mean stretching by three times the length of the current interval. Where CSX and NS can now safely insert a freight train between commuter trains operating on 30 to 60 minute headways, they would be completely forestalled under the proposed mitigation condition from using their own tracks for hours during peak passenger periods. As that impact would prove to be an intolerable burden on CSX, the most likely outcome would be for CSX to cease its willingness to host VRE trains upon contract expiration or to achieve the same thing by failing to dispatch VRE trains reliably enough to encourage commuter rail ridership.

IV. An Adverse Impact On VRE Would Have An Adverse Impact On Air Quality

Northern Virginia is designated as a "serious" ozone area by the U.S. Environmental Protection Agency. Accordingly, the region must prepare air quality plans and spend millions of dollars to devise methods to reduce the ozone to acceptable levels. An emissions analysis performed by NVTC in 1994 showed that for each work day, reduced automobile traffic from VRE service results in 0.06 fewer tons of hydrocarbons, 0.42 fewer tons of carbon monoxide, 0.15 fewer tons of nitrogen oxide and 0.07 fewer tons of volatile organic compounds (the controlling pollutant in smog formation in the Washington, D.C. area). These amounts are net of the extra auto trips by VRE customers to and from VRE stations.[11] Thus, any adverse impact of the proposed Conrail acquisition on VRE would have an adverse impact on air quality in Northern Virginia.

The Commissions appreciate this opportunity to submit comments on the DEIS. The Commissions are committed to working with SEA to provide further information regarding the foregoing comments and to consult with SEA regarding the impact of the proposed Conrail acquisition on VRE.

Respectfully submitted,

/s/
Richard K. Taube
Executive Director
Northern Virginia Transportation Commission

/s/
Stephen A. MacIsaac
Acting Executive Director
Potomac and Rappahannock Transportation Commission

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[11] Kathleen Ben on, "Investment Analysis - Revised - Virginia Railway Express Versus Equivalent Highway Capacity", April 24, 1995, Northern Virginia Transportation Commission. See Exhibit B attached hereto.

EXHIBIT A

Public Version

DEIS Verified Statement
of
Charles H. Banks

I. Qualifications and Introduction

My name is Charles H. Banks. I am President of R.L. Banks & Associates, Inc. ("RLBA"), a firm of transportation economists and engineers, with offices at 1717 K Street, NW, Washington, DC 20006 and at 4 Britton Avenue, Belvedere, CA 94920. I have been RLBA's principal in charge of providing Commuter Rail Economic and Operations Consulting Services for the Virginia Railway Express ("VRE") since RLBA was awarded that competitively bid five-year service contract on June 26, 1995.

The co-owners of VRE, Northern Virginia Transportation Commission ("NVTC") and Potomac and Rappahannock Transportation Commission ("PRTC") (collectively, the "Commissions"), are today filing comments on the Draft Environmental Impact Statement ("DEIS") served by the Surface Transportation Board's Section of Environmental Analysis ("SEA"). The Commissions believe that the preliminary conclusion of the DEIS that the proposed Conrail acquisition will have no adverse impact on VRE operations is wrong. The Commissions believe that SEA needs to comprehensively re-examine this very important issue and develop conditions for inclusion in the Final Environmental Impact Statement ("FEIS") to mitigate the adverse impact of the proposed Conrail acquisition on VRE.

Applicants' Environmental Report (CSX/NS-23) contained very little information with which VRE could evaluate the impact of the proposed Conrail acquisition on VRE. Nothing filed by Applicants since the submission of their Environmental Report alleviates the Commissions' concerns. VRE filed Comments and Requests for Conditions in the so-called "economic" part of the proceeding that are directly related to the environmental considerations raised in its comments. On December 15, 1997, Applicants filed their *rebuttal to, inter alia, the VRE Request for Conditions.* In the rebuttal filing, Applicants side-stepped VRE's evidence (set forth in its Request for Conditions) of the harms from the proposed Conrail acquisition. The purpose of this verified statement is to point out the major flaws in Applicants' rebuttal.

A. The STB Needs to Look at the Entire Fredericksburg Line Over Which VRE Operates

To get an accurate picture of freight and passenger train operations on the Fredericksburg Line after consummation of the proposed Conrail acquisition, one must look at the entire line between Fredericksburg and Washington, D.C., not just one segment of it. The Commissions have done so, but the Applicants have not. The Applicants' approach is arbitrary and somewhat misleading.

In Applicants' Rebuttal, CSX/NS-176, Vol. 2A, Rebuttal Verified Statement of John W. Orrison ("Orrison RVS"), at P-606, Mr. Orrison claims:

> Correct presentations of the string line charts show that there is no conflict between the proposed CSX train operations with respect to known VRE train operations.

However, in this, CSX's only attempt to quantify the impact of additional trains on the Fredericksburg Line, Mr. Orrison failed to prepare a string line chart of the entire

CSX/Conrail line between Fredericksburg and CP Virginia. He played it safe but coy by depicting only seven miles of largely triple-track territory, completely ignoring any string line depiction of the approximately 45.7 miles of largely double-track railroad over which VRE operates, not to mention a short single-track segment in the vicinity of the Quantico Bridge. In contrast, the analysis in my verified statement accompanying the Commissions' Request for Conditions (the "Banks VS") covered the entire rail line segment.

Had Mr. Orrison prepared a complete string line chart, it would have shown the exact opposite of what his analysis shows. At least six VRE and Amtrak trains will be delayed every weekday by proposed CSX freight trains. VRE clearly presented the data in my earlier verified statement at 7 and 8 and Attachment B thereto. I now have prepared two string line charts to analyze Mr. Orrison's contentions. One depicts scheduled trains from Fredericksburg to Washington on the eastward track while the second charts all scheduled Washington to Fredericksburg trains on the westward track. When Mr. Orrison's string line approach is extended to cover the entire CSX/Conrail line, not just triple-track territory, significant conflicts occur:

> CSX [ ] will delay VRE#310 and Amtrak #86 every day (see Banks VS at 7);
>
> CSX#[ ] will delay VRE#301 every day (see Banks VS at 8);
>
> CSX#[ ] will delay VRE #306 every day (see Banks VS Attachment B);
>
> CSX#[ ] will delay VRE#307 every day (see Banks VS at 8); and
>
> CSX#[ ] will delay Amtrak#66 every day (see Banks VS at 8).

Even my analysis paints an optimistic picture because the string line charts were premised upon the simplifying assumption that all Fredericksburg to Washington trains could operate on a continuous eastward track while all trains in the opposite direction could operate on the westward track. It, therefore, did not even take into account the considerable impacts arising from the single-track segment at Quantico Creek through which all trains must be funneled in both directions, one at a time, causing additional delays to opposing trains.

Moreover, string line charts cannot possibly depict accurately the location of train meeting points given the variance at which CSX freight trains deviate from schedule each and every day. Banks VS at 10-11. String charts are merely a "best case" laboratory exercise. Even as deficient as the string line approach is in reflecting realistic and less than perfect operating conditions of real railroading, it predicts that the CSX operating plan will result in major conflicts to VRE trains.

In sum, even were CSX to achieve the kind of laboratory perfect conditions it has proffered, in which each freight train runs exactly on time, a string line chart of proposed existing passenger and proposed freight operations depicts daily delays to four of the twelve VRE passenger trains operating between Washington and Fredericksburg each weekday. VRE on-time performance on the Fredericksburg Line would plunge to 67 percent, absent any impacts which might arise from track, signal and other CSX delays.

B. CSX and the STB Cannot Assume That Planned Capacity/Flexibility-Enhancing Capital Improvements Will Be Made on the Fredericksburg Line

Both Mr. Orrison and Paul H. Reistrup, another witness for the Applicants, make much of CSX's efforts to increase capacity on the Fredericksburg Line. All of the cited improvements are at least partially funded by passenger train/public sector interests, primarily VRE and the Commonwealth of Virginia. (See Exhibit One hereto.) Public funding for capacity improvements will not happen if VRE service will not benefit from the improvements. As proposed, the Conrail acquisition will have serious adverse effects on VRE operations and it is therefore unlikely that the capital improvements touted by Applicants would benefit VRE sufficiently to justify public expenditures. Thus, SEA should not assume, as Applicants have, that public money will be available. Absent a commitment by CSX to fund the capital improvements itself, SEA should not assume the capital improvements will be made.

Mr. Reistrup states:

> One should also take into account the effect of the recent improvements to the line, some funded by CSX and some funded by VRE, and the additional improvements planned for the line.
>
> CSX has completed several capital improvement projects on portions of the Fredericksburg line and is continuing to improve the remaining portions. These projects, funded entirely by CSX, include: 1) replacing rail and ties, 2) improving the ballast shoulder, 3) upgrading signal relays to modern microprocessors, and 4) installing CTC modern dispatch bi-directional signaling.
>
> * * *
>
> One important improvement CSX has planned and will fund is the clearance and track upgrade of the Virginia Avenue Tunnel in the District of Columbia. The tunnel project will permit track speed to increase from the present 10 mph to 25 mph or more, allowing freight trains to travel much more quickly over the line segments used by VRE.

Applicants' Rebuttal, CSX/NS-176, Vol. 2B, Rebuttal Verified Statement of Paul H. Reistrup ("Reistrup RVS"), at P-248-49.

Mr. Orrison adds:

> Nonetheless, CSX continues to advance its efforts to improve VRE's on-time performance. One means by which CSX seeks to increase service levels is by improving capacity and service over the Atlantic Coast Service Route, over segments of which VRE operates. Improving the track will move traffic over this line more quickly and create greater capacity for freight and passenger trains. An example of CSX's commitment to improve track and train operational capacity is the plan to modify the Virginia Avenue Tunnel and more than double the track speed in the tunnel area (from 10 mph to 25 mph or more) to improve train meets in Washington, D.C.

Orrison RVS at P-611.

The Commissions have made significant improvements to the Fredericksburg Line, using public monies to improve VRE service. The Commissions plan to make additional significant improvements, again using public funds, provided that the improvements enhance VRE service. If the planned improvements would not help VRE service, or if, in the alternative, no VRE service survives to be supported, no public expenditures will be made to improve the utility of CSX freight trackage. Thus, unless CSX is prepared to represent that it will make the improvements even if public funding is not forthcoming, SEA should not assume that the improvements will be made or factor the improvements into its consideration of the environmental impact of the proposed Conrail acquisition.

It is certainly questionable whether the so-called CSX improvements to the Fredericksburg Line relied upon so heavily by Mr. Reistrup can properly be categorized as "capital improvements". I would characterize them instead as maintenance of way expenses, an operating expense. They merely restore the line to repair normal or

accidental wear and tear on the property. They do not add capacity or functionality to the corridor. Ties wear out, even welded rail eventually must be replaced, ballast shoulders must be restored to prevent track buckling. The signal relays at Rosslyn which Mr. Reistrup cites are nothing more than replacements of in-place infrastructure which was destroyed in last summer's major freight train derailment which also damaged VRE service and decimated VRE ridership. The modern signaling system to which Mr. Reistrup avers can hardly be accepted on its face as an "improvement," since a CTC installation with cab signals has been installed on this line segment for many years. In short, none of the improvements cited by Mr. Reistrup added capacity to the line in preparation for the coming onslaught of new rail freight traffic.

Conrail's depository timetable shows a maximum authorized speed through the tunnel of [ ] mph. VRE marvels that the only example CSX can muster of how it will improve the Fredericksburg Line to accommodate significantly increased freight traffic is to raise a temporary speed restriction to less than the authorized speed in Conrail's depository timetable. The freight train speed though the tunnel has been 30 mph or faster for decades. It seems strange to temporarily lower a speed, then be given credit by SEA for increasing it to less than historical levels.

Likewise, the benefit to VRE seems speculative. While the Virginia Avenue Tunnel project may represent a significant clearance improvement for CSX, the only benefit VRE may realize is the extent to which partially restoring freight train operating speeds can help CSX hide its dispatching errors when freight trains are advanced ahead of passenger trains with inadequate time to clear the main track. If an eastbound CSX freight

cannot clear CP Virginia ahead of a passenger train, it should be held at the Potomac River. Similarly, if a slow westbound freight train would delay a passenger train, it should be held at CP Virginia to follow the passenger train. Even at the proposed increased, but less than timetable, speed of [ ] mph within the tunnel, it is less than the allowable passenger train speed of [ ] mph across the Potomac River and [ ] mph between the Potomac River and CP Virginia (except [ ] mph on two curves).[1] If CSX operates an eastbound freight train immediately ahead of a passenger train it will likely delay that [ ] mph train.

Applicants do not offer one capital improvement paid for absent government funding which will improve line segment throughput capacity. Since, for the reasons stated previously, SEA cannot properly assume that capacity improvements will be made with public funds, SEA cannot point to any planned capital improvement that will enhance capacity and offset the impact of the proposed Conrail acquisition on VRE passenger service.

C. Freight Trains Consume More Capacity Than Passenger Trains

The Applicants would like any STB analysis of freight and passenger train activity to be based on the premise that VRE trains consume more capacity than freight trains and therefore disproportionately constrain the Fredericksburg Line. In fact, the opposite is true. At P-245, Mr. Reistrup states:

> First, VRE erroneously assumes that capacity on the line is constrained by freight traffic, when in fact it is constrained by passenger traffic. An additional freight train does not "consume" the same amount of capacity as an additional passenger train. The RF&P line from Fredericksburg to Alexandria is double-track (except for the bridge at Quantico) with CTC bi-directional signaling. There would be no

[1] NS-21-CO-01257

question that this line would have more than adequate capacity if all the trains expected to operate over the line post-Transaction were freight trains.

"Capacity" is the problem, but contrary to Mr. Reistrup's contention, a single freight train consumes more capacity than does a single passenger train. Freight trains change speeds more gradually than passenger trains and cannot be operated as frequently as passenger trains on a line with the characteristics of the Fredericksburg Line. Passenger trains can accelerate and decelerate more quickly, which means they can more quickly reach high speeds on segments permitting such speeds and maintain those high speeds for longer periods before there is a need for a brake application to operate over a lower speed segment or stop at a station. Thus, on the Fredericksburg Line, as shown in Table 1, the average speeds achieved by CSX trains operating in both directions between Alexandria and Richmond were [ ] miles per hour for intermodal trains and [ ] miles per hour for other freight trains, each considerably slower than the 54 and 44 mile per hour averages achieved by Amtrak and VRE trains, respectively between Alexandria and either Richmond or Fredericksburg.

Table 1: Average Train Speeds of Different Train Types Between Alexandria and Points South

Train Type	Endpoints	Miles	Average Elapsed Time (Hours)	Average Speed (Miles Per Hour)
Amtrak	Alexandria and Richmond	100	1.9	54
VRE	Alexandria and Fredericksburg	46	1.1	44
CSX Intermodal	Alexandria (Potomac Yard) and Richmond (Greendale)	101	[ ]	[ ]
CSX Other Freight	Alexandria (Potomac Yard) and Richmond (Greendale)	101	[ ]	[ ]
CSX Other Freight	Alexandria (Potomac Yard) and Richmond (Acca Yard)	102.6	[ ]	[ ]

Sources: CSX Train Operations Train Inquiry 9/18/97 – 10/17/97; RLBA calculations.

Another way of determining whether and to what extent there is congestion on the Fredericksburg Line is to examine the elapsed time between Alexandria and Richmond recorded by CSX Intermodal and other (general) freight trains. If there is no capacity problem on the Fredericksburg Line other than that posed by VRE operations, as CSX claims, then one would expect CSX trains to operate more quickly when VRE trains do not operate. The fact that VRE trains do not operate on the weekends provides an ideal control case for evaluation. The results of analyses drawn from CSX actual data are summarized in Table 2. It shows that CSX freight trains operate no faster on the weekend when VRE does not operate any trains than they do during the week. Congestion is such a constant that CSX trains are no better off in the absence of VRE operations than with them.

Table 2: CSX Freight Trains Average Elapsed Travel Times Weekday Vs. Weekend Average Travel

Train Type	Endpoints	Weekday	Weekend
CSX Intermodal	Between Alexandria (Potomac Yd.) and Richmond (Greendale)	[ ] hrs	[ ] hrs
CSX Freight	Between Alexandria (Potomac Yd.) and Richmond (Greendale)	[ ] hrs	[ ] hrs
CSX Freight	Between Alexandria (Potomac Yd.) and Richmond (Acca Yd.)	[ ] hrs	[ ] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97 – 10/17/97; RLBA calculations.

Likewise, one would expect that CSX trains would be subject to fewer delays when VRE was not active on the Fredericksburg Line than when it was. However, this is not the case. As shown in Tables 3 and 4, respectively, whether one includes both early

and late freight trains or just the late CSX freight trains, the average variance from schedule and hours of delay are no worse during the days when VRE operates than when it does not.

Table 3: Average Variance from Schedule All CSX Trains

Period	Sample Number of Trains	Trains per day	Average Variance
Daily (7 days)	[ ]	[ ]	[ ] hours
Weekends Only	[ ]	[ ]	[ ] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97–10/17/97; RLBA calculations.

It can be seen in Table 3 that the same number of CSX trains operate on weekends as operate during the week, and yet on weekends, when freed from VRE train interference, the CSX trains still do not run on schedule. In fact, variance from schedule is slightly worse on weekends when VRE trains do not operate.

Table 4: Average Hours of Delay - All CSX Trains

Period	Sample Number of Trains	Trains per day	Average Variance
Daily (7 days)	[ ]	[ ]	[ ] hrs
Weekends Only	[ ]	[ ]	[ ] hrs

Sources: CSX Train Operations Train Inquiry 9/18/97 – 10/17/97; RLBA calculations.

Further, the values in both preceding tables demonstrate that CSX freight trains are not able adhere to a schedule on weekends, which suggests that there are significant capacity problems even in the absence of VRE trains and track occupancy.

No matter how one looks at the data, there is no factual basis that supports a finding that VRE passenger trains in general take longer than freight trains to traverse the

Fredericksburg Line and that VRE trains are contributing significantly to the congestion problem.

Verification

I, Charles H. Banks, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief. Further, I certify that I am qualified and authorized to file this Verified Statement.

/s/
Charles H. Banks
President - R.L. Banks & Associates, Inc

Dated: February 2, 1998

Exhibit One

VRE FUNDED
PLANNED CAPITAL IMPROVEMENT PROJECTS
CSXT: RF&P Subdivision

Date	Project	Description	VRE Cost	Status
1998	Quantico Bridge	Design and construct 2nd bridge over Quantico Creek to accommodate two additional main tracks $1,000,000 design contract in progress (VRE)	$13,000,000 cost sharing TBD	design in progress
1998	Consolidation and upgrade of SY and AF interlockings	Elimination of SY and reconstruction of AF interlocking from current 20 mph diverging moves to 45 mph. Critical to Conrail sale as CSXT and NS converge here with 20% freight train increase	VRE share TBD $3,500,000	in design
1998	dual control electric switch machines	Convert all air switch machines to dual control electric - NAX, INPF, FB, HA	N/A	contract pending in design
1999	Lorton Auto Train	Construct lead and interlocking to allow Amtrak's Auto Train to be assembled clear of the main track, thus increasing main capacity	$2,000,000	in design
1999	Aquia Crossovers	Construction of new high speed universal crossovers at mp 71 to enhance train movement flexibility. 18 mile block reduced to a 10 and 8 mile block	VRE share TBD $1,500,000	in design
1999	SRO to RO - NAX to AF	Construct 3rd main track SRO to RO (1 mi) with #20 connections. Rehabilitate 3rd main track NAX to AF (1 mi). Completes AF to RO project	$3,000,000	concept

EXHIBIT 8

Northern Virginia Transportation Commission

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– INVESTMENT ANALYSIS –
– REVISED –

VIRGINIA RAILWAY EXPRESS VERSUS EQUIVALENT HIGHWAY CAPACITY

Kathleen Benton

Northern Virginia Transportation Commission

April 24, 1996

This analysis compares the cost of constructing and operating the Virginia Railway Express, a commuter railroad in Northern Virginia, to the cost of constructing an equivalent lane of interstate highway in the I-66 and I-95 corridors in which VRE operates, and operating enough automobiles in those lanes to serve the same number of peak period commuters as are projected to use VRE during Fiscal Year 1996. The analysis demonstrates that at present levels of operation, between 1992 (VRE's start-up year) and 2012, VRE will cost $254 million less to build, maintain, and operate than would the lanes of interstate. While VRE is not a substitute for all highway construction and cannot solve all of the region's commuting problems, the railway was and continues to be a very sound investment decision by the citizens of Northern Virginia.

The Virginia Railway Express (VRE) began commuter rail operations in June, 1992. Ridership has grown steadily, reaching an average daily level of about 8,000 passenger trips. The two commissions sponsoring VRE (Northern Virginia Transportation Commission and Potomac & Rappahannock Transportation Commission) have purchased locomotives, railcars, fuel and insurance; contracted with Amtrak for maintenance and crews; built facilities; and leased access to tracks from three freight railroads and Amtrak. In addition, the Virginia Department of Transportation has built parking lots and participating local governments have constructed several stations. Operating and capital costs of the project are currently financed jointly by customer fares, six participating and two contributing jurisdictions, and state aid. As of Fiscal Year 1995, federal funding is also available for capital projects.

Estimated total construction, capital and operating costs for the VRE project were approximately $150 million through FY 1994. The approved operating and capital budget for FY 1996 is about $27.3 million. To what extent are expenditures of such magnitude justified in an era of scarce public resources?

The VRE project has delivered significant benefits, including removing the equivalent of a rush-hour lane of low-occupant vehicles from the crowded I-66 and I-95 corridors of Northern Virginia (see page 3). Customers rate the quality of service as excellent, and ridership is growing despite two four-percent fare increases and an overall fare level that exceeds the average cost of parking automobiles in core employment locations.

Compared to other commuter rail systems in the United States and Canada, VRE provides exceptional service at an operating cost below the national average on a per passenger mile basis, while recovering a greater percentage of those costs from customers, as demonstrated below, using the most recent federal and VRE data available.

Federal Transit Administration Section 15 Data	Operating Cost Per Pass. Mile	Fare Per Pass. Mile	Recovery Ratio (Fares/Op.Cost)	Average Trip Length	Pass. Miles Per Vehicle Mile
National Avg., FY 93	$.30	$.14	48	22 miles	32
VRE, FY 1994	$.24	$.12	50	32 miles	60

Also, a significant part of VRE's initial $160 million cost has been invested in assets that, with appropriate maintenance, will continue to yield benefits for 20 years or longer. These assets include railcars, locomotives, and a self insurance trust. The fact that many of these assets can be readily liquidated has served to minimize the initial risk to Virginia taxpayers. For example, as of June 30, 1994, the insurance fund contained $20.8 million in liquid assets.

Despite the current success of VRE and its potential to expand rapidly to serve future needs, the project should be evaluated in comparison to competing alternatives. In an environment in which severe traffic congestion restricts peak period commuting, buses, carpools, vanpools, and low occupancy vehicles all rely on the existence of sufficient highway capacity. Consequently, VRE's costs should be compared to the equivalent costs of building and maintaining new highways to serve peak hour commuters as well as the costs of operating competing transportation modes on those highways during peak periods.

The following analysis compares the costs of moving passengers along these corridors on VRE to the costs of its principal competitor, the private automobile. Costs are grouped into four primary categories to assure comparability: 1) initial capital investments, 2) maintenance and administration, 3) the cost of providing the transportation itself, and 4) air quality considerations. Detailed information regarding assumptions, sources, and calculations is provided in the attached worksheets.

1) Initial capital investments: $86.5 million (VRE) v. $338 million (Interstate)

The initial costs of establishing the fixed facilities of the VRE system were $66.1 million. This includes the costs of constructing parking lots and stations, upgrading track and signals, and building yards and maintenance facilities. The costs of purchasing VRE railcars and locomotives are accounted for in category 3 below. In addition, VRE has provided $20.7 million to the Commonwealth's Division of Risk Management to establish a self-insurance trust. This investment yields interest which is used to pay the premiums for additional private insurance.

To cover an equivalent distance with interstate highway in Northern Virginia, the respective costs are about $4.4 million per lane-mile in the inner suburbs and Prince William County and $2.7 million per lane-mile in the Stafford County area. These estimates are taken from comparable construction projects in the approved Virginia Fiscal Year 94-99 Six-Year Improvement Program, and include the costs of some engineering as well as construction. While some highway construction costs might be lower (e.g. paving existing shoulders to create an additional lane,) it should also be noted that the figures only reflect costs to construct lanes up to the Virginia bank of the Potomac River, and not on the bridges crossing the Potomac or in the District of Columbia. District of Columbia staff has indicated that the cost of such construction in the District would be so prohibitively expensive that they could not provide an estimated cost. Furthermore, this figure does not include right-of-way, which in some congested areas of the corridor would be very expensive.

Highway costs also do not reflect the significant level of investment in insurance reserves necessary for VRE, because the liability of the Commonwealth is capped by state statute. Thus, while motorists are provided with some protection through privately obtained insurance, the state does not have to insure itself against lawsuits. Sponsors of VRE chose to change state statutes to waive the $25,000 cap in order to provide explicit protection to VRE customers. Insurance has been provided in order to indemnify the railroads and protect customers for an annual aggregate of up to $200 million in damages.

Determining the theoretical maximum capacity of the VRE facilities versus the highway is problematic. VRE capacity is constrained in the short term by available parking, freight train competition for track time, and available rolling stock. Nonetheless, under current conditions VRE can move about 3,700 people per hour during rush hours (five trains of seven cars on each line with a capacity of 106 people per car). A highway lane could carry about 2,300 people per hour at equivalent speeds assuming the current regional average of 1.14 persons per car, and in fact, this number is nearly exactly that found by inbound traffic counts on I-395 just before the 14th Street Bridge during the peak morning hour. Of course, if auto occupancies were assumed to be greater (for instance, if more lanes were reserved for high occupancy vehicles) the assumed capacity of the highway lane would be correspondingly increased. Similarly, assuming more railcars, more frequent trains, or other VRE improvements not presently available would boost the capacity of the VRE alternative in this analysis.

Both highway and the rail corridors also perform functions other than carrying commuter traffic. For instance, both the tracks used by VRE and the highways used by passenger vehicles carry freight and can provide defense capabilities in a national emergency. These non-commuting benefits, however, are not within the scope of this analysis, since the underlying assumption of the analysis is that the region is contemplating an investment to relieve rush hour congestion in two mainline corridors in order to move commuters more effectively. Existing highway and rail capacity is

already available for freight and national defense needs and for off-peak transportation.

VRE total initial investment costs are $86.5 million, compared to highway costs of $338 million. Of course, while these two investments accomplish the same purpose – laying down the facilities upon which vehicles can move – it should be remembered that they do have dissimilar characteristics. VRE capacity is available for trips in both directions, but permission of the railroads is required to expand the frequency of service. Once an agreement is reached, capacity could be increased significantly at relatively little marginal cost. A single lane of highway would have to be reversible to provide the same two-way capacity enjoyed by VRE. Furthermore, while an interstate lane can also accommodate vehicles during off-peak hours, once it is filled to capacity during rush hours, the only way to accommodate more vehicles is to construct yet another lane, requiring at least another $338 million capital investment. During peak hours, the tracks used by VRE are not at maximum capacity, and can accommodate an increase in of VRE patronage.

VRE	System	$66,134,806
	Insurance Trust Fund	20,368,000
		$86,502,806
Interstate	68 miles @ $4.4 million/mile (Inner Jurisdictions)	$300,000,000
	14 miles @ $2.7 million/mile (Stafford County)	37,800,000
		$337,800,000

2) Maintenance and Administration: $14.1 million annually (VRE) v. $2.9 million annually (Interstate - partial costing)

Based on the level of service provided in the Fiscal Year 1996 budget, the annual cost of maintaining and administering VRE will be about over $14 million. This figure covers payments to the freight railroads for use of the tracks, improvements to those tracks, operation of the fare vending systems, marketing costs, maintenance and refurbishment of the stations and parking lots, and other general overhead. Corresponding interstate highway maintenance costs are budgeted at $41,000 per lane mile, or $3.4 million for the equivalent distance. Overhead costs of administration by VDOT and local authorities as well as costs of police protection are omitted, as are the costs of maintaining the bridges across the Potomac River and highways in the District of Columbia. Conversely, the costs of customer security and system maintenance are fully included within VRE's budget.

VRE	System Costs (Tracks extending from outlying stations to Union Station)	$13,990,472	Per Year
	Costs to jurisdictions of maintaining stations & lots	139,628	Per Year
		$14,130,101	
Interstate	82 miles @ $41,000/mile	$3,362,000	Per Year
	VDOT expenditures:		
	Overhead	N/D	
	Legal expenses & settlements	N/D	
	Cost of Maintaining Bridges over Potomac	N/D	
	Police expenditures: Highway Patrol	N/D	

N/D = Not Determined

3) Costs of Providing Transportation: $.22 (VRE) v. $.30 (Interstate) Per Passenger Mile

A portion of VRE's mission is to operate safe and reliable transportation on the facilities it built, leases, and maintains. To acquire rolling stock, pay crews and buy fuel to accomplish this costs about 22 cents per passenger mile at projected ridership levels. As passenger loads grow, this per-passenger-mile cost will decrease.

The Federal Highway Administration has calculated that the average cost to the public to acquire private compact automobiles and operate them along the same corridor is 26 cents per mile. This analysis also takes into account the cost of parking those cars once they arrive at their destination – whether that is a rural parking lot or one in the urban core. Neither the VRE nor the vehicular numbers reflect "user fees," or charges to the passenger which are directed back into the system being utilized. For instance, VRE fares, which are used to cover costs already accounted for in this analysis, are not included here. Similarly, fuel taxes and registration fees, which are traditionally dedicated to highway systems, have been deducted from the federal estimates of operating costs for an automobile.

Independently performed ridership estimations project an FY 96 ridership of 8,672 daily trips. Assuming that these trips average 35 miles one-way (reflecting VRE's current use versus the 32 miles shown in the table for Fiscal Year 1994 on page two), VRE costs in this category total about $15.95 million for FY 1996. (The $15.95 million is greater than VRE's Fiscal Year 1996 operating budget would indicate, because it includes the annual debt service for rolling stock, a figure generally considered to be

a capital budget item, but included in this section for comparability to auto costs.) The same number and length of trips by low-occupant automobiles would cost approximately $22.4 million annually. This is based on the cost of those vehicles driving an average of 35 miles each way along the Interstate, neither analysis calculates the cost of accessing either the VRE station or the highway.

The cost of parking has been added to each mode based on an estimate of the value of the space used by those automobiles. Thus, due to higher land values, the estimated "cost" of parking in the urban core is significantly higher than that of leaving one's automobile at an outlying station. Most VRE commuters, and many of those who drive into the urban core, do not actually pay for parking, but the opportunity cost of the space their car uses is paid by someone, be it the local jurisdictions (in the case of the VRE parking lots), employers, or the public in general, as cars parked on the street take up room that could be used for other purposes, such as buildings, sidewalks, or parks. For the purposes of this calculation, the number of spaces used in each case was assumed to be 3.803, the number of passengers divided by the regional average auto occupancy rate.

VRE	Acquiring and operating rolling stock $15,951,617/(6,672 passenger trips x 35 miles x 250 working days) = .17 Per Passenger Mile	$15,951,617 Annually
	Parking ($.61/space)	$80,110 Annually
		$16,531,727 Annually
Interstate	Acquiring and operating private automobiles $.26/Passenger Mile x 6,672 passenger trips x 35 miles x 250 working days =	$17,303,650 Annually
	Parking ($5.40/space)	$ 134,737 Annually
		$22,438,387 Annually

4) Air Quality Considerations: $276,000 (VRE) v. $4.4 million (Interstate) Annually

Based on current levels of service, VRE trains annually emit 1.8 tons of hydrocarbons, 1.3 tons of carbon monoxide, and 1.9 tons of oxides of nitrogen. However, if current VRE riders were to use the interstate instead, they would add about 22.3 tons of HC, 147.6 tons of CO and 40.6 tons of Nox to the region's air each year. These figures demonstrate the difference between commuters starting their cars and driving to work and those same commuters starting their cars, driving to the train station, and finishing their commute on the train.

Because Northern Virginia is in a "serious" non-attainment area with regards to federal air quality standards, transportation-related measures must be employed to reduce air pollution levels. In upcoming years, the region will be required to meet ever stricter standards, and the marginal cost of actions to reduce emissions can be expected to rise. In the event that the region does not meet its required targets, federal transportation monies may be withheld.

Currently, the average cost of eliminating a ton of hydrocarbon emissions through Transportation Control Measures either adopted or considered by the Metropolitan Washington Transportation Planning Board is estimated to be $98,000. The average cost of eliminating a ton of oxides of nitrogen, the other pollutant for which the region must meet a federal emissions budget, is estimated at $56,000. Consequently, the cost of mitigating VRE's air emissions would be approximately $276,000, as opposed to a cost of $4.4 million to mitigate those emissions generated if VRE riders drove on the interstate instead. Thus, VRE can be seen to be saving the region approximately $4.1 million annually in air quality investments.

5) The Bottom Line: Net Present Valuation of Cost over Twenty Years at $417 million (VRE) v. $681 million (Interstate)

Considering the above cost comparisons, Northern Virginia's choice of VRE over the equivalent peak period capacity of a new highway lane in the congested I-95 and I-66 corridors makes sound economic sense. VRE is nearly four times less expensive for initial start-up expenses, if insurance costs are assumed to be comparable. While on an annual basis, VRE may cost more to maintain and administer than the hypothetical new highway lane, the actual provision of peak-period transportation using VRE is less costly than using the private automobile, and VRE is a big winner in air pollution savings.

Commuter rail also presents the public, both those using and those in the vicinity of the various modes of transportation, with fewer risks of injury. While fatality rates for commuter rail are only slightly lower than those on highway systems (.08 fatalities

per ten million passenger miles traveled v. .11 on the highways) non-fatal injury rates on highway systems are more than three times as high as those on commuter rail systems – 9.76 injuries per 10 million passenger miles traveled versus 2.9 injuries to passengers for the same amount of travel on commuter rail.

Looking to the future, peak capacity can be added to VRE at a considerably lower marginal cost than that at which it can be added to the Interstate system. Adding two lanes of peak period capacity to the Interstate highway would cost at least $676 million (twice the $338 million required for one lane). Of course, the acquisition of right-of-way would become more expensive and difficult with each additional lane. This escalation in costs due to acquisition of right-of-way is easily demonstrated by the I-395 corridor in Arlington, where there is very little room for the highway to expand without causing great disruption to the surrounding communities.

This disparity in the marginal costs of increased capacity would remain even if the existing railroad tracks were to become so congested as to require construction of an additional track. While clearly this would drive up the cost of the initial capital investment in VRE, the cost of building track in this region is currently estimated at $2 million per mile, still less than the estimated cost of most of the highway construction in this analysis. The marginal costs of extending service on VRE or extending the extra lane on the Interstate would also vary greatly; while both the capital and the maintenance figures for the Interstate are based on a per mile number, and thus increase as the length of the road increases, the administrative costs to VRE would only increase slightly, resulting in an overall decrease in the cost per mile of service.

Of course, VRE cannot completely replace the private automobile. Many people cannot conveniently access a station, work somewhere other than along the mainline corridor, or must travel at times other than peak periods. Having a highway system that is safe and reasonably free of congestion is essential to accommodate those persons' travel needs. But many commuters can be effectively served by VRE. If the removal of those commuters from the highways eliminates the need to expand highway capacity, then the cost of that rail alternative versus the cost of expanded roadways provides an economic measure of the public investment value of the alternatives.

In this analysis, considering the stream of relative costs over an assumed 20 year investment horizon, with no assumed salvage value and a discount rate of seven percent (a conservative estimate of the federal cost of borrowing funds for twenty years,) the net present value of VRE savings relative to the new peak period highway capacity and associated automobile costs is an astonishing $263.6 million. Assumptions, sources, and calculations underlying this analysis are contained in the following worksheets.

a) Comparison -- VRE vs. Additional Lane of Interstate April 24, 1995

This analysis compares the start-up and operating costs of VRE to the costs of adding one lane of travel from Manassas (Rte. 234) and Fredericksburg, Va. to the Potomac River to serve peak period commuters. The analysis assumes FY 96 projected levels of VRE ridership and compares Interstate growers to the two corridors.

Sources and Calculations

Initial Capital Investments: $86.5 million (VRE) v. $337 million (I/S)

Cost of putting the necessary systems in place (planning, engineering, land, laying pavement, building stations, etc.)

) A	VRE	System		$66,134,806
		Insurance Trust Fund		20,368,000
				$86,502,806
		Stations & Parking	18,617,000	
		Yards	8,169,000	
		Inventory	1,338,000	
		Cash Available	1,905,000	
		Debt Service Reserves	13,962,806	
		Int'l. Stations & Parking	22,143,000	
			66,134,806	

State liability is legally limited; thus highway systems are not required to be insured as are rail systems.

118	Interstate	68 miles @ $4.4 million/mile =	$299,200,000
		14 miles @ $2.7 million/mile =	$37,800,000
			$337,000,000

Cost in Stafford County (14 miles) based on average figure for other jurisdictions. VDOT Office of Transportation Planning

Cost in other jurisdictions (68 miles) based on average of cost per lane mile of Northern Virginia Interstate construction projects listed in the Virginia Commonwealth Transportation Board FY 94-95 Six Year Improvement Program. Costs do not include rights-of-way, and would most likely be higher due to extreme difficulties in acquiring Rights of Way in certain portions of the corridors.

Theoretical Maximum People Transported One Way Per Hour: 3,710 (VRE) v. 2,250 (I/S)

VRE: 5 trains @ 7 cars @ 106 people = 3,710 People
Based on average number of seats in cars, assuming regular number of cars in ea. train travelling in one direction during the space of an hour.

Interstate: Density per lane of 50 mph highway at high traffic volume = 2,250 People

Capacity = 2000 vehicles/hour
Avg. Occupancy = 1.14
2250 people

– Capacity figure based on 50 mph multilane highway, level of ser[illegible] from Jacobs May 1992 Addendum to the 1985 Highway Capacity Manual
– Traffic counts conducted by VA. Dept. of Transportation, Spring, [illegible]

2) Ground Infrastructure, Facilities, and Administration: $14.1 million (VRE) v. $3.4 million (I[illegible]nually

Cost of repairing and maintaining facilities (pavement, tracks, stations,) and overall administrative costs.

A VRE System: $13,990,473 Per Year
Costs to jurisdictions of maintaining stations & lots: $139,628
$14,130,101

	FY96
Operating Budget:	7,830,181
CIP	4,085,000
TVM Lease	262,000
5% Capital Reserve	479,583
Payment to Capital	321,600
Debt Service	1,012,109
	13,990,473

Cost to jurisdictions based on 20-year annualization of fifteen percent of original capital costs.
CIP projects designed to increase capacity rather than maintain the service levels reflected are not included.

2) B Interstate: 82 miles @ $41,000 = $3,362,000 Per Year
VDOT expenditures: General Administration N/D
Legal expenses & settlements N/D
Police expenditures: Highway Patrol N/D

NOVA VDOT is annually allotted $41,000 per lane mile of Interstate for maintenance, capital improvements, and local administration.

April 24, 1995

1 Cost of Providing Transportation (Per Passenger Mile): $.22 (VRE) v. $.20 (I/S)

Cost of moving people along the corridor, either in rail cars or automobiles, and maintaining vehicles.

A VRE Cost of acquiring and operating rolling stock

	FY 96
Operating Budget	11,075,217
CIP	250,000
Locomotive Lease	220,000
Debt Service	4,398,200
	15,951,417

Annual cost: Rolling Stock: 15,951,617
Parking Costs: ($.61/day/car) $580,110 Per Year
Annual Total: $16,531,727

Average Daily Ridership (Projected): 4,326
Average Trip Length: 35
Working Days in Year: 250
Average Rolling Stock Cost per Passenger Mile: 0.22

2)B Interstate Cost of acquiring, operating, and parking automobile 0.30 Per Passenger Mile

Travelling	17,305,650
Parking	5,134,737
Total	$22,438,387

Cost of acquiring and operating automobile: 0.26 Per Mile
Average Number of Cars: 3,807
Average Trip Length: 35
Working Days in Year: 250
Average Annual Total Costs: $17,303,650

Cost to owner of operating vehicle based on calculations by FHWA, 1991 (Pub. #FHWA-PL-92-019)
Figure includes depreciation, insurance, maintenance, and fuel.
Does not include taxes or registration fees (regarded as transfer, as are VA.E fares).

Parking Costs: ($5.40/day/car) $5,134,737 Per Year

4336 Passengers = 3,804 vehicles not travelling to core daily
1.14 (avg. vehicle occupancy)

Average parking cost based on April, 1995 survey of parking garages; $5.40/day is proportional average of monthly parking fees in the analysis zones of the four inner VRE stations, prorated to determine daily rate. Rates in the area of particular stations are listed below:

King Street: $4.00 L'Enfant Plaza: $7.00
Crystal City: $3.60 Union Station: $5.60

April 24, 1995

4) Emissions Factors: $276,000 (VRE) v. $4.4 million (I/S)

4A VRE HC/VOC Costs: $172,085
NOx Costs: $104,272
Annual Costs: $276,357

HC/VOC: Cost/Ton $98,334 NOx: Cost/Ton $55,612
Tons/year 1.75 Tons/year 1.875
$172,085 $104,272

8 trains x 38 miles + 12 trains x 58 miles = 1000 miles

Pollutant	Emissions Factor (g/mi)	Mileage	Working Days	Kilograms Per Year	Tons Per Year
HC	30.8	1000	250	7700	1.75
CO	22	1000	250	5500	1.25
NOx	33	1000	250	8250	1.875

4B Interstate HC/VOC Costs: $2,192,848
NOx Costs: $2,255,067
Annual Costs: $4,447,915

HC/VOC: Cost/Ton $98,334 NOx: Cost/Ton $55,612
Tons/year 22.3 Tons/year 40.55
$2,192,848 $2,255,067

Interstate emissions calculations detailed on attached page.

Estimate is of emissions from cars projected to be removed from highways due to VRE. Increased capacity would also increase demand, and therefore emissions, as commuters switched from buses, etc. to low-occupant vehicles.
Emissions due to trips to stations have been s[illegible]tracted from Interstate emissions. (Figures take into account cold starts, VMT, and hot soaks, and account for emissions generated by trips to stations.)

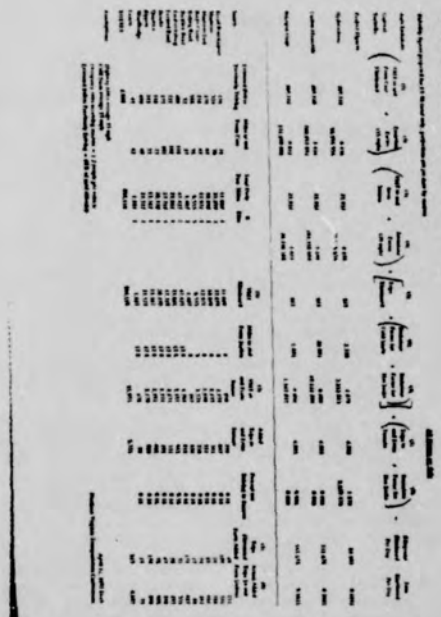
The cost of emissions mitigation projects is based on Metropolitan Washington Transportation Planning Board staff estimates of the costs and benefits of Transportation Control Measures that have been included in the metropolitan Washington FY 95-00 Transportation Improvement Program (TIP) or that are being considered for inclusion in the FY 96-01 TIP.

5) The Bottom Line

5) A VRE Commuter rail data from FY 1992 Section 15 data, published by Federal Transit Administration, Office of Technical Assistance and Safety

5) B Interstate Safety data published in Table FI-1 of "Highway Statistics", 1992, published by the Federal Highway Administration, U.S. DOT.

April 24, 1995



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Street Address: 629 E. Main Street, Richmond, Virginia 23219
Mailing Address: P.O. Box 10009, Richmond, Virginia 23240
Fax (804) 698-4500 TDD (804) 698-4021
http://www.deq.state.va.us

Thomas L. Hopkins
Director

(804) 698-4000
1-800-592-5482

RECEIVED
FEB 12 1998

February 6, 1998

Office of the Secretary
Case Control Unit
Finance Docket Number 33388
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

ENVIRONMENTAL DOCUMENT

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

RE: Draft Environmental Impact Statement on Proposed Conrail Acquisition

Dear Ms. Kaiser:

The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents and responding to the appropriate officials on behalf of the Commonwealth. In this instance; however, the DEIS was not distributed by DEQ, but was sent directly to the appropriate agencies by the proponent. The Commonwealth of Virginia Agencies may respond directly. The following are the comments of DEQ.

The proposed project is the resulting operations of the assets of the acquisition of Conrail by CSX and Norfolk Southern (NS). Under the proposal, the existing CSX and NS systems would be expanded and would substitute two competing railroads for the existing Conrail system in the Northeast (including Virginia) and upper Midwest.

The DEQ offers the following comments and recommendations:

1. Air Quality. DEQ's Office of Air Data Analysis offers the following comments:

- The rerouting and realignment of freight train operations in Virginia by the CSX and NS railroads are anticipated to pose a noticeable air quality impact locally and regionally within Virginia;

- A demonstration of conformity to the State Implementation Plan (SIP) is required of a federal action occurring in an ozone nonattainment area (Clean Air Act Amendments of 1990, Section 176(c), 40 CFR, Parts 6,51 and 93) regardless of the screening criteria established for this DEIS; and

- For specific details please refer to the attached February 6, 1998, memo from Dona Huang.

Please continue to work with Dona Huang, DEQ's Office of Air Data Analysis, concerning the demonstration of conformity. She can be reached at (804) 698-4405.

2. Federal Consistency Certification. Pursuant to the Coastal Zone Management Act of 1972, as amended, the proposed activities must be operated and constructed in a manner which is consistent with the Virginia Coastal Resources Management Program (VCRMP). In this regard, the proponents must receive all applicable permits and approvals listed under the Enforceable Programs of the VCRMP (Attached).

Thank you for the opportunity to comment on the DEIS for the proposed activity. The comments of the reviewing agency are attached for your review and consideration.

Sincerely,

Michael P. Murphy
Customer Service Director

Attachments

cc: Dona Huang, DEQ-Air
Curt Linderman, DEQ-PRO
Sheri Kattan, DEQ-TRO
Al Laubscher, DEQ-NRO

ODA-030-98

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF AIR DATA ANALYSIS

MEMORANDUM

TO: Thomas Felvey, Office of Environmental Impact Review

FROM: Dona Huang, Senior Environmental Engineer

SUBJECT: Draft Environmental Impact Statement on the Proposed Conrail Acquisition

DATE: February 6, 1998

Thank you for the opportunity to review the referenced subject. The Office of Air Data Analysis would like to make several comments regarding the project.

1. The rerouting and realignment of freight train operations in Virginia, by the CSX and Norfolk Southern (NS) railroads as a result of the joint acquisition of Conrail services, are anticipated to pose a noticeable air quality impact locally and regionally within Virginia. Therefore the impact must be addressed on two tiers. The significant portion of the impact, as defined by the study, occurs along two state designated Class 1 areas and a federally designated serious ozone nonattainment area.

2. For the regional level analysis, the jurisdictions bordering or containing the Class 1 areas should be addressed as one region in order to capture the overall benefits and disbenefits of the project to the Class 1 areas. The issues of haze, ozone, acid rain deposition and nitrogen oxides affecting the Class 1 areas are not restricted geographically to jurisdictions proximal to the Class 1 areas. Transport processes, and the formation of ozone and acid rain occuring upwind from the impacted areas must be considered. Therefore, the evaluation of emissions saved from truck diversions should be accounted for on a regional level and not on the jurisdictional level where interstate highways such as I-81 are located for truck diversion analysis.

3. However on the local level, where rail segments come within 10 Km of a Class 1 area, consideration should be made to minimize at-grade crossing delay, noise, and fugitive emissions to avoid impacting local air quality and vista. As project sponsor is aware, the prevention of significant deterioration (PSD) standard for a stationary source located within 10 Km of a Class 1 area is equal to or greater than one microgram per cubic meter (1 ug/m^3) per 24 hour period.

4. Emission impact to jurisdictions located in the northern Virginia serious ozone

nonattainment area should be evaluated together as a region. A demonstration of conformity to the State Implementation Plan (SIP) is required of a federal action occurring in an ozone nonattainment area (Clean Air Act Amendments of 1990, Sect. 176(c); 40 CFR, Parts 6, 51, and 93) regardless of the screening criteria established for this EIS. Any netting of emission impact should include benefits and disbenefits from rail operation, truck diversion, vehicular at-grade crossing delay, intermodal/terminal operation, railyard operation, impact to passenger rail services and ridership capacity, etc.

5. Because of the nature of the impact from the proposed project to the transportation community, it is important that the emission benefits from truck VMT removal and emission disbenefits from at-grade crossing delay be related to the metropolitan planning organization (MPO) for the area. The information should be shared with the MPO to facilitate the regional transportation conformity determination. It should be noted that the transportation aspect of a federal action must be found conforming by the transportation conformity determination process (40 CFR 51.853(a)).

6. For the local level impact, a localized hot-spot analysis should be performed for areas experiencing additional at-grade crossing delay and for intermodal or railyard facilities experiencing additional operation.

7. It is also necessary to re-evaluate the emissions from rail operations occurring in the Richmond and the Hampton Roads ozone maintenance areas under the general conformity context regardless of this EIS screening criteria.

8. Please explain why the impact to the port activities in Hampton Roads was below the screening threshold when in fact Sect. 5-VA.2 indicated that the "...Monogahela coal fields of western Pennsylvania would add another source of coal traffic for the CSX-served export docks at Newport News, and NS-served export docks at Norfolk."

9. With respect to the emission analyses on vehicular at-grade crossing delay, this office would like to suggest strengthening the analyses to reflect delay experienced during the summer ozone peak-hour period. The various delay indicators were evaluated as an annual daily average occurence. On the local level, during favorable ozone forming summer conditions, even an acceptable increase in vehicular delay (according to the study) at an at-grade crossing may contribute to the already aggrevated air quality condition. Furthermore, in our scoping comments, we indicated that certain at-grade crossings at the Prince Williams County and Manassas City have already experienced unacceptable congestion and delay during the peak commuting hours due to train crossings, and the Virginia Department of Transportation has begun looking into possible solutions to this problem. How are the existing unacceptable crossing delays incorporated into and reflected in this study?

10. Please explain the rationale and mathematical equation used in the estimation of the "Average Delay for All Vehicles" in page C-13. Based on the equation, the units do not work out correctly. Please explain the use of conversion factor "24" - number of hours per day to be divided by conversion factor "1440" - number of minutes per day. Please explain why the

spreadsheet exhibited in Table 5-VA-7 contains units for "Average Delay per Vehicle (All Vehicles)" as "sec/veh" whereas the aforementioned equation provides units of "min/veh".

11. Please explain why the mathematical equation used to evaluate the "Number of Vehicles Delayed Per Day" did not incorporate the same assumptions used by the "Maximum Vehicle Queue" equation to address peak-hour traffic.

12. Pease explain the derivation of factor "0.0833" in the "Average Delay for All Vehicles" equation and how peak-hour traffic was weighted.

13. The Department would like to suggest that the train speed and train length data used in the at-grade crossing studies be reflective of the peak-hour traffic scenario. This refers the average train speed and length at the at-grade crossing encountered during peak hours. Our experience with certain local crossings suggests that the train speed and length commuting encountered during peak-commuting hours were much slower and longer, respectively.

14. As indicated in Table 4-17, there are additional NS and CSX estimated truck diversion emissions occurring in jurisdictions not included in the netting analyses as well as jurisdictions affected by truck diversion. Therefore, the net adjusted state total for Virginia is a reduction of 647 tons per year of NO_x vs. a gain of 800 tons per year from the netting analyses. Unfortunately, the adjusted state total did not include NO_x growth from jurisdictions that were determined to be below the screening threshold. It would be beneficial to prepare a summary table of NO_x emissions from all jurisdictions affected by this project.

15. Based on the arguments above, Table 4-17 is not a comprehensive summary of estimated NO_x emissions changes in the Northeast Ozone Transport Region (OTR).

16 Please provide the CSX and NS truck diversion data (if possible, by jurisdiction) for our information and emission inventory tracking purposes. As indicated in the document, there is potential double counting of truck diversion by CSX and NS, please provide some information on the magnitude of this potential.

If you or the project sponsor has any questions regarding these comments, please feel free to call me at (804) 698-4405.

cc: Kirit Chaudhari, Director, Office of Air Data Analysis
Mike Clifford, MWCOG Transportation Office
Dan Lysay, RRPDC, Director of Transportation Planning
Joe Vinah, CRPDC, Transportation Planning
Dwight Farmer, HRRPDC,Transportation Planning
Greg Clayton, Director, DEQ Northern Regional Office
Bradley Chewning, Director, DEQ Valley Regional Office
Tom Henderson, Director, DEQ West Central Regional Office

2/13/98 4:59:29pm-5

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 2:17:51 PM

ENVIRONMENTAL DOCUMENT

Gaston Caperton, Governor — West Virginia Development Office

RECEIVED FEB - 3 1998

January 28, 1998

Ms. Elaine Kaiser
Environmental Project Director
Section of Environmental Analysis
Surface Transportation Board
Washington, D.C. 20423

Dear Ms. Kaiser:

The State of West Virginia has reviewed the draft environmental impact statement for finance document no. 33388-Proposed Conrail Acquisition. We find no deficiencies in this report. I appreciate the level of effort undertaken to assess the impact of the purchase of the Conrail lines in West Virginia.

Please feel free to contact me if additional questions arise regarding this matter.

Sincerely,

Fred Cutlip
Director
Community Development Division

FC:dl

2/3/98 2:17:51pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/3/98
DOCUMENT # 2/3/98 2:25:11 PM

ENVIRONMENTAL DOCUMENT

Cecil H. Underwood
Governor

DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3236
Telephone (304) 637-0245
Fax (304) 637-0250

Jackie B. Thomas
Director

RECEIVED FEB - 3 1998

January 30, 1998

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

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

Dear Ms. Kaiser:

The West Virginia Division of Natural Resources (WVDNR) has reviewed the Draft Environmental Impact Statement for the "Proposed Conrail Acquisition" prepared by the Surface Transportation Board. The WVDNR anticipates few adverse impacts to fish and wildlife to result from the acquisition of Conrail by CSX and Norfolk Southern.

Sincerely,

James W. Rawson, Supervisor
Environmental Coordination

JWR/sk

2/3/98 2:25:11pm

CENTRAL ADMINISTRATIVE UNIT
REC'D: 1/9/98
DOCUMENT # 1/9/98 3:07:19 PM

ENVIRONMENTAL DOCUMENT

RECEIVED JAN 27 1998

WOMEN LIKE US

TO: Elaine K. Kaiser, Chief, Section of Environmental Analysis
Surface Transportation Board

FROM: Brenda Lee Richardson, MSW
Consultant

DATE: January 5, 1998

RE: Comments on CSX & Norfolk Southern-Control & Acquisition

I would like to request a community meeting in Anacostia to discuss the proposed Conrail Acquisition. I have reviewed the information that you were so kind to send me through the mail. However, there are several issues that I am extremely concerned about:

- First, a community of color will be disproportionately exposed to poorer air quality with a potential increase from 23.9 trains to 30.8 trains per day if this project is approved. This becomes an environmental justice issue that needs to be addressed.
- Secondly, if the air quality in this already distressed community is impaired what kind of responsibility will the company take for the eminent impact this will have on the public health of our children, seniors, HIV/AIDS population, cancer population, etc.?
- Thirdly, I am concerned about the safety measures as it relates to the public.
- Fourthly, the potential for noise pollution will increase and ultimately adversely impact this community. What kind of measures will be taken to deal with this issue as it relates to the health of the community?
- Fifthly, we certainly do not need anymore highway congestion in Southeast than we already have. The EIS does not clearly articulate how this will be addressed.
- How many residents from Ward 8 will be employed through this effort? As a proponent of environmental stewardship, my responsibility is to look at this issue as it relates to environmental justice, economic development and public health.

5008-24th Place, S.E. Washington, D.C. 20020 (202) 678-1978

1/9/98 3:07:19pm-1

Our natural resources in distressed urban communities are quite limited when we look at quality of life issues. I am concerned that the real issues that will ultimately impact the people that live and work near the railways are the ones who will ultimately suffer in the name of efficiency. Again, I would like to recommend a public hearing in Ward 8 at Young's Memorial Church where Rev. Herbert B. Chambers is the Pastor. He would be happy to open his doors to afford you an opportunity to address the community's concerns. Should you require any further information regarding this matter, please do not hesitate to contact me on (202) 678-1978.

Your attention and consideration in this matter is deeply appreciated.

cc: Councilmember Sandra Allen (Ward 8)
Councilmember David Catania (At-Large)
Damon Whitehead, Earthjustice Legal Defense Fund
Eric Olson, Natural Resource Defense Council
Robert Nixon, Earth Conservation Corps
Dorothea Ferrell, Barry Farm Public Housing Development
Rev. Herbert B. Chambers, Young's Memorial CDC
Rhoda Burwell, United for Change CDC
Robert Boone, Anacostia Watershed Society
Chris Niles, Surface Transportation Planning Project Washington Regional Network/Intersect
Frazier Walton, Jr., Kingman Park Civic Association
Bev Baker, U.S. EPA/Anacostia Liaison

3008-24th Place, S.E. Washington, D.C. 20020 (202) 678-1978

Washington Metropolitan Area Transit Authority

January 30, 1998

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

Attention: Elaine K. Kaiser
Environmental Project Director
Environmental Filing

Dear Ms. Kaiser:

We appreciate the opportunity to submit the following written comments on the Draft Environmental Impact Statement (DEIS), dated December 12, 1997, on the proposed acquisition of Conrail by Norfolk Southern Railroad and CSX Railroad (Applicants).

Scope of the Environmental Impact Statement (EIS)
By the enclosed letter of August 6, 1997, we recommended that Surface Transportation Board (STB) expand the EIS scope to include an analysis of changes in level of operations on freight rail lines that are in common corridors with rapid rail systems. We expressed the concern that increased railroad traffic increases the probability and potential severity of catastrophic rail accidents and increases our risk exposure and the associated costs of liability insurance and indemnification. However, in spite of our comments, the DEIS still does not include the analysis of the common corridors of freight rail and rapid rail operations.

We believe that the cause for this omission may be a failure to differentiate between preexisting conditions and the anticipated new conditions of the proposed transaction, namely additional trains, increased train lengths and higher train speeds. STB states in its July 1, 1997 Notice of Intent that "the Board's practice consistently has been to mitigate only those environmental impacts that result directly from the transaction." It is our conviction that a critical result of the Conrail acquisition with more frequent and longer trains will be an increased likelihood of severe rail accidents in the common corridors, a result which was unaccounted for in the planning and development of those corridors and which, therefore, is a new condition.

Our concerns are reinforced by the findings of the Federal Railroad Administration's (FRA) Safety Assurance and Compliance Program Report

for CSX Transportation, Inc., dated October 16, 1997. The fact that FRA found a general lack of consistency in maintaining a comprehensive CSX signal oversight program and defects on CSX main tracks is extremely pertinent to our stance that the EIS scope must address common corridor safety.

Conditions of Common Corridor Operations
We wish to make STB aware of the common corridor operations and history, which includes freight rail accidents that justify our position above on the EIS scope.

There are five distinct common corridor segments in our rapid rail system. These are within the STB line segments C-003, C-101, C-034, C-035, and N-315. Our system is in revenue operations from 5:30 AM to 12:00 midnight on weekdays and from 8:00 AM to 12:00 midnight on weekends. There are high numbers of both freight, passenger and rapid rail trains in the common corridors. For example, within STB line segment C-003 (Metro Wheaton Line), 24 freight trains, 20 passenger trains and 462 rapid rail trains currently share the corridor during a typical weekday. The distance between freight/passenger and rapid rail track centerlines is 20 feet.

Since start of rapid rail operations in 1976, there have been two freight rail accidents in the common corridor which caused physical damage and service disruption to the rapid rail system. For the 32 miles total of common corridor, the accident frequency per route mile is then once every 16 years, greatly more than the 100 years for freight train accidents.

Analyses of the Environmental Impacts in Common Corridors
We recognize that STB may need to develop a segment-specific method to evaluate the potential net effect of the proposed acquisition on rapid rail safety since the methods for freight and passenger rail operation safety effects do not apply to common corridor safety. We are ready to provide STB with base data and to assist in the development of the methodology, which should incorporate the additional number of freight trains, increased train lengths, greater tonnage and higher train speeds as factors.

Potential Mitigation Strategies for Rapid Rail Safety in Common Corridors
On page 3-7 of the DEIS, STB has identified mitigation strategies that can reduce significant safety risk impacts. These include enhanced rail-safety programs, increased frequency of track inspections and replacement of old rails. Other possible mitigation measures to mitigate the increased risk in the common corridors include, but are not necessarily limited to, the following:

1. Publication and distribution of the integration of the best practices of Conrail and the Applicants' safety processes, per DEIS Volume 2, Safety Integration Plans.
2. Speed restrictions of freight trains as recommended in 1988 by the CSX and WMATA Joint Operating Safety Committee.
3. A Hot Box Detection System installed on each freight track.
4. A High-and-Wide Load detection system installed on each freight track.
5. A Dragging Equipment detection system installed on each freight track.

The systems identified in items 3, 4 and 5 above are to be connected to the Applicants' central control systems. Hot Line connections should be provided and maintained between the Applicants' and our control centers. The Applicants should annually conduct an inventory of the safety devices and monitors within the common corridors and should regularly ensure that all devices and monitors are in proper working order. The Applicants should be required to obtain our approval for any addition, deletion or modification of the safety devices and monitors.

The increased freight traffic will increase our liability and present an added financial burden for higher insurance and indemnification costs. We feel strongly that the Applicants should reimburse us for the additional incremental costs of liability insurance and indemnification of the common corridor due to the increased risk.

We look forward to receiving constructive responses to our concerns from the Surface Transportation Board as part of the EIS process. If you have any questions regarding our comments, please feel free to contact Mr. Richard Bochner, Acting Manager of Project Development. Mr. Bochner may be reached at (202) 962-1252.

Sincerely,

John C. Elkins
Acting, Assistant General Manager
for Transit System Development

Enclosure

August 6, 1997

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

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

Dear Ms. Kaiser:

This letter is in response to your July 3, 1997 letter to our General Manager which transmitted the Surface Transportation Board's (STB) Notice of Intent to Prepare an Environmental Impact Statement (EIS) and Request for Comments on the Proposed EIS Scope in the above docket. The Washington Metropolitan Area Transit Authority's (WMATA) Metrorail rapid transit system shares approximately 32 miles of corridor with the CSXT Railroad and approximately two (2) miles of corridor with the Norfolk Southern Railroad. Thus we are interested in any actions which could potentially impact railroad operations within our common corridors. Our interest relative to the proposed control of Conrail by CSXT and Norfolk Southern focuses primarily on safety.

We are concerned that the proposed action will increase railroad traffic in the Washington, D.C. metropolitan area and thus increase our exposure to incidents on the common corridors due to railroad operations. Not only is this a concern to us from an operations and passenger safety perspective, but the increased exposure would also have long-term financial implications due to our agreements with CSXT and its predecessors. These agreements require WMATA to bear the costs of all liability insurance and to indemnify the railroad within the common corridors.

To address our concerns, it is requested that the EIS Scope address the increased railroad traffic from a safety perspective in terms of the additional trains, increased train lengths and higher train speeds which may result from this action. Our opinion is that increased railroad traffic increases the

probability and potential severity of catastrophic rail accidents and increases our risk exposure and the associated costs of liability insurance and indemnification.

Our review of the railroad's Environmental Report and the proposed EIS scope has generated the following revisions and comments on the scope:

Environmental Impact Analysis (page 8)
Insert the following new proposed activity after 3:

4 Anticipated changes in level of operations on rail lines that are in common corridors with rapid rail operations.

It is recommended that STB expand its threshold for addressing environmental impacts from the current increase of eight (8) trains per day on the rail lines to consider also increased train lengths and higher train speeds as well since all three factors will affect the safety of the rapid rail operations in the common corridor.

STB should also define a distance threshold for addressing environmental impacts within common corridors. For instance, the distance between the centerlines of WMATA's Red Line and CSX in some corridors is as close as 20 feet. As part of the analysis, the STB's EIS should identify all locations of common corridors within the above distance threshold by tabular listings and by maps.

Impact Category 1: Safety (page 9)
Insert the following new impact category after C:

D Address potential effects of increased freight traffic, such as additional trains, increased train lengths and higher train speeds, on rapid rail operations in common corridors.

The STB's EIS should evaluate the increased probability and then the potential severity of catastrophic rail accidents between rail line and rapid rail operations within common corridors due to the additional trains, increased train lengths and higher train speeds which may result from this action. This information was not included in the Environmental Report.

Mitigation
Among the possible mitigation measures to offset the possible increased

probability and higher risk exposure of accidents between rail line and rapid rail operations within common corridors, WMATA requests that the EIS consider the following requirements:

A. The railroads will conduct an inventory of the safety devices and monitors currently in operation within the corridors shared with WMATA. The railroads will require written concurrence from WMATA for any addition, deletion or modification of these safety devices and monitors.

B To offset the potential financial burden that the increased freight traffic would have on WMATA, the railroads will reimburse WMATA for the additional incremental costs of liability insurance and indemnification of the common corridor due to the increased risk.

Addressing the above safety related issues in the EIS will provide a basis for determining the appropriate course of action, if any, necessary to mitigate the potential impacts.

In addition to the above comments, we request that your mailing list be revised for the name of our General Manager, Mr. Richard A. White.

We look forward to working with the Surface Transportation Board during this EIS process. If you have any questions regarding our comments and proposals, please feel free to contact Mr. Richard Bochner, Acting Manager of Project Development. Mr. Bochner may be reached at (202) 962-1252.

Sincerely,

John C. Elkins
Acting Assistant General Manager
Department of Transit System Development

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF PUBLIC WORKS

CENTRAL ADMINISTRATIVE UNIT
REC'D: 2/2/98
DOCUMENT #: 2/2/98 3:32:05 PM

REPLY TO:
OFFICE OF POLICY AND PLANNING

ENVIRONMENTAL DOCUMENT

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

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

Dear Ms. Kaiser:

The following comments are provided on the Draft Environmental Statement (DEIS) the for Proposed Conrail Acquisition:

1. The DEIS does not address common corridor use with the Metrorail system of the Washington Metropolitan Area Transit Authority. No analysis is presented on potential accident risk as a result of increased freight train activity in the common corridors with Metrorail.

2. The DEIS identifies tunnel improvements to increase clearance at the Virginia Avenue Tunnel to accommodate increased freight traffic and to eliminate a current restriction that affects passenger rail operations as related to the proposed acquisition. However, the report does not state whether these proposed improvements would meet or exceed Surface Transportation Board thresholds for environmental analysis of

noise, safety, environmental justice or other potential impacts.

3. There is no analysis provided on ground-borne vibration. According to Federal Transit Administration guidance, ground-borne noise sounds louder then broadband noise. The guidance also suggests that shifting freight traffic to other routes can impact ground-borne vibration.

4. In Washington, DC, it is the region, including jurisdictions in Maryland and Virginia, that is in non-attainment. Although each state and the District of Columbia are ultimately responsible for reaching and maintaining attainment, they have adopted a coordinated strategy through the Washington Metropolitan Area Air Quality Committee (MWAQC). To our knowledge, the analysis of potential effects did not include consultation with this body which has established the emissions value for the area. We do not believe that a conclusion of no significant impact is appropriate without determining if there are impacts on the region's emissions reduction and maintenance plans.

Should you have any questions or require any additional information, please contact me.

Sincerely,

Kenneth G. Laden,
Acting Administrator

2/2/98 3:32:05pm-2

ENVIRONMENTAL DOCUMENT

UPS CENTRAL ADMINISTRATIVE UNIT United Parcel Service 316 Pennsylvania Ave SE Washington DC 20003 (202) 675-4220

RECD: 2/2/98 5:03:30pm

February 2, 1998

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company – Control and Operating Leases/Agreements – Conrail Inc., and Consolidated Rail Corporation

Dear Mr. Williams:

I am writing on behalf of United Parcel Service ("UPS") to oppose a condition that we understand the Surface Transportation Board's environmental section proposes to ask the Board to impose on the CSX/Norfolk Southern acquisition of Conrail.

Specifically, this proposed condition would require all trains moving in the same and opposite directions on the same track to be clear of the track at least 15 minutes before and 15 minutes after the expected arrival of a passenger train at any point. It has been recommended that the Board impose this requirement, which we think is extremely onerous, on identified CSX rail segments in Georgia, Maryland, North Carolina, Virginia and Washington, D.C., and on Norfolk Southern lines in Indiana, Michigan and New York.

UPS relies heavily on the intermodal services the railroads provide over the corridors affected by the proposed limitation. Our business is consumer oriented and our shipments are time sensitive. Accordingly, any restraints on the timely movements of our freight impact our ability to serve our customers.

The proposed 30-minute window to clear the tracks would be detrimental to our business. Therefore, this proposed condition should not be imposed. It will only add unnecessary delays to the efficient movement of time-sensitive freight.

We therefore respectfully ask the Board to reject the proposed 30-minute window. Thank you for your consideration.

Sincerely,

Arnold F. Wellman
Vice President, Domestic and International Public Affairs

cc: Elaine Kaiser

2/2/98 5:03:30pm

TABLE A-2
COMMENTS RECEIVED ON SEA'S ADDITIONAL HAZARDOUS MATERIALS TRANSPORT AND NOISE ANALYSIS

New York		
Comment Date	**Commentor, Subject of Document**	**Document ID**
4/15/98	State of New York by and through its Department of Transportation; W. L. Slover, et al.; Supplemental Comments on the Draft EIS	4/17/98 12:11:56 PM
North Carolina		
Comment Date	**Commentor, Subject of Document**	**Document ID**
3/23/98	Lauren Meyerhoff, Marshall, NC; Environmental Concerns	4/2/98 12:26:14 PM
Ohio		
Comment Date	**Commentor, Subject of Document**	**Document ID**
4/13/98	ASHTA Chemicals Inc., I. D. Chappell; Comments on the Draft EIS	4/16/98 9:28:27 AM
4/14/98	City of Conneaut, OH, R. Herron; Comments on the Draft EIS	4/16/98 10:40:04 AM
4/15/98	Ohio Attorney General, et al., K. G. O'Brien, et al.; Responsive Comment to STB Decision No. 69	4/17/98 2:50:21 PM

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TABLE A-3
COMMENT DOCUMENTS RECEIVED BETWEEN PUBLICATION OF THE FINAL SCOPE AND SERVICE OF THE DRAFT EIS

Federal Agencies		
Comment Date	**Commentor, Subject of Document**	**Date Received**
10/28/97	U.S. Army Corps of Engineers, Buffalo District, S. V. Metivier; Seven Construction Consultation	11/5/97
11/28/97	U.S. Corps Of Engineers, Detroit District, R. Tucker; Response to SEA's Letter of 10/2/97	12/4/97
12/3/97	U.S. Department of Transportation, N. E. McFadden; Comments on Safety Integration Plans of CSX/NS	12/3/97
National and Regional Groups		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/24/97	Amtrak-National Railroad Passenger Corporation, D. G. Avery, et al.; Comments on NJSAA Plan	11/24/97
no date	Port Authority of New York and New Jersey, P. M. Donovan; Comments on North Jersey Shared Assets	11/24/97
State, Regional, and Local Agencies, Elected Officials, Organizations, and Individuals (grouped by state)		
Delaware		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/7/97	City of Newark Planning Department, DE, R. H. Lopata; Request for Conditions	11/13/97
Florida		
Comment Date	**Commentor, Subject of Document**	**Date Received**
12/2/97	Florida Department of Community Affairs, R. Cantral; Clearinghouse Review of Final Scope of the EIS	12/9/97
Illinois		
Comment Date	**Commentor, Subject of Document**	**Date Received**
10/29/97	Illinois Department of Natural Resources, T. Flattery; Consultation on Construction at Sidney, IL	11/13/97
Maryland		
Comment Date	**Commentor, Subject of Document**	**Date Received**
10/28/97	Maryland Department of the Environment, S. Bieber; Final Scope of EIS Determined Consistent With MDE	11/4/97
11/17/97	City of Aberdeen, MD, Peter A. Dacey; Late Comments on Proposed EIS Scope	11/19/97
12/1/97	Maryland Office of Planning, L. C. Janey, Clearinghouse Response to Environmental Report	12/5/97

TABLE A-3
COMMENT DOCUMENTS RECEIVED BETWEEN PUBLICATION OF THE FINAL SCOPE AND SERVICE OF THE DRAFT EIS

Michigan		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/11/97	Southeast Michigan Council of Governments, R. W. Pfaff, Jr.; Clearinghouse Comments	11/14/97
11/25/97	Department of Natural Resources, MI, C. F. Blackwell; No Effect on Historic Resources	12/10/97
New Jersey		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/24/97	New Jersey Department of Transportation and NJ Transit Corp., K. M. Sheys, et al.; Comments on Shared Asset Areas	11/24/97
12/9/97	New Jersey Department of Environmental Protection, L. Schmidt; Review of RER of New Jersey Transit	12/16/97
New York		
Comment Date	**Commentor, Subject of Document**	**Date Received**
10/21/97	Eight State Rail Preservation Group, NY, J. Waldock; Preservation of Existing Line	11/13/97
11/3/97	Borough of Brooklyn, NY, H. Golden; Rail Operations in NYC and at NY Dock	11/7/97
11/14/97	New York State Office of Parks, Recreation & Historic Preservation, R. L. Pierpont; Agency Consultation	11/25/97
12/8/97	Syracuse Metropolitan Transportation Council, NY, R. Bernardi; Request for Conditions	12/16/97
Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
9/16/97	Huron County, OH, Board of County Commissioners, K. Wilhelm; Agency Consultation	11/6/97
9/23/97	Mr. & Mrs. William Hagan, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Theresa Linahan, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Mr. & Mrs. Samuel Unsworth, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Marie Parke, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Richard F. Saxton, Jr. and Sheryl Saxton, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Joan P. Pittman, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Jill Orris, Lakewood, OH; Environmental Concern	11/4/97
9/23/97	Deidre Gahin, Lakewood, OH; Environmental Concern	11/5/97
9/23/97	Michelle Taylor-David, Lakewood, OH; Environmental Concern	11/6/97
9/23/97	James Fitzgerald, Lakewood, OH; Environmental Concern	11/6/97

TABLE A-3
COMMENT DOCUMENTS RECEIVED BETWEEN PUBLICATION OF THE FINAL SCOPE AND SERVICE OF THE DRAFT EIS

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
9/24/97	Adria Hughes, Lakewood, OH; Environmental Concern	11/14/97
9/24/97	Patti Bisly, Lakewood, OH; Environmental Concern	11/14/97
9/24/97	Sally Hollistr, Lakewood OH; Environmental Concern	11/16/97
10/8/97	Mike Jones, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Megan L. Krumreig, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Jeremy Wise, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Elizabeth A. Hayes, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Morgan Mosett, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Abbie Sales, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Amanda Dobrowolski, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Alexa Feckanin, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Laura Hoopengardrer, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Domielle Ringler, Lakewood, OH; Environmental Concern	11/4/97
10/8/97	Laura Warsinskey, Lakewood, OH; Environmental Concern	11/4/97
10/24/97	J. E. Elunga, Greenwich, OH; Environmental Concern	11/21/97
10/24/97	Kimberly A. Logan & David L. Stratton, Jr.; Greenwich, OH; Environmental Concern	12/1/97
10/28/97	Tracy A. Carol, Lakewood, OH; Environmental Concern	11/4/97
10/28/97	Ohio Historic Preservation Office, M. J. Epstein; Bucyrus (Sub No. 7) Historic Sites	11/4/97
10/30/97	Ohio Environmental Protection Agency, H. Ruiz; Comments on EA for Sidney, Ohio	11/4/97
10/28/97	Chamber of Commerce, Lakewood, OH, S. Powers; Agency Consultation	11/7/97
10/31/97	Ohio Historic Preservation Office, M. J. Epstein; Seven Constructions, Nc Effect	11/7/97
11/1/97	Judith A. Bulloch, Bay Village, OH; Environmental Concern	11/13/97
11/4/97	Floramae Wetula, Lakewood, OH; Environmental Concern	11/4/97
11/4/97	Robert M. Welty, Lakewood, OH; Environmental Concern	11/13/97
11/6/97	Patricia Stewart, Lakewood, OH; Environmental Concern	11/6/97
11/6/97	Mary Alice Cush, Lakewood, OH; Environmental Concern	11/13/97
11/7/97	Irene Madasz, Lakewood, OH; Environmental Concern	11/13/97
11/12/97	Congress of the U.S., 5th District , OH, P. E. Gillmor; Agency Consultation	11/14/97
11/14/97	Marilyn P. Rhein, Rocky River, OH; Environmental Concern	11/14/97

TABLE A-3
COMMENT DOCUMENTS RECEIVED BETWEEN PUBLICATION OF THE FINAL SCOPE AND SERVICE OF THE DRAFT EIS

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/21/97	Keep Lakewood Beautiful Advisory Board, N. MacDonald; Environmental Concern	11/25/97
11/25/97	Helen T. Corns, Rocky River, OH; Environmental Concern	11/25/97
11/25/97	Bay Village Schools, OH, D. C. Woods, et al.; Environmental Concern	12/9/97
11/30/97	John D. Hogan, Lakewood, OH; Rail Tunnel Recommendation	12/10/97
12/2/97	Charles Roy, Camden, OH; Environmental Concern	12/16/97
12/10/97	Seneca Regional Planning Commission, OH, Mark R. Zimmerman; The Impact To Safety in Fostoria, Ohio	12/18/97
Pennsylvania		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/5/97	PA Historical and Museum Commission, Bureau for Historic Preservation, K. Carr; Agency Consultation	11/13/97
11/24/97	Sustainable Society Action Project, Inc., PA, E. B. Cohen; Environmental and Competition Comments	12/1/97
South Carolina		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/5/97	South Carolina State Budget and Control Board, R. P. Grizzle; Clearinghouse Review	11/12/97
Vermont		
Comment Date	**Commentor, Subject of Document**	**Date Received**
12/12/97	State of Vermont, J. K. Dunleavy; Comment on Responsive Application	12/15/97
Virginia		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/4/97	Virginia Department of Historic Resource, D. H. Dutton; Potential Historic Site Impacts	11/18/97
11/21/97	Town of Haymarket, VA, J. Kapp; Safety Concern	11/26/97
West Virginia		
Comment Date	**Commentor, Subject of Document**	**Date Received**
11/3/97	State Historic Preservation, The Cultural Center, WV, S. M. Pierce; No Effect	11/13/97

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Federal		
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/27/98	Advisory Council On Historic Preservation, D. Klima; Environmental Concern	4/1/98
	National/Regional/Other	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/11/98	Transportation Communication International Union, H.B. Lewin; Environmental Concern	2/13/98
2/27/98	United Transportation Union, C. L. Little; CSX/NS Operational Plan for Cleveland and Northern Ohio	3/2/98
4/9/98	CONSOL Inc., Fritz R. Kahn, P.C.; Petition, Comments, and Participation in Oral Argument	4/9/98
State, Regional, and Local Agencies, Elected Officials, Organizations, and Individuals (grouped by state)		
	Delaware	
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/6/98	Delaware Valley Regional Planning Commission, T. K. Dahlburg; SEA, E. K. Kaiser; Invitation 3/18/98	
	Florida	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/9/98	Department of Community Affairs, Florida Coastal Management Program, R. Cantral; Agency Consultation	2/18/98
2/12/98	West Florida Regional Planning Council, T. A. Joseph; Project Consistent with Regional Policy Plan	
2/24/98	Department of Community Affairs, Florida Coastal Management Program, R. Cantral; Agency Consultation	3/2/98
	Georgia	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/5/98	Cobb County Department of Transportation, GA, D. B. Dobry; Comment on Draft EIS	2/11/98
	Indiana	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/17/98	Jennifer Wozniak, Hammond, IN; Environmental Concern	
2/26/98	City of Elkhart, IN, T. Pigors, W. A. T. Johnson; Environmental Concern	3/3/98
2/27/98	Northeastern Indiana Regional Coordinating Council, E. G. Samaan; Comment on Draft EIS	3/5/98
3/10/98	City of Muncie, IN, D. C. Canan; Letter Supporting the Proposed Acquisition	3/13/98
3/17/98	Cathy Navejas, Hammond, IN; Environmental Concern	3/23/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Indiana		
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/17/98	Cindy Gordish, Hammond, IN; Environmental Concern	3/23/98
3/17/98	City of Hammond Fire Department, IN, L. Covelli; Environmental Concern	3/23/98
3/17/98	Denise Johnson; Hammond, IN; Environmental Concern	
3/17/98	Denise L. Sejna, Whiting, IN; Environmental Concern	3/23/98
3/17/98	Diana Beverage, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Dick Moldrawski, Hammond. IN; Environmental Concern	3/23/98
3/17/98	Donald L. Beverage, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Duane W. Dedelow, Jr., Hammond, IN; Environmental Concern	3/23/98
3/17/98	Ethel M. Smith, Gary, IN; Environmental Concern	
3/17/98	James Kontrik, Hammond, IN; Environmental Concern	
3/17/98	Jean Starkey, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Jeffrey Starkey, Hammond, IN; Environmental Concern	3/23/98
3/17/98	John Gordish, Hammond, IN; Environmental Concern	
3/17/98	John Lloyd, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Judith A. Harper, Hammond, IN; Environmental Concern	
3/17/98	Marie Harmon, Whiting, IN; Environmental Concern	
3/17/98	Mark A. Gordish, Hammond, IN; Environmental Concern	
3/17/98	Mike Vanes, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Mrs. Sharon Townsend, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Nancy Dostatni, Whiting, IN; Environmental Concern	4/1/98
3/17/98	Robert Allen, Hammond, IN; Environmental Concern	
3/17/98	Ronald L. Novak, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Sharon Daniels, Hammond, IN; Environmental Concern	3/23/98
3/17/98	Stanley J. Dostatni, Whiting. IN; Environmental Concern	3/23/98
3/17/98	Tom Golfis, Hammond, IN; Environmental Concern	3/23/98
3/18/98	Cathy Navejas, Hammond, IN; Environmental Concern	4/8/98
3/18/98	Patricia A. Gonsiorowski; Hammond, IN; Environmental Concern	3/24/98
3/18/98	Theresa Adorjan, Hammond, IN; Environmental Concern	
3/19/98	Citizen, Gary, IN; Environmental Concern	3/26/98
3/19/98	Howard A. Harmon, Whiting, IN; Environmental Concern	
3/23/98	City of Whiting, 5th District, IN, M. Greer; Environmental Concern	4/13/98
3/23/98	City of Whiting, IN, C. Sarvanidis; Environmental Concern	4/10/98
3/23/98	City of Whiting, IN, C. Sarvanitis; Environmental Concern	4/7/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Indiana		
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/23/98	City of Whiting, IN, J. Stahura; Environmental Concern	4/10/98
3/23/98	City of Whiting, IN, R. J. Bercik; Environmental Concern	3/31/98
3/23/98	Hammond Police Department, IN, F. A. Behrens; Environmental Concern	4/1/98
3/24/98	Barbara Hooper, Hammond, IN; Environmental Concern	4/1/98
3/26/98	Renaissance Development Corporation, IN, R. Brown; Environmental Concern	4/1/98
3/30/98	Community Reinvestment Project of East Chicago, Inc., IN, E. J. Glover; Environmental Concern	4/2/98
3/31/98	Charles, East Chicago, IN; Environmental Concern	4/13/98
4/6/98	Twin City Community Services, IN, T. McMullen; Environmental Concern	4/8/98
4/26/98	Revitalization Organization of New Addition, S. Booker, IN; Environmental Concern	4/1/98
	Maryland	
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/25/98	Prince George's County Government, MD, W. K. Curry; Comments On Draft EIS	
	Michigan	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/11/98	Michigan Dept. of Environmental Quality, J. Henderson; Comment on Draft EIS	2/13/98
3/19/98	City of Taylor, MI, L. F. Shannon; Resolution No. 2.14? 98	3/25/98
	Missouri	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/11/98	Department of Natural Resources, MO, C. F. Blackwell; No Effect on Historic Resources	2/18/98
	New Jersey	
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/11/98	Barbara A. Aguilar, Cinnaminson, NJ; Environmental Concern on NJT Proposed Light Rail	4/17/98
4/15/98	Joe Burns, Beverly, NJ; Environmental Concern of the Proposed NJT Light Rail System	4/15/98
4/15/98	Tom Lippincott, Riverton, NJ; Environmental Concern of NJT Proposal	4/15/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

	New York	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/10/98	Landmark Studios, Inc., NY, Z. Frank; Environmental Concern	2/10/98
3/19/98	Capital District Transportation Committee, NY, F. G. Fields, Jr.; Comment on Draft EIS	3/30/98
3/23/98	Landmark Studios, Inc., NY, Z. Frank; STB, L. Morgan; Letter Regarding Annual Meeting of the NYMTC	4/2/98
4/6/98	Landmark Studios, Inc., NY, Z. Frank; Environmental Concern	
	Ohio	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/10/98	Mary Sedano, Lorain, OH; Comment on Draft EIS	2/17/98
2/17/98	Georgia H. Hopkins, Cleveland, OH; Environmental Concern	2/23/98
2/18/98	U.S. House of Representatives, W. J. Coyne; Comments Regarding The Safety Integration Plans	
3/4/98	Avon Lake PTA Council, OH, J. Conian; Environmental Concern	3/6/98
3/10/98	Village of LaGrange & LaGrange Township, OH, D. R. Stewart; Draft EIS Comment	3/12/98
3/12/98	L. R. Liberman, Lakewood, OH; Comment on Draft EIS	3/18/98
3/16/98	Village of LaGrange & LaGrange Township, OH, G. Burnett, et al.; Environmental Concern	4/7/98
3/18/98	Jessica Stok, Hammond, OH; Environmental Concern	
3/18/98	Northeast Ohio Areawide Coordinating Agency, H. Maier; NOACA Governing Board Resolution	3/23/98
3/24/98	City of Cleveland, Office of the Council, OH, J. Westbrook; City Council Hearing 3/18/98	3/30/98
3/25/98	City of Brooklyn, OH, J. M. Coyne; Environmental Concern	3/30/98
3/30/98	Philip J. Merhalski, Hammond, OH; Environmental Concern	
4/6/98	Adrina Williams, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Agnes Wislocki; Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Alice N. Tules, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Anna Sejkaluk, Rocky River, OH; Environmental Concern	4/6/98
4/6/98	Beatrice Davis, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Brett Salzgeser, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	C. B., Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Canolia Franklin, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Carmino Vincenzo, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Catherine Taylor, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Catherine Williams, Cleveland, OH; Environmental Concern	4/6/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/6/98	Charles Seymour, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Cindy Harris, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Clifton Sylvester, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Dale Grundies, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Daniel J. Kane, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Daniel R. Krohmer, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Dawn C. Harris, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Debbie Heyink, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Deborah Neiger, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Debra C. Ogle, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Dolores Masinski, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Edward O'Connor, Garfield Heights, OH; Environmental Concern	4/6/98
4/6/98	Eileen Kelley, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Ernest Field, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Eugene Savage, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Frances Litto, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Francis T. Hing, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Gene & Roberta Stump, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Gwendolyn Fuller, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Harold E. Spinks, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Hura E. Cohen, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Irma Holmes, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Jane Wertheim, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Jean Perl, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Jelena Willis, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Jim Lacey, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	John Heyink, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	John Vehar, Highland Heights, OH; Environmental Concern	4/6/98
4/6/98	Josephine Seymour, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	June Krohmer, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Kathleen Rzeczycki, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Kelly Whiting, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Kyra Kobilis, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Laila Voss, Cleveland, OH; Environmental Concern	4/6/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/6/98	Lil Bergson, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Linda Vincenzo, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Marilyn F. Brenkus, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Mary Samples, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Mary Szepesy, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Maury Feren, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Molly Stevens, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Mr. & Mrs. Holt, Cleveland, OH; Environmental Concern	4/10/98
4/6/98	Mr. & Mrs. Owen Gallagher, Lakewood, OH; Environmental Concern	4/6/98
4/6/98	Ms. Emma Routah, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Ms. Valda Robeznieks, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Pat Fedarko. Lakewood, OH; Environmental Concern	4/6/98
4/6/98	Peter Leon, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Richard & Nancy Stark, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Richard J. K., Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Robert A. Ogle, Sr., Cleveland, OH; Plan Environmental Concern	4/6/98
4/6/98	Robert Miller, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Saleem N. Moghal, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Stephanie Segulin, Cleveland, OH; Environmental Comment	4/6/98
4/6/98	Steve Roberts, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Susan Deane, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	U.S. Congress, 10th District, OH, D. J. Kucinich; Brooklyn, Ohio Environmental Concern	
4/6/98	Versie Lee Kirk, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Virginia Reesing, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	Walter Babuch, Cleveland, OH; Environmental Concern	4/6/98
4/6/98	William Gulas, Cleveland, OH; Environmental Concern	4/6/98
4/8/98	Beverly Tomsik, Wellington, OH; Environmental Concern	4/8/98
4/8/98	Edith Cottrell, Wellington, OH; Environmental Concern	4/8/98
4/8/98	Harry Lee, Jr., Wellington, OH; Environmental Concern	4/8/98
4/8/98	Luesa Bunift, Wellington, OH; Environmental Concern	4/8/98
4/8/98	Nancy Stovow, Wellington, OH; Environmental Concern	4/8/98
4/8/98	Ruth P. Lent, Wellington, OH; Environmental Concern	4/8/98
4/8/98	Virginia Guitar, Wellington, OH; Environmental Concern	4/8/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/8/98	Wellington Exempted Village Schools, OH, G. Bakus; Environmental Concern	4/13/98
4/9/98	A. Goggins, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	A. Roman, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	A. Snelson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Akisha Bailey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Albert J. Peterson, Jr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Alberta Easley, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Alfreda Marbury, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Alice L. Bonner, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Alice Scott, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Alvie Evans; Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Amy Watson, East Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Andrea Perry, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Angela Baily, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Angela Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ann Marie Thompson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ann Morgan, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ann Wallace, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Annette Klomfas, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Anthony Chambers, Akron, OH; Environmental Concern	4/9/98
4/9/98	Antonia Robinson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Aren Hammond, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ashley Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	B. F., Fairview Park, OH; Environmental Concern	4/9/98
4/9/98	Barbara Sotes, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Barbarette Revise, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Belinda Finklen, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bennie Retters, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bernard Barabas, Brunswick, OH; Environmental Concern	4/9/98
4/9/98	Bernard T. Buelow, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bernice Beaver, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Beth Piez, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bettie L. Kelly, East Cleveland, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Beulah Williams, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bill Thomas, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Billy Tanton, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Bonnie Deubel, Maple Heights, OH; Environmental Concern	4/9/98
4/9/98	Brandy Cook, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Brea Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Brenda Head, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	C. Vrsitta, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carl Covington, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carl E. Austin, East Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carla Crowell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carnelle Santz, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carolyn Taskey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Carolyn Taskey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Cassandra L. Williams-Carter, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Catherine Wright, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Chad Meyers, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Chandra Howard, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Charles E. McBee, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Charles Rush, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Charlotte Bailey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Cheryl Thomas, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Christine Kremer, Berea, OH; Environmental Concern	4/14/98
4/9/98	Christine Maucer, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Clarisa Powell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Connie Rollins, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Cora L. Caldwell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Corrine Wilson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Cortez Norris, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	D. B., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	D. Chan Bliss, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	D. H. Wms, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	D. M., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Dana Curry, Cleveland, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	David Curry, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	David Dillard, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	David Kammerman, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	David Thompson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	David Wims, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Dawn M. Fritz, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Deatre D. Speights, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Deidra Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Deleontery, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Demetrius Coleman, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Demitice Ponoelode, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Denise Reeves, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Denise Steele, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Derrick Pitts, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Dorothy Curry, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Dwayne Brandon, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	E. Benson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	E. Graham, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	E. Jones, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	E. Len, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Earl Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Earle R. Murdock, Bedford Heights, OH; Environmental Concern	4/9/98
4/9/98	Ebony Strong, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Eddie Thomas, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Edna Fairbanks, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Edwin Mootoo, Warrensville, OH; Environmental Concern	4/9/98
4/9/98	Eleanor Bell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Eleanor Drost, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Elliott Young, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ellis Johnson, Jr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Emily Light, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Emir Abeid, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Erica Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Erica Latoya Lewis, Cleveland, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Ernest Standford Sr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Essie Bland, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Eugene Baldwin, Wellington, OH; Environmental Concern	4/13/98
4/9/98	Eugenia Chidsey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Fannie Bishop, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Frederick Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Fulgencio, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	George Pace, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	George Stone, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Geraldine Toney, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Gregory East, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	H. E. Wood, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Hamid Abdussatan, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Helene Armistad, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Henry Jordan, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Howard Williams, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Hudson Grady, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Hughlean Medlea, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ida M. Grant, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	J. El. Shuney, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	J. Hyche, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	J. L., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jacqueline Price, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	James B. Quayle, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	James Campbell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Janie E. DuBose, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Janie Hayes, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Janis Renee Finney, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jason Ferthors, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jay A. Cole, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jeanine Burrell, Cleveland, OH, Environmental Concern	4/9/98
4/9/98	Jeff Bewley, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jeff Tucker, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jermaine Mitchell, Euclid, OH; Environmental Concern	4/9/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Johette Henry, Berea, OH; Environmental Concern	4/9/98
4/9/98	John Cornelius, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	John Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	John Kinchid, North Olmsted, OH; Environmental Concern	4/9/98
4/9/98	John W., Garfield Heights, OH; Environmental Concern	4/9/98
4/9/98	Johndrea Lynch, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Johnny W. Hines, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	John's Auto, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	John's Towing, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Jose A. Torres, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Joseph E. Brown, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Joseph Nanni, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Joseph Sadie, North Royalton, OH; Environmental Concern	4/9/98
4/9/98	Joseph Small, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Joseph W. Myers, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Joyce Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Juanita McFarland, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Juanita Spencer, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Judy Alban, Avon, OH; Environmental Concern	4/9/98
4/9/98	Judy Askew, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Judy Miles, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	K. Watley, Richmond Heights, OH; Environmental Concern	4/9/98
4/9/98	Kan Kwong, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Katherine McCoggle, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Kathy McComb, Independence, OH; Environmental Concern	4/9/98
4/9/98	Katrina Nash, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Kelly Kirkpatrick, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Kelly Merbin, East Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Kenneth Robinson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	L. M. Bibbs, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	L. R. Wallace, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	La Tarsha Grady, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Laddie Emerick, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Larry Brooks, Cleveland, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	LaSalle Strickland, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Latrisia Boyer, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lauren Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lawrence Grady, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lawrence T. Lee, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lea A. Thompson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lea A. Thompson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lee James Welburn, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Len J. Coblin, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Leon Heard, Cleveland Heights, OH; Environmental Concern	4/9/98
4/9/98	Leon Reed, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Leron Wells, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lillian McDaniel, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Linda Walker, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lisa McCrary, East Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lonnie Murray, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Loria Martin, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lorraine Coyne, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Lorraine Harris, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Luke D. Davis, Sr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Luther Shealey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Luz Figueroa, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	M. Jones, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	M. M., Walton Hills, OH; Environmental Concern	4/9/98
4/9/98	M. M., Walton Hills, OH; Environmental Concern	4/9/98
4/9/98	M. Respass, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	M. W. . Cleveland, OH; Environmental Concern	4/9/98
4/9/98	M.M., Parma, OH; Environmental Concern	4/9/98
4/9/98	Mandi Harris, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Margaret Mathis, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Margaret Means, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Maria Curren, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Mark C. Hastings, Avon, OH; Environmental Concern	4/9/98
4/9/98	Marty Epling, Cleveland, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Mary L. Dominick, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Mary Neris, Lakewood, OH; Environmental Concern	4/9/98
4/9/98	Mary Sanders, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Maurice Dammons, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Michael Berry, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Michael Billich, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Michael Mills, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Michael O'Connell, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Michelle Hayden, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Mike Place, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Nancy Ruiz, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Natasha Mazo, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Neitika Carter, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Nichole Tyson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Nicole D. Sullivan, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Nicole Washington, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Norma Sliman, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	O. Maul, Maple Heights, OH; Environmental Concern	4/9/98
4/9/98	Odessa L. Freeman, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	P. C., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	P. Riley, North Olmsted, OH; Environmental Concern	4/9/98
4/9/98	Pat Konkel, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Patrick L. Shyrt, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Patty Ogletree, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Paula C. Fields, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Pearl Bufford, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Peter Love, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Phyllis Peters, Warrensville Heights, OH; Environmental Concern	4/9/98
4/9/98	Pia Cenderelli, Parma, OH; Environmental Concern	4/9/98
4/9/98	Priciaus Jenkins, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Q. G., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	R. Graham, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	R. Maloney, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	R. P., Highland Heights, OH; Environmental Concern	4/9/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Rachel Ward, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Raechell Williams, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Reginald Bailey, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Reinaldo Sanchez Jr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Renee Creslak, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Rhonda Doolittle, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Richard Johnson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Richard Kray, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Robert Banns, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Robert Lewis, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Roland A. King, Parma, OH; Environmental Concern	4/9/98
4/9/98	Rosalind V. Taylor, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Rose E. Thomas, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Rose L. Curry, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Rosetta Buffington, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Roy Jones, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Rumiana Papesch, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ruth A. Cox, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Sahir Hasan, Cleveland Heights, OH; Environmental Concern	4/9/98
4/9/98	Schvanch Harris, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Sharlene Cunningham, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Sharon Nelson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Sherrie Pashctt, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Shirrell Williams, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Shonetta Sanders, Maple Heights, OH; Environmental Concern	4/9/98
4/9/98	Spring H. Hutchins, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Stanley S. Kaminski, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Stephanie Walker, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Steve Gaston, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Steve Strother, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Susan Haders, Cleveland Heights, OH; Environmental Concern	4/9/98
4/9/98	T. Lett, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	T. W., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tamika Woodson, Cleveland, OH; Environmental Concern	4/9/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/9/98	Tammy L. Hanna, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tania Eff, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Theodore E. Walker, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tim Smith, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Todd R. Wright, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tom Kohanski, Euclid, OH; Environmental Concern	4/9/98
4/9/98	Toni M. Jackson, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tracy S. Davis, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tverner Collier, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Tywan Ballard, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Ulysses Childress, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	V. L. Young, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Vance Rouse, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Vanessa Jones, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Verneata Morgan, North Olmsted, OH; Environmental Concern	4/9/98
4/9/98	Veronia Young, East Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Versa Phipps, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Vicki L. Scott, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Victor Kovacie, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Wendy Harris, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Wendy McDonald Hunter, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	William A. Speights, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	William Newsome Jr., Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Willie D. Hamilton, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Willie McCladdie, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Willie Ogletree, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Willie R. Hamilton, Cleveland, OH; Environmental Concern	4/9/98
4/9/98	Yolanda Figueroa, Cleveland, OH; Environmental Concern	4/9/98
4/10/98	U.S. House of Representatives, Thirteenth District, OH, S. Brown; Participation in Oral Argument	4/10/98
4/13/98	Alma Landrum, Cleveland, OH; Environmental Concern	4/13/98
4/13/98	Cynthia Miller, Cleveland, OH; Environmental Concern	4/13/98
4/13/98	Gerald Merton, Cleveland, OH; Environmental Concern	4/13/98
4/13/98	Jerry Marcharon, Cleveland, OH; Environmental Concern	4/13/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/13/98	John L. Andre, Wellington, OH; Representative Gilmore; Request Him to Attend Oral Argument	4/13/98
4/13/98	Marilyn V. Andel, Wellington, OH; Environmental Concern	4/13/98
4/13/98	Mary Ann Kostyack, Cleveland, OH; Environmental Concern	4/13/98
4/13/98	Nancy Konchan, Cleveland, OH; Environmental Concern	4/13/98
4/13/98	Sylvia Minor, Cleveland, OH; Environmental Concern	4/13/98
4/14/98	I. Falsone, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jonathan N., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	A. Benedict Schneider, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	A. Duman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	A. E., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	A. J. Ryan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	A. Lieberman & K. Stern, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Aaron Schneider, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Abdul Al-Muttairi, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Agnes Wong, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Al White, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Alanna Stigall, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Albert Ponder, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ale Lytle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Alegra Martin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Alexandra Burgar, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Alfred P. Malone, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Alice L. Lee, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Alvin Mays, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Amanda Flowers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Amanda Schneider, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Aminah Z. Abdullah, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Amy Barth, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Andre Freeman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Andrea Freeman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Andy Okulovich, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Angel Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Angela Yvette Brown, Cleveland, OH; Environmental Concern	4/14/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Angie Frank, Brooklyn, OH; Environmental Concern	4/14/98
4/14/98	Anna Bradley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Anne Lingenfelter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Annie Mayer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Anthony Robertson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Antoine Gunter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Antonio Ogletree, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Antonio Palmer, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ariana Henderson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Arkeydia Owens, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Arutha Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Audrey Robinson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Auretha G. Pettigrew, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Austin Georgia, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Awilda Miniz, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	B. Battle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	B. C. Huff, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	B. Hill, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	B. Motley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	B. Obu, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Barb Biskupich, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Barbara Ajao, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Barbara Ginns, Warrensville Heights, OH; Environmental Concern	4/14/98
4/14/98	Barbara Spaan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Barbara Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Barry Hughes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Beatrice Yalya, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Belinda McKinney, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Berry O'Kelly, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Bertha Gilliam, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Bertha Hollins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Beth Kaufman, Hunting Valley, OH; Environmental Concern	4/14/98
4/14/98	Betty Boose, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Betty Gholston-Perkins, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Betty Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Betty L. Hutchinson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Betty Rodgers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Beulah Curtis, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Beverly Sobochan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Bill Scears, Parma, OH; Environmental Concern	4/14/98
4/14/98	Bob Rombach, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Bobby Sullivan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Boo Scott, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Brain Naiper, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Brenda Glass, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Brent Zboyouski, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Bridgette Johnson, Euclid, OH; Environmental Concern	4/14/98
4/14/98	C. M. Woods, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	C. R. Woodard, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Calore Sucky, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Calvin Jennings, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carl D., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carla Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carmella Browning, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carmen Claudio, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carol L. Romano, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carolyn Brown-Cleaver, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carolyn Conley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Carrie Dokes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Cassandra Green, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Cassandra Phillip, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Cassandra Roney, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Catherine S. Mayer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Chanel Golson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charlene Blair, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charlene Tzlus, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charles E. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charles Howell Jr., Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Charles Moore, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charles Piotrowski, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Charneh Hinders, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Christal D. Howard, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Christine A. Dunn, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Christopher Morrell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Chunyuan Wang, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Clarence Gaines, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Clarence Solomon Jr., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Clarissa Lynch, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Claude Gray, Jr., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Clifton Creh, Fairview Park, OH; Environmental Concern	4/14/98
4/14/98	Constance Reynolds, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Cora Gregory, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Cory Weaver, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Craig White, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Curtis Perkin, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Cynthia Densor, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	D. Green, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	D. Onunwor, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Daisy Rose, Mentor, OH; Environmental Concern	4/14/98
4/14/98	Dale Lindauer, Maple Heights, OH; Environmental Concern	4/14/98
4/14/98	Daniel Gonzalez, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Daniel Monrese, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Danielle Newis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Danielle Nichole Bowman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Danielle Summers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darla Dirk, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darlene Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darlene Davis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darnell Allen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darren L. Martemos, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Darryl Woods, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	David A. Dallas, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	David McWilliams, Bedford, OH; Environmental Concern	4/14/98
4/14/98	David Sanalria, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Debbie Majher, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Debbie Simons, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Deborah Brockman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Deborah Collins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Deborah J. Knickham, Parma, OH; Environmental Concern	4/14/98
4/14/98	Deborah Richards, Bedford, OH; Environmental Concern	4/14/98
4/14/98	Debra Thorton Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dee Lewis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Delores Davis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Deloris V. Carman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Denatra Rucker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Denise Acnot, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Denise Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Denise Shawn, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dennis Harks, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Diana Hinders, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Diane Barnett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Diane Price, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dianna M. Blankenship, Middleburg Heights, OH; Environmental Concern	4/14/98
4/14/98	Dolores Hules, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dominic Hitchcock, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donald A., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donald Nelson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donita Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donna Ogle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donna Phillips, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Donna Ware, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donna Weston, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donna Wiidard, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donnell Greene, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donnie T. James III, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Donnita Y. Smith, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Dontave Courette, Mayfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Dora Dixon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Doris Blacknon, Garfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Dorothy Barr, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dorothy Hancock, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dorothy I. Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dorothy McKenzie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Douglas Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dr. & Mrs. Hoogwerf, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Dr. & Mrs. Lentz, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Dr. Partin & Mr. Dowling, South Russell, OH; Environmental Concern	4/14/98
4/14/98	Dr. Showman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dreena Shields, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Duane Morris, Garfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Dunte' Rice, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Dwain Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	E. Clark, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	E. Scott, Warrensville Heights, OH; Environmental Concern	4/14/98
4/14/98	E. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Earlene Johnson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ed Schmitt, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Edna Davis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Edward James Goins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Edward Long, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Edward Mathews, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elaine T. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elaine Wyche, Warren Heights, OH; Environmental Concern	4/14/98
4/14/98	Elaine Z., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Eleanor Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elena P. Ford-Griffin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elizabeth Garese, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elizabeth Marin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Elizabeth Womble, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ella Williams, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Elsie L. Farmer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Emery Stewart, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Eric Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Erica Alford, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Erik Cloud, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Erika Jamez, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Essie Cloud, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ethel Jennings, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Evelyn Dear, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Evelyn Johnson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Evelyn Kennibrew, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Evelyn P. Easley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Evelyn Porter, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Everett T., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Exodus Lett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Eyelyn Golson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	F. Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Faye McLin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Felicia Sas, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Fliria Jernigan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Forest Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Frager Spates, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Fran Thorton, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Frances E. Shellenbauger, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Francine Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Frank Monigan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Frank S. Radwan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Freddie Ford, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Frizell P. Burt, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	G. Gaijan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	G. Gratzl, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	G. J. Harron, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	G. Jurcak Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gaoriela Stefan, Garfield Heights, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Gail Curry, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gail Kovacic, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gene Winfrey, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Geneva Cannon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	George G. Morris, Lyndhurst, OH; Environmental Concern	4/14/98
4/14/98	George S., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Georgia Solomon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gerald Anderson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gerald Primer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Geraldine Appling, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gerrisha D., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gertie Sullivan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gloria Sturkey, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Grace Suma, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Greg Fleming, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gregory Scheel, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Gwendolyn Pettway, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Happy For You, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Harley Cony, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Harvey Hedous, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Heath Milsil, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Helen Chownowitz, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Helen Maron, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Helen Thomas, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Henry M. Krasoch, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Hershell Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Hiep Thi Nguyen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Horace Collier, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ian Thompson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ida B. Carrion, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Indie Goodwin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Irene Snead, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Isaac Carney, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ishai Jones, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	J. D. Walesek, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	J. Mou, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	J. O., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jake Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jamarr White, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Carr, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Cuthbertson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Dulop, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Haughton, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James L. Shackhy, Brunswick, OH; Environmental Concern	4/14/98
4/14/98	James L. Watson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James M. Edgerson, Cleveland, OH, Environmental Concern	4/14/98
4/14/98	James Paschall, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Rave, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	James Rice, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jan Farmerie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ja'Nee Bagwell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Janet Liddele, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jason Byrge, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jay Green, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jean Jenkins, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Jeanne Eging, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jeff Tretera, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jeffery Thompson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jeffrey R. Doggett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jennie Ferich, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jennie Richards, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jennie Washington, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jerry Harris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jesse Shaw, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jessica Ward, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jessie Ford, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jessie Moorer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jesus Rodriguez, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Jewel Savage, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jhonathan Thomas, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jim DelVecchio, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jimmie R. Mayfield, Warrensville Heights, OH; Environmental Concern	4/14/98
4/14/98	Jimmy Baynes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	JM Ten Hove, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joan Redd, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Jocelyn Brumbaugh, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Joe Crum, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joe Harrell, Birmingham, OH; Environmental Concern	4/14/98
4/14/98	Joe Jenkins, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joe Pettway, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Askew, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Banta, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Bell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John C. O., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John H. Edwards, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John H. White, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John M. Cabbell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Myers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Myers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John Petkac, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	John S. Eloshway, Twinsburg, OH; Environmental Concern	4/14/98
4/14/98	John Stuart, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Johnetta Powell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Johnnie L. King, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Johnny Knox, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joseph D. Shiner, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joseph Hanes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joseph Hanna, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joseph Stickney, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joyce Davison, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joyce Halasa, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Joyce T. Corrman, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Juan Roberts, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Juan Scots, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Juanita Cochran, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Judy C. Tutwiley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Julia Wilson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Julian Givens, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Julius Bremer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Julius J. Davis Jr., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	June Feltes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	K. A. Christopher, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kareemah Rashed, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Karen Barnett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Karen Frarr, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Karen McDuffie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Karen Russ, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Karen Sanders, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kathleen Mulligan, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Kathleen Reinke, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kathleen Sanniti, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Katricia Massiglle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kayla Smith, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Keisuke Hirai, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Keith Fletcher, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kelly Barnett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kelly Kupcak, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ken Knaack, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Kenneth Barrett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kenneth Butler, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kenneth Clark, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kenneth M. Enos, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kevin Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kevin Hotelling, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kevin Patterson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Khalil Woods, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Kim Cheeks, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Kineen Ivory, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	L. Alexander, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	L. C. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	L. H., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	La Shanda A. Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	LaBron Sanford, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Larry Kerber, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lashauna White, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Latanya Burt, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Latasha D. Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Latasha Hall, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	LaTonija Powell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	LaToya Ball, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Latoya Lipscomb, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Laura Bultman, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Laura Fratus, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Laura Yee, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	La'Vada Tillie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lavallia H. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Laverne Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lawanda Cleveland, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lawlicz Houdek, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lawrence C. Wallace, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lecianya Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Leole Barmasse, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Leonard C. S., Jr., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Leonardo Harris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Leviticus Wells, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Liesha Strickland, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lillie B. Cody, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lillie Penny, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Linda C. Grady, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Linda Dietrich, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Linda Freeman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Linda Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Linda Morris, Garfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Linda Oneal, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Linda W. Hatton, Wellington, OH; Environmental Concern	4/20/98
4/14/98	Lisa Carter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lisa Smither, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lorenzo D. Willis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lori Hellert, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lottie Austin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lottie Person, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lou Rivera, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Louise Fohayan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Louise M. William, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Lounetta Whifie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Luis M. Rivera, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	M. D. Smith, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	M. O. Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mable Foust, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mae Frances Thomas, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Maggie Flow, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Maggline Chrisburg, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Maisha Dial, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Manh Quach, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marc Minor, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Margaret Corley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marge Kelbacher, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marge Kelbacher, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marie Burgar, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marie Gorley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marie L. Gilchrist, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marigold Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marius Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mark A. Sakalo, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Mark C. McGinley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marketa Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marlene Tripp, Bedford Heights, OH; Environmental Concern	4/14/98
4/14/98	Marshale Everette, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Martha Roebuck, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marva Blackwell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marvella Donald, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Marvin D. Burns, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mary Bell D., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mary Clement, Broadview Heights, OH; Environmental Concern	4/14/98
4/14/98	Mary Dillard, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mary E. Zegarac, Avon, OH; Environmental Concern	4/14/98
4/14/98	Mary Ellen Mueller-Coleman, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mary Montgomery, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mary Presley, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mary S. Birk, Cuyahoga Falls, OH; Environmental Concern	4/14/98
4/14/98	Mary Summers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Masekala Johnson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Matt Walik, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Matthew Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mattie Armstrong, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mattie Fenderson, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Mattie Funderson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mattie Jennings, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Maureen Anderson, Strongsville, OH; Environmental Concern	4/14/98
4/14/98	Maybell Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Melanie Craigs, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Melissa Brown, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Melvin L. Garner, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Melvin Willis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Melvina Barnes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Michael A. Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Michael D., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Michael Dickinson, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Michael Lawson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Michael Malone, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Michael Wade, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Michelle Butts, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mike Biskupich, Avon, OH; Environmental Concern	4/14/98
4/14/98	Mike Evans, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mike Himes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mike Leonetti, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mike O'Hagerty, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mike Walsh, N. Royalton, OH; Environmental Concern	4/14/98
4/14/98	Mildred Cannon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mildred Mage, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mildred Warner, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Milton F. Kostyack, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Milton Hawkins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Minh C. Nguyen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mohammed Jarrie, North Olmsted, OH; Environmental Concern	4/14/98
4/14/98	Mohl Thompson, Ravenna, OH; Environmental Concern	4/14/98
4/14/98	Moira McAnderson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Monika James, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Morris Montgomery, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mozella Braswell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Benton, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Bittel, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Boeschenstein, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Brady, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Century, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. David V. Clough, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Demer, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Diamond, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Donaldson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Eisen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Fink, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Mr. & Mrs. Goldfarb, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Grimm, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Grogan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Hanley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Harris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Hempstead, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Hildebrandt, Rocky River, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Hooper, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Jaffe, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Mann, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Marconi, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Muller, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Nugent, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Patacca, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Raack, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Ritchey, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Sabik, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Skoff, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Smith, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Stephen Wood, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Urban, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Wachter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Wagner, Moreland Hills, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Webb, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. & Mrs. Weiss, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Acheson & Ms. Ruff, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Anton, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Bowe, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Carlson, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Cribbs, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Harry Cooke III, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Mitchener, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. and Mrs. Smith, Cleveland, OH; Environmental Concern	4/14/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Mr. Bartels & Ms. Tracy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Callahan and Ms. Bork, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mr. Chidel, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. Chuck Pugh, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Collin, Berea, OH; Environmental Concern	4/14/98
4/14/98	Mr. Dante Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Derrick Easley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Dunson & Ms. Wadsworth, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Friedman & Ms. Livingston, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. Hoshi, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. Howell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Jesse Fans, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Kay, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Kleidman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Koehler & Mrs. Hardy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. L. J. Walker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. L. Y., University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. Lasher, Rocky River, OH; Environmental Concern	4/14/98
4/14/98	Mr. Luciani, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. McDonald, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Mr. McKelvey, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. N. Weger, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Napolitan, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. Patterson, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mr. Schwarz, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Setzer, Bentleyville, OH; Environmental Concern	4/14/98
4/14/98	Mr. Speilman & Ms. Walton, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mr. Torres, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Toth & Ms. Niegoda, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Tower, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Walunis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mr. Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Anton, South Russell, OH; Environmental Concern	4/14/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Mrs. Antonia, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs Bodnar, Rocky River, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Borchert, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Burl, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Conrady, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Cruz, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Debowen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. DeVenne, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Diemer, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Durning, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Dweik, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Fleischman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Hallisy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Hendricks, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Hertelendy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Kiss, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Marshall, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Meisels, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Mumber, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mrs. O'Connell, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Peter-Wohl, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Pierce, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Rather, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Schlang, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Schroeder, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Sokol, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Taboada, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Trickett, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Valls, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Waanders, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Wertheim, University Heights, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Wierzbicki, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Withers, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Mrs. Worsey, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Ms. Alexander, Moreland Hills, OH; Environmental Concern	4/14/98
4/14/98	Ms. and Mrs. Burnell, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Anderson, South Russell, OH; Environmental Concern	4/14/98
4/14/98	Ms. Birnbaum, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Chaichi, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Christy Skaggs, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Clarke, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Cortese & Mr. Heinzel, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Cvetic, Rocky River, OH; Environmental Concern	4/14/98
4/14/98	Ms. Escott, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Ms. Fehrenbach, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Fishman, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Foersmer, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Frew & Mr. Charles, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Goldstein, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Graham, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Gurbst, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Hill, Cleveland, OH, Environmental Concern	4/14/98
4/14/98	Ms. Judith VanKleef, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. K. F., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Kathryn Pin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Kula, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Kwok, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Lewis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Matis, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Ms. Milligan, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Nakamura, Chagrin Falls, OH; Environmental Concern	4/14/98
4/14/98	Ms. Newman, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. O. F., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. O'Grady, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Pare, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Ms. Peck, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Perry, East Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Ms. Quinn, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Schwarz, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Ms. Unger, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Vegh, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ms. Wolin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Muhammad M. Abdullah, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	My Duc Nguyen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Myra Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	N. Ader, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	N. Syston, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	N. Vaughan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Nancy William, Parma, OH; Environmental Concern	4/14/98
4/14/98	Nathaniel Moorer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Nathaniel Washington, Sr., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Nellie Collier, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Nena McFadden, Berea, OH; Environmental Concern	4/14/98
4/14/98	Nichol Jennings, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Nikki Morris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Norma J. Chindler, Richmond Heights, OH; Environmental Concern	4/14/98
4/14/98	Odessa Walker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ophelia Pownes, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Pamela Bunch, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Pamler Moton, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Patricia Hickey, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Patricia Matthews, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Patricia R. Green, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Patrick H. Thauvette, Brunswick, OH; Environmental Concern	4/14/98
4/14/98	Patty Schmitt, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Paul Buchanan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Pearline Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Peggy Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Peggyellen Faulkner, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Peoter Panas, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Perry James, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Perry James, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Pete Addaute, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Pete Why, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Phillip L. Fulton, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Phylis Smith, Warrensville, OH; Environmental Concern	4/14/98
4/14/98	Quoc Nguyen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	R. Boaker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	R. Collins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rabia El Danar, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rafael Samanez, Mayfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Rafael Walles, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Raimon Mang, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Randy J. Sincich, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Randy Owens, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ray Hall, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ray Szuch, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Raylon Hyche, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Raymond Barksdale, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Raymond Hutchins, Garfield Heights, OH; Environmental Concern	4/14/98
4/14/98	Raymond Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rayshawn Freeman, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rebecca Bailey, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rebekah Hodous, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Regina Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Reginald Mathews, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Reginia D. Carter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Relly Rell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Renita Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rev. and Mrs. E. James Cole, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Richard M. Thompson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Richard Smith, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rico Levert, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rita Grabisna, North Royalton, OH; Environmental Concern	4/14/98
4/14/98	Rita J. Williams, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Robert Eedy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Frazier, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Henie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Kyle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Moore, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Pore, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robert Valentine, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Roberta Walters, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Robin Morton Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rodney Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Roger Sams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Romeo Mays, Bedford Heights, OH; Environmental Concern	4/14/98
4/14/98	Romeo Mays, Bedford Heights, OH; Environmental Concern	4/14/98
4/14/98	Ron C. Perkins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ronald C. League, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ronald Whetstone, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ronita Allen, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rosa Ocasio, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rosalyn Robinson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rose Ukovic, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Rosie Primsons, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ruby Bashoy, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ruby N. Swift, Bedford, OH; Environmental Concern	4/14/98
4/14/98	Ruth Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ruth Liotta, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Ryan Ramos, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sal Disahi, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sal Pace, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sam Assad, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sam E. McDuffie, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sam Hamdan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Samuel R. Steele, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sang Tran, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Santino Williams, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Sawier Mudd, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Sebee Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Selena McIntyre, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sellmina Hollins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Semia Mayo, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shameka Denise Burts, Euclid, OH; Environmental Concern	4/14/98
4/14/98	Shanna Petrovek, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sharon Hunter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sharon S. Hogan, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shauna Slayton, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Sheila Strukely, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shelly Jones, Bedford, OH; Environmental Concern	4/14/98
4/14/98	Sherman Worley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sherri A. Martin, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sherry S., Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shirley Berry, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shirley Davis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Shirley Prince, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Sid Mahmoud, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sonia Nelson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Stan Walker, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Starzcheh Hinders, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Stephanie Nank, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Stephanie Nank, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Susan Edwards, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Susan Gadomski, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Sylvia Walker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Taffy Lyles, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tahira Davis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tamiko Toyama, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tammie Harris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tammy Ogle, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tanya C. Watson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tatiana Robinson, Cleveland, OH; Environmental Concern	4/14/98

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Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Terrance Cloud, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Terry Banilla, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Terry King, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Terry Ross, Lyndhurst, OH; Environmental Concern	4/14/98
4/14/98	The Fehn Family, University Heights, OH; Environmental Concern	4/14/98
4/14/98	The Gudbranson Family, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	The Kanner Family, Rocky River, OH; Environmental Concern	4/14/98
4/14/98	The Wirth Family, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Theresa Jackson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Theresa Jones, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Thomas Galmi, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Timothy Baul, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Timothy Norris, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tina Bronaugh, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Todd Backus, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tom Autosky, Wickliffe, OH; Environmental Concern	4/14/98
4/14/98	Tom Fadeley, Twinsburg, OH; Environmental Concern	4/14/98
4/14/98	Tom Walstron, Fairview Park, OH; Environmental Concern	4/14/98
4/14/98	Tommi Ellington, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Toni Harrison, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tony G. Rice, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tony Wood, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tonya Craigs, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Toria Williams, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tracy Bowen, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tracy Moore, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tracy Willis, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tracy Wilson, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Trang Nguyen, Lakewood, OH; Environmental Concern	4/14/98
4/14/98	Trevonne Lett, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Trish Green, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Troy Matthews, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Tyrone Grayer, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Van Lenten, Cleveland, OH; Environmental Concern	4/14/98

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Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/14/98	Vannara Owk, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Vera Oasta, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Veronica Coleman, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Verwon Dillinay, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Vida Vest-Gegorc, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Viera Dlugos, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Virgie Hollingsworth, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Virginia Jakowski, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Virginia R. Cinnamon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Virginia Tinsley, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Vivian Conner, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Wilburn Glass, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Willa Wilburn, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Harkins, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William L. Hunt, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William L. Oliverio, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Lennon, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Lowry, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William McKinney, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Mikel, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Reed, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Tell, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	William Winter, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Willie Early, Cleveland Heights, OH; Environmental Concern	4/14/98
4/14/98	Willie Mason, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Willie Ross, North Randall, OH; Environmental Concern	4/14/98
4/14/98	Wilma Nicholson, East Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Win Fluker, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Winona Murray, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Wintio Gilesos, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Xavier Jones, Shaker Heights, OH; Environmental Concern	4/14/98
4/14/98	Ying-Hong Yu, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Zuleika West, Cleveland, OH; Environmental Concern	4/14/98
4/14/98	Zuleika West, Cleveland, OH; Environmental Concern	4/14/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/15/98	Gerald, Wellington, OH; Environmental Concern	4/15/98
4/15/98	Nancy Gove, Wellington, OH; Environmental Concern	4/15/98
4/16/98	Donna Long, Wellington, OH; Environmental Concern	4/16/98
4/16/98	Lawrence Sorg, Wellington, OH; Environmental Concern	4/16/98
4/17/98	A. Hollins, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	A. Kyonsky, Parma, OH; Environmental Concern	4/17/98
4/17/98	Andy Manson, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Bevallini Tripplitt, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Binnie Eiger & Philip Brett, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Charles and Theresa Corriggio, Wellington, OH; Environmental Concern	4/17/98
4/17/98	Darlene Johnson, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Dedric Harris, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Della R. Abrams, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Delores Thomas, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Doris K. Ewing, Wellington, OH; Environmental Concern	4/17/98
4/17/98	Dr. & Mrs. Froimson, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	E. O. Diyer, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Emma H. Shockley, Brunswick, OH; Environmental Concern	4/17/98
4/17/98	Gia Hoa Ryan, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Ida Farran, Wellington, OH; Environmental Concern	4/17/98
4/17/98	Jahdia Stoves, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	James E. Rupert, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	James Nixon, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Jasmie Blue, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	John K., Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Joseph Sidoti, Mentor, OH; Environmental Concern	4/17/98
4/17/98	Kenya B., Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Kevin Williams, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	L. R., Saslow, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Larry Snitzky, Seven Hills, OH; Environmental Concern	4/17/98
4/17/98	Latasha McCornell, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	LeKisha Robinson, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Mary Biskupich, Avon, OH; Environmental Concern	4/17/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/17/98	Mr. & Mrs. Armstrong, Rocky River, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Banchek, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Briner, Chagrin Falls, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Buckley, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Cavender, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Gillombardo, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Meil, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Merriam, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Ungar, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Whitehouse, Chagrin Falls, OH; Environmental Concern	4/17/98
4/17/98	Mr. & Mrs. Wolf, Chagrin Falls, OH; Environmental Concern	4/17/98
4/17/98	Mr. Coates & Ms. Crebbin, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Inoshita, University Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Kim & Ms. Gudbranson, University Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Lang & Ms. Wamsted, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Porter & Ms. Poutasse, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Shankar & Ms. Bryce, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mr. Sirovica, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Mr. Weilerstein, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Mrs. Gold, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Ms. Bourisseau, Chagrin Falls, OH; Environmental Concern	4/17/98
4/17/98	Ms. Mendenhall, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Ms. Nigosian, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Ms. Thomas, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Ms. Uniqueka H., Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Ms. Warren, Moreland Hills, OH; Environmental Concern	4/17/98
4/17/98	Nguyen Tuyet, Brooklyn Heights, OH; Environmental Concern	4/17/98
4/17/98	Norma Mitchell, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Quoc Hoa, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Regina Jones, Bedford, OH; Environmental Concern	4/17/98

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COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

Ohio		
Comment Date	**Commentor, Subject of Document**	**Date Received**
4/17/98	Rob Gersna, Lakewood, OH; Environmental Concern	4/17/98
4/17/98	Robert Ash, Lakewood, OH; Environmental Concern	4/17/98
4/17/98	Robert Gibb, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	S. M. Williams, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Sally D. Brown, Akron, OH; Environmental Concern	4/17/98
4/17/98	Sinth Tran, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Steve Smith, Western Cover, OH; Environmental Concern	4/17/98
4/17/98	The Feighan Family, Cleveland Heights, OH; Environmental Concern	4/17/98
4/17/98	Tom Biskudich, Avon, OH; Environmental Concern	4/17/98
4/17/98	Ty Shawn Ball, Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Valerie Fergus, Fairview, OH; Environmental Concern	4/17/98
4/17/98	William L. Brainey, Jr., Cleveland, OH; Environmental Concern	4/17/98
4/17/98	Willie Townes, Cleveland, OH; Environmental Concern	4/17/98
4/19/98	Mary O. Flowers, Cleveland, OH; Environmental Concern	4/19/98
no date	Armentha Nesbitt, Cleveland, OH; Comment on Draft EIS	
no date	Catherine Taylor, Cleveland, OH; Environmental Concern	
no date	Christina J. Jordan, Wellington, OH; Environmental Concern	4/10/98
no date	Daniel & Joyce Scott, Wellington, OH; Environmental Concern	4/10/98
no date	Harry R. Sory, Wellington, OH; Environmental Concern	4/10/98
no date	Maxine Lee, Wellington, OH; Environmental Concern	4/9/98
no date	Pamela Nagas, Wellington, OH; Environmental Concern	4/7/98
no date	Phyllis Moshur, Wellington, OH; Environmental Concern	4/10/98
	Pennsylvania	
Comment Date	**Commentor, Subject of Document**	**Date Received**
2/9/98	Southeastern Pennsylvania Transportation Authority, E. N. Cipriani; Comment on Draft EIS	2/20/98
3/19/98	PA Historical and Museum Commission, Bureau for Historic Preservation, B. Barrett; Agency Consultation	
3/24/98	Belknap Freeman, PE, Rosemont, PA; Comment on Draft EIS	3/26/98
4/9/98	Alice E. Pryzanlshi, Sharon, PA; Environmental Concern	4/9/98
4/9/98	Wayne O'Brien, Hopwood, PA; Environmental Concern	4/9/98
4/19/98	Kenneth C. Springirth, Erie, PA; Environmental Concern	4/22/98

TABLE A-4
COMMENTS RECEIVED AFTER CLOSE OF COMMENT PERIOD

	South Carolina	
Comment Date	**Commentor, Subject of Document**	**Date Received**
1/13/98	State Historic Preservation Office, SC, N. Brock; Response to Consultation Letter	3/12/98
	Virginia	
Comment Date	**Commentor, Subject of Document**	**Date Received**
3/4/98	Northern Virginia Transportation Commission et al., K. M. Sheys; Errata to Comments on Draft EIS	35857

SURFACE TRANSPORTATION BOARD
Finance Docket No. 33388

CSX Corporation and CSX Transportation, Inc.
Norfolk Southern Corporation and Norfolk Southern Railway Company
Control and Operating Leases/Agreements
Conrail Inc. and Consolidated Rail Corporation

GUIDE TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT

This Final Environmental Impact Statement (Final EIS) evaluates the potential environmental impacts that could result from the proposed Acquisition of Conrail Inc. and Consolidated Rail Corporation (Conrail) by CSX Corporation and CSX Transportation, Inc. (CSX) and Norfolk Southern Corporation and Norfolk Southern Railway Company (NS). The Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) has prepared this document in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S.C. 4321); the Council on Environmental Quality (CEQ) regulations implementing NEPA; the Board's environmental rules (49 CFR Part 1105); and other applicable environmental statutes and regulations.

SEA issued the Draft EIS on December 19, 1997. Subsequently, SEA issued an Errata (January 12, 1998) and a Supplemental Errata (January 21, 1998) to clarify statements and analyses in the Draft EIS. The 45-day public comment period closed February 2, 1998. This Final EIS provides responses to comments, questions, and issues that the public, agencies, and other document reviewers raised. It describes SEA's additional environmental analysis and includes SEA's final environmental mitigation recommendations to the Board.

To assist the reader in the review of this document, each volume contains a Guide to that volume and a Table of Contents for each chapter in that volume. In addition, each individual volume also contains a Guide to the Final EIS, a Glossary of Terms, a List of Acronyms and Abbreviations, and the Table of Contents of the Final EIS. Specifically, the Final EIS document includes the following volumes:

Executive Summary Volume

The **Executive Summary** provides an overview of the proposed Conrail Acquisition, including the potential environmental impacts and the mitigation measures that SEA recommends to address those impacts. In addition, the Executive Summary Volume contains the **Letter to Interested Parties** that SEA attached to copies of this Final EIS, the **Information Sources** that SEA used for preparing both the Draft EIS and the Final EIS documents, and the **Index** of keywords and phrases that appear in this Final EIS.

Volume 1: Chapters 1, 2, and 3

- Chapter 1, "Introduction and Background," describes the purpose and need for the project, the proposed action, and the alternatives to the proposed action. It also sets forth the jurisdiction of the Board and outlines SEA's environmental review process. In addition, this chapter presents an overview of SEA's agency coordination and the public comment process.

- Chapter 2, "Scope of the Environmental Analysis," identifies the proposed Conrail Acquisition-related activities that SEA analyzed. This chapter includes a table presenting the thresholds SEA used to identify activities for environmental analysis and explains project activities that differ from those set forth in the Draft EIS.

- Chapter 3, "Agency Coordination and Public Outreach," describes SEA's public outreach activities to notify interested parties and environmental justice populations of the potential environmental impacts of the proposed Conrail Acquisition and of the availability of the Draft EIS and the Final EIS. Additionally, the chapter explains SEA's distribution of the Draft EIS and the Final EIS, explains the methods that SEA used to facilitate the public comment process, and describes the agency coordination that SEA performed as part of the environmental review process. Chapter 3 also reviews the historic properties outreach activities that SEA conducted in Ohio.

Volume 2: Chapter 4

- Chapter 4, "Summary of Environmental Review," outlines the additional environmental analysis that SEA conducted for each environmental issue area since preparation of the Draft EIS. Specifically, it explains the methods of analysis, presents the public comments and additional evaluations, identifies the results of the analysis, and reviews SEA's assessment of environmental impacts. In addition, this chapter describes SEA's refinement of the mitigation measures recommended in the Draft EIS, SEA's final recommended mitigation measures, anticipated environmental benefits, and the adverse environmental impacts of the proposed Conrail Acquisition.

Volume 3: Chapter 5

- Chapter 5, "Summary of Comments and Responses," contains summaries of the comments that SEA received on the Draft EIS and SEA's responses to the comments. The chapter provides the following: (a) an overview of the comments, including those

from Federal agencies, the Applicants, and national and regional groups as well as groups and individuals within specific states; (b) general comments on the Draft EIS, including the Application review process, the environmental review process, and the system-wide technical analysis; and (c) comments on state and community issues, organized by state and environmental issue category.

Volume 4: Chapter 6

- Chapter 6, "Safety Integration Planning," sets forth the purpose and topics of the Safety Integration Plans and presents summaries of comments that reviewing agencies and the public submitted about the Safety Integration Plans. The chapter also includes SEA's analysis and response to those comments and provides SEA's conclusion and recommended conditions regarding the Safety Integration Plans.

Volume 5: Chapter 7

- Chapter 7, "Recommended Environmental Conditions," describes the final environmental mitigation conditions that SEA recommends to address significant adverse environmental impacts that could result from the proposed Conrail Acquisition.

Volume 6: Appendices

- These four volumes (6A through 6D) include appendices containing the comments on the Draft EIS and the analysis by the technical disciplines as well as appendices containing public outreach and agency consultation information and documents.

Volume 6A contains the following appendix:

A. Comments Received on the Draft Environmental Impact Statement.

Volume 6B contains the following appendices:

B. Draft Environmental Impact Statement Correction Letter, Errata, Supplemental Errata and Additional Environmental Information, and Board Notices to Parties of Record.
C. Settlement Agreements and Negotiated Agreements.
D. Agency Consultation.
E. Safety: Highway/Rail At-Grade Crossing Safety Analysis.
F. Safety: Hazardous Materials Transport Analysis.
G. Transportation: Highway/Rail At-grade Crossing Traffic Delay Analysis.
H. Transportation: Roadway Systems Analysis.
I. Air Quality Analysis.

Volume 6C contains the following appendices:

J. Noise Analysis.
K. Cultural Resources Analysis.
L. Natural Resources Analysis.
M. Environmental Justice Analysis.

N. Community Evaluations.

Volume 6D contains the following appendices:

O. EPA Rules on Locomotive Emissions.
P. SEA's Best Management Practices for Construction and Abandonment Activities.
Q. Example Public Outreach Materials.
R. All Relevant Board Decisions.
S. Index for the Draft Environmental Impact Statement.
T. Final Environmental Impact Statement Rail Line Segments.
U. List of Preparers.

Addendum Volume

The **Addendum** contains information SEA did not include in the other portions of the Final EIS because of production timing constraints. The Addendum contains SEA's evaluation and additional analyses SEA conducted for train traffic rerouting proposed as mitigation for the Greater Cleveland Area. The Addendum also contains additional analysis of the proposed connection in Alexandria, Indiana (one of the Seven Separate Connections) as well as comments received during an additional comment period and summaries of, and responses to, those comments.

GLOSSARY OF TERMS

abandonment: The discontinuance of service on a rail line segment and the salvaging and/or the removal of railroad-related facilities for reuse, sale, and/or disposal.

Acquisition: The proposal by CSX, NS, and Conrail to acquire control of Conrail's assets and its basic railroad operations.

active warning devices: Traffic control devices that give positive notice to highway users of the approach or presence of a train. These devices may include a flashing red light signal (a device which, when activated, displays red lights flashing alternately), a bell (a device which, when activated, provides an audible warning, usually used with a flashing red light signal), automatic gates (a mechanism added to flashing red light signals to provide an arm that can lower across the lanes of the roadway), and a cantilever (a structure equipped with flashing red light signals and extending over one or more lanes of traffic).

Advanced Civil Speed Enforcement System (ACSES): A supplement to the Automatic Cab Signal (ACS) and Automatic Train Control (ATC) systems currently in place within the Northeast Corridor (NEC), ACSES uses a series of transponders to communicate location and other factors to passing trains whose on-board computers utilize the information to achieve system function. These functions include: (1) civil speed enforcement; (2) temporary speed enforcement, including protection of roadway workers; and (3) enforcement of positive stop at interlocking home signals and Control Points (CPs).

adverse environmental impact: A negative effect, resulting from the implementation of a proposed action, that serves to degrade or diminish an aspect of human or natural resources.

Advisory Council on Historic Preservation (ACHP): An independent Federal agency charged with advising the President and Congress on historic preservation matters and administering the provisions of Section 106 of the National Historic Preservation Act.

air-brake test: A test made prior to train departure, required by Federal Railroad Administration regulations and by railroad rules to ensure that a train's air-brake system is functioning as intended and that certain devices are within prescribed tolerances and physical parameters.

Allied Rail Unions (ARU): A group of unions representing railroad employees, including the Brotherhood of Locomotive Engineers, the Brotherhood of Railroad Signalmen, and the Brotherhood of Maintenance-of-Way Employees.

Applicants: CSX Corporation and CSX Transportation, Inc. (CSX), Norfolk Southern Railway Company and Norfolk Southern Corporation (NS), and Conrail Inc. and Consolidated Rail Corporation (Conrail).

Application: A formal filing with the Surface Transportation Board related to railroad mergers, acquisitions, constructions, or abandonments. Applications may be either Primary Applications or Inconsistent and Responsive (IR) Applications. See *Primary Application* and *Inconsistent and Responsive (IR) Application*.

Area of Potential Effect(s) (AoPE): The geographic area surrounding a rail activity where an individual (or resource) or group of individuals (or resources) could likely experience adverse environmental effects. For this Final EIS, where applicable, the different technical disciplines determined their own specific definitions of this term for their individual technical disciplines.

attainment area: An area that EPA has classified as complying with the National Ambient Air Quality Standards specified under the Clean Air Act.

authorized speed: Maximum permitted speed for a specific train at a specific location, taking into account the prevailing weather conditions (for example, restrictions due to heavy rain, extreme heat or cold).

Automatic Block System (ABS): A series of railroad signals that indicate track occupancy in the block (length of track of defined limits) ahead and govern the use of a consecutive set of blocks by a train. These signals include wayside track signals and cab signals (signals displayed in the locomotive cab instead of, or in addition to, wayside track signal displays), or both. This system combines automatic detection of train position with control of signals.

Automatic Train Control (ATC): A system that has components installed on both trains and tracks that, when working together, will cause the train brakes to apply automatically if the engineer fails to respond to a condition requiring train speed to be reduced.

Best Management Practice (BMP): Technique that various parties (for example, the construction industry) use to provide protection from adverse impacts to the environment. The Board may designate these techniques as mitigation measures.

block group: A small population area that the U.S. Census Bureau uses to measure and record demographic characteristics. The population of a block group typically ranges from 600 to 3,000 people and is designed to reflect homogeneous living conditions, economic status, and population characteristics. Block group boundaries follow visible and identifiable features, such as roads, canals, railroads, and above-ground high-tension power lines.

block swapping: The process of moving groups of cars with a common destination (called "blocks") from one train to another.

Board: The Surface Transportation Board, the licensing agency for the proposed Conrail Acquisition.

bulletins: Documents addressed to train crews and other operating employees specifying temporary or local operating rules and restrictions.

cab signaling: System that provides signal indications in the locomotive cab instead of, or in addition to, wayside signal displays.

carload: A unit of measure used to describe commodities transported on a railroad typically in a boxcar, tank car, flat car, hopper car, or gondola.

centralized traffic control system: A signal system that allows for the movement of trains in either direction on designated tracks at the maximum authorized speed, in accordance with the wayside or cab signals or both.

census tract: Small, relatively permanent statistical subdivisions of a county containing between 2,500 and 8,000 persons. The U.S. Bureau of Census designs census tracts to reflect homogeneous living conditions, economic status, and population characteristics.

Clean Air Act (Clean Air Act Amendments): The Clean Air Act of 1970 and the subsequent amendments, including the Clean Air Act Amendments of 1990 (42 U.S.C. 7401-7671g); the primary Federal law that protects the nation's air resources. This act establishes a comprehensive set of standards, planning processes, and requirements to address air pollution problems and reduce emissions from major sources of pollutants.

Clean Water Act: The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*;) is the primary Federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. This act provides a comprehensive framework of standards, technical tools, and financial assistance to address the many causes of pollution and poor water quality, including municipal and industrial wastewater discharges, polluted runoff from urban and rural areas, and habitat destruction. Specifically, the Clean Water Act provides for the following:

- Requires major industries to meet performance standards to ensure pollution control.
- Charges states and tribes with setting specific water quality standards appropriate for their waters and developing pollution control programs to meet them.
- Provides funding to states and communities to help them meet their clean water infrastructure needs.
- Protects valuable wetlands and other aquatic habitats through a permitting process that conducts land development activities and other activities in an environmentally sound manner.

coastal zone: According to the Coastal Zone Management Act of 1972, lands and waters adjacent to the coast that exert an influence on the uses of the sea and its ecology, or whose uses and ecology the sea affects.

Coastal Zone Management Act (CZMA): The Coastal Zone Management Act of 1972, as amended ((16 U.S.C. 1451-1464; P.L. 92-583), is also known as "Federal Consistency With Approved State Coastal Management Programs" (15 CFR 930). This Federal act preserves, protects, develops, and, where possible, restores or enhances the resources of the nation's coastal zone for the present and for future generations. The provisions of 15 CFR 930.30 ensure that all Federally conducted or supported activities, including development projects directly affecting the coastal zone, are consistent with approved state coastal management programs as much as possible.

collective bargaining agreement: An agreement between a union and an employer that defines the scope of work, rates of pay, rules, and working conditions for the union's members.

common corridor: For the purposes of this Final EIS, a railroad line segment that accommodates both public mass transportation service and passenger and freight train operations by using separate tracks adjacent to each other in the same right-of-way or area.

compensation wetlands (compensatory wetlands): Wetlands that an agency or entity creates, enhances, or preserves to mitigate for unavoidable impacts on existing wetlands that occur as a result of implementation of the agency's or entities' proposed action. These compensation (or compensatory) wetlands replace, "in kind", wetlands that an agency or entity partially or totally fills or drains during its construction or earth-moving activities.

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA): The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601-9675; P.L. 96-510); the Federal act that provides EPA with the authority to clean up inactive hazardous waste sites and distribute the cleanup costs among the parties who generated and/or handled the hazardous substances at these sites.

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS): Federal database containing information on potential hazardous waste sites that states, municipalities, private companies, and private persons have reported to the EPA, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act. This database contains sites that are either proposed for inclusion on, or are currently on, the National Priorities List (NPL) and sites that are in the screening and assessment phase for possible inclusion on the NPL.

condition: A provision that the Board imposes as part of any decision approving the proposed Conrail Acquisition and that requires action by one or more of the Applicants.

conductor: The operating employee on a train responsible for safe and efficient train movement in accordance with all railroad operating rules and special instructions.

Conrail Shared Assets Operations: See *Shared Assets Areas*.

consist: The number and type of locomotives and cars included in a train, considering special factors such as the tonnage and the placement of hazardous materials cars and "high-wides" (oversize dimension cars).

constant warning time: A motion-sensing system with the capability of measuring train speed and providing a relatively uniform warning time by warning signal devices to highway traffic at highway/rail at-grade crossings.

Control Date: The date on which the merger can become effective, following formal approval of the Board.

Council on Environmental Quality (CEQ): Federal agency responsible for developing regulations and guidance for agencies implementing the National Environmental Policy Act.

craft employee: Term applied to a railroad employee qualified in a specific railroad operating or maintenance activity (for example, locomotive engineer, train dispatcher, signal maintainer, or car inspector).

crew caller: Term applied to a railroad employee who is responsible for notifying train crews when and where to report for duty.

crew calling: Process of notifying train crew members when and where their next tour-of-duty will start. Labor agreements commonly specify that railroads call train crews a minimum of 2 hours before crew members are required to begin their tour-of-duty.

critical habitat: The specific sites within the geographical area occupied by a threatened or endangered species that include the physical or biological features essential to the conservation of the species. These areas may require special management considerations or protection. These areas include specific sites outside the geographical areas occupied by the species at the time of the listing that are essential for the conservation of the species.

criteria of significance: The criteria SEA developed specifically for the proposed Conrail Acquisition to determine whether a potential adverse environmental effect is significant and may warrant mitigation.

cross-tie: Transverse wooden, concrete, or steel beam supporting the rails of a railroad track.

cultural resource: Any prehistoric or historic district, site, building, structure, or object that warrants consideration for inclusion in the National Register of Historic Places. A cultural resource that is listed in or is eligible for listing in the National Register of Historic Places is considered a historic property (or a significant cultural resource). For the purposes of this Final EIS, the term applies to any resource more than 50 years old for which SEA gathered information to evaluate its significance. In addition, this Final EIS addresses potential environmental impacts of the proposed rail line construction and abandonment activities on Native American reservations and sacred sites.

cumulative effects: Effects resulting from the incremental impacts of the proposed Conrail Acquisition when added to other past, present, and reasonably foreseeable future actions, regardless of which agency (Federal or non-Federal) or person undertakes such actions, as described in 40 CFR 1508.7. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Day 1: In the event that the Board approves the proposed Conrail Acquisition, the date (as the Applicants determine through mutual agreement) when operating responsibility for the acquired railroad is transferred to the Applicants' organizations.

decibel (dB): A unit of noise measured on a logarithmic scale that compresses the range of sound pressures audible to the human ear over a range from 0 to 140, where 0 decibels represents sound pressure corresponding to the threshold of human hearing, and 140 decibels corresponds to a sound pressure at which pain occurs. Noise analysts measure sound pressure levels that people hear in decibels, much like other analysts measure linear distances in yards or meters. A-weighted decibel (dBA) refers to a weighting that accounts for the various frequency components in a way that corresponds to human hearing.

degradation: To change a habitat, either terrestrial or aquatic, so that it no longer meets the survival needs of a particular species of plant or wildlife. Such change could include reducing the feeding area, modifying the vegetation type, and limiting the available shelter.

detector car: One of two types of rail equipment designed to detect imperfections in railroad track structure. Rail detector cars detect internal imperfections within the rail, using ultrasonic techniques. See also *track geometry inspection car*.

dimensional traffic: A freight shipment requiring special authorization for movement because of height, width, length, or gross weight.

dispatcher (train): The railroad operating employee responsible for issuing on-track movement and/or occupancy uthority through the use of remotely controlled switches, signals, visual displays, voice control written mandatory directives, and/or all of the above.

dispatcher desk: The workstation from which a train dispatcher controls a specific portion of a railroad's network.

dispatching: The process of real-time planning, supervising, and controlling of train movements.

disproportionality (test for): A comparison test to assess whether potentially high and adverse impacts of an action are predominantly borne or more severe or greater in magnitude in an Environmental Justice (EJ) population than a non-EJ population within the current analysis scale (that is, at the system, state, county, segment, or block group level).

double-stack freight service: The transport of two intermodal containers stacked on top of each other on one platform of an intermodal rail flat car.

double tracking: Construction of a second railroad track immediately adjacent to an existing track, to perform railroad activities similar to those occurring on the existing track.

emergent species: Any type of aquatic plant whose vegetative growth is mostly above the water.

emissions: Air pollutants that enter the atmosphere.

endangered species: A species that is in danger of extinction throughout all or a significant portion of its range. Federal and state laws protect these species.

Endangered Species Act (ESA): The Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*; P.L. 93-205), as amended in 1978, is the primary Federal law protecting endangered and threatened wildlife and plant species. The purpose of the law is to provide for the conservation of habitat for such species.

engineer (railroad): Employee responsible for operating a railroad locomotive in accordance with train-handling practices, signal indications, operating rules, speed limits, and the technical requirements of the particular locomotive.

Environmental Impact Statement (EIS): A document that the National Environmental Policy Act requires Federal agencies to prepare for major projects or legislative proposals having the potential to significantly affect the environment. A tool for decision-making, it describes the positive and negative environmental effects of the undertaking, and alternative actions and measures to reduce or eliminate potentially significant environmental impacts.

Environmental Justice (EJ):

For purposes of this document, SEA defines environmental justice as the mission discussed in Executive Order (EO) 12898 "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations" (59 FR 7629, February 11, 1994). This EO directs Federal agencies to identify and address "disproportionately high and adverse human health or environmental effects" of their programs, policies, and activities on minority and low-income populations in the United States. EO 12898 also calls for public notification for environmental justice populations, as well as meaningful public participation of environmental justice populations. In this document, SEA used the guidance provided in the Department of Transportation Order on Environmental Justice, the Council of Environmental Quality, Environmental Justice Guidance under the National Environmental Policy Act, and the Interim Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA analysis to analyze potential disproportionately high and adverse impacts on environmental justice populations for rail segments, intermodal facilities, rail yards, and new construction.

Environmental Justice (EJ) population:

A population within an Area of Potential Effect whose minority and low-income composition meets at least one of the following criteria: (1) The percentage of minority and low-income population in the Area of Potential Effect is greater than 50 percent of the total population in the Area of Potential Effect; or (2) The percentage of minority and low-income population in the Area of Potential Effect is at least ten percentage points greater than the percentage of minority or low-income population in the county of which the Area of Potential Effect is a part.

Environmental Resource Category:

Any of the environmental issues that serve as the major topics of impact analysis for this EIS. Examples include land use, natural resources, noise, hazardous materials, cultural resources, water quality, or air quality.

Environmental Resource Score (ERS): The impact score determined for an environmental resource category within a (block group) Area of Potential Effect. A typical ERS ranges from 0 to 6, reflecting the relative impact on the Area of Potential Effect compared with impacts on other Areas of Potential Effect. For the Environmental Justice analysis, SEA calculated an ERS for noise, hazardous materials transport, and traffic safety and delay.

equipment: For a railroad, a term used to refer to the mobile assets of the railroad, such as locomotives, freight cars, and on-track maintenance machines. Also used more narrowly as a collective term for freight cars operated by the railroad.

equipment restrictions: Operating instructions that restrict certain types of locomotives or freight cars from operating over selected line segments.

Errata: A list of corrections to the Draft EIS, prepared to facilitate public review of the Draft EIS and to clarify some of the information contained therein.

Executive Order (EO) 12898: Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority and Low-Income Populations," issued in February of 1994; directs Federal agencies to identify and address as appropriate "disproportionately high and adverse human health or environmental effects," including interrelated social and economic effects, of their programs, policies, and activities on minority populations and low-income populations in the United States.

extra board crew caller position: Railroad employee who does not have a regularly assigned position but who works on an on-call basis.

floodplain: The lowlands adjoining inland and coastal waters and relatively flat areas and flood-prone areas of offshore islands, including, at a minimum, those areas that have a 1 percent or greater chance of flood in any given year (also known as a 100-year or a Zone A floodplain).

Four City Consortium: An alliance of the cities of East Chicago, Hammond, Gary, and Whiting, Indiana.

freight car inspections: Pre-departure tests required for railroad freight cars pursuant to Federal Railroad Administration regulations.

fugitive dust: According to EPA regulations, those particulate matter emissions that could not "reasonably pass" through a stack, chimney, vent, or other functionally equivalent opening. Examples of fugitive dust include wind-borne particulate matter from earth-moving and material handling during construction activities.

Geographic Information System (GIS): A computer system for storing, retrieving, manipulating, analyzing, and displaying geographic data. GIS combines mapping and databases.

grade crossing: See *highway/rail at-grade crossing.*

grade separation: See *separated grade crossing.*

gross ton-mile: A measure of railroad production that represents the weight of cars and freight movement in terms of total tons per mile transported system-wide or over a specific rail line segment. Specifically, 1 ton of railroad car and loading carried 1 mile.

haulage right(s): The limited right (or combination of limited rights) of one railroad to have their freight traffic moved by another railroad over the designated lines of the other railroad.

hazardous materials: Substances or materials that the Secretary of Transportation has determined are capable of posing an unreasonable risk to human health, safety, and property when transported in commerce, as designated under 49 CFR Parts 172 and 173.

hazardous wastes: Waste materials that, by their nature, are inherently dangerous to handle or dispose of (for example, old explosives, radioactive materials, some chemicals, some biological wastes). Usually, industrial operations produce these waste materials.

high-and-wide load: Load on a freight car that exceeds the normal height and/or width limits for general operation over a railroad. Such loads may move only with special operating precautions to prevent damage to wayside structures and trains on adjacent tracks.

high-profile crossings: A condition at a highway/rail at-grade crossing where the elevation of the tracks is above the elevation of the approaching roadway. This condition, generally the result of the periodic raising of the tracks for maintenance of the track bed, can affect sight distance for highway users and can become a hazard for trucks and trailers with low ground-clearance. This is also referred to as "hump crossings".

highway/rail at-grade crossing: The general area of an intersection of a public or private road and a railroad where the intersecting rail and highway traffic are at the same level.

historic property: Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places (NRHP). The term "eligible for inclusion in the NRHP" pertains to both properties that the Secretary of the Interior has formally determined to be eligible and to all other properties that meet NRHP listing criteria.

horn noise (train): Noise that occurs when locomotives sound warning horns in the vicinity of highway/rail at-grade crossings.

hours-of-service regulations: Federal Hours of Service Law, which Federal Railroad Administration enforces, governing maximum shift lengths and minimum rest periods for railroad operating employees. These employees include train crew, train dispatchers, and signal maintainers, as well as mechanical employees such as hostlers who move equipment for the purpose of test and inspection.

Implementing Agreement: An agreement between a railroad company and an employee union regarding working conditions on a combined system, and specifying the corresponding seniority districts, work locations, and other terms and conditions of employment.

Inconsistent and Responsive (IR) application: Proposal to the Surface Transportation Board that Parties of Record submitted prior to October 21, 1997, requesting modifications of, or alternatives to, the proposed Conrail Acquisition.

Indian tribe: According to Indian Self-Determination and Education Assistance Act (25 U.S.C. 450-458; P.L. 93-638), any Indian tribe, band, nation, or other organized group or community recognized as eligible for the special programs and services that the United States provides to Indians because of their status as Indians.

interchange point: Point at which two or more railroads join to exchange freight traffic.

interlocking: An arrangement of switch, lock, and signal devices that is located where rail tracks cross, join, or separate. The devices are interconnected in such a way that their movements must succeed each other in a predetermined order, thereby preventing opposing or conflicting movements.

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

jurisdictional wetland: Wetlands that the U.S. Army Corps of Engineers regulates under Section 404 of the Clean Water Act (33 U.S.C. 1344).

key route: For the purposes of this Final EIS, a rail line segment that carries an annual volume of 10,000 or more carloads of hazardous material.

key train: Any train with five or more tank carloads of chemicals classified as a Poison Inhalation Hazard (PIH), or with a total of 20 rail cars with any combination of PIHs, flammable gases, explosives, or environmentally sensitive chemicals.

L_{dn}: The day-night average noise sound level, which is the receptor's cumulative noise exposure from all noise events over a full 24 hours. This is adjusted to account for the perception that noise at night is more bothersome than the same noise during the day.

$L_{eq(h)}$: The hourly energy-averaged noise level.

labor relations culture: Philosophy by which an employer and/or parties to a collective bargaining agreement conduct labor-management relations.

land use consistency: Determination of whether the proposed Conrail Acquisition represents a change that is consistent with local land use plans in effect, based on consultation with local and/or regional planning agencies and/or a review of the official planning documents that such agencies have prepared.

Level of Service (LOS): A measure of the operational efficiency of a roadway vehicle traffic stream using procedures that consider factors such as vehicle delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Traffic analysts express LOS as letter grades, ranging from Level of Service A (free flowing) to Level of Service F (severely congested); they measure LOS by the average delay for all vehicles. Specifically, Level of Service A describes operations with very low delay (less than 5.0 seconds per vehicle); Level of Service B describes operations with delay in the range of 5.1 to 15.0 seconds per vehicle; Level of Service C describes operations with delay in the range of 15.1 to 25.0 seconds per vehicle; Level of Service D describes operations with delay in the range of 25.1 to 40.0 seconds per vehicle; Level of Service E describes operations with delay in the range of 40.1 to 60.0 seconds per vehicle; and Level of Service F describes operations with delay in excess of 60.0 seconds per vehicle.

low-income population: A population composed of persons whose median household income is below the Department of Health and Human Services poverty guidelines.

maintenance area: An area classified by EPA as meeting National Ambient Air Quality Standards (NAAQS) and which previously (within the last 10 years before reclassification) did not meet NAAQS.

maintenance-of-way: The activity of maintaining the track and structures of a railroad.

major key route: For the purposes of this Final EIS, a rail line segment where the annual volume of hazardous material it carries is projected to double and also exceed 20,000 carloads as a result of the proposed Conrail Acquisition.

Mechanical Department: Department of the railroad primarily responsible for the maintenance and inspection of locomotives, freight cars, and other moving equipment.

Memorandum of Agreement (MOA): With regard to cultural resources for the Final EIS, a legally binding document executed under 36 CFR 800.5(e)(4) that either specifies the process a Federal agency will undertake in order to avoid, reduce, or mitigate adverse effects on historic properties by the implementation of a proposed action, or documents the acceptance of such effects in the public interest. The parties who sign a MOA generally include the lead agency, the State Historic Preservation Office, the Advisory Council on Historic Preservation, and sometimes other interested parties.

Memorandum of Understanding (MOU): An agreement that two or more parties execute that sets forth the specific duties and responsibilities of each party. For the purposes of this Final EIS, MOU is an agreement that the Applicants may negotiate with communities.

minority population: A population composed of persons who are Black (non-Hispanic), Hispanic, Asian American, American Indian, or Alaskan Native.

mitigation: An action taken to prevent, reduce, or eliminate adverse environmental effects.

motive power: Locomotives operated by the railroad.

multi-level rail car: A two- or three-level freight car, designed for transporting automotive vehicles.

Multiple Resource Score (MRS): For the Environmental Justice analysis, a measure of aggregate impacts used to identify the geographic areas of greatest concern. This score sums the environmental resource scores for hazardous materials transport, noise, and traffic safety and delay and forms the basis for the tests for disproportionality.

National Ambient Air Quality Standards (NAAQS): Air pollutant concentration limits established by the EPA for the protection of human health, structures, and the natural environment.

National Environmental Policy Act (NEPA): The National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321-4347; P.L. 91-190) is the basic national charter for the protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. Its purpose is to provide for the establishment of a Council on Environmental Quality and to instruct Federal agencies on what they must do to comply with the procedures and achieve the goals of NEPA.

National Historic Preservation Act (NHPA): The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470-470t *et seq.*; P.L. 89-665), is the basic legislation of the Nation's historic preservation program that established the Advisory Council on Historic Preservation and the Section 106 review process. Section 106 of the NHPA requires every Federal agency to "take into account" the effects of its undertakings on historic properties.

National Priorities List (NPL): A subset of CERCLIS; EPA's list of the most serious uncontrolled or abandoned hazardous waste sites identified for possible long-term remedial action under the Superfund Program.

National Register of Historic Places (NRHP): Administered by the National Park Service, the Nation's master inventory of known historic properties, including buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the Federal, state, and local levels.

Native American: According to the Native American Graves Protection and Repatriation Act of 1990, as amended (25 U.S.C. 3001 *et seq.*; P.L. 101-601), of, or relating to, a tribe, people, or culture that is indigenous to the United States.

Native American lands: According to the regulations of the Advisory Council on Historic Preservation in 36 CFR 800.2, as modified by the scope of this EIS, all lands under the jurisdiction or control of an Indian tribe, including all lands within the exterior boundaries of any American Indian reservation.

Negotiated Agreement: An agreement between CSX, NS, or both, and one or more communities or other governmental units that addresses potential environmental impacts or other issues.

No-Action Alternative: The proposed acquisition of Conrail by CSX and NS does not take place under this alternative; also the present setting for the pre-Acquisition conditions.

noise: A disturbance or annoyance of an intruding or unwanted sound. Noise impacts essentially depend on the amount and nature of the intruding sound, the amount of background sound already present before the intruding or unwanted sound occurred, and the nature of working or living activity of the people occupying the area where the sound occurs.

noise contour: Lines plotted on maps or drawings connecting points of equal sound levels.

noise-sensitive receptor: Location where noise can interrupt ongoing activities and can result in community annoyance, especially in residential areas. The Board's environmental regulations include schools, libraries, hospitals, residences, retirement communities, and nursing homes as examples of noise-sensitive receptors.

nonattainment area: An area that EPA has classified as not complying with the National Ambient Air Quality Standards promulgated under the Clean Air Act.

Northeast Corridor (NEC): Railroad right-of-way between Boston, Massachusetts and Washington, D.C. on which Amtrak and others operate; Amtrak is responsible for operation and maintenance on all of the route, except the route segment between New Haven, Connecticut and New Rochelle, New York.

Northeast Operating Rules: Rules that govern railroad operations, adapted by members of the Northeast Operating Rules Advisory Committee (NORAC). These operating rules apply to all railroads when working on any NORAC member's territory. The NORAC members are Bay Colony Railroad, Conrail Inc. and Consolidated Rail Corporation (Conrail), Delaware & Hudson Railway company, Guildford Transportation Industries, National Railroad Passenger Corporation (Amtrak), New Jersey Transit (NJT), New York Susquehanna & Western Railway Corporation, Providence & Worcester Railroad Company, and Southeastern Pennsylvania Transportation Authority (SEPTA).

notices: Documents addressed to engineers and other operating employees detailing temporary or local operating rules and restrictions.

on-track (maintenance) equipment: Track and other maintenance equipment provided with flanged wheels and able to move along railroad track.

operating employee: Railroad employee engaged in the operation of trains, including a member of the train crew; a train dispatcher; and a track, a signal, and an equipment maintenance employee.

Operating Plans: Documents that CSX and NS provided as part of the Application, detailing their planned railroad operations following the proposed Conrail Acquisition.

operating practices: Safety and operating rules, practices, and procedures contained in operating rulebook, timetable, special instructions, or any other company-issued instructions and the management decisions implementing those rules and instructions that govern the movement of trains and work on or around active tracks.

operating rules: Written rules of a railroad governing the operation of trains and the conduct of employees responsible for train operations when working on or around active tracks.

Operation Lifesaver: A non-profit public information and safety education program dedicated to eliminating collisions, deaths, and injuries at highway/rail at-grade crossings and on railroad rights-of-way. It is composed of a broad-based coalition of Federal, state, and local government agencies, private safety groups, and transportation industry representatives.

particulate matter (PM): Airborne dust or aerosols.

Party of Record (POR): Party that notified the Board of their active participation in the proceeding about the proposed Conrail Acquisition. When submitting a filing to the Board, the POR must also notify the entire POR service list.

passive warning devices: Traffic control devices that do not give positive notice to highway users of the approach or presence of a train. These devices may include signs and pavement markings, located at, or in advance of, railroad crossings to indicate the presence of a crossing and the presence of a train. These signs are either regulatory or non-regulatory and may include parallel track signs, crossbucks, stop signs, yield signs, and constantly flashing lights.

positive train separation: Mechanism included in positive train control, an experimental, automated safety system, using Global Positioning System (GPS) technology, onboard computers and wayside information inputs to control train movement. In the event of failure on the primary safety system, positive train control reduces the risk of single-point failure (that is, human error).

posted speed: Maximum speed permitted at a specific location on the railroad network irrespective of train type.

Prevention of Significant Deterioration (PSD) Class I Areas: National parks and wilderness areas designated under the Clean Air Act as areas for which users are to maintain air quality at pristine levels, with very small increases in air pollution levels allowed.

Primary Application: The formal filing of documents with the Surface Transportation Board by applicants for railroad mergers, acquisitions, constructions, or abandonments. The Primary Application contains Operating Plans and information describing related construction projects. It also includes an Environmental Report, describing the physical and operational changes associated with the proposed action and the potential environmental effects of that action.

prime farmland: According to Natural Resources Conservation Service, land having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops.

proposed Conrail Acquisition: The proposed acquisition of Conrail's physical assets and operating systems by CSX and NS, for which the Applicants are seeking approval from the Board.

public uses: According to 49 U.S.C. 10905 and STB Regulations "Surface Transportation Manual," Section 1105.7(3)iv, those identified alternative public purposes for the use of rail properties proposed for abandonment or discontinuance, including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation.

queue: A line of vehicles waiting at a highway/rail at-grade crossing for an obstruction to clear.

rail line segment: For the purposes of this Final EIS, portions of rail lines that extend between two terminals or junction points.

rail route: Line of railroad track between two points on a rail system.

rail spur: A railroad track that typically connects to the main line at only one end and provides rail service to one or more railroad freight customers. A rail spur could also parallel the main line.

rail yard: A location or facility with multiple tracks where rail operators switch and store rail cars.

receptor: See *noise-sensitive receptor*.

regional and system gang: A group of railroad maintenance-of-way employees that work a particular region or an entire railroad system.

remediation (remedial actions): Actions taken to mitigate the adverse effects, or potential adverse effects, to the environmental or to the public health and welfare resulting from the release or spill of hazardous substances.

Request for Conditions: A document filed with the Board by a party to this proceeding on or before October 21, 1997, that requests the Board to impose one or more specified requirements on the Applicants as a condition to the Board's approval of the proposed Conrail Acquisition.

Resource Conservation and Recovery Act (RCRA): The Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*; P.L. 94-580) is a Federal act governing the generating, storing, transporting, treating, and disposing of hazardous waste.

Resource Conservation and Recovery Information System (RCRIS): Federal database containing information on facilities that generate, transport, store, treat, and/or dispose of hazardous waste.

Responsive Environmental Report (RER): A report, submitted by an Inconsistent and Responsive applicant, that contains detailed environmental information regarding the activities proposed in its IR Application and complies with the requirements for environmental reports in the Board's rules at 49 CFR 1105.7(e).

restricted speed: A speed that will permit a train to stop within one-half the range of vision of the railroad employee controlling the movement of the train; the train must stop before passing improperly aligned switches, a defect in the track structure, deliberately placed objects, or striking other railroad equipment. According to Federal Railroad Administration regulations, this speed is not to exceed 20 miles per hour.

retarder: In railroad yards, a braking device, usually power-operated, built into a railroad track to reduce the speed of cars by means of brake-shoes which, when set in braking position, press against the sides of the lower portions of the wheels.

right-of-way: The strip of land for which an entity (for example, a railroad) has a property right to build, operate, and maintain a linear structure (for example, a rail line).

roadmaster: Railroad supervisor responsible for track inspection and maintenance over a specified portion of the railroad network.

Safety Assurance and Compliance Program (SACP): Federal Railroad Administration program to audit railroad safety practices and to ensure compliance with Federal regulations.

safety culture: The manner in which management and employees in an organization view and approach the issue of safety, including both formalized rules and informal practices in the organization.

Safety Implementation Plan Guidelines (SIPG): A series of acquisition-related guidelines that the Federal Railroad Administration developed for CSX and NS, detailing a list of safety concerns that CSX and NS must address in their Safety Integration Plans.

Safety Integration Plans: Plans that the Applicants prepared and submitted to the Board to explain how they propose to provide for the safe integration of their separate corporate cultures and operating systems, if the Board approves the proposed Conrail Acquisition.

Section 106 review process: The review process set forth in Section 106 of the NHPA (16 U.S.C. 470) that requires every Federal agency to "take into account" the effects of its undertakings on historic properties and affords the ACHP the opportunity to comment on those undertakings and their effects.

seniority district: A geographic area within which a group of employees in a specific labor union (for example, engineers, dispatchers) are authorized and expected to work.

seniority rights: The priority one employee has over another employee in bidding for available positions, choice of work assignments, and similar matters, based on length of employment in a specified category. Agreements between railroad companies and labor unions specify such rights.

sensitive receptor: See *noise-sensitive receptor*.

separated grade crossing: The site where a local street or highway crosses railroad tracks at a different level or elevation, either as an overpass or as an underpass.

service: The official notification and delivery of Board decisions and notices (including EAs and EISs) by the Secretary of the Board to persons involved in a particular proceeding.

Settlement Agreement: An agreement negotiated between CSX or NS or both and one or more parties, including other railroads, that addresses concerns or requests of the party (or parties). Generally, such an agreement addresses competitive customer service or labor issues.

Seven Separate Connections: Seven new rail line connection construction projects in Illinois, Indiana, and Ohio. These projects total approximately 4 miles of new track. CSX and NS requested that the Board give early consideration and approval to the physical construction of these particular connections.

Shared Assets Areas: Areas comprising Conrail facilities in southeastern Michigan, northern New Jersey, and southern New Jersey/Philadelphia that CSX and NS would share and Conrail Shared Assets Operations would operate for the benefit of both CSX and NS, if the Board approves the proposed Conrail Acquisition.

shifted load: An improperly secured freight car load that has moved and may protrude beyond the allowed dimensional limits.

shipment: A unit of freight given to the railroad for movement to its destination by an individual customer.

siding: A track parallel to a main track that is connected to the main track at each end. A siding is used for the passing and/or storage of trains.

signal maintainer: Railroad employee who maintains signal and communications systems.

socioeconomic: For this Final EIS, job loss directly attributable to changes in the physical environment as a result of construction and abandonment activities and other activities related to the proposed Conrail Acquisition project.

Sound Exposure Level (SEL): For a transient noise event such as a passing train, equivalent to the maximum A-weighted sound level that would occur if all of the noise energy associated with the event were restricted to a time period of 1 second. The SEL accounts for both the magnitude and the duration of the noise event; noise analysts use SEL to calculate the day-night average noise level.

Spill Prevention, Control, and Countermeasures Plan (SPCCP): A site-specific document written to detail measures to prevent discharges of oil into waters of the United States (as defined in the Clean Water Act). Facilities with aboveground storage capacities in a single container greater than 660 gallons, or the aggregate aboveground storage capacity greater than 1,320 gallons, or total underground storage capacity greater than 42,000 gallons are required to prepare SPCCPs.

superior train: For purposes of this Final EIS, a passenger train operating on the same track network with freight trains. Superior trains must have track clear of all trains not less than 15 minutes prior to their arrival. See *temporal train separation*.

Supplemental Environmental Report: A report that analyzes the environmental impacts of operating changes related to a Settlement Agreement between an Applicant and another railroad that exceed the Board's thresholds when added to changes proposed in the Applicants' Operating Plans.

switch: The portion of the track structure used to direct cars and locomotives from one track to another.

switching: The activity of moving cars from one track to another in a yard or where tracks go into a railroad customer's facility.

temporal train separation: The time separation of passenger trains that share rail lines with freight trains, in order to reduce the possibility of train collisions. See *superior train.*

territory: The portion of a railroad's track network under the management of a particular supervisor.

threatened species: A species that is likely to become endangered within the foreseeable future throughout all or part of its range. Federal and state laws protect these species.

threshold for environmental analysis: A level of proposed change in railroad activities that determines the need for SEA's environmental review. For the proposed Conrail Acquisition, SEA used the Board's environmental rules at 49 CFR Part 1105 to determine the activities that it would examine for air and noise impacts ("Board thresholds"). For other issue areas, SEA developed appropriate thresholds to guide its environmental review ("SEA thresholds"). The term "Board thresholds", as used in this EIS, may refer to either Board or SEA thresholds.

timetable: A document that identifies key railroad line features over a defined portion of the network. The features usually include distances, speed limits, track layout, type of signaling, location and length of passing sidings, and the local applicability of specific operating rules. Operating rules are often published with the timetable.

track geometry: Dimensional description of railroad track and individual rails compared to optimal design criteria.

track geometry inspection car: Rail vehicle equipped with instruments to make continuous, in-motion measurements of variations in the track gauge, alignment, and cross level.

trackage right(s): The right (or combination of rights) of one railroad to operate over the designated trackage of another railroad including, in some cases, the right to operate trains over the designated trackage; the right to interchange with all carriers at all junctions, the right to build connections or additional tracks to access other shipper or carriers. See also *haulage right(s)*.

trackage rights agreement: An agreement between two parties that defines the trackage rights granted to one party over the tracks of a second party.

traffic volume (highway): The number of highway vehicles that pass over a given point during a given period of time, often expressed on an annual, daily, hourly, and sub-hourly basis. For the purposes of this Final EIS, SEA expressed highway traffic volumes on a daily basis.

traffic volume (rail): The total volume of rail traffic that passes over a given rail line segment, typically expressed in either trains per day or annual million gross tons per year.

train (freight): A conveyance transported by one or more locomotives typically with 40 to 150 freight cars, measuring approximately 5,000 to 8,000 feet in length. For the purposes of this Final EIS, does not apply to locals, work trains, switch-engine movements, or engine-only movements.

train (passenger): Equipment composed of one or more rail cars designed to carry passengers, propelled by a locomotive or self-propelled, moving from one place to another.

train crew: Employees assigned to operate a train, usually an engineer, a conductor, and one or more trainmen.

train defect detector: An electronic device located alongside a rail track that monitors passing trains to determine the presence of certain potentially dangerous conditions, such as an overheated wheel bearing ("hot box") or a shifted load that protrudes from the rail car.

trainman: Member of a train crew responsible for assisting the engineer and conductor in operating the train, especially with switching cars.

trainmaster: Railroad operations supervisor responsible for managing train and yard operations and operating employees on a defined portion of the railroad network.

transient noise event: An intermittent occurrence of noise, such as the passing of a train that generates such noise.

Transportation Department: Department of the railroad responsible for day-to-day train operations and dispatching.

Triple Crown Service (TCS): An expedited intermodal service offered by both Conrail and NS. TCS trains do not require the use of flat cars, but rather use specially designed dual-mode highway trailers that are coupled together with two-axle rail wheel sets that support the ends of the trailers for the rail portion of the rail-highway movement. The equipment used is similar to "RoadRailer" equipment.

turnout: The portion of railroad track structure where a single track divides into two tracks.

Verified Statement: A party's sworn statement that provides information to the Board.

vibration velocity: The rate of change of displacement of a vibration. Noise analysts often express measurements of vibration in terms of velocity because velocity correlates well with human response to vibration.

waybill: Document or computer record containing details of a rail shipment: origin, destination, route, commodity, freight rate, car or cars used, and similar information.

wayside: Adjacent to the railroad track, as in "wayside signals" or "wayside defect detectors."

wayside noise: Train noise adjacent to the right-of-way that comes from sources other than the horn, such as engine noise, exhaust noise, and noise from steel train wheels rolling on steel rails.

wetlands: According to 40 CFR Part 230.41, those "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions," generally including swamps, marshes, bogs, and similar areas.

yardmaster: Railroad operations supervisor responsible for railroad operations and employees in a railyard.

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LIST OF ACRONYMS AND ABBREVIATIONS

AAR	Association of American Railroads
ABS	Automatic Block System
ACHP	Advisory Council on Historic Preservation
ACS	Automatic Cab Signals
ACSES	Advanced Civil Speed Enforcement System
ADT	Average Daily Traffic
Amtrak	The National Railroad Passenger Corporation
ANSI	American National Standards Institute
AoPE	Area of Potential Effect(s)
APL	American Presidents Line
APTA	American Public Transit Association
ARU	Allied Rail Unions
ASTM	American Society for Testing and Materials
ATC	Automatic Train Control
B&O	Baltimore & Ohio Railroad Company
B&OCT	Baltimore & Ohio Chicago Terminal Railroad Company
BIA	Bureau of Indian Affairs
BMP	Best Management Practice
Board	Surface Transportation Board
BOCT	Baltimore & Ohio Chicago Terminal Railroad Company
BRL	The Cities of Bay Village, Rocky River, and Lakewood, Ohio
CAA	Clean Air Act of 1970
CAAA	Clean Air Act Amendments of 1990
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CFR	Code of Federal Regulations
CO	carbon monoxide
Conrail	Conrail, Inc. and Consolidated Rail Corporation
CP	Control Point
CPR	Canadian Pacific Railway
CRC	Comments and Requests for Conditions
CSX	CSX Corporation and CSX Transportation, Inc.

CTC	Centralized Traffic Control
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act of 1972
dB	decibel
dBA	A-weighted decibels
DES	Division of Endangered Species
DOI	U.S. Department of the Interior
DOT	U.S. Department of Transportation
EA	Environmental Assessment
EDR	Environmental Data Resources, Inc.
EIS	Environmental Impact Statement
EJ	Environmental Justice
EO	Executive Order
EPA	U.S. Environmental Protection Agency
ERS	Environmental Resource Score
ESA	Endangered Species Act of 1973
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMEA	Failure Mode and Effects Analysis
FRA	Federal Railroad Administration
FRA ID	Federal Railroad Administration Identification Number
FTA	Federal Transit Administration
GIS	Geographic Information System
GPS	Global Positioning System
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
HCM	The Transportation Research Board's *Highway Capacity Manual*
HMERP	Hazardous Materials Emergency Response Plan
HMIS	Hazardous Materials Information System
HUD	Department of Housing and Urban Development
ICC	Interstate Commerce Commission
ID	Identification
IHB	Indiana Harbor Belt Railroad Company
IR	Inconsistent and Responsive [application]
ISTEA	Intermodal Surface Transportation Efficiency Act
IT	Information Technology
LAL	Livonia, Avon, and Lakeville Railroad Corporation
L_{dn}	day-night equivalent sound level
$L_{eq(h)}$	hourly energy-averaged sound level
LOS	Level of Service
LUST	Leaking Underground Storage Tank

MARC	Maryland Rail Commuter (Maryland's Mass Transit Administration's Commuter Rail Service)
MBTA	Massachusetts Bay Transportation Authority
Metra	Northeast Illinois Regional Commuter Railroad Corporation
min./veh	minutes per vehicle
MNR	Metro-North Railroad (Metro-North Commuter Railroad Company)
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
mph	miles per hour
MRS	Multiple Resource Score
MRTA	Metro Regional Transit Authority of Akron, Ohio
MUTC	Manual of Uniform Traffic Control Devices
N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NEC	Northeast Corridor
NEPA	National Environmental Policy Act of 1969
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act of 1966
NHTSA	National Highway Traffic Safety Administration
NJT	New Jersey Transit
NORAC	Northeast Operating Rules Advisory Committee
NO_x	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
NPS	National Park Service
NRC	Nuclear Regulatory Commission
NRCS	Natural Resources Conservation Service
NRHP	National Register of Historic Places
NS	Norfolk Southern Railway Company and Norfolk Southern Corporation
NWI	National Wetlands Inventory
NYCH	New York Cross Harbor
O_3	ozone
OAR	Office of Air and Radiation (within Environmental Protection Agency)
OHPO	Ohio Historic Preservation Office
OMS	Office of Mobile Sources (within Environmental Protection Agency)
OTR	Ozone Transport Region
PCB	polychlorinated biphenyl
PDEA	Preliminary Draft Environmental Assessment
PIH	Poison Inhalation Hazard
P.L.	Public Law
PM	particulate matter
PM_{10}	particulate matter less than 10 microns in diameter
POR	Party of Record

PSD	Prevention of Significant Deterioration
P&W	Providence & Worcester
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation and Recovery Act of 1976
RCRIS	Resource Conservation and Recovery Information System
RER	Responsive Environmental Report
RQ	Reportable Quantity
SACP	Safety Assurance and Compliance Program
SARA	Superfund Amendments and Reauthorization Act of 1986
SCS	Soil Conservation Service
SEA	Section of Environmental Analysis
sec/veh	seconds per vehicle
SEL	Sound Exposure Level
SEPTA	Southeastern Pennsylvania Transportation Authority
SHPO	State Historic Preservation Office
SIPG	Safety Implementation Plan Guidelines
SPCCP	Spill Prevention, Control, and Countermeasures Plan
Stat.	Statute
STB	Surface Transportation Board
SO_2	sulfur dioxide
TCS	Triple Crown Service
TLCPA	Toledo-Lucas County Port Authority
TMACOG	Toledo Metropolitan Area Council of Governments
Tri-Rail	Florida Tri-County Commuter Rail Authority
USACE	U.S. Army Corps of Engineers
U.S C.	United States Code
USCG	U.S. Coast Guard
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VRE	Virginia Railway Express
WMATA	Washington Metropolitan Area Transit Authority

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